

**ONEIDA INDIAN NATION
SOLID WASTE MANAGEMENT AND PROCESSING FACILITY REGULATIONS**

Article I - General Provisions

Section 101. Purpose

These Regulations are enacted to protect and promote the health, safety, and welfare of the Nation; regulate and ensure the orderly and appropriate development, construction and operation of any Solid Waste Management and Processing Facility to be located on Nation lands; and to avoid, minimize and/or mitigate, to the greatest extent practicable, any adverse environmental impacts.

Section 102. Scope

These Regulations are promulgated under the authority of the Solid Waste Facility Ordinance, Ordinance No.: O-24-01 (the "Ordinance"). These Regulations shall be interpreted and implemented in a manner consistent with the Ordinance.

These Regulations apply to lands, structures, and facilities on Nation Lands, wherever situated, that will accept, manage and/or process solid waste.

Section 103. Definitions

For purpose of these Regulations, including the Appendices hereto:

- A. "Authorized Waste" means the types of solid waste that the Facility is authorized to accept, store, manage and/or process, which is limited to Municipal Solid Waste and Organic Waste, and under no circumstance shall include Unauthorized Waste.
- B. "Applicant" means the person, corporation or other legal entity that is seeking to obtain a Facility Permit authorized by the Ordinance and these Regulations.
- C. "Bond" means a security interest providing security for the performance of a duty or the payment of a debt.
- D. "Determination of Significant Effect" means a determination by the Nation's Environmental Manager addressing whether the construction or operation of a Facility, the issuance of a Facility Permit, or the activities authorized under a Facility Permit, will have a Significant Effect on the Environment.
- E. "Environmental Remediation" means the clean-up or remediation of all wastes, including Hazardous Wastes, pollutants, and contaminants at a Facility Site in a manner and to levels identified by the Nation's Environmental Manager or as otherwise required by applicable laws.
- F. "Financial Assurance Instrument" means a security interest in the form of a Bond, letter of credit, or other instrument acceptable to the Nation Representative(s) in his sole discretion.

- G. “Facility Closure Financial Assurance” means a Financial Assurance Instrument that provides security for the performance of an Operator’s Facility Closure Obligations.
- H. “Facility Closure Obligations” means an Operator’s obligations upon closure of a Facility, which shall include the requirements and obligation under these Regulations, a Facility Permit, and a Facility Closure Plan.
- I. “Facility Closure Plan” means the closure plan that an Applicant must submit as part of the Facility Permit application, which includes the information set forth in Appendix A to these Regulations.
- J. “Facility Emergency Response Plan” means the emergency response plan that an Applicant must submit as part of the Facility Permit application, which includes the information set forth in Appendix A to these Regulations.
- K. “Facility Engineering Report” means the engineering report that an Applicant must submit as part of the Facility Permit application, which includes the information set forth in Appendix A to these Regulations.
- L. “Facility Operation and Maintenance Plan” means the operations and maintenance plan that an Applicant must submit as part of the Facility Permit application, which includes the information set forth in Appendix A to these Regulations.
- M. “Facility Plans” means, collectively, the Facility Site Plan, Facility Engineering Report, Facility Waste Control Plan, Facility Operation and Maintenance Plan, Facility Training Plan, Facility Emergency Response Plan, and Facility Closure Plan, which are required to be submitted with the Facility Permit application.
- N. “Facility Site” or “Site” means the parcel of property where a Facility is located.
- O. “Facility Site Plan” means the site plan that an Applicant must submit as part of the Facility Permit application, which includes the information set forth in Appendix A to these Regulations.
- P. “Facility Training Plan” means the training plan that an Applicant must submit as part of the Facility Permit application, which includes the information set forth in Appendix A to these Regulations.
- Q. “Facility Waste Control Plan” means the waste control plan that an Applicant must submit as part of the Facility Permit application, which includes the information set forth in Appendix A to these Regulations.
- R. “Hazardous Waste” means waste that is hazardous, toxic, corrosive, carcinogenic, or otherwise dangerous to humans or to the environment, or is designated as a hazardous waste, hazardous substance, hazardous material, medical waste, special waste, radioactive material, pollutant, contaminant or toxic substance (or words of similar meaning or import) under any law, and which includes petroleum and petroleum products, polychlorinated biphenyls, asbestos or asbestos-containing materials, chlorinated solvents, radon gas, or

per- and polyfluoroalkyl substances.

- S. “Historic Resources Specialist Determination” means a determination by the Nation’s Historic Resources Specialist addressing the potential effects of the construction or operation of a Facility, the issuance of a Facility Permit, or the activities authorized under a Facility Permit, on Nation burials or resources of religious or cultural significance to the Nation.
- T. “Municipal Solid Waste” or “MSW” means residential waste, commercial waste, or institutional waste, or any component or combination thereof, excluding construction and demolition debris and biosolids and Unauthorized Wastes.
- U. “Nation” means the Oneida Indian Nation.
- V. “Nation Environmental Review” or “NER” means the process required by the Ordinance and these Regulations to determine whether the construction or operation of a Facility, the issuance of a Facility Permit, or the activities authorized under a Facility Permit, will have a Significant Effect on the Environment.
- W. "Nation’s Historic Resources Specialist" or "Historic Resources Specialist" means the individual responsible for designing, implementing and operating the Nation’s historic and cultural preservation program, which includes researching, advising, and executing Nation policies on matters of historical and cultural significance, including repatriation and assessing the historical and cultural significance of materials, places and events.
- X. “Nation Lands” means any lands possessed by the Nation within the Oneida Reservation.
- Y. “Nation Law” means the procedural and substantive laws adopted by the Nation pursuant to the authority vested in the Nation by virtue of its sovereign and inherent powers of self-government.
- Z. “Organic Waste” means any material found in the waste stream that can be broken down into, or otherwise become part of, usable compost, such as food scraps, soiled paper, and plant trimmings, and may also include disposable plastic food service ware and bags that constitute compostable plastics.
- AA. “Operator” means the person, corporation, or other legal entity responsible for operating a Facility, and that will be the Applicant for, and the holder of, a Facility Permit.
- BB. “PFAS” means per- and poly-fluoroalkyl substances.
- CC. “Significant Effect on the Environment” means a substantial adverse change in the environment, including without limitation, land, air, water, minerals, flora, fauna, ambient noise, cultural areas, and objects or areas of historic, cultural, or aesthetic significance.
- DD. “Solid Waste Management and Processing Facility” or “Facility” means a building,

structure, or facility that is constructed and operated for the purpose of accepting, managing, and/or processing solid waste.

- EE. “Solid Waste Management and Processing Facility Permit” or “Facility Permit” means a non-assignable agreement between the Nation and an Operator, whereby the Operator is granted a temporary, revocable authorization to construct and operate a Solid Waste Management and Processing Facility on Nation Lands.
- FF. “Unauthorized Waste” means all solid waste other than Authorized Waste, where such waste may not be accepted, stored, managed or processed at a Facility, and which includes without limitation, Hazardous Wastes, electronic wastes, or mercury containing wastes

Article II – Solid Waste Management and Processing Facility Requirements

Section 201. Applicability

These Regulations apply to the construction, operation, permitting, and closure of any Solid Waste Management and Processing Facility on Nation Lands.

Section 202. Facility Requirements in General

- A. A Facility shall only be authorized to accept, store, manage, and/or process Authorized Waste.
- B. A Facility may not be constructed or operated on Nation Lands unless and until the Operator of such Facility receives a Facility Permit from the Nation’s Environmental Manager.
- C. The Nation’s Environmental Manager shall not issue a Facility Permit if the Nation’s Environmental Manager determines, based upon the NER, that the construction or operation of such Facility or the activities authorized by a Facility Permit, will have a Significant Effect on the Environment.
- D. Any Facility Permit must include measures to avoid, minimize, and mitigate environmental effects, consistent with the requirements of these Regulations.

Section 203. Facility Design and Construction

- A. A Facility shall be designed and constructed in strict compliance with the Ordinance, the Nation’s Land Use, Environmental, Health & Safety Ordinance (Ordinance No.: O-14-03), these Regulations and regulations promulgated by the Nation’s Land Use, Environmental, Health & Safety Ordinance, the Facility Permit, any other requirements mandated by the Nation’s Environmental Manager, or the Nation’s Code Enforcement Officer, and including requirements imposed under the Nation Environmental Review process and all applicable laws and regulations.

- B. The Operator must protect against unauthorized access to the Facility by use of fencing, gates, signs, natural barriers, or other suitable means acceptable to the Nation's Environmental Manager and enumerated in the Facility Plans.
- C. All equipment, storage containers, and storage areas shall be sufficient for the quantity and type of waste to be received, managed, and processed at the Facility.
- D. All floors and working areas shall be adequately drained and properly maintained, and standing water shall be minimized.
- E. A Facility Site shall be properly graded, and measures shall be taken as needed to prevent soil erosion, runoff, and to minimize ponding.
- F. The Facility's processing, storage, loading, and unloading areas must be constructed of concrete or asphalt paving material and equipped with adequate drainage structures.
- G. To the greatest extent possible, existing roadways shall be used for access to the Facility Site. Roadways shall be constructed in a way that allows for the passage of emergency vehicles in the event of an emergency.
- H. A Facility's site plan and design shall accommodate expected traffic flow in a safe and efficient manner, with Facility roadways being passable in all weather conditions.
- I. The feedstock reception and product/recyclables storage areas shall be sized in excess of the normal daily volumes and to the extent required to accommodate excess waste in the event that inclement weather or other circumstances disrupt and create a back log of feedstock deliveries and product/recyclable removals at the Facility.
- 1. Upon completion of construction, a licensed engineer must certify in writing that the construction is in accordance with the terms of the Facility Permit. Operation of the Facility shall not commence until such certification is received and deemed acceptable by the Nation's Environmental Manager.
- J. The Operator shall provide the Nation with a completion guarantee for the completion of the initial construction of the Facility and for any significant restoration or alteration at the Facility or Facility Site (the "Completion Guarantee").
 - 1. A Completion Guarantee shall be a Financial Assurance Instrument, obtained from a Surety in favor of the Nation in an amount and form, and subject to terms and conditions, satisfactory to the Nation Representative(s) or his designee, to secure the Operator's obligation to complete either (i) the initial construction of the Facility; or (ii) any significant restoration or alteration of the Facility or Facility Site.
 - 2. If the Operator fails to timely complete the construction of the Facility or timely complete any significant restoration or alteration of the Facility or Facility Site, the Nation Representative(s) may elect to, but shall not be required to, complete any such construction, restoration, or alteration, and shall be entitled to use the proceeds from the Financial Assurance Instrument to recover any associated costs.

3. The Nation Representative(s), in his sole discretion, shall establish the amount of any Completion Guarantee.
4. The Operator shall deposit with the Nation's General Counsel the Financial Assurance Instrument required in connection with a Completion Guarantee for (i) the initial construction of the Facility prior to commencing the initial construction of the Facility, or (ii) any significant restoration or alteration of the Facility prior to commencing construction of such restoration or alteration.

Section 204. Waste Transport, Loading, and Unloading

A. Waste Transport

1. The Facility may only accept waste from a transporter authorized to transport the waste under applicable law.
2. A Facility must not accept waste, or allow waste to be removed from, a Facility unless (i) the vehicle transporting the waste is adequately covered to prevent waste and leachate from escaping the vehicle or (ii) the waste is containerized.
3. A maximum of seven (7) trucks per hour are authorized to deliver the MSW feedstock to and to remove products from a Facility.
4. Trucks shall leave immediately after unloading waste in order to make space in the enclosed area for the next vehicle.

B. Loading/Unloading Waste

1. An Operator must ensure that all unloading and loading areas are adequate in size and are designed to facilitate efficient movement of waste to and from the collection vehicles and to facilitate the unobstructed movement of such vehicles.
2. Waste shall be loaded and unloaded in an enclosed negative-pressure environment that is designed to minimize emissions of both odors from the feedstock and pollutants from the delivery trucks.

Section 205. Waste Acceptance and Control

- A. A Facility shall establish and implement procedures for detecting and preventing the receipt of Unauthorized Waste at the Facility, which shall include, but not be limited to: (i) random inspections of incoming loads; (ii) inspections of suspicious loads; (iii) records of inspections; (iv) notification procedures if Unauthorized Waste is discovered in a load; (v) procedures for proper management of discovered Unauthorized Waste; and (vi) notification and signage indicating the prohibition against Unauthorized Waste at the Facility.
- B. An Operator shall institute, maintain, and enforce the Facility Waste Control Plan.

- C. An Operator shall ensure that only Authorized Waste is accepted at the Facility.
- D. An Operator shall post clearly legible signs at all public access points indicating the types of waste accepted and not accepted at a Facility.
- E. An Operator shall establish and implement procedures regarding the inspection of incoming loads of waste.
- F. An Operator shall specify the types of waste that are authorized to be accepted at the Facility in contracts with waste suppliers.
- G. If Unauthorized Waste is delivered to the Facility, it must be adequately segregated, secured, and contained in order to prevent leakage or contamination of the environment and must be removed within seven (7) days after receipt, unless a different period is authorized by the Facility Waste Control Plan or the Nation's Environmental Manager.

Section 206. Waste Storage

- A. No waste shall be managed, processed, or stored outside of the Facility.
- B. The Facility shall process feedstock as soon after delivery as practicable to preclude the need for long-term storage, with the exception of waste moved to a special area of the Facility to be inspected for the presence of wastes other than Authorized Wastes.
- C. The maximum storage time for unprocessed feedstock shall be three (3) days.
- D. All residue or refuse derived fuel must be removed from the Facility whenever storage capacity is reached or within three (3) calendar days of processing, whichever comes first.
- E. The products and separated recyclables may be stored on-Site for no more than ten (10) days before being transported from the Facility.
- F. Processed recyclables can be stored for a maximum of sixty (60) calendar days unless authorized by, and subject to conditions imposed by, the Nation's Environmental Manager.
- G. Separated recyclables shall remain fully contained while stored on-Site and when moved off-Site.
- H. The Operator must ensure that waste at the Facility is confined to an area that can be effectively maintained, operated, and controlled.

Section 207. Facility Operations and Maintenance

- A. The Operator shall comply with the requirements of this Section 207 and the Facility Permit in connection with operating and maintaining the Facility.
- B. The Facility may operate 24 hours a day/seven days a week, however, waste delivery and removals by trucks shall be limited to Monday – Friday from 8:00 a.m. to 6:00 p.m.

- C. A Facility employee must be on duty at a Facility whenever the Facility is open and operating.
- D. Equipment and systems required to process or manage waste at the Facility shall be properly operated, calibrated, and maintained at all times.
- E. In the event of an unscheduled total Facility shutdown, during which no waste is able to be processed at the Facility for a period of 24 hours or longer, the Operator shall immediately notify the Nation's Environmental Manager and describe the incident and how waste management activities have been affected and will proceed.
- F. An Operator shall monitor and inspect the Facility for malfunctions, deteriorations, Operator errors, and incidents at least on a daily basis when the Facility is operating. The Operator must immediately undertake any and all measures needed to eliminate any violation of these Regulations or the Facility Permit. Inspections and measures taken by the Operator pursuant to this section are not a substitute for, and do not preclude, the Nation's Environmental Manager or Code Enforcement Officer from conducting inspections and exercising enforcement authorities under these Regulations.
- G. The area designated for unloading of all incoming loads (tipping floor) must be cleaned at the end of each operating day.
- H. An Operator must ensure that storage volumes and throughput limits established for a Facility and included in a Facility Permit are not exceeded.
- I. All drainage and wash waters shall be collected and handled as required in the Facility Permit and in a manner acceptable to the Nation's Environmental Manager.
- J. Litter that may be blown shall be confined to waste holding and operating areas by fencing or other suitable means. Any litter outside the waste holding area must be controlled.
- K. An Operator must ensure that dust is effectively controlled so that it does not constitute a nuisance as determined by the Nation's Environmental Manager and must undertake all measures required by the Nation's Environmental Manager, the Nation Code Enforcement Officer, the Facility Permit, and all applicable laws to maintain and control dust at, and emanating from, the Facility.
- L. An Operator must ensure that odors are effectively controlled so that they do not constitute a nuisance as determined by the Nation's Environmental Manager.
- M. The Operator must ensure that noise from the Facility is controlled so as not to constitute a nuisance as determined by the Nation's Environmental Manager.
- N. External access shall be kept to a minimum, with bay doors opening just long enough to allow truck entry and then shutting immediately afterward.

Section 208. Environmental Protections

- A. The Operator shall protect water quality by: (i) preventing waste from being deposited in or entering surface waters or groundwater; (ii) operating the Facility in a manner that minimizes the generation of leachate and prevents leachate from entering surface waters or groundwater; and (iii) implementing adequate stormwater control measures.
- B. The Operator shall limit the impacts of PFAS to the environment, as follows:
 - 1. Employ measures designed to maximize the destruction of PFAS content in waste received, managed, and processed at the Facility.
 - 2. Prevent any PFAS that is not destroyed from escaping the Facility.
 - 3. Remove the maximum amount of PFAS possible in all materials that are processed at and then transported from the Facility.
 - 4. Handle outputs in a manner that will minimize opportunities for any remaining PFAS to escape into the surrounding environment.
 - 5. Operate in a negative-pressure enclosed environment to keep particulates potentially containing PFAS from leaving it, and to ensure that access of the internal environment to the outside of the Facility is controlled, either in the form of outputs leaving on trucks or exhaust products passing through pollution control systems.
 - 6. “Brush clean” feedstock areas without liquids to ensure that PFAS-contaminated liquids are unable to leave the facility as run-off.
 - 7. Prohibit the use of a liquid wash process to clean the autoclaves to minimize opportunities for any PFAS that remain inside of them after their depressurization and unloading to leave the Site through the Facility’s wastewater system.
 - 8. Utilize a three-stage effluent filtration system that uses granulated activated carbon and reverse osmosis steps for PFAS contamination mitigation.
- C. Tracking of soil, waste, leachate, and other materials from the Facility onto off-Site roadways shall be prevented.
- D. Vehicles waiting to deliver or remove waste from the Facility shall limit idling to no more than five (5) minutes.
- E. In order to prevent truck idling at the Facility, truck arrivals shall be evenly spaced, with contractual penalties being imposed on the contracted haulers for failure to arrive on schedule.
- G. The Nation’s Environmental Manager, at his sole discretion, may require environmental monitoring services at the Facility anytime during the construction,

operation, or closure of the Facility, where the Nation's Environmental Manager believes such monitoring is necessary or advisable due to: (1) the compliance history or past practices of the Operator, or (2) circumstances where past or current practices at the Facility have resulted in conditions that pose a threat to public health or the environment, or indicate that significant adverse environmental or health impacts are likely to occur. The Operator shall be responsible for payment of such environmental monitoring services, and Operator's failure to make such payments shall be a violation of these Regulations.

Section 209. Recordkeeping and Reporting

- A. The Operator shall maintain at the Facility and make readily available for inspection, a copy of all information and data submitted or required as part of the application for the Facility Permit.
- B. The Operator shall maintain at the Facility or other location approved by the Nation's Environmental Manager, and make readily available for inspection for a period of no less than seven (7) years from the date a particular record was created, the following operating records:
 - 1. Daily logs of (i) wastes received at the Facility that identify the waste type, quantity, date received, and the location where the waste was generated, and (ii) the quantity and destination of any waste, products, or recyclables that are transported from the Facility;
 - 2. Routine inspection logs that include, at a minimum: (i) the date and time of the inspection, (ii) the name of the inspector, (iii) a description of the inspection, including the identity of specific equipment and structures inspected, (iv) the inspector's observations, and (v) the date and nature of any remedial actions implemented, or repairs made, as a result of the inspection;
 - 3. All monitoring information necessary for compliance with these Regulations, the Facility Permit, and any applicable law, including any other permit or authorization required under applicable law;
 - 4. Records documenting training programs, schedules, and certifications as required by the Facility Training Plan; and
 - 5. Any other information required by a Facility Permit.
- C. Unauthorized Waste Reporting
 - 1. If the Operator determines that the Facility has accepted Unauthorized Waste, the Operator must maintain at the Facility a record of each such incident, identifying (a) the date and time of the incident; (b) a description of the incident; (c) contact and vehicle information for the waste transporter that delivered the Unauthorized Waste; (d) identification of

and contact information for the generator of the Unauthorized Waste; (e) a description of the response to the incident; and (f) the disposition location of the waste.

2. The Operator must include this Unauthorized Waste information in the Facility Annual Report.

D. Annual Report.

1. The Operator shall submit a completed Annual Report to the Nation's Environmental Manager that includes information requested by, and in a format acceptable to, the Nation's Environmental Manager, no later than March 1 of each year for the previous calendar year. A copy of the most recent Annual Report must be maintained at the Facility and be available for inspection.
2. The Annual Report shall be signed by the Operator and shall include the following certification: *"I certify, under penalty of law, that the data and other information identified in this report have been prepared under my direction and supervision in compliance with a system designed to ensure that qualified personnel properly and accurately gather and evaluate this information. I am aware that any false statement knowingly made in this report constitutes a violation of these Regulations."*

ARTICLE III- Facility Permit

- A. No person, firm, corporation, or other entity shall construct or operate a Solid Waste Management and Processing Facility on Nation Lands without first obtaining a Solid Waste Management and Processing Facility Permit from the Nation's Environmental Manager, as provided in the Ordinance and these Regulations.
- B. The Nation's Environmental Manager shall not issue a Facility Permit unless and until the following requirements have been satisfied:
 1. The Nation's Environmental Manager issues a written determination that the Facility will satisfy these Regulations and will not constitute a threat to health, safety, or the environment.
 2. The Nation's Environmental Manager has concluded the Nation Environmental Review process by providing a Determination of Significance to the Nation Representative(s) that finds that the Facility will not have a Significant Effect on the Environment.
 3. The Operator has delivered the Completion Guarantee and Facility Closure Financial Assurance to the Nation, and the Nation has determined that such financial assurances are acceptable under and satisfy the requirements of these Regulations.

4. The Operator has provided the Nation Representative(s) with documentation confirming, to the Nation Representative(s) satisfaction, that Operator has secured insurance that meets the requirements of these Regulations.
 5. The Operator has secured, or demonstrated to the Nation's Environmental Manager's satisfaction that Operator will timely secure, all permits and approvals required for the construction or operation of the Facility under applicable laws, including without limitation, laws governing the emission of pollutants into the environment.
- C. An application for a new Facility Permit must include the following:
1. Operator's contact information.
 2. Facility Plans.
 3. Payment of the Facility Permit application fee.
- D. The Facility Plans, and the requirements in such Facility Plans, shall become part of the Facility Permit and shall be binding upon the Operator.
- E. The Nation Representative(s) or his designee shall determine the amount of the Facility Permit application fee that an Applicant must submit as part of the Facility Permit application. The Facility Permit application fee shall be sufficient to cover the costs of a qualified professional to (i) review the Facility Permit application materials; and (ii) to confirm that the proposed Facility will comply with these Regulations, and does not pose a threat to health, safety, or the environment.
- F. The term of a Facility Permit shall not exceed twenty-five (25) years, unless renewed in accordance with these Regulations. The Facility Permit shall expire at the earlier of (i) the end of the term or any renewal term (if the Facility Permit is not further renewed) or (ii) if the Facility ceases normal operations, including ceasing to operate, for more than six (6) consecutive months, at the end of such six (6) month period.
- G. Any violation of the conditions of a Facility Permit shall be deemed a violation of these Regulations and shall be subject to enforcement actions as provided in these Regulations, including revocation of the Facility Permit.
- H. An application to modify a Facility Permit must include a description of the proposed modification, a description of the impacts of the proposed modification on the Facility, amendment of the Facility Plans to the extent necessary to reflect the proposed modification, a supplement to the Environmental Assessment Form (EAF) if deemed necessary by the Nation's Environmental Manager, and a demonstration that, under the proposed modified Facility Permit, the Facility will comply with applicable parts of these Regulations.
- I. A Facility Permit that is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on

behalf of the Operator shall be void. This section shall not be construed to affect the remedies available to the Nation under these Regulations.

- J. A complete application for renewal of a Facility Permit must be submitted at least 180 days before the then current Facility Permit expires, and shall include the following: (i) a demonstration that the Facility will be capable of compliance with all applicable requirements of the Ordinance, these Regulations, all Facility Permit conditions, and all applicable laws; and (ii) submission of updated Facility Plans, or a demonstration that no such updates are necessary.
- K. All Facility Permits shall be governed by and construed in accordance with Nation Law, unless such requirements are waived, in writing, by the Nation Representative(s) or his designee.

ARTICLE IV- Facility Closure Requirements

Section 401. Facility Closure Generally

An Operator shall comply with the terms, conditions, and requirements included in the Facility Closure Plan, which shall require the Operator to undertake and fund Environmental Remediation, and, at the option of Operator, either Facility Removal or Marketable Condition Restoration, as such terms are defined in the Facility Closure Plan.

Section 402. Facility Closure Financial Assurances

The Operator shall provide the Nation with financial assurances in connection with fulfillment of the Operator Facility Closure obligations, as follows:

- A. The Facility Closure Financial Assurance shall be a Financial Assurance Instrument obtained from a Surety, in favor of the Nation in an amount and form, and subject to terms and conditions satisfactory to, the Nation Representative(s) or his designee, to secure the Operator's Facility Closure Obligations. Financial Assurance Instruments shall be deposited with the Nation's General Counsel.
- B. If the Operator fails to timely fulfill the Operator Facility Closure Obligations, the Nation Representative(s) may elect to, but shall not be required to, undertake and fulfill any such Operator Facility Closure Obligations, and shall be entitled to use the proceeds from the Facility Closure Financial Assurance to recover any associated costs.
- C. The Nation Representative(s), in his sole discretion, shall establish the amount of the Facility Closure Financial Assurance, which shall be based upon the cost of hiring third-party licensed and qualified professionals and include an appropriate contingency factor, for the following:
 - 1. Loading, transporting, and disposing of the maximum waste storage capacity at the Facility;
 - 2. Conducting an Environmental Remediation;

3. The greater cost of Facility Removal or Marketable Condition Restoration; and
 4. Completing any other Operator Facility Closure Obligation.
- D. The Facility Closure Financial Assurance amount shall not incorporate any salvage value that may be realized with the sale of materials, Facility structures or equipment, or other assets associated with the Facility at the time of closure.
- E. Facility Closure Financial Assurance Cost Estimate Adjustments.
1. Every five (5) years during the initial Facility Permit term or a renewal term, upon a request for a Permit modification, or six months before the expiration of the Facility Permit term or a renewal term, the Facility Closure Financial Assurance Cost Estimate shall be reviewed by the Nation's Environmental Manager and Operator and adjusted to account for inflation and any changes in the design, conditions, or operations of the Facility or at the Facility Site.
 2. Following any such review and determination of the need for a Facility Closure Financial Assurance Cost Estimate Adjustment, the Nation Representative(s) may, but shall not be required to, require Operator to adjust the Facility Closure Financial Assurance Bond amount accordingly.

Article V- Insurance

The Operator shall obtain, and maintain throughout the term of Facility operations, insurance from a nationally accredited insurance company with a financial strength rating of "A" or equivalent and that is authorized to do business in the State of New York. Such insurance shall:

- A. Protect the interests of the Operator and the Nation, and be in amounts sufficient to protect all insurable improvements on the Site, including the Facility and its equipment;
- B. Include, without limitation, property, liability and casualty insurance, including personal injury or death, business interruption coverage when required by the Nation Representative(s) or his designee, and such other insurance as specified in the Facility's Lease; and
- C. Expressly identify the Nation, and such other party(ies) as required by the Nation Commercial Leasing Regulations, as an additional insured party.

Article VI - Administration and Enforcement

Section 601. Nation's Environmental Manager

The Nation's Environmental Manager shall have the powers and authorities necessary to administer and enforce the terms of these Regulations, including any Facility Permit issued under these Regulations, as more specifically set forth in these Regulations. Whenever the Nation Representative(s) deems necessary or desirable, the Nation Representative(s), the

Nation Representative's designee, or the Nation's Code Enforcement Officer may fulfill the powers and authorities of the Nation's Environmental Manager under these Regulations.

Section 602. Inspections

- A. The Nation's Environmental Manager shall be authorized to enter the Site and the Facility at a reasonable time and upon reasonable notice to determine whether the Operator and the Facility are in compliance with these Regulations, any Facility Permit, or any other laws applicable to the Facility.
- B. If the Nation's Environmental Manager reasonably believes that an imminent and substantial endangerment to human health, safety, or the environment exists, the Nation's Environmental Manager may enter and inspect the Site and the Facility at any time and without the need to provide notice.
- C. The Nation's Environmental Manager may impose such reasonable requirements and conditions as may be deemed necessary to ensure compliance with these Regulations and the Facility Permit.

Section 603. Violations and Penalties

- A. Violations under these Regulations shall include, but are not limited to:
 - 1. Failure to comply with any term, condition, or requirement included in these Regulations or in a Facility Permit;
 - 2. Violating disobeying, omitting, neglecting, or otherwise refusing to act in compliance with any order issued by the Nation's Environmental Manager;
 - 3. Constructing, modifying, or operating the Facility in a manner that conflicts with the Facility Plans and/or the Facility Permit; and
 - 4. An Applicant or Operator providing false or misleading information in any submissions to the Nation, including in a Facility Permit application, Facility Plans or any Facility report.
- B. The Nation's Environmental Manager shall have the authority to issue a notice of violation to any persons, including the Operator, who are in violation of these Regulations, a Facility Permit, or any applicable laws.
- C. Where the Nation's Environmental Manager determines that an Operator is violating or has violated, or a Facility is otherwise in violation of, these Regulations, a Facility Permit, or any applicable laws, the Nation's Environmental Manager may take one or more of the following actions:
 - 1. Issue a written notice of violation to an Operator indicating the nature of the violation and ordering the actions required to cure such violation(s);

2. Order (i) discontinuance via a stop work order of illegal, unauthorized or dangerous uses of land, buildings, structures, the Facility or the Facility Site; or (ii) removal of illegal or unauthorized buildings or structures, additions, alterations, or structural changes to the Facility.
 3. Order the Operator to cease operations at the Facility.
 4. Issue appearance tickets for violations of these Regulations, requiring appearance in Nation Court.
 5. Revoke or suspend a Facility Permit.
 6. Issue a penalty, as authorized under these Regulations.
 7. Take any other action authorized by these Regulations to ensure compliance with or to prevent violation of these Regulations, a Facility Permit, or any applicable law.
- D. If the Nation's Environmental Manager determines that a violation has occurred, and such violation does not require immediate action to protect health, safety, or the environment, the Nation's Environmental Manager shall send the Operator a notice of violation within five (5) business days of such determination, which shall indicate the nature of the violation, the actions required to correct the violation, the time period allowable to cure the violation, if any, and whether the Facility shall cease operations pending compliance. The notice of violation may be provided by electronic transmission and by certified mail, return receipt requested. Upon receiving the notice of violation, the Operator shall:
1. Cure the violation within the time identified in the notice of violation, if the notice of violation allows for the opportunity to cure, and notify the Nation's Environmental Manager in writing (with supporting documentation if available) that the violation has been cured; or
 2. Notify the Nation's Environmental Manager that the Operator does not agree with the determination of violation by the Nation's Environmental Manager and explain why no violation has occurred and/or why further enforcement action should not be taken; or
 3. Request additional time to cure the violation.
- E. If the Nation's Environmental Manager determines that a violation has not been cured within the prescribed period, the Nation's Environmental Manager may, in his or her sole discretion:
1. Take any of the actions authorized under Section 603.C of these Regulations;
 2. Grant an extension of time to cure the violation, whereby the Operator shall proceed diligently to perform and complete the corrective actions within a

reasonable time period set by the Nation's Environmental Manager and to the satisfaction of the Nation's Environmental Manager; or

3. Pursue other remedies, including execution on Financial Assurance Instruments, other security, or collection of insurance proceeds; or
 4. Any combination of actions listed above.
- F. If the Nation's Environmental Manager revokes a Facility Permit, the Nation's Environmental Manager shall send the Operator a revocation letter within a reasonable time period, by certified mail, return receipt requested, that shall explain the grounds for cancellation; notify the Operator of any money due to the Nation under these Regulations or the Facility Permit; and order the Operator to cease operations and commence Operator Closure Plan Obligations within a number of days after mailing of the cancellation letter to be set by the Nation's Environmental Manager.
- G. A violation of these Regulations or a Facility Permit is hereby declared to be an offense punishable by up to \$5,000 per day, where each day that a violation continues constitutes a separate violation.

Article VII - Environmental Review Process

Section 701. General

A Facility Permit shall not be issued until the Nation's Environmental Manager completes the Nation Environmental Review Process by issuing a Determination of Significant Effect. Where a Nation Environmental Review process is also required in connection with the leasing of Nation Lands, a single Nation Environmental Review process may be conducted, and a single Determination of Significant Effect may be issued, so long as the NER process to be conducted meets the requirements of both these Regulations and the Nation Commercial Leasing Regulations.

Section 702. Categorically Exclusion Prohibited

Neither the issuance of a Facility Permit, nor the construction or operation of a Facility, shall qualify for a Categorical Exclusion under the NER Process.

Section 703. Nation Environmental Review Process

- A. Operator must submit an EAF, in a form and substance required by the Nation's Environmental Manager, in order to identify and evaluate whether construction and operation of a Facility would have a Significant Effect on the Environment. The minimum requirements for an EAF for a proposed Solid Waste Management and Processing Facility are set forth in Exhibit B to these Regulations.
- B. An Applicant shall submit a completed EAF to the Nation's Environmental Manager and Historic Resources Specialist.

- C. With respect to any Facility for which a NER is being conducted: (i) the Historic Resources Specialist shall be responsible for undertaking, at the expense of the Applicant, any archeological reviews or surveys required for the Historic Resources Specialist to prepare the Historic Resources Specialist Determination; and (ii) the Nation's Environmental Manager shall be responsible for reviewing the EAF, which may include retaining an environmental professional to assist in such review, at the expense of the Applicant.

Section 704. Notice of Completion of EAF and Public Comments

- A. Upon a determination by the Nation's Environmental Manager that the Applicant has submitted a properly completed EAF, the Nation's Environmental Manager shall prepare a Notice of EAF Completion, which shall include all of the following information:
1. A brief description of the Facility;
 2. The proposed location of the Facility;
 3. A location where the EAF is available for review by Nation members; and
 4. Notice of a period of fifteen (15) days during which the Nation's Environmental Manager will accept written comments from Nation members on any Significant Effects on the Environment arising as a result of constructing or operating the Facility.
- B. The Nation's Environmental Manager shall post the Notice of EAF Completion at Nation member government programs and services offices to ensure that Nation members are sufficiently informed of the Notice of EAF Completion.

Section 705. Conclusion of Nation Environmental Review Process

- A. The Nation's Environmental Manager shall prepare, or cause the Applicant to prepare and submit to the Nation's Environmental Manager, responses to written comments from Nation members addressing Significant Effects on the Environment arising as a result of the proposed Facility. Upon reasonable request, responses shall be made available for review to a Nation member.
- B. The Nation's Environmental Manager shall issue a Determination of Significant Effect for the proposed Facility, which shall:
1. Include a statement that the NER process was properly followed;
 2. Identify any Significant Effects on the Environment;
 3. Include the Historic Resources Specialist Determination; and
 4. Include responses to relevant and substantive public comments.
- C. The Nation's Environmental Manager shall provide the Determination of Significant Effect

to the Nation Representative(s).

Article VIII - Miscellaneous Section Provisions

Section 801. Miscellaneous

The Nation does not, by enacting the Ordinance or these Regulations, waive in any respect its sovereign immunity, or that of its agents or officers, in any manner, under any law, for any purpose, or in any place. This Ordinance is not subject to review or modification in any state or federal court and is not subject to review or modification in any Nation court. These Regulations do not create any right, cause of action, or benefit enforceable at law or in equity by any person against the Nation, its agents, its officers or employees, or any other person.

Section 802. Interpretation

- A. The Nation does not, by enacting these Regulations, waive in any respect its sovereign immunity, or that of its agents or officers, in any manner, under any law, for any purpose, or in any place.
- B. These Regulations are not subject to review or modification in any state or federal court or by any authority outside the Nation.
- C. These Regulations do not create any right, cause of action, or benefit enforceable at law or in equity by any person against the Nation, its agents, its officers or employees, or any other person.
- D. These Regulations are not otherwise intended to interfere with, abrogate, or annul any other rules, regulations, laws or ordinances of the Nation, provided that wherever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted Nation rules, regulations, laws, or ordinances, the most restrictive, or those imposing the higher regulations, shall govern.

APPENDIX A

ONEIDA INDIAN NATION SOLID WASTE MANAGEMENT AND PROCESSING FACILITY REGULATIONS

FACILITY PLANS

Set forth below are the requirements associated with the Facility Plans that must be submitted as part of a Solid Waste Management and Processing Facility application for a Solid Waste Management and Processing Facility Permit, and which shall be incorporated, by reference or otherwise, into such Facility Permit.

A. Facility Site Plan. The Facility Site Plan must depict:

- the location of the proposed Facility and its acreage;
- the location of all public and private water wells, monitoring wells, surface water bodies, any wetlands, special flood hazard areas, including 100-year flood elevations, floodways, roads, residences, public areas, and buildings, on the Site and within 800-feet of the perimeter of the Site;
- the location of all proposed structures, appurtenances, screening, fences, gates, roads, parking areas, and areas designated for receiving, processing, and/or management of waste;
- the drainage characteristics of the proposed Facility and the Site, identifying the direction of stormwater flow, ditches, and drainage swales, together with any drainage controls that exist or will be implemented with Facility construction;
- the location of soil borings, if applicable;
- existing and proposed elevation contours; and
- the direction of prevailing winds.

B. Facility Engineering Report. The Facility Engineering Report must contain:

- a comprehensive description of the existing Site conditions;
- a full engineering analysis of the Facility, including engineering calculations and all raw data;
- a description of the overall process, including flow diagrams, and a functional description of all equipment to be used, including design criteria, engineering calculations, and anticipated performance; and
- engineering drawings and specifications that must contain information on known Site conditions, including depicting process flows, dimensions, elevations, floor plans, and cross-sectional views of the Facility, including all structures, areas designated for unloading, sorting, processing, managing, storing, and loading, and other waste management areas and equipment.

C. Facility Waste Control Plan. The Facility Waste Control Plan must describe:

- the Facility's service area, both inside and outside Nation Lands;

- the waste that will be accepted at the Facility including the type, source, and quantity. The description of the quantity must specify the expected average and maximum daily and annual amounts, on a weight and volume basis, and must be specified for each individual type of waste and for the total amount of waste accepted;
- inspection, education, and contractual measures to ensure that the Facility receives and treats only Authorized Waste, including a program to identify, control, segregate, quarantine, record, store, and dispose of Unauthorized Waste.
- if recyclables are managed at the Facility, a detailed plan must be included that describes the types of recyclables that will be recovered, the procedures that will be used for recovery and storage of the recyclables, and the disposition of recyclables when they leave the Facility; and
- a plan and procedures for detecting radioactive material, operation and maintenance documents for radiation detectors, including investigation alarm setpoint settings and calibration methods, and response procedures to be implemented when radioactive waste is detected.

D. Facility Operations and Maintenance Plan. The Facility Operations and Maintenance Plan must include:

- a description of the overall operation of the Facility, including design capacities, and procedures to be followed during start up and scheduled and unscheduled shutdown of operations;
- the type, purpose, size, capacity, and associated detention times for all waste handling, storage, and processing equipment and structures, including back-up facilities and equipment;
- a process flow diagram for waste during normal operation, which shall indicate the average and maximum quantity of waste handled on a weight and volume basis;
- a description of all machinery, equipment, and structures used for waste storage, management, and processing of waste at the Facility;
- a description of the drainage system used for the collection and storage of leachate and the method and location used for disposal of the leachate;
- the monitoring, maintenance, and inspection procedures related to waste management;
- a description of the actions to be taken in response to interruptions to the Facility's normal operations that are anticipated to last longer than two (2) days.
- the schedule of operation including the days and hours when the Facility will be open to accept and transfer waste, and the days and hours when operations will occur within the Facility;
- a list of all equipment and instruments requiring calibration and a schedule of proposed calibration intervals;
- the estimated maximum daily traffic flow to and from the Facility, the type and size of vehicles, and the maximum number of vehicles that can be accommodated on the Site;

- a detailed description of each waste management, processing, and treatment method and unit, including the operating parameters that will be attained to achieve the intended management, processing, and treatment, and the frequency, location, and method for monitoring the operating parameters;
- a discussion of compliance with the operating requirements as identified in applicable laws; and
- the location of all Facility records and reports required under the Regulations, the Facility Permit, and any other applicable law.

E. Facility Training Plan. The Facility Training Plan must identify:

- all of the Facility's personnel by title and responsibilities;
- the training program that will be used to educate Facility personnel and employees on the procedures necessary to operate under and ensure compliance with the Regulations, the Facility Permit, and all applicable laws; and
- the training that will be provided and all procedures and equipment that will be used during emergencies and contingencies.

F. Facility Emergency Response Plan. The Facility Emergency Response Plan must include the following:

- a description of actions that Facility personnel would take in response to emergencies including fires, explosions, natural disasters, and spills that occur at the Facility;
- identification of the personnel, equipment, and protocols to be utilized in response to each type of emergency;
- contact information for designated emergency contacts; and
- a description of the Facility's ability and proposed methods to respond to a natural or manmade disaster that may have a direct or indirect impact on the Facility itself.

G. Facility Closure Plan. The Facility Closure Plan shall require Operator to:

- perform any required Environmental Remediation;
- upon the expiration or revocation of the Facility Permit, at the option of Operator: (a) remove the Facility from the Site in its entirety and restore the land to its original state (such removal, a "Facility Removal"), or (b) restore the Facility to a Marketable Condition, where Marketable Conditions shall mean that (i) all furniture, fixtures, equipment and operating supplies, equipment and personal property have been removed from the Facility and Site to the extent required by the Nation's Environmental Manager; (ii) that the structure of the Facility, including the roof, walls and foundation, is sound and in good repair; (iii) the Facility has been decontaminated, and is broom clean and free of debris; (iv) the Facility is vacant of all tenancies and occupancies; (v) all mechanical, electrical, plumbing, and life safety systems are in good repair; and (vi) all keys and access codes to the Facility have been provided to the Nation;
- provide the Facility Closure Financial Assurances as required by the Regulations;
- comply with the following requirements: (1) notify the Nation's Environmental Manager

in writing thirty (30) days prior to the anticipated final receipt of waste and within seven (7) days of completion of all closure activities; (2) within thirty (30) days after receiving the final quantity of wastes, submit an Annual Report to the Nation's Environmental Manager; (3) within sixty (60) days after receiving the final quantity of waste, remove and deliver any remaining waste to a facility authorized to accept the waste; and (4) within ninety (90) days, or a longer period if agreed to by the Nation's Environmental Manager, complete the Facility Removal or deliver the Facility to the Nation in Marketable Condition;

- develop processes and procedures by which improvements will be dismantled and removed, excess material and waste, including but not limited to, non-native material, stone, concrete and asphalt, generated as part of the construction or operations will be removed from the Site, which shall include measures, such as management of waste, erosion and sedimentation control and other commonly accepted best management practices, to mitigate negative environmental effects; and
- develop procedures to avoid impacts to Nation Historic Resources, which shall include Operator providing notice to the Nation's Historic Resources Specialist before any closure, removal, reclamation, or restoration activities commence at the Site.

APPENDIX B

ONEIDA INDIAN NATION ENVIRONMENTAL ASSESSMENT FORM MINIMUM REQUIREMENTS SOLID WASTE MANAGEMENT AND PROCESSING FACILITIES

This Environmental Assessment Form Outline describes the minimum required content and the format of an Environmental Assessment Form (EAF) to be used by the Nation's Environmental Manager to determine whether a Solid Waste Management and Processing Facility on Nation Lands will have a Significant Effect on the Environment.

- I. COVER SHEET.** The cover sheet will include the type of document, title of the project, location, and the name and address of the Applicant and EAF preparer.
- II. TABLE OF CONTENTS.** The table of contents will list sections and subsections, tables, figures, drawings, appendices, and any items that may be submitted under a separate cover sheet (and identified as such), with page numbers listed for each.
- III. INTRODUCTION.**
 - a. Project Location and Description.** This section will identify the general project location. The project description will discuss the various elements of the project. The description must include, but is not limited to (i) land lease, (ii) construction of the facility, including any administrative offices and maintenance shops; (iii) construction of access roads and the driveway entrance; (iv) construction of stormwater infrastructure; (v) water supply and on-Site water storage; (vi) connection to sanitary sewer system; (vii) construction and use of propane tanks for heat and boiler steam generation; and (viii) installation of exhaust system and air pollution control devices.
 - b. Impact and Mitigation Summary.** This section will summarize the project's (i) significant beneficial and adverse impacts and (ii) proposed mitigation measures.

IV. APPROVALS AND AGREEMENTS.

This section of the EAF will provide an overview of (i) the permits and approvals anticipated to be required for the project, (ii) the agencies responsible for the approvals, and (iii) the applicable laws or regulations associated with each approval. This section will also include a discussion of all purchase/sale, transportation, and disposal contracts or other arrangements made or to be made with suppliers of municipal solid waste (MSW) and public or private entities that will receive Unauthorized Waste, residuals, recyclables, and fuel pellets, as well as any brokers and transporters of those materials.

V. ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES.

This section of the EAF will describe the environmental setting (existing conditions), potentially significant environmental impacts, and mitigation measures within each of the topic areas identified below. The level of detail should reflect the severity of the impacts and the reasonable likelihood of their occurrence, including short-term, long-term, and cumulative impacts. This

section will also describe those adverse environmental impacts that cannot be avoided or adequately mitigated if the project is implemented. Technical reports and a list of references supporting the analysis and discussions provided in each section shall be included in Section VII of the EAF.

The format or organization of this section shall include the following subsection headings for each topic or impact issue to provide a meaningful presentation of the environmental issues: (i) environmental setting; (ii) potential impacts; and (iii) mitigation measures.

a. Traffic.

The EAF will include an analysis and discussion of traffic including MSW, recovered recyclables, and non-fibrous, non-recyclable material transported directly to the facility by semi-trailers and other large vehicles; fuel pellet products and other materials transported from the facility; water, fuel, wastewater, and maintenance trucks accessing the facility; and employee and other passenger vehicles entering and exiting the facility.

b. Water Resources.

All impacts to water resources shall be examined in this section of the EAF. The water resources to be evaluated include groundwater, surface water, drinking water, wetlands, and floodplains. Impacts and sources of pollution to be analyzed include, at a minimum, land disturbance, impacts from impervious surfaces, road construction, groundwater extraction, stormwater runoff, fugitive garbage and debris, deicing measures, wastewater discharges, and foreseeable accidents, spills, and facility malfunction incidents. The potential for PFAS contamination shall also be addressed. Impacts associated with construction activities and facility operation shall be assessed separately, taking into account appropriate avoidance, and minimization and mitigation measures.

c. Hazardous Materials.

This section will address the potential presence of Hazardous Materials, petroleum products and/or other environmental conditions at the Site. The section will (i) summarize any assessment of the potential presence of Hazardous Materials at the Site and the need for any testing and/or other activities that would be required either prior to or during construction and/or operation; (ii) include a discussion of any necessary remedial or related measures regarding Hazardous Materials; (iii) include a general discussion of the health and safety measures that would be implemented during project construction to protect workers and the surrounding community; and (iv) discuss hazardous materials that may be generated or used during operations, including general types, quantities, storage, worker protections, and disposal practices.

d. Air Quality. The EAF should include a discussion and analysis of air quality impacts from the construction and operation of the facility.

Construction. The construction air quality impact discussion will address emissions from construction equipment, worker and delivery vehicles, as well as fugitive dust emissions, and shall qualitatively review the projected activity and equipment in the context of intensity, duration, and location of emissions relative to nearby sensitive locations, and identify any project-specific control measures (*i.e.*, diesel equipment reduction; clean fuel; best available tailpipe reduction technologies; utilization of equipment that meets specified emission standards; and fugitive dust control measures, etc.) to minimize construction-related air quality impacts.

Operations. The operations discussion and analysis shall address the potential air quality effects of emissions from stationary sources at the facility, including but not limited to waste processing/management equipment, fossil fuel-fired heating, and ventilation and air conditioning (HVAC) systems. The discussion shall include a summary and description of existing air quality conditions at the Site and the surrounding area, quantitative analysis of the stationary source emissions, and air quality regulations applicable to and permits required for facility operations, including a discussion of how the facility will achieve required compliance. The operations discussion shall also address impacts from mobile emissions, including emissions from trucks transporting materials to or from the facility, idling of trucks waiting to access the facility, and emissions from worker and other vehicles at the facility.

e. Cultural and Historic Resources.

This section will identify and address potential impacts on any historical or archeological resources at the Site. The scope and analysis in this section will be based upon coordination with the Nation's Historic Resources Specialist, who shall be responsible for undertaking, at the expense of the Applicant, any archeological reviews or surveys required for the Nation's Historic Resources Specialist to prepare the Historic Resources Specialist Determination, as required by the Nation Environmental Review Process.

f. Utilities.

This section will describe utilities to be used by the facility, including gas, water, sewer, and telecommunications. The discussion should address the availability of utilities (with willingness to serve letters included in the appendices) and potential impacts resulting from the increased demands on existing water, sewer, drainage, electric, natural gas, and telecommunications infrastructure.

g. Community Services and Facilities.

This section will describe existing community services, including police protection, fire protection, and ambulance services, including addressing the ability of the local fire department to serve the fire protection needs of the facility and any particular demands that the project might place on ambulance services for routine hospital transport. Projected response times for emergency services should be identified, as well as all contingency plans to be implemented in response to the occurrence of a fire

emergency or a Hazardous Material incident or spill with consideration of the distance from local emergency responders.

h. Noise.

The EAF shall evaluate the construction and operations noise impacts of the project and shall identify appropriate mitigation measures to reduce noise impacts, including the noise to be generated by Site preparation, truck traffic, and facility construction and operation.

i. Odors.

The EAF will provide an analysis and discussion of the impact from the production of odors due to the transportation, receiving, and processing of solid waste in addition to handling other waste and recyclable materials. This analysis should include (i) how the automatic high-speed roller doors will reduce the escape of odors, (ii) how keeping the building under negative pressure will reduce the escape of odors so as not to constitute a nuisance, (iii) how the biofilter material will reduce odors so as not to constitute a nuisance in air exhausted to the environment, and (iv) mitigation measures to prevent odors from vehicles moving waste or other materials to or from the facility.

VI. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES.

This section of the EAF will provide a discussion of the irreversible and irretrievable commitment of resources associated with the project. Identify natural and man-made resources consumed, converted or otherwise made unavailable for future use as a consequence of the project.

VII. REFERENCES AND TECHNICAL REPORTS.

This section should include references and technical reports, with such reports attached to the EAF.