

SPAPs Environmental Review

SPAPs Workshop

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Region 4**



Environmental Review

- National Environmental Policy Act
- Categorical Exclusions (CE)
- Finding of No Significant Impact (FNSI)
- Environmental Information Document (EID)
- Cross-cutters
- Public Participation
- Common EID Problems

National Environmental Policy Act (NEPA)

- NEPA Requires EPA to
 - Assess Environmental Effects of Major Actions, Such as Construction Projects
 - Evaluate Alternatives to Proposed Project
 - Make Information Available to Public
- *No SPAPs Grant for Construction Awarded Until NEPA Process is COMPLETED*

Environmental Review Regulations & Guidance

- Council of Environmental Quality (CEQ)
 - 40 CFR Parts 1500-1508
- EPA's NEPA regulations
 - 40 CFR Part 6
- Region 4's SPAPs Environmental Review Procedures – Handouts and Website

Basic Review Process

- Environmental Review Results in One of Three Determinations:

Categorical Exclusion – CE or CATEX

Finding of No Significant Impact – FNSI

Environmental Impact Statement – EIS

- Level of Detail and Review Increases:

CE

FNSI

EIS

Categorical Exclusions

- **Projects Minor in Scope - Full Environmental Review is Not Needed**
- **Three General Types of Projects Qualify**
 - *Minor Upgrade, Expansion, or Rehab of Existing Facilities*
 - *Functional Replacement of Equipment*
 - *Ancillary Facilities Adjacent or Appurtenant to Existing Facilities*

Categorical Exclusions

Does Your Project Qualify for CE?:

- **Review the Checklist Criteria (Region 4 Website)**
- **Contact Your PO/State Early in the Process**
- **Provide Info to Support CE**

Categorical Exclusions

- EPA Determines if Project Qualifies for CE
- EPA Prepares and Issues CE
- *Publication in Local Newspaper Not Required*
- Grantee May Proceed With Next Step in Grant Process

Environmental Information Documents (EIDs)

- Projects That Do Not Qualify for CEs are Required to Provide an EID to EPA
- Grantee is Responsible for Preparing the EID

EID Contents

- Proposed Project and Funding Status
- Existing Environment
- Existing Facilities
- **NEED** for Proposed Facilities

EID Contents

- Alternatives Analysis – *New Requirements*
- Environmental Consequences; Mitigative Measures
- Public-Participation Info

EID Contents

- **Clearinghouse Review Comments**
- **Cross-cutter Review Letters**
- at least “Big Three”:
 - Wetlands – US Army COE
 - US Fish & Wildlife
 - Historic Preservation - State

Crosscutters

■ Federal Agencies:

- Whose Regulations Apply to All Projects Receiving Money From the Federal Government
- Must Be Consulted, Regardless of Which Agency is Providing Funds

■ Crosscutter Agencies – on EID Checklist

Public Participation

- Public Participation Required For All SPAPs Not Eligible For CE
- Formal or Informal Meetings, Workshops, Advisory Groups
- See Handout or Region 4 Website
- Grantees Must Summarize Public Participation Efforts in EID

EID Problem Areas

- **Project Description Lacks Specific Details**
- **Project Need Not Well Documented**
- **Other Reasonable Alternatives Not Proposed Or Evaluated**

EID Problem Areas

■ Crosscutters:

- Description Sent Crosscutter Does Not Match EID Description
- Some Crosscutters Not Addressed

■ Project Map Not Suitable For Distribution To The Public

- Not Legible
- Average Citizen Can Not Locate Project

EID Problem Areas

Growth Impacts/Indirect Impacts Not Considered

- Water Projects Must Address w Wastewater Needs
- Wastewater Projects Must Address Water Needs
- Other Impacts

Alternatives Analysis

c. New Construction Alternatives (As Applies)

*(1) Green Infrastructure to
Address Wet Weather Flows*

*(2) Decentralized/Cluster
Wastewater Systems*

Alternatives Analysis

d. Source Reduction (As Applies)

(1) Pre-treatment Program

(2) Illicit Detection for Wet Weather Flows

e. Non-structural Components such as Full-cost Pricing, Watershed-based Planning, Ordinances (As Applies)

EPA Environmental Review Responsibilities

- Approve Categorical Exclusions (CE)
- Review Environmental Information Documents (EID)
- Prepare Environmental Assessments (EA)
- Determine if action warrants FNSI or EIS
- Issue Finding of No Significant Impact (FNSI)
- Prepare Environmental Impact Statement (EIS)

Environmental Assessment (EA) Process

- EPA prepares an independent environmental assessment (EA) of the project
- EA determines whether a Finding of No Significant Impact (FNSI) or Environmental Impact Statement (EIS) is required

FNSI Process

- EPA Prepares FNSI Document
- EPA Mails EA/FNSI To Interested Parties For 30-Day Comment Period
- No Adverse Comments => EPA Determines FNSI Final And Notifies Grantee

Criteria for an EIS

- Significant Effect On The Pattern And Type Of Land Use Or Population Growth
- Conflict With Local, Regional, Or State Land Use Plans/Policies
- Significant Adverse Impact On Wetlands, Threatened Or Endangered Species Or Their Habitat

Criteria for an EIS (cont)

- Significant Displacement of Population or Alteration of Residential Character
- Significant Impact on Floodplains, Important Farmlands, Archeological/Historical Features, Parklands, Scenic Rivers
- Significant Impact on Local Air Quality, Noise Level, Surface Water or Ground-Water Quality or Quantity, Water Supply, Fish, Shellfish, Wildlife

EIS Process

- Issue notice of intent to prepare an EIS
- Coordinate with local, State and Federal agencies and interested parties
- Prepare EIS following CEQ regulations at 40 CFR 1502
- Hold Public Hearings
- Publish EIS for comment
- Address comments
- Issue Record of Decision

EIS Notables

- Another Program Office in Region 4 is Responsible for EIS Development
- Long, Detailed Process
- Rare for SPAP Project to Result in EIS