

ENVIRONMENTAL REVIEW AND PERMITTING

ISSUE SUMMARY:

The Office of Federal Activity (OFA), located within the Office of Policy, leads agency efforts in environmental review and permit streamlining. The Director of OFA serves as the National Program Manager (NPM) and works closely with headquarters program offices, regional offices, and federal agencies to ensure that National Environmental Policy Act (NEPA) analyses provide adequate consideration of potential environmental impacts of federal actions and provide information to help decision-makers and the public. OFA coordinates with EPA's three major permitting offices (OAR, OW and OLEM) to establish and implement streamlining and modernization strategies to ensure consistent and timely issuance of permits.

EPA is statutorily required to review and comment during the established public comment period on other federal agencies' Environmental Impact Statement (EIS) documents, prepared under NEPA pursuant to §309 of the Clean Air Act. OFA's NEPA Compliance Division (NCD) and the regional NEPA community works with lead agencies to improve their NEPA analyses through early informal coordination efforts in advance of the formal public comment period. The NEPA process provides an opportunity for lead agencies to consider EPA's comments along with those from other agencies and the public and address any shortfalls before rendering a decision. EPA's comment letters on EIS documents are made publicly available on EPA's website.

In accordance with a Memorandum of Understanding (MOU) with the Council on Environmental Quality (CEQ), EPA serves as the repository for EISs prepared by federal agencies and provides notice of EIS availability in the *Federal Register*. EPA uses e-NEPA, a web-based system, as the official EIS filing system for federal agencies and EIS clearinghouse to meet the CEQ MOU commitments. In addition, EPA operates, uses and promotes the NEPAassist geographic information system to help users (EPA, other federal agencies, and the public) with environmental planning in support of NEPA analyses.

OFA leads a cadre of regional NEPA reviewers that assist OITA with providing international environmental impact assessment training per requests received from the Department of State. Additionally, OFA's NCD manages the review of Environmental Impact Assessments of non-governmental activities in Antarctica, in accordance with the Antarctic Science, Tourism, and Conservation Act.

OFA's Permitting Policy Division (PPD) serves as EPA's central point of contact for all federal agencies on EPA-issued permits and supports the implementation of Title 41 of the Fixing America's Surface Transportation (FAST-41) at the Agency. The Director of OFA serves as the agency's designated Chief Environmental Review and Permitting Officer (CERPO). PPD's coordination and support efforts with EPA's permitting programs/regions and other state and federal agencies, help communities meet their environmental and economic needs through more transparent and predictable permitting. PPD works

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to reduce permitting burdens while ensuring regulatory compliance, particularly in the implementation of FAST-41 projects and major infrastructure projects overall. Because of PPD's unique role of supporting permitting programs across the agency it also supports implementing best practices for cross-cutting laws (e.g., Endangered Species Act, National Historic Preservation Act, Marine Mammal Protection Act). PPD develops topic-specific resource libraries, training, and community of practices forums agencywide.

PPD also leads the Agency's permit automation effort as described in EPA's FY2022-2026 Strategic Plan. Through this effort, EPA is advancing the paperless transformation through the automation of permit application, review, and issuance processes for EPA's permitting programs. Automation of the permit application process will reduce processing time on issuing permits, decrease the time between receiving monitoring data and engaging in enforcement actions, and foster transparency by allowing communities to search, track, and access permitting actions easily.

Additionally, PPD tracks, monitors, and coordinates with Agency's national programs and regions on \$40 million Inflation Reduction Action Section 60115 fund expenditure and accomplishments. This includes, assisting programs on contract mechanisms, hiring processes, reporting suggestions and other requirements to ensure effective implementation; assisting programs with performance goals and tracking/reporting success; and responding to OMB data call requests.

BACKGROUND:

OFA was reassigned from the Office of Enforcement and Compliance Assurance to the Office of Policy within the Administrator's Office in April 2018 as part of a larger agency reorganization. Concurrent with the reorganization order, PPD was created in place of OFA's prior International Compliance Assurance Division which was reassigned within the Office of Land and Emergency Management.

KEY EXTERNAL STAKEHOLDERS:

☒ Congress ☒ Industry ☒ States ☒ Tribes ☒ Media ☒ Other
Federal Agency ☒ NGO ☐ Other (name of stakeholder) _____

One of the core goals of OFA is public disclosure and to provide an opportunity for the public to comment on federal actions. The actions studied in EISs, by definition, have potentially significant environmental impacts. Because of this, many EISs generate significant interest from the above-mentioned groups.

MOVING FORWARD:

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Effective July 1, 2024, CEQ updated the NEPA regulations to incorporate measures consistent with the NEPA amendments made in the Fiscal Responsibility Act and to provide an efficient and effective environmental review process. The updated regulations require all agencies to propose updates to their implementing NEPA procedures to CEQ no later than July 1, 2025. In response, NCD is in the process of updating its NEPA procedures found at 40 CFR part 6.

PPD will continue to lead the permit automation effort and the EPA FY2022-2026 Strategic Plan goals. This will include establishing a common Agency portal that will serve as a platform for all permit applicants to submit permit applications and track progress on their permit development and will also include a public-facing aspect where all stakeholders can access draft permits for public comment, final permits, a general status of permit issuance and other publicly available information for transparency in permitting.

With the recent addition of multiple sectors under FAST-41 and an increasing portfolio of projects, PPD will continue to ensure the Agency meets its statutory obligations. PPD will closely coordinate with the Permitting Council on project dashboard management and internal project tracking, development and submission of Annual Report to Congress on EPA FAST-41 implementation, and coordinate with Agency national programs and regions on early engagement with project sponsors and ensure timely implementation of FAST-41 at the EPA.

LEAD OFFICE/REGION:

AO/AAOP/OFA/NCD/PPD; all regions

OTHER KEY OFFICES/REGIONS: