

## Index

### A

AASHTO, 1-11, 3-51  
 Act of God, 3-19, 4-4  
 Act of war, 3-19, 4-4  
 Administrative Procedure Act, 3-48, 6-7, 6-9, 6-15  
 Administrative record, 6-8  
 Aesthetic concerns, 3-52 to 3-53, 6-9  
 Air quality. *See* Clean Air Act  
 American Planning Association, 1-12, 1-13  
 Antiquities Act, 3-49  
 Archeological resources  
     mitigation requirements for use of, 3-52  
 Archeological Resources Protection Act, 3-49 to 3-50  
 Army Corps of Engineers  
     Clean Water Act administration, 3-3 to 3-11, 3-12  
     wetlands preservation program, 1-16

### B

Bankruptcy to avoid liability, 4-12 to 4-14  
 Bassett-Williams model, 1-11  
 Bettman model, 1-11  
 Borrow fill material, 3-40 to 3-41  
 Bridge management systems, 1-7  
 Bridges  
     Rivers and Harbors Act coverage, 3-32 to 3-33  
 Brownfields redevelopment, 3-20  
 Bureau of Land Management, 3-38

### C

California hazardous waste laws, 4-17  
 Carbon monoxide emissions  
     NAAQS regulation, 1-17  
     nonattainment areas, 1-3, 1-4, 1-19, 1-20 to 1-21, 1-23  
     transportation plan conformity review, 1-27  
 Categorical Exclusion, 1-15  
 CERCLIS, 3-19 to 3-20, 4-4 to 4-5  
 Civil Rights Act, 6-11  
 Class action suits, 6-19  
 Clean Air Act  
     compliance monitoring and enforcement, 1-5  
     conformity requirements, 1-8, 1-23 to 1-29  
     cost considerations in implementation of, 1-17 to 1-18  
     federal role, 1-5  
     implications for transportation planning, 1-16  
     litigation related to, 1-21, 6-13 to 6-14  
     long-range transportation planning and, 1-3  
     motor vehicle inspection provisions, 1-22  
     passage and amendments, 1-16  
     sanctions for noncompliance, 1-19  
     source control strategies, 1-16

standing to file suit under, 6-10 to 6-11  
 State Implementation Plan requirements, 1-18 to 1-19  
 transboundary pollution provisions, 1-19  
 transportation control measures in, 1-20, 1-21 to 1-23  
*See also* National ambient air quality standards

#### Clean Water Act

administering agencies, 3-3  
 consideration of alternatives in permit review, 3-9 to 3-10  
 definition of pollution discharge, 3-6 to 3-7  
 EPA veto authority, 3-11  
 exempt discharges, 3-7  
 individual discharge permits, 3-9  
 jurisdiction, 3-3 to 3-7  
 litigation based on, 6-15  
 mitigation commitment enforcement, 3-54  
 mitigation plan considerations, 3-10, 3-12 to 3-15  
 nationwide permit program, 3-8  
 programmatic general permits, 3-9  
 public interest review criteria, 3-10 to 3-11  
 purpose, 3-3  
 regional permit program, 3-8 to 3-9  
 Rivers and Harbors Act and, 3-32  
 standing to file suit under, 6-10  
 transportation facility liability under, 5-6 to 5-8  
 water quality certification, 3-11 to 3-12, 5-8

Coastal Barriers Resources Act, 3-35

Coastal Zone Management Act, 3-9, 3-34 to 3-35

Coast Guard, 3-33

Code of Federal Regulations, 1-6

conformity requirements, 1-27

Colorado hazardous waste laws, 4-17

Commerce Clause, 3-3 to 3-4

Comprehensive Environmental Response Compensation and Liability Act

administrative orders, 4-6 to 4-7  
 agreed order on consent, 4-6  
 condemnation defense to liability under, 4-5 to 4-6  
 cost recovery under, 4-11, 4-13 to 4-14  
 enforcement, 4-20  
 environmental assessment under, 3-19 to 3-21  
 general notice letter, 4-6  
 joint and several liability standard, 3-18 to 3-19  
 liability provisions, 3-17, 3-18 to 3-19, 4-3 to 4-5, 5-3 to 5-6  
 National Contingency Plan and, 4-5  
 notification obligations, 5-4 to 5-5  
 purpose, 3-17  
 regulatory actions under, 4-6 to 4-7  
 statutory defenses, 3-19  
 Superfund provisions, 3-17

#### Condemnations

CERCLA defense based on, 4-5 to 4-6  
 for mitigation purposes, 3-53 to 3-54  
 NEPA rules, 1-15  
 valuation of contaminated properties, 4-8 to 4-10

#### Conformity

- as basis for litigation, 6-13
- formal determination of, 1-26, 1-27 to 1-28
- lapse and freeze, 1-28 to 1-29
- legal requirement, 1-23 to 1-24, 1-27
- process flowchart, 1-25
- project level, 1-26
- of regionally significant projects, 1-28
- scope of application, 1-26
- transportation plans and TIPs, 1-26
- Congestion Mitigation and Air Quality Improvement Program, 1-29 to 1-30
- Connecticut Environmental Protection Act, 6-12
- Construction and operation of transportation facilities
  - CERCLA liability, 5-3 to 5-6
  - Clean Water Act liability, 5-6 to 5-8
  - leased facilities, 5-5
  - NPDES regulations, 3-16
  - operator liability, 5-3 to 5-4
  - RCRA regulation of, 5-13 to 5-14
  - sources of hazardous waste, 3-16, 5-4, 5-10
  - stormwater discharge permits, 5-6 to 5-8
  - underground storage tanks, 5-14 to 5-15
- Construction sites, 3-16 to 3-17, 5-3 to 5-4
- Contractual relationships, 3-19
- Corridor preservation
  - advance acquisition for, 1-14
  - Categorical Exclusions for, 1-15
  - definition, 1-11
  - environmental laws relevant to, 1-14 to 1-16
  - ISTEA and, 1-11
  - mapping, 1-11 to 1-12
  - NEPA applicability, 2-8
  - purpose, 1-11
  - subdivision control, 1-12
  - takings law and, 1-12 to 1-14
  - variances, 1-11
  - wetlands preservation and, 1-15 to 1-16
- Council on Environmental Quality
  - categorical exclusions to regulations, 1-15, 2-13 to 2-14
  - environmental assessment procedures, 2-12 to 2-13
  - role of, 2-3
  - See also* Environmental impact statements
- Criteria pollutants, 1-17
- Critical habitat, 3-22 to 3-24
  
- D
- Dams and dikes, 3-32 to 3-33
- De minimus* settlements, 4-10
- Department of Transportation
  - Clean Air Act enforcement, 1-5, 1-8
  - CMAQ program, 1-30
  - Floodplain Executive Order implementation, 3-34
  - SIP conformity determinations, 1-26
  - Wetlands Executive Order implementation, 3-31, 3-32
- Department of Transportation Act Section 4(f)

- applicability, 2-31
- archeological resource protection under, 3-50
- consideration of alternatives under, 2-35, 2-36 to 2-37, 6-13, 6-17
- constructive use under, 2-31 to 2-33
- harm minimization under, 2-38 to 2-39
- legal standing to challenge, 6-9 to 6-10
- litigation based on, 6-13, 6-17
- mitigation rules, 3-52, 3-54
- NEPA and, 2-31
- resources protected by, 2-33 to 2-35
- SAFETEA-LU and, 2-43
- substantive requirements, 2-35 to 2-39
- triggers, 2-31 to 2-33
- Wetlands Executive Order and, 3-31
- Discharge of dredge or fill material
  - Clean Water Act jurisdiction, 3-3, 3-6 to 3-7
  - Clean Water Act permits, 3-8 to 3-11
  - from ferry operations, 5-6
  - incidental fallback, 3-7
  - mitigation requirements, 3-50 to 3-51
  - Rivers and Harbors Act regulation, 3-32
- Discovery process, 6-16 to 6-18
- Documentation and record keeping
  - administrative record of National Historic Preservation Act decisions, 3-46
  - FWA requirements, 1-6 to 1-7
  - hazardous waste generator requirements, 5-11
  - hazardous waste transporter requirements, 5-12
  - underground storage tanks, 5-15
  - waste disposal documentation, 5-5, 5-13
- E
- Easements
  - across contaminated sites, 4-7
  - for farmed wetlands, 3-30
- Economic functioning
  - consideration of, in metropolitan planning, 1-6
  - incentives in TCM selection, 1-20 to 1-21
  - TIP financial plan, 1-8
- Effluent limitation guidelines, 3-16
- Eminent domain
  - defense to CERCLA liability, 4-5 to 4-6
  - for mitigation, 3-53 to 3-54
- Endangered Species Act
  - administration, 3-21
  - biological assessment rules, 3-27
  - Clean Water Act and, 3-9
  - critical habitat designation, 3-22 to 3-24
  - exemptions from compliance, 3-27
  - federal actions subject to consultation under, 3-25 to 3-26
  - incidental taking permit, 3-27 to 3-28
  - injunctive relief under, 6-4 to 6-5
  - mitigation requirements, 3-51
  - principal provisions, 3-21
  - relevance to transportation projects, 3-21

- species listing process, 3-22
- state laws, 3-29 to 3-30
- taking prohibition, 3-24 to 3-25
- Energy and Water Development Appropriations Act, 3-5
- Environmental impact statements
  - categorical exclusions, 2-13 to 2-14
  - consideration of alternatives in, 2-17 to 2-19
  - consultation requirements, 2-23
  - content, 2-17 to 2-23
  - in corridor preservation, 1-14 to 1-15
  - cumulative impacts, 2-21
  - determination of need for, under NEPA, 2-11 to 2-14
  - Finding of No Significant Impact, 2-12, 2-13
  - indirect and secondary effects, 2-21
  - mitigation considerations, 2-14, 2-21 to 2-22
  - NEPA requirements, 1-15, 2-3, 2-11 to 2-12
  - preliminary injunctions, 2-10 to 2-11, 2-23
  - program impact statements, 2-7 to 2-8, 2-15 to 2-16
  - SAFETEA-LU requirement, 1-10
  - scope, 2-15 to 2-17
  - segmentation, 2-19 to 2-20
  - standard of judicial review, 2-12, 2-17
  - state requirements, 2-26 to 2-31
  - supplemental, 2-23 to 2-24, 6-7 to 6-8
  - tiered, 2-16 to 2-17
  - USDOT Order 5660.1A requirements, 3-31
  - worst case analysis requirement, 2-22
- Environmental justice, 6-11 to 6-12
- Environmental Protection Agency
  - CERCLA authority, 3-17, 3-18 to 3-20, 4-3, 4-4, 4-5
  - classification of nonattainment areas, 1-18 to 1-19
  - Clean Air Act enforcement, 1-5, 1-17 to 1-18, 6-10 to 6-11, 6-14
  - Clean Water Act administration, 3-3, 3-11, 6-10
  - conformity requirements, 1-27, 1-28 to 1-29
  - definition of small quantity generators of hazardous waste, 5-12
  - delegation of permitting authority to states, 2-6
  - economic incentive program rules, 1-20, 1-21
  - effluent limitation guidelines, 3-16
  - list of potentially contaminated properties, 3-19
  - motor vehicle inspection guidelines, 1-22
  - RCRA enforcement, 5-15 to 5-16
  - SIP oversight, 1-18, 1-19, 1-23 to 1-24
  - stormwater discharge regulation, 5-6 to 5-8
  - transportation air quality planning guidelines, 1-16
  - wetlands and water body jurisdiction, 3-3, 3-4 to 3-5
- Erosion control, 3-51
- Exactions, 1-12
- Executive Orders
  - environmental justice requirement, 6-11
  - floodplains regulation, 3-33, 3-34
  - mission statement for National Wildlife Refuge System, 3-36
  - wetlands protection, 3-31 to 3-32, 3-51

## F

- Fair contemplation approach, 4-13
- Federal Agriculture Improvement and Reform Act, 3-30
- Federal Aid Highway Act, 1-3, 1-4, 2-6, 6-13
- Federal-Aid Project Agreement, 1-7
- Federal Aviation Act, 6-15 to 6-16
- Federal Emergency Management Agency, 3-33 to 3-34
- Federal Highway Act, 1-14
- Federal Highway Administration
  - Categorical Exclusion rules, 1-15
  - Department of Transportation Act Section 4(f) implementation, 2-31, 2-32, 2-34, 3-50
  - designation of Transportation Management Areas, 1-4
  - in development of Statewide TIP, 1-3
  - environmental review requirements, 1-10 to 1-11
  - Floodplain Executive Order implementation, 3-34
  - guidelines and publications, 1-7
  - MPO rules, 1-6 to 1-7
  - NEPA implementation, 2-3, 2-4, 2-7, 2-9, 2-13 to 2-14, 2-20
  - NHPA requirements and, 3-40, 3-45, 3-46
  - noise abatement requirements, 3-51 to 3-52
  - reporting requirements, 1-6 to 1-7
  - Rivers and Harbors Act implementation, 3-33
  - statewide planning requirements, 1-9
  - transportation conformity requirements, 1-23 to 1-24, 1-25
  - wetlands mitigation regulations, 3-51
- Federal Land Policy and Management Act, 3-38
- Federal Transit Administration
  - designation of Transportation Management Areas, 1-4
  - in development of Statewide TIP, 1-3
  - environmental review requirements, 1-10 to 1-11
  - MPO rules, 1-6 to 1-7
  - NEPA implementation, 2-4
  - statewide planning requirements, 1-9
- Ferry operations, 5-6
- Fifth Amendment, 1-12
- Finding of No Significant Impact, 2-12, 2-13
- Fish and Wildlife Conservation Act, 2-23
- Fish and Wildlife Coordination Act, 3-9, 3-28 to 3-29
- Fish and Wildlife Service, 3-3
  - Endangered Species Act administration, 3-21, 3-22, 3-23, 3-25 to 3-26, 3-28
  - Fish and Wildlife Coordination Act requirements, 3-29
  - Refuge Act administration, 3-35 to 3-36
- Floodplains
  - definition, 3-33
  - federal laws, 3-33 to 3-34
  - mitigation regulations, 3-51
- Food, Agriculture, Conservation and Trade Act, 3-30
- Food Security Act, 3-30
- Forest management and protection, 3-37
- Forest Service, 3-38
- Freedom of Information Act, 6-16 to 6-17
- Funding
  - advance acquisition, 1-14
  - CMAQ, 1-30

- defenses to cost recovery for remediation, 4-14
- intermodal transportation plans, 1-10
- long-range transportation plans, 1-7 to 1-8
- for mitigation, 3-53
- NEPA applicability triggered by, 2-3, 2-4 to 2-7, 2-8 to 2-9

## G

- Gasoline vapor recovery, 1-22
- Groundwater monitoring, 3-20, 5-14

## H

- Habitat Conservation Plan, 3-27 to 3-28
- Hazardous waste
  - definition, 5-9 to 5-10
  - documentation of treatment and disposal, 5-5, 5-13
  - facilities for treatment, storage, and disposal, 5-13 to 5-14
  - generator regulations, 5-10 to 5-12
  - migration to abutting land, 5-6
  - mixed with nonhazardous waste, 5-10
  - state laws, 4-16 to 4-22
  - transportation facility regulation, 3-16
  - See also* Comprehensive Environmental Response Compensation and Liability Act; Resource Conservation Recovery Act
- Highway Beautification Act, 3-52, 3-54
- Highway Safety Act, 1-5
- Historic sites
  - Antiquities Act, 3-49
  - Department of Transportation Act Section 4(f) application, 2-33, 2-34 to 2-35
  - mitigation requirements for use of, 3-52
- Housing and Urban Development Act, 1-4

## I

- Injunctions to halt projects, 2-10 to 2-11, 2-23, 6-3 to 6-6
- Intergovernmental Cooperation Act, 1-4 to 1-5
- Intermodal Surface Transportation Efficiency Act (ISTEA)
  - CMAQ Program, 1-29
  - conformity requirements, 1-8, 1-24
  - corridor preservation provisions, 1-11
  - litigation based on, 6-14
  - metropolitan planning and, 1-5 to 1-6
  - mitigation funding under, 3-53
  - significant features, 1-5
  - statewide planning requirements, 1-9, 1-10

## J

- Joint and several liability, 3-18 to 3-19, 4-19 to 4-20

## L

- Laches, 6-5, 6-18 to 6-19
- Land and Water Conservation Act, 3-38 to 3-39
- Landscape protection, 3-52 to 3-53
- Lead agency issues in NEPA process, 2-25 to 2-26
- Lead pollution, 1-17
- Liens, 4-21 to 4-22

## Litigation

- alternative dispute resolution, 6-20 to 6-21
- based on local regulations, 6-12 to 6-13, 6-15 to 6-16
- citizen suits for remediation cost recovery, 4-21 to 4-22
- class action, 6-19
- defensive strategies, 6-18 to 6-20
- discovery, 6-16 to 6-18
- environmental justice claims, 6-11 to 6-12
- indirect source pollution as basis for, 6-14
- joinder of claims in, 6-13
- opportunities to prevent, 6-3
- outcome determinants, 6-3
- plaintiffs' objectives, 6-3
- preliminary injunctions, 6-3 to 6-6
- procedural defects, 6-19
- project modifications to avoid, 6-16
- recovery of remediation costs, 4-11 to 4-16
- reimbursement of legal costs, 4-11
- standard of review, 6-6 to 6-8
- statute of limitations, 6-19
- statutory bases for, 6-3, 6-13 to 6-16
- summary judgment, 6-20
- technical defects in claims, 6-18
- See also* Index of Cases; Standing

## Long-range transportation plans

- contents, 1-3, 1-7 to 1-8, 1-9
- MPO role, 1-3, 1-7 to 1-8
- publication of, 1-8
- public participation, 1-3, 1-8
- purpose, 1-9
- Transportation Improvement Program and, 1-3

## M

- Major Investment Study, 1-10
- Marine Mammal Protection Act, 3-9
- Mediation of disputes, 6-20 to 6-21
- Metropolitan Planning Organizations
  - boundaries, 1-4
  - composition, 1-3, 1-4
  - designation/redesignation, 1-4
  - FHWA rules, 1-6 to 1-7
  - FTA rules, 1-6
  - intra-state coordination, 1-4
  - ISTEA/TEA-21/SAFETEA-LU factors, 1-5 to 1-6
  - legal requirements, 1-3 to 1-4
  - long range transportation planning, 1-3, 1-7 to 1-8
  - multi-state coordination, 1-4
  - in nonattainment areas, 1-4
  - SIP conformity determinations, 1-26
  - in statewide planning process, 1-9
  - TIP development, 1-8
  - transportation planning role of, 1-4 to 1-5, 1-26
- Michigan Environmental Protection Act, 6-12
- Migratory bird protection



- agricultural programs and, 3-30
- federal jurisdiction, 3-4
- incidental taking, 3-29
- Migratory Bird Treaty Act, 3-29
- Migratory Bird Treaty Act, 3-29
- Minnesota Environmental Protection Act, 6-12
- Mitigation
  - banking, 3-12 to 3-15
  - Clean Water Act considerations, 3-10, 3-12 to 3-15
  - constraints to funding, 3-53
  - by creation, 3-12
  - EIS requirements and, 2-14, 2-21 to 2-22
  - enforcement of commitments, 3-54 to 3-55
  - by enhancement, 3-12
  - federal regulations, 3-50 to 3-51
  - noise abatement, 3-51 to 3-52
  - outcomes evaluation, 3-14
  - by restoration, 3-12
  - types of, 3-50
  - use of eminent domain for, 3-53 to 3-54
  - for use of parklands or historic sites, 3-52
  - of viewshed and landscape impacts, 3-52 to 3-53
  - wetlands, 3-50 to 3-51, 3-53
- Motor vehicle inspections, 1-22, 1-23
- Multi-Sector General Permit, 3-16

## N

- National ambient air quality standards
  - attainment/nonattainment areas, 1-17 to 1-18, 1-20 to 1-21
  - CAA requirements, 1-5
  - carbon monoxide standards, 1-19
  - criteria pollutants, 1-17
  - ozone standards, 1-18
  - purpose, 1-17
  - SIP compliance, 1-18 to 1-19
- National Coastal Zone Management Program, 2-6
- National Contingency Plan, 3-19, 4-5, 4-11 to 4-12
- National Environmental Policy Act
  - administrative record rules, 2-24 to 2-25
  - applicability based on federal action, 2-4 to 2-10
  - categorical exclusions to regulations, 2-13 to 2-14
  - classes of actions under, 2-4
  - corridor preservation regulations, 1-14 to 1-15
  - critical habitat designation and, 3-24
  - CWA and, 3-9
  - defederalized highway projects and, 2-9 to 2-10
  - Department of Transportation Act Section 4(f) and, 2-31
  - environmental assessment procedures, 2-12 to 2-13
  - injunctive relief under, 6-4, 6-5
  - lead agency problem, 2-25 to 2-26
  - legal standing to challenge, 6-9 to 6-10
  - litigation based on, 6-17
  - NHPA coordination with, 3-47
  - preliminary injunction rules, 2-10 to 2-11, 2-23

- principal provisions, 2-3 to 2-4
- public participation rules, 2-24 to 2-25
- purposes, 2-3
- SAFETEA-LU and, 1-10, 2-7, 2-13, 2-14 to 2-15
- significance of, 2-3
- standard of judicial review, 2-12, 2-17, 6-6 to 6-8
- state policies, 2-26 to 2-31
- See also* Environmental impact statements
- National Flood Insurance Program, 3-33 to 3-34
- National Forest Management Act, 3-37
- National Highway System Designation Act, 1-26
- National Historic Preservation Act, 2-34, 3-9
  - adverse effect evaluations, 3-43, 3-47
  - applicability to federally-owned properties, 3-48
  - compliance evaluation, 3-44 to 3-47
  - criteria of eligibility, 3-42
  - duty of agency, 3-39, 3-48
  - federal undertaking as trigger for, 3-39 to 3-41, 6-14
  - litigation based on, 6-14
  - on material borrow sources, 3-40 to 3-41
  - memorandum of agreement, 3-44
  - mitigation rules, 3-54
  - NEPA coordination, 3-47
  - private right of action under, 3-48 to 3-49
  - public comment requirements, 3-44
  - purpose, 3-39
  - research and consultation procedures, 3-42 to 3-44
  - Section 106 procedural obligations, 3-41 to 3-42
  - Section 110 provisions, 3-48
  - standing to sue under, 3-48 to 3-49
  - statute of limitation issues, 3-49
- National Marine Fisheries Service
  - CWA review, 3-3
  - Endangered Species Act administration, 3-21, 3-22, 3-28
  - Fish and Wildlife Coordination Act requirements, 3-29
- National Oceanic and Atmospheric Administration, 3-34
- National Pollution Discharge Elimination System
  - construction site stormwater control regulations, 5-6 to 5-8
  - delegation to states, 3-15 to 3-16
  - permit requirements, 3-15 to 3-16
  - scope, 3-15
  - stormwater discharge regulation, 3-16 to 3-17
  - transportation facility regulations, 3-16
  - water quality certification for, 3-11 to 3-12, 5-8
- National Register of Historic Places, 2-34 to 2-35, 3-42 to 3-43
- National Response Center, 5-4 to 5-5
- National Wilderness Preservation System, 3-38
- National Wildlife Refuge System Administration Act, 3-35 to 3-36
- Navigable waters
  - Army Corps of Engineers jurisdiction, 3-3
  - definition, 3-3, 3-15
- New Jersey hazardous waste laws, 4-16 to 4-17
- Nexus test, 1-12, 1-13
- Nitrogen dioxide, 1-17

Noise Control Act, 6-16

Noise impacts

litigation based on, 6-16

mitigation requirements, 3-51 to 3-52

Nonattainment areas

boundaries, 1-4

classification categories, 1-18 to 1-19

Clean Air Act requirements, 1-17

CMAQ funding eligibility, 1-30

compliance extensions, 1-18

conformity requirements, 1-27

definition, 1-17

economic incentive programs, 1-20 to 1-21

long-range transportation planning in, 1-3

MPOs in, 1-4

transportation-related provisions for, 1-22 to 1-23

Notification obligations, 5-4 to 5-5

O

Ozone

nonattainment areas, 1-3, 1-4, 1-18, 1-20, 1-21, 1-22 to 1-23

regulation, 1-17

transboundary pollution, 1-19

P

Parks

mitigation requirements for use of, 3-52

*See* Department of Transportation Act Section 4(f)

Particulate emissions, 1-17

Pavement management systems, 1-7

Pollutant, defined, 3-15

Program impact statements, 2-7 to 2-8, 2-15 to 2-16

Prospective purchaser agreements, 4-10

R

Reasonably available control technology, 1-18, 1-21 to 1-22

Refuge Act. *See* National Wildlife Refuge System Administration Act

Regional Development Plans, 2-6, 2-8

Regionally significant projects, 1-28

Reporting requirements, 1-6 to 1-7, 5-11, 5-15

Resource Conservation Recovery Act

definitions of wastes, 5-9 to 5-10

determination of waste as hazardous, 5-11

enforcement, 5-15 to 5-16

liability under, 3-17 to 3-18, 5-8 to 5-9

pre-transport requirements, 5-11

purpose, 3-17, 5-9

recordkeeping and reporting requirements, 5-11

scope, 5-8, 5-9

significance of, 5-8

transportation agency regulations, 5-13 to 5-14

underground storage tank requirements, 5-14 to 5-15

waste generator regulations, 5-10 to 5-12

waste transporter regulations, 5-12 to 5-13

Rivers and Harbors Act, 3-3, 3-32 to 3-33

## S

Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users

Department of Transportation Act Section 4(f) implementation, 2-31

Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)

CMAQ Program, 1-29 to 1-30

conformity requirements, 1-24

environmental compliance procedures, 2-40 to 2-43

environmental review requirements, 1-10

metropolitan planning and, 1-3, 1-5 to 1-6, 1-8

NEPA applicability and, 2-7, 2-13, 2-14 to 2-15

programs, 1-5

statewide planning requirements, 1-9, 1-10

Safety management systems, 1-7

Site acquisition

CERCLA litigation and liability, 4-3 to 4-7

*de minimus* settlements, 4-10

prospective purchaser agreements, 4-10

recovery of cleanup costs, 4-10 to 4-16

state hazardous waste laws and, 4-16 to 4-22

valuation of contaminated sites, 4-7 to 4-10

Soil survey and sampling, 3-20

Solid Waste Disposal Act, 5-9

Sovereign immunity, 6-19

defense to cost recovery for remediation, 4-15

Standard of judicial review, 2-12, 2-17, 6-6 to 6-10

Standing

basis of injury for, 6-9 to 6-10

citizen suits for remediation cost recovery, 4-21 to 4-22

under Clean Air Act, 6-10 to 6-11

under Clean Water Act, 6-10

definition, 6-19

legal challenge to, 6-19

NHPA litigation, 3-48 to 3-49

under state laws, 6-12 to 6-13

test of, 6-19

State Implementation Plan

Clean Air Act requirements, 1-5

conformity requirements, 1-23 to 1-29

definition, 1-18

planning procedures, 1-19

purpose, 1-18

revisions, 1-18

sanctions for missing or inadequate, 1-19

transportation control measures in, 1-19 to 1-23

Statement of work, 1-6 to 1-7

Statewide Transportation Improvement Program, 1-10

coordination, 1-9

development of, 1-3, 1-10

funding, 1-10

ISTEA/TEA-21/SAFETEA-LU factors, 1-9, 1-10

requirements, 1-8 to 1-9

Statute of limitations

- defense against injunction issuance, 6-5
- defense against litigation, 6-19
- NHPA litigation, 3-49
- Stormwater control
  - on construction sites, 5-6 to 5-8
  - NPDES discharge regulations, 3-16 to 3-17
- Subdivision control, 1-12
- Sulfur dioxide, 1-17
- Summary judgment, 6-20
- Superfund, 3-17
  - recovery of remediation costs from, 4-15 to 4-16
- Swampbuster laws, 3-30

## T

- Takings
  - constitutional law, 1-12 to 1-14
  - DOT Act Section 4(f) "use" doctrine, 2-31 to 2-33
  - nexus test, 1-12, 1-13
  - rough proportionality test, 1-13
  - subdivision exactions as, 1-12
- Temporary restraining order, 6-6
- Tiering, 1-15
- Traffic monitoring systems, 1-7
- Transboundary pollution, 1-19
- Transportation control measures
  - Clean Air Act requirements, 1-5
  - implementation challenges, 1-16
  - incentives programs, 1-20 to 1-21
  - legal challenges to EPA requirements, 1-21
  - long-range transportation planning, 1-3
  - motor vehicle inspection and maintenance, 1-22, 1-23
  - purpose, 1-19
  - types of, 1-19, 1-20
- Transportation Equity Act for the 21st Century, 1-5, 1-6, 1-8
  - advance acquisition funding, 1-14
  - conformity requirements, 1-24
  - corridor preservation provisions, 1-11
  - environmental review requirements, 1-10
  - litigation based on, 6-14
  - NEPA exemptions in, 2-8
  - statewide planning requirements, 1-9, 1-10
- Transportation Improvement Program
  - conformity review, 1-26
  - control measures, 1-21 to 1-22
  - development of, 1-8
  - financial plan, 1-8
  - priority list, 1-8
  - public participation, 1-3, 1-8
  - purpose, 1-3
  - responsibility for, 1-3
  - updates, 1-3, 1-8, 1-26
  - See also* Statewide Transportation Improvement Program
- Transportation Management Areas
  - certification review, 1-4

- designation, 1-4
  - unified planning work programs, 1-6
- Treatment, storage, and disposal facilities, 5-13 to 5-14
- Tulloch Rule, 3-6 to 3-7
- Tunnels, 3-32 to 3-33

U

- Underground storage tanks, 5-14 to 5-15
- Unified planning work programs, 1-6
- Uniform Relocation Assistance and Real Property Acquisition Policies Act, 6-13
- United National Program for Floodplain Management, 3-33

V

- Valuation of contaminated sites, 4-7 to 4-10
- Viewshed protection, 3-52 to 3-53
- Volatile organic compounds
  - major sources, 1-19
  - regulation, 1-17

W

- Water Bank Act, 3-39
- Water bodies, 2-34
  - Clean Water Act jurisdiction, 3-3 to 3-5
  - Rivers and Harbors Act coverage, 3-32 to 3-33
  - See also* Clean Water Act; Wetlands
- Water Quality Act, 5-8
- Water Quality Certification, 5-8
- Water quality standards, 3-11 to 3-12, 5-8
- Wetlands
  - agricultural practice and, 3-30
  - Clean Waters Act jurisdiction, 3-3 to 3-4
  - corridor preservation rules, 1-15 to 1-16
  - definition, 3-3, 3-5
  - delineation, 3-5
  - evaluation of, 3-5
  - Federal Land Policy and Management Act, 3-38
  - Food Security Act provisions, 3-30
  - injunctive relief to stop projects in, 6-4 to 6-5
  - mitigation, 3-50 to 3-51, 3-53
  - Water Bank Act protection, 3-39
  - See also* Clean Water Act
- Wetlands Executive Order, 3-31 to 3-32, 3-51
- Wetlands Reserve Program, 3-30
- Whole effluent toxicity, 3-16
- Wild and Scenic Rivers Act, 2-34, 3-9, 3-36 to 3-37
- Wilderness Act, 3-38
- Wildlife areas
  - Clean Water Act regulations, 3-9
  - Department of Transportation Act Section 4(f) application, 2-33
  - Fish and Wildlife Coordination Act regulations, 3-28 to 3-29
  - injunctive relief to stop projects in, 6-4 to 6-5
  - public land management law, 3-35 to 3-39
  - state endangered species laws, 3-29 to 3-30
  - See also* Endangered Species Act; Migratory bird protection

Z  
Zoning, 6-15