CHAPTER 6 – HAZARD MANAGEMENT

6.1 PROGRAM OVERVIEW

For the management and planning purposes of this AMS, the hazard management resource issue encompasses human and environmental hazardous risks. The BLM's goals under the hazard management program are to effectively manage hazardous risks on public lands to protect the health and safety of public land users and stewards; protect the natural and environmental resources; minimize future hazardous and related risks, costs, and liabilities; and to mitigate physical hazards in compliance with all applicable laws, regulations, and policies. These goals stem from BLM's response to the findings of the National Research Council, Committee to Evaluate the Hazardous Materials Program of the Bureau of Land Management (The Committee). It was recommended by The Committee in 1992 for BLM to "…integrate hazard management activities into BLM's continuing land use planning and management functions." Listed in Section 9.2 are several of the more common environmental laws in place. The BLM follows its national, state, and local contingency plans as they apply to emergency responses. These plans are also consistent with federal and state laws and regulations.

Hazardous substances are defined as usable products that may cause harm to humans, natural resources or the environment when spilled, released or contacted. They are also any substances designated by the U.S Environmental Protection Agency (EPA) to be reported if a designated quantity of the substance is spilled in the waters of the United States or is otherwise released into the environment. Hazardous substances are used in every day activities and may be in the form of a solid, liquid, or gas. Regardless of their physical state, hazardous materials may be toxic, flammable, combustible, reactive, and/or corrosive. When used and stored properly, associated risks are minimized or eliminated.

Hazardous wastes can be described as a discarded, abandoned, inherently waste-like, released and/or spilled hazardous material or substance. Hazardous material is a designation used by the Department of Transportation and Occupational Safety and Health Administration to regulate hazardous substances and wastes. Both hazardous substances and hazardous wastes are considered hazardous materials.

Physical hazards that pose a threat to the health and safety of humans or animals (e.g., abandoned mine sites, abandoned structures, dams, discarded solid waste, and natural disasters such as earthquakes, floods, etc.) are included under this program.

6.2 SPECIFIC MANDATES AND AUTHORITY

The major laws, regulations, and policy that govern hazard management within the Monticello FO planning area include, but are not limited to, the following:

- Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended (42 U.S.C. 9601 et seq., 40 CFR 300 et seq.) – This federal legislation created a "superfund" to clean up uncontrolled or abandoned hazardous waste sites, spills, and other emergency releases of pollutants and contaminants into the environment. The act applies primarily to abandoned and inactive sites and it also provides the agency with legal means to recover clean-up costs.
- Resource Conservation and Recovery Act of 1976 (RCRA) – This act is an amendment to the Solid Waste Act of 1965. This federal legislation authorizes the EPA to regulate the generation, transportation, treatment, labeling, handling, storage, and disposal of solid and hazardous wastes, and applies primarily to active facilities.

- Superfund Amendment Reauthorization Act (SARA) – This federal legislation authorized CERCLA to continue clean-up activities around the country. Several site-specific amendments, definitions, clarifications, and technical requirements were added to the legislation, including additional enforcement authorities.
- Emergency Planning and Community Right-to-Know Act (EPCRA) – This act is also known as Title III of SARA and mandates a national contingency planning system. Regulations for this act can be found at 40 CFR 300 et seq.
- Toxic Substances Control Act of 1976 (TSCA) – This act authorizes the EPA to control chemicals in use that pose a danger to human health and/or the environment. These chemicals are primarily polychlorinated biphenyls (PCBs) and asbestos.
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) – This act requires federal registration with the EPA for all pesticides, insecticides, fungicides, rodenticides, algaecides, and herbicides used in the United States, and regulates certified applicators.
- Clean Air Act of 1970, 42 U.S.C. 58 7401 et seq. and 40 CFR 50-99 – The Clean Air Act is a comprehensive federal statute for the prevention and control of air pollution from stationary and mobile sources.
- Clean Water Act, 33 U.S.C. 1251 et seq. – The mandates of this act are to achieve water quality suitable for recreational contact, protection for fish and wildlife, and eliminate discharge of pollutants.
- Safe Drinking Water Act – This act allows the EPA to set standards for drinking water and allows the states to assure compliance with and enforce the standards. Regulations for safe drinking water can be found at 40 CFR Parts 140-149.
- National Contingency Plan – This plan requires national procedures for responses to spills of oil and hazardous substances, as promulgated by the Clean Water Act, revised under section 105 of CERCLA, and amended by the Oil Pollution Act of 1990. Regulations are found at 40 CFR 300.
- The Bevill Amendment – This amendment provides exclusions under RCRA for source rock, and tailings on mine sites.
- 40 CFR 100-400 – These federal regulations address water quality, pesticide control, waste regulation and control, and toxic waste clean up.
- 29 CFR 1910 Occupational Safety and Health Standards – This federal regulation establishes industry standards for worker safety and health, hazardous waste operations, and employee right-to-know for chemical use.
- 49 CFR 100-185 – These federal regulations control the transportation of hazardous materials.
- Instruction Memorandum No. 2003-008 "Policy for Entry of BLM Personnel onto Sites with Potential of Known Hazardous Substance Releases" - This policy provides guidance for all BLM employees who enter sites with potential or known hazardous substances for specific purposes within their job responsibilities. The Utah Division of Solid and Hazardous Waste has regulatory authority over solid and hazardous waste. Management is through the FO and through national contingency plans (see below).

6.3 CURRENT MANAGEMENT PRACTICES

As a federal land management agency, it is the BLM's continuing policy to follow and comply with applicable federal and state laws and regulations as they relate to hazard management. The BLM avoids and discourages high-risk land use authorizations. This can be accomplished by modifying a proposal

and/or conditioning the use to eliminate or reduce the associated risks to an acceptable level, or by selecting a lower risk alternative that meets and satisfies the purpose and need.

Occasionally spills, releases, or abandoned hazardous waste or material sites are discovered on public lands. The Monticello FO has an approved Contingency Plan that specifies the necessary steps to begin a response. The first responder (person discovering the site) is told to avoid the site and stay upwind. The location of the site and any information that can be gathered from a safe distance is reported to proper personnel and/or authorities. Based on the information reported, an appropriate response is generated. If it is necessary, feasible, and can be done safely, the site is secured. The time frame for implementation and the best method of response is determined on a case-by-case basis by the personnel responsible in coordination with the state program lead. The BLM has a technical contractor available when conditions warrant further expertise or assistance is needed.

The BLM maintains funding for emergency responses. A Statement of Work (SOW) is prepared by the FO HAZMAT coordinator detailing the services to be performed, including sampling, testing, analysis, equipment, and materials. The SOW is submitted to BLM's Contracting Officer and a contract is prepared and offered to the contractors for a bid.

Environmental Site Assessments (ESAs) are conducted for all land disposals, exchanges or acquisitions involving the BLM. The primary purpose of an ESA is to ensure that the parcel of land being considered for transfer of ownership is not contaminated with hazardous wastes or substances from past or present uses. This meets the requirements under current laws and regulation of the Innocent Land Owner Clause. An ESA can be as simple as an on-the-ground inspection, a record review of land uses and interviews with land owners or land users, and as comprehensive as a full site characterization and clean-up. The level of analysis used is considered on a case-by-case basis as appropriate, in accordance with American Society for Testing and Materials (ASTM) standards E 1527 and E 1528.

As hazardous sites are identified, mitigation measures are applied that will reduce or eliminate the hazard. Mitigation is determined as directed by conditions at the site, feasibility, and available resources. These measures can range from installation of warning signs to full closure, site clean-up, and reclamation.

6.4 RESOURCE DEMAND AND FORECAST

The demand and forecast for hazardous materials use in the planning area is anticipated to remain at current levels. As described above, current and future hazardous materials risks and environmental impacts related to their use would be controlled and/or mitigated, as required by all applicable laws, regulations, and policies.

6.5 CONSISTENCY WITH NON-BUREAU PLANS

San Juan County, the NPS, and the Navajo Nation are subject to the same laws and regulations as the BLM.

6.6 ISSUES OR CONCERNS

Physical hazards were not addressed in the previous land use plan (BLM 1991).

Budget constraints can be a concern depending on the number of hazardous sites needing a response and their associated costs for mitigation within a fiscal year.

6.7 MANAGEMENT OPPORTUNITIES AND LIMITATIONS

- Include Hazard Management program as part of the new RMP.
- The BLM can increase the awareness level of environmental concerns under this program through the Compliance, Assessment, Safety, Health and the Environment (CASHE) audits, and Waste Minimization implementation.
- The BLM has implemented new databases, the Site Cleanup System, and the Abandoned Mine Inventory System that will track hazardous sites found on public lands administered by the BLM or adjacent lands that may have an impact on public lands.

One of the greatest limitations the Monticello FO faces is the lack of funding to effectively manage, protect, and restore areas.

6.8 REFERENCES

Bureau of Land Management (BLM), 1991. Resource Management Plan Record of Decision and Rangeland Program Summary for the San Juan Resource Area, Moab District, Utah.

National Research Council, Committee to Evaluate the Hazardous Materials Program of the Bureau of Land Management 1992. *Hazardous Materials on the Public Lands*, National Academy Press, Washington, D.C.