

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
COLORADO STATE OFFICE  
2850 YOUNGFIELD STREET  
LAKEWOOD, COLORADO 80215-7076

January 31, 1997

In Reply Refer To:  
1703 (CO-930) P

EMS Transmission 01/31/97  
Instruction Memorandum No. CO-97-023  
Expires: 09/30/97

To: District Managers and Deputy State Directors

From: State Director, Colorado

Subject: Compliance with Washington Office (WO) IM-93-344, Use of the National Environmental Policy Act (NEPA) Process with Hazardous Materials Management

It shall be the policy in Colorado to fully comply with WO IM-93-344. The intent of that policy is to ensure that the public has the opportunity to be advised and informed regarding the use of hazardous materials on the public lands. This is accomplished through the NEPA process.

Policy: To ensure that potential impacts related to proposed activities are considered and mitigated, it is required that all proposed actions related to proposed activities on the public lands be evaluated and reviewed through the NEPA process to determine potential adverse impacts (including risk to human health or the environment) along with appropriate mitigation factors.

The criteria for compliance with this policy shall be:

1. All proposed actions for activities on public lands in which any chemical or chemicals listed in the Environmental Protection Agency's Consolidated List of Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, that are produced, stored, transported, or disposed of in excess of 10,000 pounds (threshold planning quantity), shall be identified in the proposed action document, regardless of exemption status, and evaluated through the NEPA process.

2. Any extremely hazardous substance as defined in 40 CFR 355, in any amount, shall be identified in the proposed document and evaluated through the NEPA process.

3. If listed chemicals or extremely hazardous substances are identified or utilized in any part of a proposed action above the threshold planning quantity identified, the applicant shall provide a narrative description of their intended uses including production, storage, transport, and disposal plans. If no such plan has been prepared, it shall be the prerogative of the approving BLM official to withhold approval of the application until such plan has been prepared and approved.

If an applicant does not submit information regarding hazardous materials, and the approving official has reason to believe that such materials will or may be used, the applicant will be notified in writing of the above requirements and given 15 working days from receipt of the notice in which to file the required declaration (chemicals or no chemicals), or the application will be returned to the applicant without action or denied.

All approved authorizations will include a stipulation requiring notification to BLM if there is a significant variance from the approved action with respect to hazardous materials and any aspect of their production, use, storage, transportation or disposal on public lands.

Field offices are reminded that environmental assessments completed in Colorado, for both external and internal bureau actions, shall include a statement declaring that hazardous materials will or will not be used in association with the proposed action.

For additional information or clarification regarding the above policy or requirements, please contact Carlton Lance (CO-932) at 303-239-3715, or Roberto Costales (CO-933) at 303-239-3727.

Signed by  
Robert V. Abbey  
Acting State Director

Authenticated by  
Don Snow  
EMS Operator