

**STATE APPLICABLE OR RELEVANT AND APPROPRIATE
REQUIREMENTS FOR THE NELSON TUNNEL PROPOSED
TIME CRITICAL REMOVAL ACTION**

ACTION SPECIFIC REQUIREMENTS

Action	Requirements	Prerequisite	Citation
	<p>Acid forming or toxic producing mined materials must be handled and disposed in a manner that will control unsightliness and protect the surface and groundwater drainage system from pollution.</p> <p>EPA's Response: We agree this is relevant and appropriate, and practicable.</p>	<p>Performing response actions similar to reclamation activities constituting handling and disposal of acid forming or toxic producing mined materials.¹</p>	<p>MLRB Regulations Rule 3.1.5(5), (10), (11),</p>
<p>Portal stabilization</p>	<p>Requires control measures to manage fugitive emissions from construction activities, storage and stockpiling activities, haul trucks and tailings ponds.</p> <p>EPA's Response: We agree this is relevant and appropriate, and practicable.</p>	<p>Performing construction, storage, stockpiling or hauling activities generating fugitive dust.</p>	<p>Colorado Fugitive Dust Control Plan/Opacity, Regulation No. 1., 5 CCR 1001-3, pursuant to Colorado Air Pollution Prevention and Control Act, CRS § 25-7-101 <i>et seq.</i></p>

¹ Disposal is not defined in the MLRB Regulations. The Colorado Solid Waste Regulations define "solid waste disposal" as the storage, treatment, utilization, processing or final disposal of solid wastes. Mined wastes addressed in the MLRB Regulations meet the solid waste Regulations definition of solid waste.

LOCATION SPECIFIC REQUIREMENTS

Location	Requirements	Prerequisite	Citation
Relevant Land Use Zone	Requires compliance with maximum permissible noise levels for particular time periods and land use zones. EPA's Response: We agree this is relevant and appropriate, and practicable.	Location of removal activities is within a designated land use zone subject to noise regulation.	Colorado Noise Abatement Statute, CRS § 25-12-101 <i>et seq.</i>