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Project Environmental Compliance Review Policy

1.0 PURPOSE


The purpose of this Policy is to ensure that the Raleigh-Durham Airport Authority (Authority) complies with all applicable environmental laws and regulations during the implementation of Projects at Raleigh-Durham International Airport (Airport). This Policy also establishes the process Authority staff will follow when evaluating the potential environmental impacts associated with the implementation of a Project. This Policy shall be followed when the following two conditions are met: (1) the Federal Aviation Administration (FAA) determines it does not have approval authority pursuant to Section 163 of the FAA Reauthorization Act of 2018 and, as a result, the preparation of documentation in compliance with the National Environmental Policy Act (NEPA) is not required; and (2) the State Environmental Policy Act does not apply.

2.0 APPLICABILITY AND EFFECTIVE DATE

This Policy applies to all employees of the Raleigh-Durham Airport Authority. This Policy is adopted and effective as of November XX, 2022. It replaces and revokes any existing policies on the subject matter.

3.0 DEFINITIONS – For purposes of this Policy, the following definitions apply:


- A. Airport or RDU – Raleigh-Durham International Airport.
- B. Airport Master Plan – The Authority’s adopted long-range infrastructure planning document approved by the Board on October 20, 2016, with Airport Layout Plan approval by the FAA on November 20, 2017.
- C. Authority – Raleigh-Durham Airport Authority.
- D. Board – Raleigh-Durham Airport Authority Board of Directors.
- E. Consultant – An individual or business retained by or working on behalf of the Authority that provides technical expertise when needed to prepare, revise, or assist in the collection of environmental documentation for a Project in accordance with local, state, and federal Special Purpose Laws.

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- F. Environmental Compliance Report (ECR) – A report prepared by Authority staff following the format provided in Attachment B which documents potential environmental impacts that may be caused by a Project.
- G. Executive Vice President & Chief Operating Officer – Working under the direction of the President & CEO, the senior Authority employee responsible for the planning and development of all Authority facilities and infrastructure.
- H. General Counsel – The individual named as the General Counsel pursuant to Chapter 6 of the Ordinances, having the duties and responsibilities established generally in that Chapter, or his/her designee.
- I. Ministerial Approval – A streamlined approval that does not require the exercise of judgement or deliberation by the President & CEO.
- J. Ordinance – A legislative act of the Board pursuant to its powers under North Carolina law.
- K. President & Chief Executive Officer (CEO) – The individual named as the President and CEO by the Board, having the duties and responsibilities established generally in Chapter 6 of the Ordinances.
- L. Project – A Project is an action that requires permitting or other approval or final action, pursuant to any Special Purpose Law. A Project also includes, but is not limited to, actions identified in the Authority’s approved Airport Master Plan or depicted on the Airport Layout Plan; capital improvements, alterations, or additions to property of the Authority; acquisition of real property for the purpose of capital improvements; or other activities for which the Authority exercises judgement or discretion as to the propriety of the action. A Project could either be initiated by the Authority, or by a third party pursuant to an agreement with the Authority.

Notwithstanding the foregoing, the following actions shall not be considered a Project subject to an ECR:


1. Reconstruction or replacement of Airport facilities on the same site.
2. Permit and license renewals or amendments with no change in permitted activity.

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3. Ministerial (non-discretionary) approval (e.g., Height Zoning Ordinance permit issuance).
4. Maintenance, rehabilitation, or repair activities.
5. Emergency response actions.
6. The response to enforcement actions instituted by an applicable state or federal regulatory agency having jurisdiction over the operation of RDU.
7. Temporary structures or accessory on-site structures, including storage buildings, small parking areas, signs, security measures, and other essentially similar minor developments.


M. Public Participation Process – The process by which Authority staff seeks input from the relevant federal, state and local agencies as well as the public when implementing a Project. The Public Participation Process shall include the following:

1. A description of the Project on the Authority’s website and communicated to the public via social media.
2. Two Public Workshops, one during the initial project scoping and kick-off, and one after a Draft ECR has been completed. A minimum of ten (10) calendar days advance notice shall be given prior to conducting a Public Workshop. Notice of the Public Workshop(s) will be posted on the Authority website and communicated via social media.
3. Two public comment periods. Comments shall be accepted in writing either electronically through the Authority website or submitted via US Mail during the public comment period. The first public comment period begins the day of the first Public Workshop and ends seven (7) calendar days following the workshop. The second public comment period begins the day of the second Public Workshop and ends seven (7) calendar days following the workshop. Comments received or postmarked on or before the deadline will be accepted. Comments received after the close of the comment period will not be considered or included in the Public Participation Process Report.
4. A Public Participation Process Report. This is a report prepared by Authority staff that documents the feedback and comments pertaining to the Project received from the public during the public comment periods. Comments and

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Authority staff responses will be included in the report as an attachment to the ECR.

5. A completed ECR, which will be made available to interested agencies and the public.
- N. Public Workshop – An informal workshop conducted by Authority and consultant (if applicable) staff where informational stations are arranged specific to various aspects of the Project allowing staff to fully engage the public on a more personalized basis to address questions about the Project.
 - O. Special Purpose Laws – Those state and federal environmental laws that must be considered during the implementation of a Project. A listing of the relevant Special Purpose Laws to be considered during all environmental compliance determinations are listed in Attachment A.
 - P. Sustainability Management Plan – A living document and framework for reviewing and improving the sustainability of relevant aspects of the Authority’s actions in developing, operating, and maintaining the Airport, which is evaluated and periodically updated by Authority staff consistent with the Sustainability Management Policy.
 - Q. Sustainability Management Policy – The Authority’s policy that will establish and formalize the commitment of the Authority towards a sustainable future.
 - R. Vice President of Communications, Government & Community Affairs – Working under the direction of the President & CEO, the senior Authority employee responsible for communications with outside entities and the public.
 - S. Vice President of Planning & Sustainability – Working under the direction of the Executive Vice President and COO, the Authority employee responsible for directing the planning and sustainability initiatives of the Authority.


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4.0 POLICY STATEMENT

It is the Policy of the Authority that all Projects shall undergo environmental review following the specific requirements of all applicable Special Purpose Laws, as well as the policies of the Authority provided herein. This Policy will promote transparency of Authority decisions and provide the Authority staff with the opportunity to consider and report on the potential environmental consequences of Projects. The implementation of this Policy shall be done consistent with the Sustainability Management Policy and Sustainability Management Plan of the Authority which seeks to provide a holistic and comprehensive approach for managing future growth in a way that ensures a proper balance between environmental stewardship, social responsibility, economic growth, and operational efficiency.

The Board authorizes and directs that, to the fullest extent possible:

- (1) The application of this Policy is not intended to alter the interpretation or application of the Special Purpose Laws of the United States and State of North Carolina. Nothing in this document shall be construed to require the Authority or its staff to take any action which is contrary to any applicable Special Purpose Law.
- (2) For actions involving the use of Authority land for a Project with the potential to affect the quality of the natural and human environments, completion of an ECR is required (see sample ECR in Attachment B).
- (3) In preparing the ECR, the Authority shall analyze, consult with, and obtain the comments of appropriate agencies with special expertise with respect to the Project and any potential environmental impact.
- (4) During the development of the Project and completion of the ECR, staff shall initiate a Public Participation Process as defined herein.
- (5) Any unit of local government or other interested members of the public that may be affected by a Project may submit written comments to the Authority during the public comment period.
- (6) The ECR shall be made available to the Board prior to approval for construction of a Project.
- (7) The Authority staff having responsibilities under this Policy may call upon Consultants for special technical assistance in meeting the requirements of this

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Policy.

- (8) To the extent that the application of this Policy to a Project is duplicative of any federal or state requirement, the President & CEO has the discretion to waive the requirements of this Policy to that Project.

5.0 RESPONSIBILITIES

5.1 Vice President of Planning & Sustainability

- A. Determine, in conjunction with General Counsel, if a Project is subject to the requirements of this Policy.
- B. If a Project is subject to the requirements of this Policy, direct the preparation of the ECR.
- C. Select and retain any Consultants necessary for the completion of the ECR.
- D. Transmit the initial draft of the ECR and supporting documentation to the Executive Vice President & Chief Operating Officer and the General Counsel for review.
- E. Periodically review, in conjunction with the General Counsel, the applicable statutes, rules, and regulations, including the Special Purpose Laws, for the purpose of determining whether revisions to the Policy are necessary.
- F. Propose changes to this Policy as may be necessary.
- G. Initiate and oversee the Public Participation Process, working with the Vice President of Communications, Government & Community Affairs, to coordinate relevant activities.
- H. Oversee communication with relevant federal, state, and local agencies.
- I. Collect and document written feedback from the Public Participation Process.
- J. Prepare a Public Participation Process Report and include it as an attachment to the ECR.

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5.2 Vice President of Communications, Government & Community Affairs


- A. Assist the Vice President of Planning & Sustainability with the Public Participation Process to coordinate relevant activities. Support the Vice President of Planning & Sustainability in preparing the Public Participation Process Report.
- B. Support and maintain pertinent content on the Authority's website and other forms of communication relevant to the Project.
- C. Respond to any media inquiries pertaining to the Project.
- D. Make the ECR available on the Authority's website, and where necessary, make available a notice of availability through other communication outlets.

5.3 General Counsel

- A. Review the ECR and any supporting documentation
- B. Review, in conjunction with the Vice President of Planning & Sustainability, the applicable statutes, rules, and regulations, including the Special Purpose Laws, for the purpose of determining whether revisions to the Policy are necessary.
- C. Determine, in conjunction with the Vice President of Planning & Sustainability, if a Project is subject to the requirements of this Policy.
- D. Retain outside legal counsel as required to properly evaluate a Project.

5.4 Executive Vice President & Chief Operating Officer

- A. Review the ECR and any supporting documentation.
- B. Provide the Vice President of Planning & Sustainability with comments and/or edits to the ECR and direct the preparation of the final documentation.
- C. Transmit the final ECR and supporting documentation to the President & CEO for review, with a recommendation for final action.

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5.5 President & CEO

- A. Review and approve the ECR and supporting documentation.
- B. Provide the ECR, the recommendation by the Executive Vice President & Chief Operating Officer, and supporting documentation and other reports to the Board for its information prior to approval of construction for a Project.

6.0 RECORDS MANAGEMENT

The Vice President of Planning & Sustainability is the custodian of records related to this Policy and will comply with the Records Management Policy adopted by the Authority, as may be amended from time to time.

7.0 PERIODIC POLICY REVIEW

The Executive Vice President & Chief Operating Officer and General Counsel are responsible for reviewing this Policy annually or more often as needed.

8.0 EXCEPTIONS

Exceptions to this Policy shall be approved in advance by the Board.


9.0 REFERENCES

- A. None

10.0 ATTACHMENTS

Attachment A: Special Purpose Laws

Attachment B: Sample Environmental Compliance Report

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DOCUMENT APPROVAL


ADOPTED BY: _____

PATRICK HANNAH, CHAIRMAN

DATE:

DOCUMENT HISTORY

Date	Version	Description
November XX, 2022	v1	Initial Adoption

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Policy Receipt Acknowledgement

Please ensure that you have read and understand the Policy before signing this document.

By signing below, I acknowledge that I have read the Policy named above and agree to abide by it as a condition of my employment with Raleigh-Durham Airport Authority.

I understand that I should consult my immediate supervisor or a Human Resources representative if I have questions or concerns.

Printed Name: _____

Signature: _____

Date: _____

ATTACHMENT A Special Purpose Laws

The following state and federal statutes are provided herein for consideration and a determination of applicability of the Project Environmental Compliance Review Policy (Policy) to which this is attached, including the preparation of an Environmental Compliance Report (ECR) for a Project under the Policy. Any statutory references used in this Attachment A are intended to include any rules, regulations or other actions taken by an administrative agency, court or other appropriate body to interpret those statutes. Permits currently applicable to the operations of RDU shall also be considered during the evaluation of any Project. However, the listing of any statute, rule, regulation, permit or other action in this Attachment A does not mean that any of them are necessarily applicable to any specific Project or other particular action by the Authority, whether or not covered by the Policy or an ECR. The descriptions provided in this Attachment A are for identification only and are not represented to be a full or complete description of all legal aspects of the programs or requirements.

A. *Biological Resources*

1. Federal Endangered Species Act - 16 U.S.C. §§ 1531 et seq. (1994) – The Endangered Species Act (ESA) is a federal law designed to protect endangered and threatened species (or their habitat) that might be adversely impacted by federally funded or directed activities, including pesticide use and wetlands disturbance. The ESA also prohibits private persons from taking any listed endangered or threatened species of animal without a permit or exemption that would allow the taking. Taking is defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting the animal. The ESA makes it unlawful for anyone to import, take, possess, sell, deliver, or transport an endangered species of fish or wildlife or an endangered species of plant.

Federally listed endangered or threatened species are known to exist within Wake County. The presence of endangered or threatened species listed under federal, or state law could occur on or near Airport property.

2. Federal Migratory Bird Treaty Act - 16 U.S.C. §§ 703 et seq. (1994) – The Migratory Bird Treaty Act is a federal law that implements conventions between the United States and Canada, Japan, Mexico, and the former USSR for the protection of migratory birds. Birds protected under the Act are not necessarily endangered. The Act provides that, except as permitted by regulation, it is unlawful to pursue, hunt, take, capture, or kill any migratory bird.

Migratory gamebirds regulated in North Carolina range from dove and waterfowl to raptors and neotropical songs which are likely to be intermittently present on the Airport property.

3. North Carolina Endangered Species Act - G.S. Chapter 113, Article 25 – Extends the prohibition of taking to state listed species, which include some species not listed under the ESA. The Act also states that it does not limit the rights of a landowner in the lawful management of his/her land. A taking of an endangered, threatened, or special concern species through illegal land management activities is a violation of this law. North Carolina has many plant and animal species listed as threatened or endangered, with several other species currently under consideration, many of which being placed on the endangered species list because of the direct alteration or loss of the species' habitat.

There are state-listed endangered or threatened species known to exist within Wake County. State-listed endangered or threatened species listed have the potential to be present on or near Airport property.

B. *Water Resources*

1. Safe Drinking Water Act - 42 U.S.C. §§ 300g-1 et seq. (1996) – The Safe Drinking Water Act (SDWA) is the principal federal statute addressing the quality of potable water, including both surface and groundwater. Under the act, the U.S. Environmental Protection Agency (EPA) establishes maximum concentrations for a host of pollutants potentially present in public drinking water. The SDWA was amended in 1996 to require public reporting of detections of chemical contaminants in drinking water. A number of these contaminants are characterized as forever chemicals, some of which have been used by airports.

2. Clean Water Act – 33 U.S.C. §§1251 et seq. (1994) – The federal Water Pollution Control Act (the Clean Water Act, or CWA) was originally enacted by Congress in 1972 and has been amended several times since. Its objective is to reduce or eliminate water pollution in the nation's rivers, streams, lakes, and coastal waters. A variety of mechanisms, including primarily water quality permits, are employed by the CWA to control domestic, industrial, and agricultural pollution. The EPA is charged with enforcing the CWA, although much of that authority can be assumed by states that are approved by EPA to do so.

a. Water Quality Standards

The CWA requires North Carolina (and other states) to adopt water quality standards for most surface water bodies located within the state's borders. Rivers and streams are often divided into segments for this purpose. The water quality standards specify appropriate uses to be achieved and protected for each segment of water, such as public water supplies; protection and propagation of fish, shellfish, and wildlife; recreation in and on the water; agricultural uses such as irrigation or livestock watering; and navigation. The water quality standards also include numerical or narrative criteria that are designed to protect these uses. The standards are then used to establish treatment controls and discharge limitations to protect the water quality and may include specific requirements placed in permits issued to point sources. However, there are no federal laws or regulations that require the control of nonpoint sources to achieve water quality standards, although there are state programs that regulate nonpoint sources. In addition, as

an antidegradation policy, water quality standards may also prohibit new waste discharges into waters of exceptionally high quality.

b. National Pollution Discharge Elimination System (NPDES) Permits – Discharges of waste from point sources into navigable waters are regulated through a permit system known as the NPDES permit system. NPDES permits are issued either by EPA or by the state under a program approved by EPA. North Carolina's delegated (approved by EPA) water quality program is summarized below. It is illegal to discharge waste from point sources into navigable waters without an NPDES permit or in violation of the terms of any such permit.

c. Wetlands – A separate permit, known as the Section 404 permit, is required by the CWA for the discharge of dredge and fill materials into navigable waters. These permits are issued by the U.S. Army Corps of Engineers (Corps) and are subject to review and approval by EPA and the State of North Carolina. The filling of wetlands and the construction of structures in streams, such as culverts and gates, will often require a Section 404 permit. Although minor wetlands filling activities may be covered by a Section 404 General or Nationwide Permit, substantial dredging or filling will usually require an individual permit. Permits may be denied if the activity causes significant adverse effects on the water body or the surrounding environment and there are practical alternatives available. The rules can allow permitting of some activities if their impacts are sufficiently offset through approved mitigation activities.

d. Water Quality Certification under Section 401 of the CWA – 33 U.S.C. § 1341; 40 CFR Parts 121 & 124; G.S. 143B-232(a)(1)u; 15A NCAC 2H.0500 – Under § 401 of the CWA, a federal agency may not issue a permit or license to conduct any activity that may result in any discharge into waters of the United States unless a Section 401 Water Quality Certification (WQC) is issued, or certification is waived. North Carolina, as the state where the discharge would originate, is generally responsible for issuing the WQC. Examples where a WQC (sometimes referred to as a "401") is required include NPDES permits issued by the EPA, so-called dredge-and-fill permits issued by EPA or the U.S. Army Corps of Engineers (ASACE) under Section 404 of the CWA or permits issued under Sections 9 or 10 of the federal Rivers and Harbors Act. On April 6, 2022, the U.S. Supreme Court issued a stay of the October 2021 order by the U.S. District Court for the Northern District of California that vacated EPA's 2020 Clean Water Act Section 401 Certification Rule. The stay of the vacatur applies nationwide. Therefore, the CWA Section 401 certification process is once again governed by the CWA Section 401 certification regulations promulgated by EPA in 2020.

3. North Carolina's Water Quality Statutes and Program – The North Carolina laws governing water quality are codified as Article 21 of Chapter 143 of the General Statutes, G.S. 143-211, et seq. As mentioned above, North Carolina operates a delegated water quality program, which gives it primary responsibility for issuing NPDES permits and enforcing water quality standards and permits. This includes authority to grant individual

and general discharge permits, permits for federal facilities and for pretreatment facilities. The State's NPDES permit, and modification requirements generally follow federal rules. For most projects, the Airport is covered under the NPDES general industrial permit. However, some activities may require an individual permit if excluded by the general industrial permit. North Carolina's water quality laws are implemented through rules adopted by the North Carolina Environmental Management Commission (EMC), including those adopting surface water quality standards (15A NCAC 02B), NPDES and water quality permits (15A NCAC 02H), and others, including those listed below:

a. Neuse River Basin Buffer Rule – 15A NCAC 02B.0314, .0710-.0719 – The Airport is located generally in the Neuse River Basin; thus, Projects at the Airport may be covered by the Neuse River Basin buffer rule. The purpose of Neuse River Basin Buffer Rule is to protect and preserve existing riparian buffers in the Neuse River Basin to maintain their nutrient removal functions. This Rule applies to 50-foot-wide riparian buffers directly adjacent to surface waters in the Neuse River Basin (intermittent streams, perennial streams, lakes, ponds, and estuaries), excluding wetlands. Except as described in Sub-Item (4)(a)(iii) of this Rule, wetlands adjacent to surface waters or within 50 feet of surface waters shall be considered as part of the riparian buffer but are regulated pursuant to 15A NCAC 02H.0506. The Airport is within the Neuse River Basin.

b.. North Carolina Groundwater Rules – Unlike the federal CWA, North Carolina law explicitly classifies groundwaters as waters protected by its water quality statutes, with such protections being implemented through rules adopted by the North Carolina Environmental Management Commission (EMC) and codified as 15A NCAC 02L. These rules establish numerical standards for specifically listed materials in groundwaters and require remediation if those standards are exceeded outside of designated compliance boundaries. The rules declare that for non-naturally occurring materials that do not have such numerical standards assigned to them any detectable presence of those compounds above the practical quantitation limit (PQL) can trigger the imposition of these rules under 15A NCAC 02L.

c. North Carolina's Permitting program for Isolated and Other Non-404 Jurisdictional Wetlands and Waters – G.S. 143B-232(a)(1)u; 15A NCAC 2B.0200, 2H.0500, and 2H.1300 (various provisions of all) – North Carolina requires an Isolated and Other Non-404 Jurisdictional Wetlands and Waters Permit when a proposed project involves impacts to wetlands or waters that the USACE determines are not jurisdictional under Section 404 of the CWA. Since this applies where the federal wetlands program under CWA 404 does not, this is sometimes referred to as the "NC Wetlands Program." It is implemented through the State's rules defining when a WQC is required. The rules require the submittal of a pre-construction notification (PCN) after the occurrence of pre-filing meeting. The permit can be an individual or general permit. The types of activities that are covered by this program include any disturbance to the bed (bottom) or banks (sides) of a stream; any disturbance to a wetland; the damming of a stream channel to create a pond or lake; placement of any material within a stream, wetland or open water, including material that is necessary for

construction, culvert installation, causeways, road fills, dams, dikes or artificial islands, property protection, reclamation devices and fill for pipes or utility lines; or temporary impacts including dewatering of dredged material prior to final disposal and temporary fill for access roads, cofferdams, storage and work areas.

d. North Carolina's Above Ground Storage Tank Program - G.S. 143-215.104AA – North Carolina has adopted a risk-based remediation program for above ground petroleum tanks.

4. North Carolina Sedimentation Pollution Control Act (SPCA) of 1973 - G.S. 113A-50 et seq.; 15A NCAC 04.0101 et seq. – This law prohibits off-site sedimentation from all land-disturbing activities (except agriculture and mining) and prohibits issuance of a building permit for any development requiring an erosion and sedimentation control plan to protect North Carolina land and natural watercourses from erosion and sedimentation impacts. The SPCA requires the installation and maintenance of sufficient erosion control practices to retain sediment within boundaries of the Project site. It also requires that surfaces be non-erosive and stable within or 90 calendar days after completion of the activity, whichever period is shortest. For any land disturbance greater than 1 acre, an Erosion and Sedimentation Control Plan (ESCP) must be submitted at least 30 days prior. The ESCP must be approved by the State before any land-disturbing activities are begun.

C. *Solid Waste, including Hazardous Waste and Toxic Materials*

1. Resource Conservation and Recovery Act - 42 U.S.C. §§ 6901 et seq. (1994) – The Resource Conservation and Recovery Act (RCRA) is a federal law that controls the treatment, storage, and disposal of hazardous waste as well as the disposal of municipal solid waste. RCRA also regulates the storage of petroleum and other products in underground storage tanks.

a. Underground Storage Tanks

Underground storage tanks (USTs) and their associated piping holding less than 1,100 gallons of motor fuel for non-commercial purposes, tanks holding heating oil used on the premises, and septic tanks are excluded from RCRA regulations. All new regulated USTs are required to meet standards related to construction, monitoring, operating, reporting to state or federal regulatory agencies, owner record keeping, and financial responsibility.

b. Used Oil

Producers who generate an average of 25 gallons or less per month of used oil from vehicles or machinery per calendar year are exempt from regulations. Producers exceeding 25 gallons are required to store the used oil in tanks meeting underground or aboveground technical requirements and use waste transporters with EPA authorization numbers for removal of the waste. Storage in unlined surface impoundments which are wider than they are deep is banned.

The RCRA regulates many different types of chemicals and substances that are considered to be hazardous to human health. Any existing USTs greater than

1,100 gallons or newly constructed USTs would require the Authority to comply with RCRA. Furthermore, ongoing operations would entail the use of Authority vehicles, ground service equipment, and aircraft in operation. The cumulative use of these types of equipment would most likely generate over 25 gallons of month of oil for disposal.

c. North Carolina Solid and Hazardous Waste Statues and Rules – Article 9 of Chapter 130A of the General Statutes, G.S. 130A-290, et seq, and 15A NCAC 13A (non-hazardous solid waste), 15A NCAC 13B (hazardous waste), and 15A NCAC 13C (inactive hazardous substances) – North Carolina’s waste management rules include many of the federal RCRA rules as well as more stringent state requirements for hazardous and solid (nonhazardous) waste management and underground storage tanks (USTs). North Carolina has received RCRA authorization from the EPA, which allows the North Carolina Department of Environmental Quality (DEQ) to administer and enforce the state’s hazardous and solid (nonhazardous) waste management and disposal requirements, and UST management programs. Many of the North Carolina waste rules incorporate the requirements from the federal RCRA rules by reference. Any existing USTs greater than 1,100 gallons or newly constructed tank would likely require the Authority to comply with RCRA.

2. Federal Toxic Substances Control Act - 15 U.S.C. §§ 2601 et seq. (1994) – The Toxic Substances Control Act (TSCA) is a federal law that allows EPA to regulate new commercial chemicals prior to sale on the market and to regulate the distribution and use of existing chemicals when they pose an unreasonable risk to human health or to the environment. TSCA regulates the handling and disposal of PCBs, lead-based paint, and asbestos.

3. Federal Comprehensive Environmental Response, Compensation and Liability Act - 42 U.S.C. §§ 9601 et seq. (1994) – The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund) is a federal law that was passed to rectify perceived inadequacies of earlier environmental legislation, especially RCRA. RCRA was deemed inadequate to address past hazardous waste disposal sites. The federal government is authorized under CERCLA to conduct cleanup operations with funds from the "Superfund." The government may then seek to recover the costs of cleanup from "potentially responsible parties" (PRPs). The government is also authorized to issue cleanup directives or seek injunctive relief ordering PRPs to conduct responsive actions to abate an "immediate and substantial endangerment to public health or the environment." In addition, private parties are authorized to seek reimbursement from the "Superfund" or they may file cost recovery actions against PRPs.

4. The North Carolina Inactive Hazardous Sites Response Act of 1987 - G.S. 130A-310 et seq – North Carolina has its own remediation rules for the cleanup of contaminated sites that is in addition to the federal Superfund program. The state’s program is modeled generally after the federal Superfund program but does differ from it somewhat.

5. The North Carolina Brownfields Program – The State’s Brownfields Property Reuse Act, G.S. 130-310.30 et seq., and DEQ’s Brownfield program encourages the safe reuse of abandoned properties that have some measure of environmental impairment through the use of brownfield agreements between the prospective developer and the State, which provides that any development and future use at the property will be subject to conditions and restrictions that will protect human health and the environment.

6. Federal Insecticide, Fungicide, and Rodenticide Act - 7 U.S.C. §§ 136 et seq. (1994) – The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) is a federal law that establishes minimum national standards for the use of pesticides, and regulates the registration, production, and sale of pesticides. FIFRA grants primary, but not exclusive, enforcement responsibility for pesticide use to the states. States retain the authority to regulate the sale or use of any federally-registered pesticide or device in the state, but only if state regulations do not permit sale or use of pesticides prohibited under FIFRA. States may not impose any requirements for pesticide labeling or packaging in addition to or different from those required under FIFRA. Application of federally registered pesticides for maintaining FAA compliance at the Airport could be used in the future.

D. *Air Quality*

1. Federal Clean Air Act – 42 U.S.C. §§ 7401 et seq. (1994) – The Clean Air Act (CAA) is a comprehensive and complex piece of federal environmental legislation protecting air quality. The 1990 amendments to the CAA require sources which may cause pollution to obtain operating permits. The overall objective of the CAA is to protect human health, welfare, and the environment by maintaining and improving the quality of the air through the development of standards for criteria and hazardous air pollutants. Standards controlling ambient air emissions from practices like prescribed burning are geographically specific within each State Implementation Plan (SIP). The SIP may also provide visibility standards. The CAA imposes more restrictive requirements on air emission sources located in areas which EPA has found to be not compliant with certain National Ambient Air Quality Standards, which are classified as non-attainment areas, and also on sources that might affect areas with very pristine air quality which are governed by Prevention of Significant Deterioration (PSD) requirements. Odor problems are usually handled under state nuisance laws or other state environmental laws or local ordinances.

2. North Carolina Air Quality Standards and Program – North Carolina has a fully approved program to implement the permitting and enforcement requirements under the CAA, pursuant to the authority granted in Articles 21 and 21B of Chapter 143 of the General Statutes. Air emissions are governed by EMC rules codified at 15A NCAC 02D, including its specific air toxics rules at 15A NCAC 02D.1100. The issuance and enforcement of air quality permits is governed by EMC rules codified at 15A NCAC 02Q. North Carolina’s air quality program includes a unique program regulating air toxics.

3. RDU Air Quality Permit – DEQ issued synthetic minor permit to the Authority for RDU (facility ID 9200621) to regulate the emissions of sulfur dioxide from activities conducted at RDU.

E. Cultural Resources

1. Section 106 of the National Historic Preservation Act of 1966 (NHPA) - 36 CFR Part 800 – The NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and give the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment. The Section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.

2. North Carolina Historical Commission – G.S. 121-12 – Establishes a procedure for the review of state undertakings that affect historic properties that is patterned after that created in federal law for federal undertakings. The North Carolina Historical Commission (NCHC), through a subcommittee with additional professional members called the National Register Advisory Committee, reviews nominations from the state to the National Register of Historic Places. In matters of state undertakings affecting National Register properties, the Historical Commission acts somewhat as a counterpart to the federal Advisory Council on Historic Preservation. Since the State Historic Preservation Officer serves as the secretary of the Historical Commission, federal and state review and protection activities are closely coordinated.

The NCHC provides an advisory and coordinative mechanism in and by which State undertakings of every kind that are potentially harmful to the cause of historic preservation within the State may be discussed, and where possible, resolved, giving due consideration to the competing public interests that may be involved." Unlike federal law, state law does not provide protection for properties that may be eligible for, but not actually listed in, the National Register. Recommendations made by the Historical Commission to state agencies are strictly advisory.

3. Burial Remains Protection – G.S. 70-29 – Article 3 of Burial Remains Protection establishes that any person knowing or having reasonable grounds to believe that unmarked human burials or human skeletal remains are being disturbed, destroyed, defaced, mutilated, removed, or exposed, shall immediately notify the medical examiner of the county in which the remains are encountered. If the unmarked human burials or human skeletal remains are encountered because of construction or agricultural activities, disturbance of the remains shall cease immediately and shall not resume without authorization from either the county medical examiner or the Chief Archaeologist. Furthermore, If the professional archaeologist determines that the human skeletal remains are Native American, the Chief Archaeologist shall immediately notify the Executive Director of the North Carolina Commission of Indian Affairs. The Executive Director shall notify and consult with the appropriate tribal group or community.

F. Other

1. Title VI of the Civil Rights Act of 1964 – 42 U.S.C. § 2000d et. seq.; Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, 11 February 1994, 3 CFR, 1994 Comp., p. 859 – Title VI establishes that no person in the United States shall on the ground of race, color, national origin, gender, age, or disability be excluded from participation in, or, be denied the benefits of, or be subjected to discrimination under any program or activity of federal aid receipts, sub recipients or contractors. Title VI was designed to ensure that federal funds are not being used for discriminatory purposes whether intentional or in instances where the unintended effect could be disproportionately burdensome.

ATTACHMENT B
Environmental Compliance Report Template

Raleigh-Durham Airport Authority



Introduction and Instructions

This template (Template) has been developed for use by the Raleigh-Durham Airport Authority (Authority) to prepare an Environmental Compliance Report (ECR) for any Authority Project covered by the Authority's Project Environmental Compliance Review Policy (the Policy). The Policy and ECR are intended to assist the Authority in complying with all applicable environmental laws and regulations during the implementation of all applicable RDU Projects, as specified in the Policy. In general, under the Policy, when both the Federal Aviation Administration (FAA) determines it does not have approval authority pursuant to Section 163 of the FAA Reauthorization Act and the North Carolina Environmental Policy Act does not apply, the Policy will be followed and an ECR prepared from that effort. The ECR is intended to identify and recommend actions to mitigate potential environmental impacts associated with a Project while also assuring compliance with all applicable environmental requirements.

The questions in this Template are intended to foster a thorough and thoughtful assessment of potential impacts for a Project. The questions cover all Special Purpose Laws identified in Attachment A of the Policy as well as questions regarding best management practices of the Authority. For Projects sponsored by the Authority, the preparation of the ECR is the responsibility of the Authority. For Projects sponsored by a non-Authority lessee, the preparation of the ECR may be the responsibility of the lessee. Additional research or investigation may be needed to thoroughly respond to any item. Additional pages should be attached as necessary to supplement any item. The responses to the questions in this Template, including any supplemental information, will constitute the final ECR, once approved by the Authority.

This Introduction and Instruction page is not intended to be included as a part of the ECR and should not be included with the final ECR.

[cover page]

ENVIRONMENTAL COMPLIANCE REPORT

[NAME OF PROJECT REVIEWED]

[PROJECT #, IF APPLICABLE]

[REPORT DATE]

Raleigh-Durham Airport Authority
Environmental Compliance Report (ECR)



This ECR has been prepared in accordance with the Project Environmental Compliance Review Policy dated November XX, 2022.

This ECR is being prepared because this Project is not subject to Federal Aviation Administration (FAA) approval authority nor the State Environmental Policy Act (SEPA), as determined by the Project Environmental Compliance Review Policy adopted by the Authority (the Policy) but is an action that requires permitting or other approval or final action, pursuant to any Special Purpose Law, as listed in Attachment A to the Policy. A Project may include, but is not limited to, actions identified in the Authority's approved Airport Master Plan or depicted on the Airport Layout Plan; capital improvements, alterations, or additions to property of the Authority; acquisition of real property for the purpose of capital improvements; or other activities for which the Authority exercises judgement or discretion as to the propriety of the action. A Project could either be initiated by the Authority, or by a third party pursuant to an agreement with the Authority.

Section 1.0 – Project Overview

(1) Name of Project:

(2) Contact person and phone number:

(3) Project Location:

(4) Total acreage of the site of the Project:

(5) Total acreage to be physically disturbed:

(6) Would the Project be constructed in multiple phases? Yes
 No

If Yes:

Total number of phases anticipated (include the year of each phase):

Generally, describe connections or relationships among phases:

(7) Briefly describe all land uses that occur on, adjoining, and near the Project and briefly describe the Project surroundings:

Response:

(8) Description and Purpose of the Project: Describe completely the entire action involved, including but not limited to later phases of the Project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets (e.g., supporting information, exhibits, etc., if necessary.) Project information also can be found at **WEBSITE LOCATION**.

Response:

DETERMINATION (to be completed by the President & CEO on the basis of the ECR):

- Based on the information presented in this report the President & CEO finds that the Project has minimal or no effect on the environment and is in compliance with all applicable local, state, and federal laws.

- Based on the information presented in this report the President & CEO finds that the Project has the potential to have an effect the environment as described herein, and appropriate steps are/will be taken to minimize and avoid those impacts including necessary mitigation in conformity with all applicable local, state, and federal laws.

Signature

Date

Section 2.0 - Environmental Factors of Potential Concern:

The environmental factors checked below were determined to be potentially affected by this Project. A complete discussion regarding the effects and the magnitude of the effect is presented in subsequent sections of this ECR.

- Biological Resources (see Section 3.0)
- Water Resources (see Section 4.0)
- Wetlands (see Section 5.0)
- Solid Waste and Hazardous Waste (see Section 6.0)
- Air Quality (see Section 7.0)
- Cultural Resources (see Section 8.0)
- Environmental Justice (see Section 9.0)
- Floodplains (see Section 10.0)
- Transportation (see Section 11.0)
- Recreational Facilities and Open Space (see Section 12.0)
- Energy, Noise, and Lights (see Section 13.0)

Section 3.0 - Biological Resources

Effect

No Effect

<p>Would the Project adversely effect, either directly or through habitat modifications, any species identified as a candidate, sensitive, or special status protected under the North Carolina Endangered Species Act or the federal Endangered Species Act?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Have birds protected under the Migratory Bird Treaty Act been observed at or adjacent to the Project site?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Does the Project involve any type of land disturbance?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Would the Project fragment an important habitat?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Would the Project remove natural vegetation? If so, how much, where and what kind?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>

Section 4.0 – Water Resources

Effect

No Effect

<p>Would the Project increase stormwater discharge from the site, and if so, how much?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Would the Project need new stormwater retention ponds, or other stormwater management structures or practices?</p> <p>If there are stormwater discharges and no existing conveyance system, what are the plans to address stormwater and erosion from the site?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Would the Project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Are there any protected water bodies classified as impaired water bodies on or near the Project site?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>

Section 5.0 - Wetlands

Effect

No Effect

<p>Does any portion of the Project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>If yes, are any of the wetlands or waterbodies within or adjoining the Project site regulated by any federal, state or county agency?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Does any portion of the Project site fall under North Carolina's permitting program for isolated and other non-404 jurisdictional wetlands?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>

Section 6.0 – Solid Waste and Hazardous Waste

Effect

No Effect

<p>Does the Project include the commercial, recreational, or industrial use or application or storage of pesticides, herbicides, or known contaminants beyond normal use, in or around any water body, well or water sources?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Would there be any bulk storage of petroleum or chemical products and if so, what type of storage would be used?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Has the Project site previously been exposed to pollutants or contamination?</p> <p>If so, is it undergoing or planned to undergo remediation?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Would the Project generate regulated hazardous air pollutants such as asbestos or lead?</p> <p>If so, how much?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Would the Project unearth or otherwise disturb any solid or hazardous waste or materials?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>

Section 7.0 – Air Quality

Effect

No Effect

<p>Would the Project involve one or more sources of air emissions, including fuel combustion, waste incineration, dust, or other air quality impacts from processes or operations at the Airport?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>If yes, would any air emission sources require a permit?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>If the Project requires federal or state air emission permits, would the Project also emit one or more greenhouse gases at or above National Ambient Air Quality Standards (NAAQS)?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>

Section 8.0 – Cultural Resources

Effect

No Effect

<p>Does the Project site contain, or is it substantially contiguous to, any buildings, archaeological site which is listed on the National or State Register of Historical Places, or that has been determined by the North Carolina State Historic Preservation Office to be eligible for listing on the State Register of Historic Places?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>If yes, for what reason was the site placed, or determined eligible for listing?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Would the Project alter or affect any of the criteria used to evaluate the listing of the building or site on the Register, or a building or site that has been determined eligible for listing on the Register?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Would the Project occur wholly or partially within, or be substantially contiguous to, an area designated as sensitive for archaeological sites?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Would the Project disturb any human remains, including those buried outside of a dedicated cemetery?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>

Section 9.0 – Environmental Justice

Effect

No Effect

<p>Would the Project have a disproportionately high and adverse human health or environmental effect on a low-income population, minority population, or Indian tribe identified within the community?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Would the Project conflict with any local plan, policy, or regulation adopted for the purpose of avoiding or mitigating environmental effects such as air pollutant emissions, noise, and health risks related to pollution?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>

Section 10.0 - Floodplains

Effect

No Effect

<p>Is the Project site in a 100-year floodplain, or in an area known to have past flooding events? If yes, include the FEMA map number.</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>If the Project is in a 100-year floodplain, would there be a change in the flow of water or change drainage patterns into the water body?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>

Section 11.0 – Transportation

Effect

No Effect

<p>Would the Project result in a substantial increase in surface traffic above present levels?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Would there be an adverse conflict with applicable transportation plans, including, but not limited to level of service standards and travel demand measures, or other standards established by Wake County for designated roads or highways?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>

Section 12.0 Recreational Facilities, Open Space and Parks

Effect

No Effect

<p>Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) that would be adversely affected by the Project?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Would the Project adversely affect existing neighborhoods, parks or other recreational facility?</p> <p>Response:</p>	<input type="checkbox"/>	<input type="checkbox"/>

Section 13.0 – Energy, Noise, and Lights

Effect

No Effect

Would the Project generate new or additional demand for energy? Response:	<input type="checkbox"/>	<input type="checkbox"/>
Would the Project require a new, or an upgrade to, an existing substation? Response:	<input type="checkbox"/>	<input type="checkbox"/>
Would the Project remove existing barriers (e.g., natural or man-made) that could act as a noise barrier or screen for light emissions? Response:	<input type="checkbox"/>	<input type="checkbox"/>
Would the Project have exterior lighting? Response:	<input type="checkbox"/>	<input type="checkbox"/>