

### **Lesson Overview**

This lesson describes the Clean Air Act and the Resource Conservation and Recovery Act and explains how these laws affect FEMA's work.

### **Lesson Objectives**

At the end of this lesson, you will be able to:

- Describe the key components of:
    - The Clean Air Act.
    - The Resource Conservation and Recovery Act.
  - Describe how these laws relate to debris management.
  - Describe the responsibilities of FEMA and the applicant under these acts.
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### **Laws and Executive Orders: Hazards**

This lesson will examine legislation concerned with air quality and disposal of wastes.

#### **Key Points**

- The Clean Air Act of 1970 set new standards for air quality, placed limits on air pollution, and increased funding for air pollution research.
  - The Resource Conservation and Recovery Act of 1976 established requirements for the generation and waste management of hazardous materials.
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### **Clean Air Act**

Although there have been previous laws aimed at minimizing air pollution and protecting public health, the Clean Air Act (CAA), as amended in 1970, was the first to set standards for ambient air quality.

In addition, the CAA:

- Established new limits for stationary and mobile sources of air pollution.
  - Increased funding for air pollution research.
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### **CAA: Goals**

Some of the goals of the CAA are to:

- Protect and enhance the quality of the Nation's air resources.
  - Provide technical and financial assistance to Tribal, State, and local governments.
  - Assist in regional air pollution prevention and control programs.
  - Make States responsible for implementing air pollution prevention and control programs.
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### **Complying With the CAA**

One of the keys to CAA compliance is finding ways to reduce or limit the amount of pollutants released into the environment.

This reduction can be accomplished by:

- Using safe, lower-emitting alternatives.
  - Employing low-emission practices.
  - Encouraging effective traffic management.
  - Complying with State and local requirements.
  - Requiring mitigation on federally funded projects.
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### **The CAA and Disaster Operations**

The CAA requires that FEMA's actions be consistent with the protection and enhancement of the Nation's air resources.

Following disasters, air quality becomes a consideration. Listed below are several examples of disaster recovery activities that could affect air quality:

- Burning of debris that generates high quantities of smoke and particulates.
  - Equipment exhaust and fugitive dust from cleanup and construction activities.
  - Demolition of properties containing potentially harmful materials which may become airborne, such as asbestos or lead-paint dust.
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### **The CAA and NEPA**

Even if an activity is statutorily excluded from compliance with NEPA, that activity must still comply with the CAA as defined by particular State-designated standards. Consequently, in developing and funding projects that may affect air quality, reasonable care needs to be exercised, especially in areas where air pollutants exceed permissible levels ("non-attainment areas") established by the Environmental Protection Agency.

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### Responsibilities Under the CAA

The following table summarizes the responsibilities of FEMA and the applicant under the Clean Air Act.

Party	Responsibilities
FEMA	<ul style="list-style-type: none"><li>▪ Ensure that air quality standards are met for FEMA-funded projects.</li><li>▪ Ensure State and local laws are followed regarding:<ul style="list-style-type: none"><li>▪ Debris burning</li><li>▪ Equipment exhaust</li><li>▪ Construction dust</li></ul></li><li>▪ Consider air quality changes due to new traffic patterns as a result of projects.</li></ul>
Applicant	<ul style="list-style-type: none"><li>▪ Follow State and local laws regarding:<ul style="list-style-type: none"><li>▪ Debris burning</li><li>▪ Equipment exhaust</li><li>▪ Construction dust</li></ul></li><li>▪ Obtain required permits.</li><li>▪ Evaluate effects of actions on air quality.</li></ul>

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### Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) mandates that:

- The generation of hazardous waste must be reduced or eliminated.
- Waste that is generated must be treated, stored, transported, or disposed of so as to minimize the threat to public health and the environment.

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### RCRA: Goals

The goals of the RCRA are to:

- Promote the recycling of waste materials.
  - Require the safe disposal of waste materials.
  - Provide assistance to Tribal, State, and local governments for recycling and waste disposal programs.
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### RCRA and Debris Removal

Typically, FEMA encounters issues with RCRA compliance in debris removal activities.

Although debris removal funded under Sections 403 and 407 is statutorily excluded from NEPA, it is still subject to other laws such as the CAA and RCRA.

To comply with the RCRA:

- All debris should be recycled to the extent practical.
- Debris may be disposed of only at permitted sites, with hazardous materials being given special consideration.
- Debris staging and reduction sites should be reviewed for compliance with other environmental laws and Executive orders.

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### Responsibilities Under the RCRA

The following table summarizes the responsibilities of FEMA and the applicant under the Resource Conservation and Recovery Act.

Party	Responsibilities
FEMA	<ul style="list-style-type: none"><li>▪ Ensure that waste materials are being recycled where appropriate.</li><li>▪ Ensure that hazardous materials are disposed of appropriately.</li><li>▪ Encourage coordination between the applicant, State, and local agencies.</li></ul>
Applicant	<ul style="list-style-type: none"><li>▪ Develop a debris management plan during normal operations.</li><li>▪ Identify and permit debris staging and disposal sites (also during normal operations).</li><li>▪ Activate the debris management plan following a disaster.</li><li>▪ Use appropriate recycling and waste volume reduction methods.</li><li>▪ Identify and appropriately dispose of hazardous materials.</li></ul>

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### Lesson Summary

You have now completed the sixth lesson in the Environmental Review section of this course. You should be able to:

- Describe the key components of:
  - The Clean Air Act.
  - The Resource Conservation and Recovery Act.
- Describe how these laws relate to debris management.
- Describe the responsibilities of FEMA and the applicant under these acts.