

8.0 REGULATORY ENVIRONMENT OVERVIEW

This chapter summarizes the federal, state, regional, and local environmental laws, regulations, and executive orders applicable to the Proposed Project (see Table 8-1). Included in each summary are (a) a brief description of the law, regulation, or executive order; (b) the identification of the agency responsible for ensuring compliance with the law, regulation, or executive order; (c) the applicability of the law, regulation, or executive order to the Proposed Project; and (d) the identification of the appropriate resource area(s) in Chapter 4.

Table 8-1
Overview of Applicable Laws, Regulations, and Executive Orders

Law/Regulation/Executive Order	Responsible Agency	Applicable Resource Area (Section)
Federal Laws		
Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c)	USFWS, Corps	Protected Species (4.6)
Clean Air Act (42 U.S.C. § 1857 et seq., as amended and recodified in 42 U.S.C. § 7401 et seq.)	EPA	Air Quality (4.13)
Clean Water Act of 1972 (33 U.S.C. 1251 et seq.)	Corps, EPA, USFWS, NMFS, SCDHEC	Water Quality (4.3), Waters of the U.S. (4.5)
The Coastal Zone Management Act of 1972 (P.L. 92-583; 16 U.S.C. 1451-1465)	NOAA's OCRM, SC's OCRM	Hydrology (4.2), Water Quality (4.3)
The Community Environmental Response Facilitation Act of 1992 (P.L. 102-426; 42 U.S.C. 9601 et seq.)	EPA, U.S. Navy	Hazardous, Toxic, and Radioactive Waste (4.15)
The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510; 42 U.S.C. 9601 et seq.)	EPA, U.S. Navy, SCDHEC	Hazardous, Toxic, and Radioactive Waste (4.15)
The Department of Transportation Act (49 U.S.C. 303, Section 4(f))	USDOT (FRA)	4(f)/6(f) Resources (4.18)
Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986	EPA	Hazardous, Toxic, and Radioactive Waste (4.15)
Endangered Species Act of 1973 (P.L. 93-205; 16 U.S.C. 1531(a)-(d))	USFWS, NMFS, Corps	Protected Species (4.6)
Farmland Protection Policy Act (P.L. 97-98 and 7 C.F.R. Part 658)	NRCS	Land Use and Infrastructure (4.9)

Law/Regulation/Executive Order	Responsible Agency	Applicable Resource Area (Section)
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of 1947	EPA, SCDHEC	Hazardous, Toxic, and Radioactive Waste (4.15)
Fish and Wildlife Coordination Act (16 U.S.C. 661-666c)	Corps, USFWS, NMFS, SCDNR	Vegetation and Wildlife (4.4), Protected Species (4.6)
The Land and Water Conservation Fund Act (Public Law 88-578, 78 Stat 897)	USDOJ/NPS	4(f)/6(f) Resources (4.18)
Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. §§ 1801–1884)	NMFS, Corps	Essential Fish Habitat (4.7)
Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.)	USFWS	Protected Species (4.6)
Migratory Bird Treaty Act of 1918	USFWS, SCDNR	Vegetation and Wildlife (4.4)
National Emissions Standards for Hazardous Air Pollutants (NESHAP)	EPA, SCDHEC	Hazardous, Toxic, and Radioactive Waste (4.15)
National Environmental Policy Act of 1969 (“NEPA” P.L. 91-190; 42 U.S.C. 4321)	Corps, EPA, FRA	All Sections
National Historic Preservation Act of 1966, Section 106 (P.L. 89-665; 16 U.S.C. 470(f))	Corps, FRA, SC SHPO	Cultural Resources (4.10)
Native American Graves Protection and Repatriation Act	Corps, NAHC	Cultural Resources (4.10)
Noise Control Act of 1972 (P.L. 92-574; 42 U.S.C. 4901)	Corps, City of North Charleston	Noise and Vibrations (4.12)
Process to Conduct Construction Activities in Areas under Land Use Controls at the Charleston Naval Complex, Revision 3, dated April 2007	US Navy, SCDHEC, Palmetto Railways	Hazardous, Toxic, and Radioactive Waste (4.15)
The Resource Conservation and Recovery Act of 1976 (P.L. 94-580; 42 U.S.C. 6901 et seq., as amended by the Solid Waste Disposal Act of 1980 (P.L. 96-482)	EPA, U.S. Navy, SCDHEC	Hazardous, Toxic, and Radioactive Waste (4.15)
Rivers and Harbors Act of 1899 (33 U.S.C. 403)	Corps	Waters of the U.S. (4.5)
Sustainable Fisheries Act of 1996 (PL 104-297)	NMFS	Essential Fish Habitat (4.7)
The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 61) 49 C.F.R. Part 24 (March 2, 1989)	USDOT	Socioeconomics and Environmental Justice (4.16)
U.S. Environmental Protection Agency Endangerment Finding and Cause or Contribute Finding (2009)	EPA	Air Quality (4.13)
Federal Executive Orders		
Executive Order 13045 – Environmental Health and Safety Risks to Children	Corps	Human Health and Safety (4.17)

Law/Regulation/Executive Order	Responsible Agency	Applicable Resource Area (Section)
Executive Order 11296 (Flood Hazard Evaluation Guidelines)	Agency providing funds	Hydrology (4.2)
Executive Order 11514 (Protection and Enhancement of Environmental Quality, March 4, 1970)	Corps	All Sections
Executive Order 11593 (Protection and Enhancement of the Cultural Environment, May 13, 1971)	Corps	Cultural Resources (4.10)
Executive Order 11988 (Floodplain Management (43 FR 6030))	Corps	Hydrology (4.2)
Executive Order 11990 (Protection of Wetlands)	Corps	Waters of the U.S. (4.5)
Executive Order 12185	FRA	Irreversible and Irretrievable Commitments of Resources (Chapter 7)
Executive Order 12898 (Federal Actions Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994)	EPA and Corps	Socioeconomics and Environmental Justice (4.16)
Executive Order 13112 – Invasive Species	Corps	Vegetation and Wildlife (4.4)
Executive Order 13186 – Responsibility of Federal Agencies to Protect Migratory Birds	Corps	Vegetation and Wildlife (4.4)
Executive Order 13690 – Establishing a Federal Flood Risk Management Standard (FFRMS)	Corps	Hydrology (4.2)
Federal Regulations		
33 C.F.R. Parts 1–200	USCG	Description of the Proposed Project (1.7)
33 C.F.R. Parts 320–331	Corps	Waters of the U.S. (4.5)
40 C.F.R. Parts 1500-1508	Corps, EPA, FRA	All Sections
49 C.F.R. Part 210 – Railroad Noise Emission Compliance Regulations	FRA	Noise and Vibrations (4.12)
State		
Coastal Tidelands and Wetlands Act, § 48-39-10, et seq., 1976 SC Code Ann., as amended.	SCDHEC/OCRM	Water Quality (4.3)
South Carolina Coastal Zone Management Program (1976, as amended)	SCDHEC/OCRM	Water Quality (4.3)
SCDHEC/OCRM Rules and Regulations for Permitting in the Critical Areas of the Coastal Zone, R. 30-1, et seq., 1976 SC Code Ann., as amended.	SCDHEC/OCRM	Water Quality (4.3)

Law/Regulation/Executive Order	Responsible Agency	Applicable Resource Area (Section)
SCDHEC 401 Water Quality Certification Regulations, R. 61-101, 1976 SC Code Ann., as amended.	SCDHEC	Water Quality (4.3)
SCDHEC Water Classifications and Standards, R. 61-68, 1976 SC Code Ann., as amended.	SCDHEC	Hydrology (4.2) and Water Quality (4.3)
SCDHEC Classified Waters, R. 61-69, 1976 SC Code Ann., as amended.	SCDHEC	Hydrology (4.2) and Water Quality (4.3)
South Carolina Pollution Control Act, § 48-39-10, et seq.	SCDHEC	Water Quality (4.3), Air Quality (4.13), and Hazardous, Toxic, and Radioactive Waste (4.15)
South Carolina Stormwater Management and Sediment Reduction Act, § 48-14-10, et seq.	SCDHEC	Water Quality (4.3), Waters of the U.S. (4.5), and Hydrology (4.2)
Water Pollution Control Permits, R. 61-9, et seq.	SCDHEC	Hydrology (4.2) and Water Quality (4.3)
SCDHEC Total Maximum Daily Loads for Pollutants in Water. R. 61-110, 1976 SC Code.	SCDHEC	Hydrology (4.2) and Water Quality (4.3)
Air Pollution Control Regulations and Standards – Regulation 61-62 (Statutory Authority: Section 48-1-10 et seq., S.C. Code of Laws, 1976, as amended.)	SCDHEC	Air Quality (4.13)
Protection of Game – Section 50-11-10 et seq., S.C. Code of Laws	SCDNR	Vegetation and Wildlife (4.4)
Nongame and Endangered Species Act – Section 50-15-10 et seq., S.C. Code of Laws	SCDNR	Vegetation and Wildlife (4.4) and Protected Species (4.6)
State Underground Petroleum Environmental Response Bank Act – Section 44-2-10 et seq., S.C. Code of Laws	SCDHEC	Hazardous, Toxic, and Radioactive Waste (4.15)
Hazardous Waste Management Act – Section 44-56-10 et seq., S.C. Code of Laws	SCDHEC	Hazardous, Toxic, and Radioactive Waste (4.15)
South Carolina Solid Waste Policy and Management Act – Section 44-96-10 et seq., S.C. Code of Laws.	SCDHEC	Hazardous, Toxic, and Radioactive Waste (4.15)
Occupational Health and Safety Act – Section 41-15-10 et seq., S.C. Code of Laws	SC Department of Labor, Licensing, and Regulation	Hazardous, Toxic, and Radioactive Waste (4.15)
Standards of Performance for Asbestos Projects – Regulation 61-86.1 (Statutory Authority: Sections 44-1-140; 48-1-30; 44-87-10 et seq. S.C. Code of Laws, 1976, as amended.)	SCDHEC's Asbestos Section	Hazardous, Toxic, and Radioactive Waste (4.15), Human Health and Safety (4.17) and Air Quality (4.13)
Local		

Law/Regulation/Executive Order	Responsible Agency	Applicable Resource Area (Section)
The Zoning Ordinance of the City of North Charleston, South Carolina – (North Charleston, South Carolina Code of Ordinances, Appendix A)	City of North Charleston	Hydrology (4.2), Water Quality (4.3), Vegetation and Wildlife (4.4), Land Use and Infrastructure (4.9), Visual Resources and Aesthetics (4.11)
City of North Charleston District Use Classification – Planned Development District (North Charleston, South Carolina Code of Ordinances, Appendix A, Article V, Section 5-7)	City of North Charleston	Land Use and Infrastructure (4.9)
City of North Charleston Zoning Regulations (Tree Protection and Riparian Buffers) – (North Charleston, South Carolina Code of Ordinances, Appendix A, Article VI, Section 6-16 and 6-17)	City of North Charleston	Vegetation and Wildlife (4.4)
City of North Charleston Stormwater Management Program (North Charleston, South Carolina Code of Ordinances, Appendix A, Article VII, Section 7-2.2)	City of North Charleston	Hydrology (4.2) and Water Quality (4.3)
City of North Charleston Flood Damage Prevention Regulations (North Charleston, South Carolina Code of Ordinances, Ch. 5, Article V)	City of North Charleston	Hydrology (4.2)
Settlement Agreement and Release (Civil Action No: 2011-CP-10-491, 2011-CP-10-493, 2011-CP-10-494, 2011-CP-10-555C, 2011-CP-10-3147),	SCPA and City of North Charleston	Land Use and Infrastructure (4.9)
Site Clearing Permits (Charleston, South Carolina Code of Ordinances, Sec. 7-10)	City of Charleston	Vegetation and Wildlife (4.4)
Stormwater Management and Flood Control (Charleston, South Carolina Code of Ordinances, Ch. 27)	City of Charleston	Hydrology (4.2) and Water Quality (4.3)
City of Charleston Zoning Ordinance	City of Charleston	Land Use and Infrastructure (4.9)
Tree Protection Requirements(Charleston Zoning Ordinance, Article 3, Part 6	City of Charleston	Vegetation and Wildlife (4.4)

Law/Regulation/Executive Order	Responsible Agency	Applicable Resource Area (Section)
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Acronyms and Abbreviations:

Corps – U.S. Army Corps of Engineers
EPA – Environmental Protection Agency
FRA – Federal Railroad Administration
NAHC – Native American Heritage Commission
NMFS – National Marine Fisheries Service
NOAA – National Oceanic and Atmospheric Administration
NPS – National Parks Service
NRCS – Natural Resource Conservation Service
OCRM – Ocean and Coastal Resource Management
SCDHEC – South Carolina Department of Health and Environmental Control
SCDNR – South Carolina Department of Natural Resources
SCPA – South Carolina Ports Authority
SHPO – State Historic Preservation Office
USCG – U.S. Coast Guard
USDOJ – U.S. Department of Justice
USDOI – U.S. Department of Interior
USDOT – U.S. Department of Transportation
USFWS – U.S. Fish and Wildlife Service