

August 30, 2019

ARARs Proposed by the Navajo Nation for the Navajo Forestry Products Industries (NFPI) Site

Chemical-Specific ARARs and TBC Information

Media	Requirement	Requirement Synopsis	Status and Rationale
Water	NAVAJO NATION Navajo Nation Pollutant Discharge Elimination System Program – applicable regulations	Protection of NN watershed from discharges of pollutants from any point source	Substantive requirements may be applicable to activities on reservation and tribal trust land
Solid Wastes	NAVAJO NATION Navajo Nation Solid Waste Act – Subchapter 2 – Prohibited Act Subchapter 5 – Enforcement	Protect the health, safety, and preserve the resources of the NN. Regulates solid waste but exempts mine tailings and waste rock. Some requirements are applicable to salts.	Substantive requirements may be relevant and appropriate if regulated salts or other covered solid wastes are encountered during removal action
Air	NAVAJO NATION Navajo Nation Air Pollution Prevention and Prevention Act – Air Quality Control Programs – Permits, 2004; Code of Regulations for air emissions, Rules and Regulations.	Outlines Best Management Practices (BMPs) to control dust that would be generated during earth moving activities. Details the BMPs to control excessive amounts of particulates.	Substantive requirements may be applicable to activities on reservation and tribal trust land
Water	NAVAJO NATION Navajo Nation Clean Water Act – Title 4 Navajo Nation Code.	Establishes water quality standards; prevention of pollutant discharges. Standards protect fish, wildlife, and domestic, cultural, agricultural, and recreational uses of water.	Substantive requirements may be applicable to activities on reservation and tribal trust land

Location-Specific ARARs and TBC Information

Media	Requirement	Requirement Synopsis	Status and Rationale
Wildlife	NAVAJO NATION Navajo Nation Endangered Species List – Resource Committee Resolution RCAU-103-05	Regulates the protection of Navajo Nation threatened and endangered species or critical habitat of such species	Substantive requirements applicable if protected species are identified within area to be disturbed on reservation or tribal trust land

Action-Specific ARARs and TBC Information

Media	Requirement	Requirement Synopsis	Status and Rationale
All	NAVAJO NATION Diné Radioactive Materials Transportation Act	Opposes the transportation of radioactive and related substances, equipment, vehicles, persons and materials over and across Navajo Nation lands, except for purposes of transporting uranium ore or product from past uranium mining or milling operations for disposal at an appropriate long-term facility outside of Navajo Indian country or at an appropriate temporary facility within Navajo Indian country and approved by the Navajo Nation Environmental Protection Agency.	Substantive requirements may be applicable to activities on reservation and tribal trust land

All	NAVAJO NATION Navajo Nation CERCLA (4 Navajo Nation Code §§2101 et seq.)	Provides for the regulation, assessment, containment, removal, and monitoring of hazardous substances, pollutants and contaminants on sites in the Navajo Nation; ensures the health, safety and general welfare of all the residents of the Navajo Nation; and protects plants and animal life, property values, and cultural resources of the Navajo Nation	Substantive requirements may be applicable to activities on reservation and tribal trust land
All	NAVAJO NATION Navajo Nation Fundamental Law (1 Navajo Nation Code §§201-206)	The Navajo people, or the Diné, have an obligation under the Diné Fundamental Laws to respect, preserve and protect Mother Earth as stewards and guardians for the benefit of future generations. The Fundamental Laws are codified in 1 Navajo Nation Code (N.N.C.) §206.	Substantive requirements may be applicable to activities on reservation and tribal trust land
All	NAVAJO NATION Navajo Nation Environmental Protection Act, Title 4 of the Navajo Nation Code	Declares the policy of the Navajo Nation to use all practicable means to create and maintain conditions under which humankind and nature can exist in productive harmony. Directs agencies to use all practicable means to fulfill the responsibilities of each generation as trustee of the environment for succeeding generations; to promote recycling and the use of renewable resources; to reduce or eliminate the waste of resources; to eliminate unnecessary destruction, depletion, degradation, and disturbance of natural resources in the extraction or use of other resources; to attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable consequences; to ensure that activities within the Navajo Nation that may substantially disturb the environment are conducted in a manner to minimize such disturbance to the extent feasible and practicable; to ensure that any person or entity doing business on or otherwise carrying on activities within the Navajo Nation is required to remediate any environmental damage caused in the course of business and to provide ample security for the costs of any such remedial actions in the event that such person or entity fails to satisfy such requirements; to ensure that damage to or contamination of the environment which occurred in the past is remedied, and that the appropriate person or entity be held accountable for the costs of such remediation; to preserve important cultural, religious, historic, and natural aspects of the Navajo Nation.	Substantive requirements may be applicable to activities on reservation and tribal trust land