

September 11, 2019

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

| Chemical-Specific ARARs and TBC Information | | | |
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| 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 discharge of pollutants to surface water |
| Solid Wastes | NAVAJO NATION Navajo Nation Solid Waste Act – Subchapter 2 – Prohibited Act; Navajo Nation Solid Waste Regulations – Part 9 – Collection and Transportation of Solid Waste | Protect the health, safety, and preserve the resources of the NN. Regulates collection, transportation and disposal of solid waste. Limits discharge of pollutants to waters of the United States. Limits emission of air contaminants. | Substantive requirements may be applicable to collection, transportation and disposal of covered solid wastes. |
| Water | NAVAJO NATION Navajo Nation Clean Water Act and Navajo Nation Surface Water Quality Standards – 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 that might result in discharge of pollutants or contaminants to water. |

| Location-Specific ARARs and TBC Information | | | |
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| 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 |
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| All | NAVAJO NATION Navajo Nation CERCLA (4 Navajo Nation Code §§2101 et seq.) | Unlike federal CERCLA, Navajo Nation CERCLA does apply to petroleum, including crude oil and fractions thereof. Provides for the regulation, assessment, containment, removal, and monitoring of hazardous substances, pollutants and contaminants on sites in the Navajo Nation. | Substantive requirements may be applicable to activities on reservation and tribal trust land |

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| 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. | Substantive requirements may be applicable to activities on reservation and tribal trust land |