

Environmental Laws and Alternative Dispute Resolution: Tools for Environmental Justice

Glossary

Acute Exposure: A single exposure to a toxic substance which may result in severe biological harm or death. Acute exposures are usually characterized as lasting no longer than a day, as compared to longer, continuing exposure over a period of time.

Air Quality Standards: The level of air pollutants prescribed by regulations that are not to be exceeded during a given time in a defined area.

Ambient Pollution Standards: Standards that address the levels of contamination from pollutants that are in a surrounding area. These include water quality and air quality standards.

Attainment Area: An area considered to have air quality as good as or better than the national ambient air quality standards as defined in the Clean Air Act. An area may be an attainment area for one pollutant and a non-attainment area for others.

Coastal Zone: Lands and waters adjacent to the coast that exert an influence on the uses of the sea and its ecology, or whose uses and ecology are affected by the sea.

Chronic Exposure: Exposure, usually at lower doses, over a long period of time.

Consent Order: A court decree that all parties agree to. Also termed **consent decree**.

Contaminants: Pollutants in air, water, soil, or food. A contaminant could be chemicals released by a facility, household products used incorrectly, car exhaust, stream discharges, or other materials that could cause harm to humans or the environment.

Cumulative Exposure: Exposure to multiple sources of contamination or health risks.

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Cumulative Health Impacts: Combined effects of multiple pollutants on an individual or individuals. Some statutes require that the government consider cumulative health impacts before allowing additional sources of pollution. This is an important consideration in neighborhoods with multiple sources of potentially hazardous substances.

Delegation: The arrangement under which a state or tribal government assumes the lead role in running a federal program. To receive delegated authority, states or tribes must meet certain minimum requirements. For example, states typically must adopt adequate laws and regulations, and prove that they have the funding and other resources necessary to administer and enforce the laws properly.

De minimis: A fact or thing so insignificant that a court may overlook it in deciding an issue or a case.

Designated Uses: Those water uses identified in state water quality standards that must be achieved and maintained as required under the Clean Water Act. Uses can include freshwater fisheries, public water supply, and irrigation.

Discretionary: Optional or non-mandatory. Some things the government must do; these are mandatory, or non-discretionary, duties. Other things the government may choose to do; these are discretionary duties.

Effluent: Liquid waste that is discharged into a river, lake or other body of water.

Environmental Impact Statement (EIS): A document required of federal agencies by the National Environmental Policy Act for major projects or legislative proposals significantly affecting the environment. A tool for decision-making, it describes the positive and negative effects of the undertaking and cites alternative actions.

Environmental Justice: The fair treatment and involvement of all individuals and groups in environmental decision-making, regardless of race, ethnicity, or income. Environmental justice issues include ensuring that agency decisions (such as issuing permits and making cleanup decisions) consider fully the impacts on environmentally burdened communities, which often already are home to many polluting facilities and activities. Environmental justice issues include aggregate and cumulative health risks, and effects on sensitive populations. Siting of new facilities is one example of an action that might involve environmental justice concerns, such as clustering of polluting facilities and cumulative impacts.

Environmentally Burdened Community: A community that has a disproportionate, or unequal, exposure to pollutants or polluting facilities.

Exposure Pathway: The path from sources of pollutants via, soil, water, or food to humans and other species or settings.

Federal Agency: Any department, agency, or other instrumentality of the federal government, any independent agency or establishment of the federal government including any government corporation.

FOIA Request: A written request for information from the federal government, submitted in accordance with the Freedom of Information Act.

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Finding of No Significant Impact (FONSI): A document prepared by a federal agency showing why a proposed action would not have a significant impact on the environment and thus would not require preparation of an Environmental Impact Statement. A FONSI is based on the results of an environmental assessment.

Hazardous Waste: A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. The Resource Conservation and Recovery Act (RCRA) sets out standards for handling, storage, transportation, treatment and disposal of hazardous wastes.

Hearing: A public meeting that comes in two general forms. One format is an informal hearing at which any member of the public may speak about a particular issue or decision currently before the agency. A more formal hearing may resemble a trial before judges, where witnesses are sworn in and evidence is considered using formal rules of evidence and procedure. Environmental laws often require or allow public testimony on important decisions to be taken at public meetings or public hearings.

Location Standards: Criteria established by EPA, as mandated by law, for the acceptable location of new and existing hazardous waste treatment, storage, and disposal facilities as necessary to protect human health and the environment.

Mitigation: Measures taken to reduce adverse impacts on the environment.

Mobile Source: Any non-stationary source of air pollution such as cars, trucks, motorcycles, buses, airplanes, and locomotives.

National Pollutant Discharge Elimination System (NPDES): A provision of the Clean Water Act that prohibits discharge of pollutants into waters of the United States unless a special permit is issued by EPA, a state, or, where delegated, a tribal government on an Indian reservation.

New Source Review (NSR): A Clean Air Act requirement that State Implementation Plans must include a permit review that applies to the construction and operation of new and modified stationary sources in non-attainment areas to ensure attainment of national ambient air quality standards.

Non-Attainment Areas: Areas where air pollution standards are not met.

Notice and Comment: Notice is the announcement to the public of a proposed agency action or plan. Notice may be provided through radio, newspaper, posters, the Federal Register, or other media. Public comment may be given in writing or as spoken testimony at a public meeting or hearing. The public also can comment through letters, reports by scientists, or other experts who may be willing to help.

Omnibus Authority: Section 3005(c)(3) of Resource Conservation and Recovery Act (RCRA) (codified at 40 CFR 270.32(b)(2)) requires that each hazardous waste facility permit contain the terms and conditions necessary to protect human health and the environment. This provision is commonly referred to as the "omnibus authority" or

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“omnibus provision.” It is the means by which additional site-specific permit conditions may be incorporated into RCRA permits should such conditions be necessary to protect human health and the environment. The RCRA regulations governing hazardous waste incinerators have not been upgraded in over 15 years, even though new pollution control technologies have been developed over that same period of time. To address this gap, EPA has been using RCRA omnibus authority as necessary in appropriate cases to ensure that incinerator permits contain conditions that are protective of human health and the environment. The RCRA omnibus authority allows permitting agencies to impose additional conditions in a permit as needed to ensure that the facility is operating in a manner that is sufficiently protective. Usually, these types of additional conditions are identified pursuant to a site-specific risk assessment.

Pathogens: Microorganisms (e.g., bacteria, viruses, or parasites) that can cause disease in humans, animals and plants.

Permit: A document that gives permission for an activity. In the case of environmental permits, a permit is a document that sets forth the allowable amount of pollution and the standards that a permittee (the person holding the permit) must meet in order to maintain the permit or permission for their activity. The standards or conditions written into permits may include the following, and more: a requirement to sample discharges or emissions; a requirement to maintain such monitoring data and report it regularly to the government; the authority for government staff to conduct site inspections; and public notice requirements.

Point Source: A stationary location or fixed facility from which pollutants are discharged; any single identifiable source of pollution, e.g., a pipe, ditch, ship, ore pit, factory smokestack.

Pollutant: A contaminant of air, water, soil, or food. A pollutant could be chemicals released by a facility, household products used incorrectly, car exhaust, or other materials that could cause harm to humans or the environment.

Pollution: The contamination of air, water, soil, or food supplies by toxic and other pollutants.

Prevention of Significant Deterioration (PSD): EPA program in which state and/or federal permits are required in order to restrict emissions from new or modified sources in places where air quality already meets or exceeds primary and secondary ambient air quality standards.

Risk Assessment: A study or evaluation that identifies, and in many cases quantifies, the potential harm posed to health and the environment by contamination. Risk assessments may make assumptions about the affected community that may not be accurate. For this reason, citizen comments are useful in the risk assessment process.

Sensitive Populations: Groups of people who are more at risk for illness or disease than the general population. This could be because they are already in poor health, or because they had more exposure to certain pollutants than other people in similar situations.

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Solid Waste: Any garbage, refuse, sludge, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. The term solid waste is commonly used to refer to solid waste that is not hazardous.

State Implementation Program (SIP): Plans developed by individual states to ensure that the national air quality standards are met, as required by the Clean Air Act.

States' Rights: All rights not delegated to the federal government by the Constitution nor denied by it to the states.

Stationary Source: A fixed-site producer of pollution, mainly power plants and other facilities using industrial combustion processes.

Synergistic Impacts: When the effect of exposure to two or more contaminants is greater than the combined effect of each contaminant.

Toxic Substance: A chemical or mixture that may present an unreasonable risk of injury to health or the environment.

Underground Injection Control (UIC): The program under the Safe Drinking Water Act that regulates the use of wells to pump fluids into the ground.

Variance: A procedure by which someone can ask the government for an exception from environmental requirements, due to unique circumstances. Generally, the variance process is similar to getting a permit. An application for a variance is filed, after which a proposed variance is drafted. There are often public notice and comment opportunities before the final variance is granted.

Water Quality Standards: State-adopted and EPA-approved ambient standards for water bodies. The standards prescribe the use of the water body and establish the water quality criteria that must be met to protect designated uses.

Wetlands: An area that is saturated by surface or ground water with vegetation adapted for life under those soil conditions, as swamps, bogs, fens, marshes, and estuaries.