

## Part 540 – Operation and Management

### Subpart D – Exhibits

#### 540.55 Safety and Health Legislation and Regulations Pertinent to PMC Operations

The following statutes and laws require Federal agency compliance to the same extent as non-government entities. In addition, State regulations or requirements established pursuant to the statutes must also be complied with. PMCs should take into consideration these statutes while operating the PMC facility.

- (1) Federal Insecticide, Fungicide, and Rodenticide Act
  - (i) The Federal Insecticide, Fungicide, and Rodenticide Act, 7 USC 136-136y, as amended, regulates the production, distribution, commerce, sale, and use of pesticides in the United States.
  - (ii) **Importance to PMCs:** PMCs often use pesticides. All pesticides used by PMCs must be registered and their use must be in conformity with the label. In addition, PMCs must follow all State guidelines for the application, handling, storage, and disposal of pesticides. This usually includes having a certified pesticide applicator at the PMC.
- (2) Comprehensive Environmental Response, Compensation, and Liability Act
  - (i) The Comprehensive Environmental Response, Compensation, and Liability Act (also known as "Superfund Act"), 42 U.S.C. 9601-9657, was enacted on December 11, 1980, to address problems posed by uncontrolled hazardous waste sites, means by which responses can be made to releases of hazardous substances into the environment, identification of potential Hazardous Waste Sites (HWS), preliminary assessment of potential sites, appropriate remedial action if problems are confirmed when there has been a release of a hazardous substance into the environment, emergency responses by the Environmental Protection Agency (EPA) or a capable responsible party, and identification of sites where hazardous substances may be or are located as a result of abandonment or uncontrolled or inadequately controlled use. EPA maintains a list of potentially HWS locations and a system for tracking progress of obligations, allocations, and expenditures for all remedial projects at the National Priority List (NPL) sites.
  - (ii) **Importance to PMCs:** Currently, there are no HWS' identified on PMCs. If there is a release of a reportable quantity of a hazardous substance into the environment, the PMC Manager must notify the National Response Center. Liability for cost of cleanup of the hazardous materials may be attached to the PMC or State where the PMC resides if determined after EPA investigation. Hazardous chemicals should be purchased and stored in small enough quantities so if a spill occurred, the agency would not have to report it to EPA. Hazardous chemicals should also only be purchased for immediate or near future use and not stored long term.
- (3) Resource Conservation and Recovery Act
  - (i) The Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901-6991, was enacted in 1976 to regulate the management of hazardous waste and improve waste disposal practices. Subsequent regulations have established reporting, record keeping, performance and operating standards for generators, transporters, and facilities that treat, store, or dispose of hazardous waste. The RCRA requires

- that anyone owning or operating a facility where hazardous waste is treated, stored, or disposed of must obtain a permit from EPA or the State, if a State has an authorized Hazardous Waste Management program.
- (ii) **Importance to PMCs:** Hazardous waste is generally not stored at PMCs. PMCs planning to store hazardous waste must obtain more information pertaining to this law prior to storage of such materials. A permit is not necessary for the use, storage, and disposal of gas and oil. Disposal of waste materials should meet EPA and State requirements.
- (4) Safe Drinking Water Act
- (i) The Safe Drinking Water Act, U.S.C. 300f-300j-10, was passed on December 16, 1974. The purpose of the Act is to ensure that potable water systems serving the public meet minimum national standards. The Act authorizes EPA to establish standards for protecting public water systems from harmful contaminants. It requires that Federal agencies which own or operate public drinking water systems comply with these standards. The Safe Drinking Water Amendments of 1977 require, among other items, that Federal agencies comply with all State and local requirements, processes, and sanctions, in addition to Federal requirements.
  - (ii) **Importance to PMCs:** PMCs should make sure that their drinking water is safe for consumption, and have the water tested on a regular basis for lead, chemicals, and bacteria if there is a question about suitability of the drinking water for consumption. Lead contamination may be a problem in facilities with lead pipes, typically found in older buildings.
- (5) Clean Water Statutes
- (i) The Federal Water Pollution Control Act Amendments of 1972 were enacted to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. The Act establishes goals for the eventual elimination of discharge of pollutants into receiving waters; a prohibition of discharge of toxic pollutants in toxic amounts; and area-wide waste treatment management planning to ensure adequate controls of sources of pollutants. The Act also sets standards and minimum requirements for the control and abatement of water pollution.
  - (ii) The Clean Water Act of 1977, 33 U.S.C. 1251-1376, was passed November 16, 1977. Among other items, it requires that Federal agencies comply with all State and local regulations, standards, and processes, in addition to Federal requirements. It also directs Federal agencies to consider alternative methods of wastewater treatment, utilizing recycling and reuse and land treatment processes and techniques.
  - (iii) **Importance to PMCs:** PMCs should ensure that any wastewater generated by the PMC, including sewage and irrigation run-off, is properly treated before being discharged. Chemicals should be disposed of in an approved manner by neutralizing or applying wash water from pesticide mixing, according to the label. If the wastewater is hazardous enough, it could come under EPA or State guidelines for disposal.
- (6) Toxic Substances Control Act
- (i) The Toxic Substances Control Act (TSCA), 15 U.S.C. 2601-2629, was enacted on October 11, 1976. It provides for the regulation of chemical substances that present a hazard to human health or the environment. EPA primarily regulates the manufacture and processing of commercial distribution of chemical substances and mixtures. However, EPA also regulates the use and disposal of certain substances by noncommercial entities, including Federal agencies. TSCA and the regulations promulgated under the Act pertain to the commercial and industrial production, use, and disposal of toxic chemicals. USDA concerns

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involve the provisions of the statute and regulations covering facilities and sites which may contain PCBs and asbestos.

- (ii) **Importance to PMCs:** Most important to PMCs is the issue of asbestos and PCBs. PMCs should make sure that any substances believed to be asbestos are tested and abated, if necessary. The NRCS asbestos policy may be found in General Manual Title 360, Part 420, Subpart T.
- (7) Clean Air Act
- (i) The basic purpose of the Clean Air Act (CAA), 42 U.S.C. 7401-7642, is to protect and enhance the quality of the Nation's air resources to promote the public health and welfare and the productive capacity of its population. The CAA recognizes that prevention and control of air pollution at its sources is the primary responsibility of States and local governments.
  - (ii) **Importance to PMCs:** PMCs have the potential to generate air contaminants, especially during prescribed burning of study plots. Most important might be management activities that are concerned with natural occurrences, such as fire, having attendant air quality impacts.