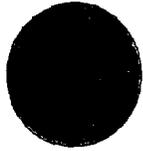


06002

Coastal Zone
Information
Center



1976

MANUAL

REVIEW OF FEDERAL ACTIONS IMPACTING THE ENVIRONMENT

COASTAL ZONE
INFORMATION CENTER

U.S. E.P.A.



GE
170
.R48
1975

ENVIRONMENTAL PROTECTION AGENCY
Washington, D. C. 20460

ENVIRONMENTAL
PROTECTION
AGENCY

ADDRESSEE

06002

TRANSMITTAL 2

DATE March 1, 1975

REVIEW OF FEDERAL ACTIONS IMPACTING
THE ENVIRONMENT

1. PURPOSE. This Transmittal issues a revised Manual for providing policies and procedures for reviewing and commenting on proposed actions of Federal agencies which will have an impact on the environment.
2. EXPLANATION OF CHANGE. To reflect current information, policy, and procedures.
3. FILING INSTRUCTIONS. Post receipt of this Transmittal on the checklist in front of the Manual, Review of Federal Actions Impacting the Environment. Remove existing Manual (TN 1640.1, 11-30-72) and replace it with this Transmittal.



Alexander J. Greene
Acting Deputy Assistant Administrator
for Administration

Property of CSC Library

COASTAL ZONE
INFORMATION CENTER

U. S. DEPARTMENT OF COMMERCE NOAA
COASTAL SERVICES CENTER
2234 SOUTH HOBSON AVENUE
CHARLESTON, SC 29405-2413

GE170 .R48 1975

13921711

JAN 2 1987

DISTRIBUTION: Directives

ENVIRONMENTAL PROTECTION AGENCY

MANUAL

CONTENTS OF CHAPTERS

REVIEW OF FEDERAL ACTIONS IMPACTING
THE ENVIRONMENT

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

<u>CHAPTER TITLES</u>	<u>CHAPTER NUMBERS</u>
POLICY AND RESPONSIBILITIES.....	1
REVIEW AND COORDINATION OF FEDERAL ACTIONS IMPACTING THE ENVIRONMENT.....	2
PREPARATION, APPROVAL AND DISTRIBUTION OF COMMENTS ON FEDERAL ACTIONS.....	3
APPENDIX A - INSTRUCTIONS FOR COMPLETING SECTION 309 ACTIONS LOG	
APPENDICES B-I - CONTROL NUMBER CODES	
APPENDIX J - CHECKLIST FOR DISTRIBUTION	

ENVIRONMENTAL PROTECTION AGENCY

MANUAL

CHAPTER 1 - POLICY AND RESPONSIBILITIES
TABLE OF CONTENTS

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

<u>PARAGRAPH TITLES</u>	<u>PARAGRAPH NUMBERS</u>
Purpose.....	1
Background.....	2
Policy Objective.....	3
Responsibilities.....	4

ENVIRONMENTAL PROTECTION AGENCY

MANUAL

CHAPTER 1

POLICY AND RESPONSIBILITIES

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

1. PURPOSE. This Manual establishes policies and procedures for reviewing and commenting on proposed actions of Federal agencies referred to the Environmental Protection Agency and related environmental impact statements prepared pursuant to the requirements of the National Environmental Policy Act of 1969. Also included in the Manual are provisions for: (a) reviewing and commenting on other Federal actions pursuant to Section 309 of the Clean Air Act, as amended; (b) reviewing and commenting on environmental impact statements of non-Federal organizations; and (c) maintaining effective liaison with Federal agencies which initiate actions subject to EPA review.

2. BACKGROUND.

a. Section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190) requires that all Federal agencies proposing legislation and other major actions significantly affecting the quality of the human environment prepare a detailed statement of these environmental effects and consult with other agencies having jurisdiction by law or special expertise over such environmental considerations.

b. Section 309 of the Clean Air Act, as amended, requires EPA to review and comment in writing on the environmental impact of any matter relating to the duties and responsibilities granted pursuant to the Act or other provisions of the authority of the Administrator, contained in any: (1) legislation proposed by a Federal department or agency, (2) newly authorized Federal projects for construction and any major Federal action, other than a project for construction, to which Section 102(2)(C) of Public Law 91-190 applies; and (3) proposed regulations published by any department or agency of the Federal Government. Such written comment must be made public

MANUAL

REVIEW OF FEDERAL ACTIONS IMPACTING THE ENVIRONMENT

CHAPTER 1

POLICY AND RESPONSIBILITIES

at the conclusion of any review. In the event such legislation, action, or regulation is determined to be unsatisfactory from the standpoint of public health, welfare, or environmental quality, the determination will be published and the matter referred to the Council on Environmental Quality.

c. The requirements set forth in paragraphs 2.a and 2.b above are referred to throughout this Manual as the "section 309 process." The section 309 process combines the EPA review of proposed legislation and major Federal actions which are the subject of environmental impact statements under Section 102(2)(C) of Public Law 91-190 with EPA's Section 309(a)(2) review of newly authorized Federal projects for construction and any major Federal actions, other than a project for construction, which are also subject to Section 102(2)(C) of Public Law 91-190 application. In addition, the section 309 process includes the EPA review of proposed Federal agency legislation and regulations pursuant to Sections 309(a)(1) and (3) which are not subject to environmental impact statements but do result in environmental impact. Finally, the section 309 process includes the EPA review of newly authorized Federal projects for construction and any major Federal action other than a project for construction, which EPA, but not the originating agency, believes pursuant to Section 309(a)(2) may require an environmental impact statement. The resulting EPA comment on such an action falls within the framework of the section 309 process. This Manual sets forth an orderly section 309 process for the review of these actions impacting the environment.

3. POLICY OBJECTIVE. EPA policy will be to use the section 309 process in conjunction with EPA's other authorities to:

a. Provide technical assistance to Federal, State, regional and local governmental entities;

CHAPTER 1
POLICY AND RESPONSIBILITIES

b. Assist the environmentally-related activities of EPA and other Federal, State, regional, and local entities; and

c. Assist Federal agencies in meeting the objectives of the National Environmental Policy Act.

4. RESPONSIBILITIES.

a. Office of Federal Activities (OFA)

(1) Provides EIS policy guidance to Headquarters and regional offices and coordinates with them to assure that EPA responses on EIS's are consistent with policy and reflect the total environmental responsibilities of EPA.

(2) Maintains overall coordination for review by Headquarters and regional offices of EIS's submitted to EPA by other Federal agencies.

(3) Coordinates clearance of Headquarters and regional office comments on other agencies' EIS's.

(4) Coordinates the preparation of written comments by Headquarters and regional offices on Federal actions, other than EIS's, which are reviewed by EPA under the section 309 process, and coordinates EPA's liaison with other Federal agencies to identify actions which should be reviewed.

(5) Acts as signatory office on EIS's and other major Federal actions in accordance with the requirements set forth in this Manual.

b. Principal Reviewer. A principal reviewer is an EPA office whose duties entail the following:

(1) Review of EIS's prepared by other Federal agencies which have been submitted to EPA for review and comment and preparation of a formal EPA response. In carrying out this responsibility, it ensures the following:

MANUAL

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

CHAPTER 1

POLICY AND RESPONSIBILITIES

(a) Understanding of every comment included in the formal EPA response;

(b) Verification of points made by associate reviewers who comment;

(c) Determination of the relative importance of EPA's comments including discarding those comments of little significance, after discussion of such comments with the associate reviewer;

(d) Determination of the most appropriate categorization of the environmental impact of the proposed action and/or the adequacy of the EIS;

(e) Organization of the comments so that they provide strong substantiation of the rating assigned; and

(f) Expression of all comments clearly and concisely avoiding unnecessary repetition;

(2) Preparation of Section 309 comments, as appropriate, on other Federal agency actions relating to the duties and responsibilities of the Administrator;

(3) Review of EIS's prepared by State, regional, or local entities when appropriate;

(4) Obtaining comments from associate reviewers whenever the effects of the action extend beyond the technical expertise or geographical area of the principal reviewer;

(5) Signing comments except where the Administrator, Deputy Administrator, or Director, OFA, is designated as signatory official under the Manual;

CHAPTER 1
POLICY AND RESPONSIBILITIES

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

(6) Distributing comments and, when appropriate, initiates press releases and other public notifications for clearance through Headquarters or regional Public Affairs offices:

(7) Following up EPA comments on EIS's to assure that EPA's comments are adequately considered by the originating Federal agency;

(8) Providing pre-impact statement liaison to other Federal, State, and local agencies regarding the requirements of Public Law 91-190 and similar State and local mandates; and

(9) Providing direct assistance to other agencies relative to the preparation of individual EIS's.

c. Associate Reviewer. An associate reviewer is an EPA office whose duties entail the following:

(1) Upon request of the principal reviewer, reviews EIS's and other Federal actions initiated by other Federal agencies and submits comments to the principal reviewer;

(2) Upon the request of the principal reviewer, provides liaison or interaction with the agency which initiated the EIS or other Federal action; and

(3) Recommends to the principal reviewer the most appropriate categorization of the environmental impact of the proposed action or the adequacy of the EIS.

CHAPTER 2 - REVIEW AND COORDINATION OF
FEDERAL ACTIONS IMPACTING
THE ENVIRONMENT

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

TABLE OF CONTENTS

<u>PARAGRAPH TITLES</u>	<u>PARAGRAPH NUMBERS</u>
Summary of Chapter.....	1
Pre-Draft Impact Statement Liaison.....	2
Providing Guidance to preparers of Impact Statements.....	3
Determining Need for Impact Statements.....	4
Routing of Impact Statements and Other Federal Actions.....	5
Designating Principal Reviewers.....	6
Establishing Deadlines.....	7
Reporting and Control.....	8
Coordinating Review With Other Offices.....	9
Post Impact Statement Follow-up.....	10

Figure 2-1. Request for Time
Extension (No Significant
Comments)

Figure 2-2. Request for Time Extension
(Significant Comments
Forthcoming)

Figure 2-3. Section 309 Actions Log

CHAPTER 2

REVIEW AND COORDINATION OF FEDERAL
ACTIONS IMPACTING THE ENVIRONMENTREVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

1. SUMMARY OF CHAPTER. This Chapter sets forth the section 309 process relating to the review of environmental impact statements (EIS's) from the point where EPA effects liaison with other agencies prior to issuance of an EIS to EPA's establishing a project monitoring capability after the final EIS is issued. Similarly, the chapter sets forth the section 309 process for the review of other agency actions which impact the environment but do not require an EIS.

2. PRE-DRAFT IMPACT STATEMENT LIAISON.

a. Within the limits of their resources, EPA reviewers (hereafter referred to as principal reviewers) are urged to maintain general pre-draft EIS liaison with their counterparts in other agencies. This liaison is necessary for the principal reviewers to be informed about the EIS's which are being prepared and is intended to reduce the time required to review each EIS. Priority should be given to pre-draft EIS liaison on projects under construction, which are halted to allow preparation of an EIS. Pre-draft EIS liaison may consist of any of the following:

(1) Review of an applicant's environmental report or pre-draft EIS prior to receiving an EIS;

(2) Review of negative declarations prepared by Federal agencies;

(3) Attendance at Federal agency meetings where the action is described and the EPA official has the opportunity to assess the importance of the action and to provide any input necessary to the sponsoring agency to identify EPA areas that need to be considered in the EIS;

MANUAL

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

CHAPTER 2

REVIEW AND COORDINATION OF FEDERAL
ACTIONS IMPACTING THE ENVIRONMENT

(4) Substantive discussions with Federal agency officials responsible for a proposed action;

(5) Providing to Federal agency officials background materials for use in developing an EIS;

(6) Review of former EPA (pre-draft EIS) program files on a proposed action, e.g. review of a watershed work plan or water resource project report and the assessment of the extent to which the project or EPA's views may have changed since any past review was made; or

(7) Site visits, especially where a project presents a significant potential for environmental disruption of a valuable natural area or is likely to be an environmentally unsatisfactory action.

3. PROVIDING GUIDANCE TO PREPARERS OF IMPACT STATEMENTS.
Within the limits of their resources, EPA offices may provide guidance relative to the preparation of individual EIS's by other agencies. This guidance shall be in accordance with the limitations set forth in the following guidelines:

a. Projects selected for providing guidance should have high national priority, arouse wide public interest, or present highly significant potential for environmental damage, or be instances where EPA's early input can result in substantial improvement in the proposed action.

b. Guidance should be rendered only in those areas where this Agency has expertise as related to EPA's duties and responsibilities.

c. Guidance should be limited to ensuring that the Federal agency requesting help:

CHAPTER 2

REVIEW AND COORDINATION OF FEDERAL
ACTIONS IMPACTING THE ENVIRONMENT

MANUAL

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

(1) Clearly recognizes and understands the environmental impact of the proposed project and the environmental laws and regulations which apply;

(2) Is fully aware of the alternatives for ameliorating or solving environmental problems;

(3) Has examined all the reasonable alternatives to the proposed project and has a full understanding of the environmental consequences associated with the alternatives; and

(4) Will comply fully with the requirements of Section 102(2)(C) of Public Law 91-190.

d. Federal agencies receiving such guidance shall be instructed by EPA personnel that such assistance shall not extend to actual drafting of any portion of the EIS.

e. In providing guidance, EPA personnel should neither explicitly support nor reject any action that the requesting agency proposes to describe in its EIS.

f. Prior to providing guidance, EPA personnel must make clear that prospective comments will be made on the EIS without constraint.

4. DETERMINING NEED FOR IMPACT STATEMENTS. Whenever a Headquarters or regional office (hereafter referred to as the "principal reviewer") ascertains, on the basis of investigating a public inquiry, reviewing a negative declaration, assessing conformance with environmental standards, or other means, that a Federal agency has not prepared an EIS on a major Federal action which could result in a significant environmental impact, the following procedures pertain.

MANUAL

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

CHAPTER 2

REVIEW AND COORDINATION OF FEDERAL
ACTIONS IMPACTING THE ENVIRONMENT

a. The principal reviewer will consult with the Federal agency responsible for the major action to explore the necessity for EIS preparation. Any oral discussions with the agency by the principal reviewer will be couched in terms of suggested action for the Federal agency's consideration rather than as an EPA determination under Section 309 that an EIS is required. Contact with CEQ and the Federal agency headquarters will be made by OFA upon request of the principal reviewer.

b. If, after such consultation, the principal reviewer determines that the requirements of Section 102(2)(C) of Public Law 91-190 are applicable, the Federal agency responsible for the major action will be apprised of EPA's assessment of the action and the reasons why the agency should reevaluate its decision not to prepare an EIS. Correspondence to the Federal agency relating to EPA's independent determination that an EIS is needed on an action shall be prepared in accordance with paragraph 6.a of Chapter 3. If the major action is currently the subject of court litigation, the principal reviewer should use discretion in handling this correspondence in such a manner as not to jeopardize the legal position of the Federal agency involved.

c. If, after final consultation with EPA, the responsible Federal agency maintains that the action being considered is not a major Federal action in the context of Section 102(2)(C) of Public Law 91-190, the principal reviewer will initiate a Section 309 review and prepare comments on the particular action in accordance with paragraph 6.b.(2) of Chapter 3.

5. ROUTING OF IMPACT STATEMENTS AND OTHER FEDERAL ACTIONS. Federal, State, and local agencies have been requested to direct EIS's and other Federal actions, not the subject of EIS's, to EPA as follows:

CHAPTER 2

REVIEW AND COORDINATION OF FEDERAL
ACTIONS IMPACTING THE ENVIRONMENT

MANUAL

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

<u>Action</u>	<u>Directed to</u>
Legislation	Office of Legislation
Appropriations	Office of Federal Activities
Policy statements, regulations, and procedures	Office of Federal Activities
Major Federal actions which embody a high degree of national controversy or significance or pioneer Agency policy, or encompass more than one region.	Office of Federal Activities
Major Federal actions of a regional nature	Appropriate regional office
Water resources project proposals	Appropriate regional office
Section 10 (Rivers and Harbors Act) or Section 404 (FWPCA) permit actions	Appropriate regional office
State and local impact statements	Appropriate regional office

6. DESIGNATING PRINCIPAL REVIEWERS.

a. A regional office will automatically become the principal reviewer for those EIS's or other Federal actions it receives from Federal, State, and local agencies, except where:

(1) The EIS or other Federal action pertains to an action which is to take place in another region. In such a case, the EIS or action should be forwarded directly to the regional office where the action will take place. This region will then become the principal reviewer.

MANUAL

CHAPTER 2

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

REVIEW AND COORDINATION OF FEDERAL
ACTIONS IMPACTING THE ENVIRONMENT

(2) The EIS or other Federal action pertains primarily to policy, regulations, or procedures which do not have a geographical focus or overlap several regions or to an action concerning areas in which the regional office does not have adequate technical expertise. In such cases, the EIS or other Federal action shall be forwarded to the Office of Federal Activities (OFA) which will make the appropriate principal reviewer assignment.

(3) The EIS or other Federal action embodies a high degree of national controversy or significance or "pioneers" EPA policy. In such cases the EIS or other Federal action should be forwarded directly to OFA which will make the appropriate principal reviewer assignment. A regional or Headquarters office may at any time request that a particular EIS or other Federal action be evaluated by OFA to determine who shall be the principal reviewer.

b. The review of State and local EIS's will be undertaken at the discretion of the Regional Administrator.

c. EIS's or other Federal actions received by OFA will be assigned to principal reviewers as described below:

<u>Subject or Area</u>	<u>Principal Review and Comment Responsibilities</u>
Legislation	Office of Legislation
Appropriations	Office of Planning and Management
Policy statements, regulations and major procedures	Office of Federal Activities or appropriately designated office
Major Federal actions which embody a high degree of national controversy or signi- ficance or pioneer Agency policy	Office of Federal Activities or other appropriately designated office

CHAPTER 2

REVIEW AND COORDINATION OF FEDERAL
ACTIONS IMPACTING THE ENVIRONMENT

MANUAL

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

7. ESTABLISHING DEADLINES.

a. Federal Agency Draft Impact Statements. EPA will respond to a draft EIS within 45 days of the published date of receipt by the Council on Environmental Quality (CEQ) unless the originating Federal agency establishes a longer deadline for receiving comments or a time extension is requested in writing. Weekly listings of the official CEQ due dates shall be sent to the regions and appropriate Headquarters offices by OFA (see paragraph 8.b.(2) of this Chapter). The principal reviewer will set internal EPA deadlines to assure release of EPA comments within the allotted time for EPA review. Problems of intra-regional delays will be resolved by the Regional Administrator. Problems of intra-EPA delays will be resolved by OFA. If the principal reviewer determines EPA cannot meet the 45-day deadline or the deadline imposed by the originating Federal agency, an extension may be requested in writing (see Figure 2-1 or Figure 2-2). Principal reviewers shall ensure that requests for time extensions are submitted to originating agencies in a timely manner, e.g. whenever possible at least two weeks before the previous deadline established by that agency for comments. To the maximum extent practicable, requests for time extensions should be limited to critical statements. The extension requested will normally be for 15 days, although a longer extension may be requested if the principal reviewer believes it is necessary. A copy of the letter requesting the extension will be forwarded concurrently to the OFA Section 309 Data Coordinator.

b. Federal Agency Final Impact Statements. The principal reviewer shall ensure that it is on the distribution list for final EIS's which shall be reviewed in accordance with the procedures set forth in Chapter 3, paragraph 4. Federal agencies will not initiate administrative action for a minimum of thirty (30) days from the date CEQ has received the final EIS and the agency has made the final EIS available to commenting entities except under certain

MANUAL

CHAPTER 2

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENTREVIEW AND COORDINATION OF FEDERAL
ACTIONS IMPACTING THE ENVIRONMENT

emergency circumstances. The principal reviewer will set internal deadlines to assure release of EPA comments on final EIS's within thirty (30) days of the date the EIS is received by EPA, including necessary Headquarters review time if the comments will be signed by the Administrator (see Chapter 3, paragraph 5.d.). If this internally set due date falls after the official CEQ due date (see paragraph 8.b.(2) of this Chapter), the principal reviewer shall ensure that CEQ and the originating agency are informed of the due date established by EPA. The principal reviewer may request an extension of time but must realize that at this stage the originating agency is seeking to initiate its action. For final EIS's rated ER, EU, or 3 on the draft, OFA shall be notified as early in the review process as possible of any intent to comment in order to permit timely notification of CEQ and the Headquarters of the originating agency that EPA intends to comment on the final EIS. In addition, OFA shall be notified of any time extensions granted to EPA. The OFA staff is available to assist principal reviewers in requesting time extensions through Headquarters offices of other agencies.

c. Other Federal Agency Actions. For legislation proposed by other Federal agencies, EPA will utilize the legislative clearance process cited in OMB Bulletin No. 72-6 to establish review deadlines for preparing Section 309 comments. For regulations proposed by other Federal agencies, EPA will ensure that review deadlines are established to conform with the review period specified by the originating agency in its proposed regulations. In reviewing proposed legislation or regulations, the principal reviewer will ensure that all associate reviewers are apprised of the review deadline. In cases where EPA determines that an EIS should be prepared on a proposed action, but the originating agency determines to the contrary (see paragraph 4.c above), the preparation of written comments shall be completed within 15 days from the date EPA renders such determination.

CHAPTER 2

REVIEW AND COORDINATION OF FEDERAL
ACTIONS IMPACTING THE ENVIRONMENT

8. REPORTING AND CONTROL.

a. Logs. OFA will maintain a central log of all draft and final EIS's and other Federal actions received from other Federal agencies for review and comment. Principal reviewers shall submit, by close of business on each Friday, Section 309 Actions Log (see Figure 2-3) to the OFA Section 309 Data Coordinator. In reporting the data, the weekly log shall be divided into three sections. The first section shall contain those EIS's or other Federal actions which were received for review during the reporting period. The second section shall contain those EIS's or other Federal actions for which comments were forwarded to the originating agency during the reporting period. The third section shall contain those EIS's or other Federal actions for which time extensions have been granted during the reporting period. The log shall reflect only those EIS's or actions for which the principal reviewer is responsible. The associate reviewer shall not report any data on its log. The items on the Section 309 Actions Log shall be completed in accordance with the instructions set forth in Appendix A.

b. Reports. The following three reports will be prepared by OFA to keep EPA officials informed on EIS's and other Federal actions received for review and comment and to aid in administering the Agency's Section 309 process.

(1) Bi-Weekly List of Environmental Impact Statements and Other Federal Actions Received by EPA. This report will be generated bi-weekly within OFA and will be distributed to the Deputy Administrator, Assistant Administrators, Regional Administrators, and Director, Office of Legislation. The report will

MANUAL

CHAPTER 2

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

REVIEW AND COORDINATION OF FEDERAL
ACTIONS IMPACTING THE ENVIRONMENT

include: (a) a listing of all EIS's or other Federal actions received from another agency during the past two weeks; (b) the EPA control number; (c) the date on which EPA's comments are due; and (d) the principal reviewer.

(2) Weekly Listing of Official CEQ Due Dates.

This report will be generated weekly by OFA and distributed to the Regional Administrators and appropriate Headquarters offices, upon request. The report will include: (a) a listing of all EIS's received by CEQ during the past week; (b) the official CEQ due date as published in the Federal Register; and (c) geographical location.

(3) Bi-Weekly Status Report on Overdue Comments.

This report will be generated bi-weekly within OFA and, upon request, will be distributed to the Deputy Administrator, Assistant Administrators, Regional Administrators, and Director, Office of Legislation. The report will include: (a) all EIS's for which EPA's comments to the originating Federal agency are overdue; and (c) summaries of the number of overdue comments for which each EPA office is responsible.

9. COORDINATING REVIEW WITH OTHER OFFICES.

a. General. The principal reviewer will be responsible for obtaining views of other EPA offices. The principal reviewer will direct major issues as soon as they are identified to the responsible Assistant Administrator or Regional Administrator, keeping OFA informed. Program policy resides with the responsible Assistant Administrator who will identify major issues to the Administrator. Regional policy resides with the responsible Regional Administrator who will bring major issues to the Administrator's attention.

CHAPTER 2

REVIEW AND COORDINATION OF FEDERAL
ACTIONS IMPACTING THE ENVIRONMENTREVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

b. Water Resource Projects. Water resource projects should receive close scrutiny in view of EPA's responsibility to review project reports as well as associated EIS's. The principal reviewer will assure that reviews of water resource project proposals and associated impact statements are mutually supportive, and that EPA comments on both the project proposal and the EIS. The principal reviewer must also consider any technical studies or water quality reviews which may have been conducted previously by EPA on the project. Particular attention should be focused on the compatibility of water resources projects with water quality plans.

c. Corps of Engineers Permitting and Other Direct Actions. EPA provides comments at the public notice stage, where appropriate, including objections, on public notices for Corps of Engineers' operations and maintenance dredging projects and Corps permitting actions pursuant to section 10 of the Rivers and Harbors Act of 1899 and section 404 of the FWPCA of 1972. The principal reviewer shall ensure that the comments prepared by EPA on these Corps' actions at the public notice stage are coordinated with the review and comment on any EIS's prepared on these actions. For a section 404 permitting action, the principal reviewer shall also ensure that the need for EPA enforcement action under the FWPCA (including a determination pursuant to section 404(c) of unacceptable adverse impact) is evaluated during the EIS review period.

10. POST-IMPACT STATEMENT FOLLOW-UP. After completion of the reviews of an EIS, the principal reviewer is responsible for conducting post-EIS follow-up where EPA evaluates the proposed action as reflected in the final EIS to contain environmental reservations or to be environmentally unsatisfactory or the final EIS to be unresponsive (see paragraphs 4 and 5 of Chapter 3). The principal

MANUAL
REVIEW OF FEDERAL ACTIONS IMPACTING THE ENVIRONMENT

CHAPTER 2

REVIEW OF FEDERAL ACTIONS IMPACTING THE ENVIRONMENT

REVIEW AND COORDINATION OF FEDERAL ACTIONS IMPACTING THE ENVIRONMENT

reviewer shall effect post-EIS liaison by preparing a plan of action and submitting such plan to OFA for Headquarters comment and coordination. The plan of action shall provide an outline of the follow-up activities the principal reviewer intends to initiate to monitor whether the originating agency undertakes actions which have been the subject of such EIS's in an environmentally protective and sound manner. In carrying out his post-EIS follow-up responsibilities, the principal reviewer shall ensure that he coordinates his activities with appropriate State and local environmental protection officials and other EPA officials (e.g. regional or State enforcement officials for NPDES permitting, regional enforcement officials for Section 404 enforcement, and regional air program officials for transportation control strategy compliance and State implementation plan requirements, etc.).

Addressee

Dear _____:

The Environmental Protection Agency has received the environmental impact statement _____ (Name) on _____ (Date). Although comments are due to you from this Agency on _____ (Date), EPA regrets that it will not be able to respond within that time.

We do not anticipate that our comments will raise substantial environmental concerns. Our detailed comments will be forthcoming by _____ (Date--15 days late).

Sincerely yours,

(Principal Reviewer)

cc: Section 309 Data Coordinator

Addressee

Dear _____:

The Environmental Protection Agency received the
environmental impact statement _____ (Name)
on _____ (Date). Although comments are due from
this Agency on _____ (Date), EPA regrets that it will
not be able to respond by that date. We expect to
respond by _____ (Date--15 days late), and we anticipate
that our comments will raise significant questions
as to the environmental impact of the proposed action,
especially with regard to _____ (subject, e.g. water,
_____ air, etc.) .

Sincerely yours,

(Principal Reviewer)

cc: Section 309 Data Coordinator

ENVIRONMENTAL PROTECTION AGENCY

MANUAL

CHAPTER 3 - PREPARATION, APPROVAL, AND DISTRIBUTION OF COMMENTS ON FEDERAL ACTIONS

REVIEW OF FEDERAL ACTIONS IMPACTING THE ENVIRONMENT

TABLE OF CONTENTS

<u>PARAGRAPH TITLES</u>	<u>PARAGRAPH NUMBERS</u>
Content and Organization of EPA	
Comments on Draft Impact Statements.....	1
Approving and Distributing	
Comments on Draft Impact	
Statements.....	2
Pre-Final Impact Statement	
Consultation.....	3
Content and Organization	
of EPA Comments on	
Final Impact Statements.....	4
Approving and Distributing	
Comments on Final Impact	
Statements.....	5
Approving and Distributing	
Comments on Other Section 309	
Actions.....	6
Public Notice of Availability of EPA	
Comments.....	7
Records.....	8

Figure 3-1. Notification of EPA's Classification of Comments

Figure 3-2. Form for Submitting Summary Paragraph for Federal Register

Figure 3-3. Form for Acknowledging No Comments on Final EIS

CHAPTER 3

PREPARATION, APPROVAL, AND DISTRIBUTION
OF COMMENTS ON FEDERAL ACTIONSREVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT1. CONTENT AND ORGANIZATION OF EPA COMMENTS ON DRAFT
IMPACT STATEMENTS.

a. EPA's comments on environmental impact statements (EIS's) should reflect the total environmental responsibilities of EPA, especially in those cases where the basic nature of the EIS indicates a need for a coordinated multi-program response. EPA comments should strive to stimulate appropriate consideration of primary and secondary environmental effects by other Federal agencies in their decision-making process. Comments should stress fundamental environmental issues and should be of a constructive nature, suggesting, where possible, not only what should be improved, but also discussing alternatives warranting consideration.

b. The review of the draft EIS should address both the environmental impact of the action and the adequacy of the information presented in the draft EIS. Comments on the adequacy of the document are to assist the originating agency in developing a comprehensive impact analysis in the final EIS.

c. At the draft stage, comments shall be designated by two notations: categories LO, ER, or EU, which signify an evaluation of the environmental impact of the proposed action; and categories 1, 2, or 3, which signify an evaluation of the adequacy of the draft EIS. (For example, a comment may be designated LO-1, etc.) Explanations of the categories are as follows:

(1) Environmental Impact of the Action.

(a) LO (Lack of Objections). EPA has no objections to the proposed action as described in the draft EIS or suggests only minor changes in the proposed action.

MANUAL

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

CHAPTER 3

PREPARATION, APPROVAL, AND
DISTRIBUTION OF COMMENTS
ON FEDERAL ACTIONS

(b) ER (Environmental Reservations). EPA has reservations concerning the environmental effects of certain aspects of the proposed action as described in the draft EIS. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these aspects.

(c) EU (Environmentally Unsatisfactory). EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, EPA believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. EPA recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

(2) Adequacy of the EIS.

(a) Category 1 (Adequate). The draft EIS adequately sets forth the environmental impact of the proposed action as well as alternatives reasonably available to the project or action.

(b) Category 2 (Insufficient Information). EPA believes that the draft EIS does not contain sufficient information to assess fully the environmental impact of the proposed action. However, from the information submitted, EPA is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft EIS.

(c) Category 3 (Inadequate). EPA believes that the draft EIS does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonably available alternatives. EPA has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the draft EIS.

CHAPTER 3
PREPARATION, APPROVAL AND
DISTRIBUTION OF COMMENTS ON
FEDERAL ACTIONS

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

d. General criteria for the designation of category EU or 3 are specified below. More detailed criteria related to these categories for "project specific" EIS's (i.e., highway projects, airports, impoundments, etc.) are contained in guidelines established by the Office of Federal Activities (OFA) and published elsewhere.

(1) General Criteria for Category EU. Listed hereunder are criteria for the "environmentally unsatisfactory" category (Category EU). Each criterion will serve as a basis to satisfy the Administrator's requirement to determine when a proposed project or action is unsatisfactory from the standpoint of public health or welfare or environmental quality.

(a) Where it is highly probable that a violation of standards will occur.

1 The applicable standards include Federal, State, and local standards. Federally promulgated standards include EPA developed environmentally protective regulations or guidelines (including but not limited to the informational guidelines under section 304(e) of the Federal Water Pollution Control Act Amendments of 1972 relating to the identification and evaluation of non-point sources of pollutants, and under section 404(b) regarding disposal of dredged or fill material in navigable waters, including wetlands).

2 There will be projects which as an initial step do not violate standards, but inherently create significant pollution problems in related areas. If there is a demonstrable connection between the initial project and future related developments which create the likelihood of the violation of standards, this may be a basis for the unsatisfactory determination.

MANUAL

CHAPTER 3

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

PREPARATION, APPROVAL, AND
DISTRIBUTION OF COMMENTS
ON FEDERAL ACTIONS

(b) Where the Federal agency violates its own substantive environmental requirements which relate to EPA's areas of jurisdiction or expertise, such as sections 109(i) and (j) of the Federal-Aid Highway Act Amendments of 1970 conditioning approval of highway plans and specifications upon a determination that noise and air quality guidelines developed under these sections are met.

(c) Where there is a violation of an EPA policy declaration, for example the EPA policy regulating streamflow prepared pursuant to Section 102(b)(3) of the Federal Water Pollution Control Amendments of 1972.

(d) Where there are no applicable standards or where applicable standards will not be violated but there is potential for significant environmental degradation which could be mitigated by other feasible alternatives (not including the no project alternative).

(e) Where there are no applicable standards or where applicable standards will not be violated but there is potential for severe environmental degradation relating to EPA's areas of jurisdiction or expertise.

(2) General Criteria for Category 3. An EIS which meets one or more of the following conditions shall be categorized as "inadequate" (category 3):

(a) The EIS contains insufficient information to permit a reasonable review of project features considered in the EIS, including failure to provide information to permit an evaluation of primary effects or significant secondary effects, which are covered by EPA's standards, regulations, or policies.

(b) The EIS fails to consider adequately important project features which EPA believes have a significant impact on the environment. This situation is most likely to occur where an initiating agency is

CHAPTER 3
PREPARATION, APPROVAL, AND
DISTRIBUTION OF COMMENTS ON
FEDERAL ACTIONS

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

attempting to cover a broad class of actions with an EIS which may not be designed as an overview EIS. If certain project components are not covered and the agency's intent is not to prepare subsequent EIS's on these aspects, the category 3 rating should point out the features which will be required in subsequent EIS's and define the types of information which should be included in the subsequent EIS's. If subsequent EIS's will not be prepared, then designated information should be included in the existing EIS.

e. Rating Environmental Impact of a Category 3

Rating. If a draft EIS is assigned a category 3, ordinarily no rating will be made on the environmental impact of the proposed project or action, since a basis does not generally exist on which to make such a determination. However, when there is a basis for assessing the environmental impact of a proposed action (e.g., independent documents or on-site surveys), such a rating may be established at the discretion of the principal reviewer after consultation with OFA.

2. APPROVING AND DISTRIBUTING COMMENTS ON DRAFT IMPACT STATEMENTS.

a. Categories LO, ER, 1, or 2. For draft EIS's rated LO, ER, 1, or 2, the comments shall be signed by the appropriate regional or Headquarters official and the principal reviewer will make distribution of EPA's comments in accordance with Appendix J.

b. Categories EU or 3.

(1) Draft EIS comments which the principal reviewer is contemplating rating EU or 3 shall be cleared by OFA prior to release. This review will be effected by forwarding a copy of the proposed comments to OFA who will then notify the principal reviewer by telephone upon completion of the Headquarters review. The principal reviewer shall ensure that OFA is afforded at least five (5) days to conduct its review of the proposed comments.

MANUAL

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

CHAPTER 3

PREPARATION, APPROVAL, AND
DISTRIBUTION OF COMMENTS
ON FEDERAL ACTIONS

(2) If there is a disagreement between OFA and the principal reviewer over the proposed rating or the appropriate signatory official, the Deputy Administrator shall determine the rating or the signatory official. In the process of determining the rating for an EIS, it may be useful to meet and consult with the initiating agency to insure that EPA has not misinterpreted the issues associated with the EIS.

(3) If EPA comments are to be prepared for the signature of the principal reviewer or OFA, distribution will be made directly according to Appendix J.

(4) If comments are to be prepared for the signature of the Administrator or Deputy Administrator, the principal reviewer will prepare an action memorandum (see EPA Order 1320.2) describing the project, the substance of the Agency's comments, and any issues surrounding the project which should be included in the proposed comment letter. The action memorandum shall be forwarded to OFA for coordination.

(5) In every case where a draft statement has been rated EU or 3, the Director, OFA, by letter shall notify CEQ. In addition, the Director, OFA, by letter shall notify the head of the originating agency, when the principal reviewer has commented to a regional office of the originating agency.

c. Transmittal of Agency Comments.

(1) Any correspondence transmitting comments to the originating agency will include notification of the categorization of EPA's comments. When the alphanumeric code is used its meaning should be explained (see Figure 3-1). When the principal reviewer of a draft EIS rates EPA's comments as LO-2, ER-1, ER-2, EU-1, EU-2, or 3, the Agency's

CHAPTER 3

PREPARATION, APPROVAL, AND
DISTRIBUTION OF COMMENTS ON
FEDERAL ACTIONSREVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

comments will include a request for 5 copies (or a number deemed necessary by the principal reviewer) of the final EIS to be sent to EPA as soon as it is available. The principal reviewer may wish to include a requested distribution list for the final EIS with EPA's comments in order to speed the final review process. When the draft EIS is categorized LO-1, the comments will normally include a request for only 1 copy of the final EIS. The final EIS will be reviewed according to procedures set forth in paragraph 4 of this Chapter. OFA will be notified upon receipt of each final EIS in accordance with the procedures set forth in paragraph 8.a of Chapter 2.

(2) The principal reviewer will notify the originating agency of the categorization of EPA's comments before the comments are made available to the public.

3. PREFINAL IMPACT STATEMENT CONSULTATION.

a. General. Efforts should be maintained to follow up and work with agencies which have submitted draft EIS's rated categories ER, EU, or 3, so that they are improved at the final stage. At the request of the principal reviewer, appropriate Agency personnel shall meet with officials of the initiating agency to discuss EPA's comments, to provide additional information, and to recommend means to improve the proposed action and supporting EIS. Meetings conducted at the Headquarters level shall be coordinated by OFA. If an agency requests an EPA position on a proposed final EIS, the principal reviewer may acknowledge tentative concurrence or nonconcurrence with the agency's response to EPA's comments on the draft EIS. However, care should be taken to avoid written statements that can be taken as an EPA "endorsement" of an action or "objection" to an action on nonenvironmental grounds. Issues which remain

MANUAL

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

CHAPTER 3

PREPARATION, APPROVAL, AND
DISTRIBUTION OF COMMENTS
ON FEDERAL ACTIONS

unresolved during prefinal EIS consultation shall be subject to the procedures utilized during review of the final EIS (see paragraphs 4 and 5 of this Chapter).

b. Soil Conservation Service Watershed Projects. Opportunities to affect the Soil Conservation Service's decision making processes are greatest prior to the issuance of the final EIS. Principal reviewers shall follow up on comments on Soil Conservation Service draft EIS's in order to seek project modifications prior to the issuance of the final EIS.

c. Corps of Engineers' Section 10 and Section 404 Permits. Opportunities to affect the Corps of Engineers decision making process are greatest prior to the issuance of the final EIS. Followup on EPA's comments on draft EIS's relating to permits under consideration for issuance pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the FWPCA of 1972 is especially important because of the Administrator's responsibility under Section 404(c). Principal reviewers should assure that the final EIS contains sufficient information to provide a basis for the exercise of the Section 404(c) responsibility.

4. CONTENT AND ORGANIZATION OF EPA COMMENTS ON FINAL IMPACT STATEMENTS.

a. General. For each draft EIS which was rated category 2, 3, ER, or EU, the final EIS will be reviewed to determine whether the statement substantially resolves the problems surfaced by the draft EIS. The principal reviewer will consult and coordinate, as necessary, with other EPA offices (Headquarters and regional) who reviewed the draft EIS. In reviewing the final EIS, primary attention should be directed to substantive issues related to assessing the environmental impact of the proposed action.

CHAPTER 3

PREPARATION, APPROVAL, AND
DISTRIBUTION OF COMMENTS ON
FEDERAL ACTIONS

MANUAL

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

However, the principal reviewer shall also review final EIS's where the Agency's draft EIS comments were rated 2 or 3 to ensure that the originating agency provides sufficient information for a comprehensive review of the final EIS. It is necessary that the review of the final EIS be effected in an expeditious manner to ensure that comments generated by EPA be issued to meet the 30-day deadline afforded before the initiating agency may take action on the proposed project. As the result of the review of the final EIS, the Agency may determine that the comments fall in one of four areas:

Lack of Objections - The originating agency has responded satisfactorily to EPA's comments on the draft EIS and EPA expresses no objections to the action as proposed. However, it should be emphasized that this is not an approval or endorsement of the agency's action by EPA.

Environmental Reservations - The environmental impact of the proposed action is of sufficient magnitude so that EPA has environmental reservations concerning the project. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating agency to reassess these aspects.

Unresponsive Final Impact Statement - EPA has determined that it is unable to assess the environmental impact of the proposed action because the final EIS has not responded to comments made by EPA on the draft EIS or due to an inadequately prepared final EIS. Such comments may also be offered if new environmental concerns have been brought to the EPA's attention since the review of the draft EIS and the originating agency does not adequately evaluate these factors in the final EIS.

Environmentally Unsatisfactory - EPA determines that the proposed project or action is unsatisfactory from the standpoint of public health, welfare, or environmental quality, necessitating a referral of the project to CEQ. In this respect, the project must satisfy one or more of the analytical criteria set forth in paragraph 1.d.(1) of this Chapter.

Unlike the requirements for draft EIS, categorical notations will not be utilized for final EIS's. Instead, principal reviewers will rely wholly on narrative explanations to describe the unresponsiveness of the EIS or the environmental impact of the proposed action.

b. Section 309 Exclusion. The substantive review of final EIS's by EPA is performed primarily to carry out the Administrator's responsibility under section 309(b) to determine whether a proposed action is unsatisfactory from the standpoint of public health, welfare, or environmental quality and, therefore, should be referred to CEQ. In the case of Federal construction projects, the Agency's Section 309(a)(2) review responsibility and the related authority under Section 309(b) extends only to "newly authorized Federal projects for construction" and does not include any construction projects authorized by Congress prior to the Clean Air Act Amendments dated December 31, 1970. This distinction does not affect EPA's review of draft EIS's, and the review of final EIS's for these "existing" authorized projects for construction shall be handled under the same procedures and analytical criteria as for other final EIS's. The only difference will be for final EIS comment letters which deem the proposed project or action to be "environmentally unsatisfactory." In these cases the final EIS comment letter shall present EPA's substantive comments on the project but omit any reference to Section 309 or to a formal determination by the Administrator that the action is environmentally unsatisfactory.

CHAPTER 3
PREPARATION, APPROVAL, AND
DISTRIBUTION OF COMMENTS
ON FEDERAL ACTIONS

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

5. APPROVING AND DISTRIBUTING COMMENTS ON FINAL
IMPACT STATEMENTS

a. No formal comments issued. If the principal reviewer determines that EPA has no objections to the proposed action or project from the standpoint of public health, welfare, or environmental quality, but no comments are submitted to the originating agency, the principal reviewer shall prepare and transmit to the Director, Office of Federal Activities, a short memorandum recording his decision (see figure 3-3).

b. Lack of Objections. For those projects for which the principal reviewer has no objections, the principal reviewer may prepare and transmit comments stating EPA's view to the originating agency. In any case, where written comments are prepared, the principal reviewer will provide to OFA a brief summary (not to exceed one paragraph) for publication in the Federal Register (see figure 3-2) and a copy of the comment letter. The principal reviewer is encouraged to prepare written comments to the originating agency when the agency has made significant modifications or improvements in his proposed action to satisfy the environmental issues raised in the review process. However, the principal reviewer shall not approve or endorse any proposed project or action. EPA may also prepare written comments where EPA has no objections but is aware that other Federal or State agencies have expressed strong concerns; in such cases, EPA shall defer to these agencies in order to prevent EPA's expression of lack of objections from being construed as "environmental endorsement" of a proposed project or action. The principal reviewer will distribute any comments sent to the originating agency in accordance with Appendix J.

c. Environmental Reservations. For those projects for which the principal reviewer has environmental reservations, the principal reviewer shall prepare formal comments for transmittal to the originating agency. In those instances where the principal reviewer is a regional office, the comments shall be cleared through OFA and submitted for signature to the Regional Administrator. Clearance through OFA shall be achieved by forwarding a copy of the comment letter to OFA for review prior to signature by the Regional Administrator. In those instances where the principal reviewer is a Headquarters office, the comments are signed by the Director, OFA. Where comments are signed by the Regional Administrator, the principal reviewer shall provide OFA a brief summary (not to exceed one paragraph) for publication in the Federal Register (see figure 3-2). The Director, OFA, shall send a courtesy copy of the comment letter to CEQ. In addition, the Director, OFA, by letter shall notify the Head of the originating agency, when the principal reviewer has commented to the regional office of the originating agency. The principal reviewer shall distribute the comments sent to the originating agency in accordance with Appendix J.

d. Unresponsive Final Impact Statement. In those instances where the principal reviewer has determined the final EIS is unresponsive, the principal reviewer shall prepare formal comments for transmittal to the originating agency. In those instances where the principal reviewer is a regional office, the comments shall be cleared through OFA and submitted for signature to the Regional Administrator. Clearance through OFA shall be achieved by forwarding a copy of the comment letter to OFA prior to signature by the Regional Administrator. In those instances where the principal reviewer is a Headquarters office, the comments shall be signed by

CHAPTER 3

PREPARATION, APPROVAL, AND
DISTRIBUTION OF COMMENTS ON
FEDERAL ACTIONS

the Director, OFA. Where the comments are signed by the Regional Administrator, the principal reviewer shall provide OFA a brief summary (not to exceed one paragraph) for publication in the Federal Register (see figure 3-2). The Director, OFA, shall notify CEQ by letter that EPA was unable to assess the environmental impact of the proposed project or action due to an unresponsive final EIS. In addition, the Director, OFA, by letter shall notify the Head of the originating agency, when the principal reviewer has commented to the regional office of the originating agency. The principal reviewer shall distribute the comments sent to the originating agency in accordance with Appendix J.

e. Environmentally Unsatisfactory. For those projects determined by the principal reviewer to be environmentally unsatisfactory, the principal reviewer shall prepare formal comments for transmittal to the originating agency. These comments shall be prepared for the signature of the Administrator and shall be coordinated through OFA. However, before submitting such comments for the Administrator's consideration, the principal reviewer should seek to resolve outstanding issues on the regional or Headquarters staff level. Where appropriate, the principal reviewer shall submit to the originating agency an interim response indicating that EPA is considering a section 309(b) referral. The comments by the principal reviewer shall be accompanied by: (1) a brief summary of the comments (not to exceed one paragraph) for publication in the Federal Register (see figure 3-2); (2) a letter to CEQ, setting forth the basis for EPA's determination; (3) an action memorandum to the Administrator outlining the environmental issues and briefly discussing the liaison with the originating agency on these issues; and (4) a comment letter to the

MANUAL

CHAPTER 3

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

PREPARATION, APPROVAL, AND
DISTRIBUTION OF COMMENTS
ON FEDERAL ACTIONS

originating agency. If the Administrator determines that the proposed action is unsatisfactory from the standpoint of public health, welfare, or environmental quality, the comments shall be transmitted to the originating agency and the matter shall be referred to CEQ. OFA, at this time, will make distribution of EPA's comments in accordance with Appendix J and publish the summary of the comments in the Federal Register.

f. Section 309 Exclusion. For those final EIS's prepared on Federal construction projects authorized prior to December 31, 1970, the signatory authorities and distribution for comment letters will remain the same as set forth in paragraphs 5.b thru 5.e of this Chapter. It is emphasized, however, that there shall be no reference to Section 309 or a formal determination pursuant to Section 309(b). The authority for this Agency to engage in preparing these comments is the National Environmental Policy Act.

6. APPROVING AND DISTRIBUTING COMMENTS ON OTHER SECTION 309 ACTIONS

a. Pursuant to paragraph 4.b of Chapter 2, EPA may formally apprise another Federal agency of EPA's independent determination of the need for an EIS on the other agency's proposed action. Where the principal reviewer is the regional office, the Regional Administrator shall be the signatory official on the comment letter. Upon transmitting such comments to the agency, the principal reviewer shall forward to OFA two copies of the comment letter and a brief summary of the comments (not to exceed one paragraph) for publication in the Federal Register. In those cases where the principal reviewer is a Headquarters office, the Director, OFA, shall be the signatory official.

CHAPTER 3

PREPARATION, APPROVAL, AND
DISTRIBUTION OF COMMENTS ON
FEDERAL ACTIONS

MANUAL

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

b. For proposed Federal agency regulations or legislation or other Federal actions where the originating agency does not prepare an EIS, if the principal reviewer determines that it will have no objections to a Federal agency action if the originating agency accommodates suggested changes, it will prepare comments to that agency setting forth EPA's position.

(1) For proposed regulations and proposed legislation, the principal reviewer shall sign EPA's comments. Upon transmitting such comments to the originating agency, the principal reviewer shall forward to OFA two copies of the comment letter and a brief summary of the comments (not to exceed one paragraph) for publication in the Federal Register.

(2) For other Federal actions (see paragraph 4.c of Chapter 2), where the principal reviewer is the regional office, the comments shall be cleared through OFA and submitted for signature by the Regional Administrator. Clearance through OFA shall be effected by forwarding a copy of the comment letter to OFA for review prior to signature by the Regional Administrator. After signature by the Regional Administrator, the principal reviewer shall make distribution of EPA's comments in accordance with Appendix J and provide OFA with a brief summary (not to exceed one paragraph) for publication in the Federal Register. Where a Headquarters office is principal reviewer, the Director, OFA, shall be the signatory official.

c. If the principal reviewer determines that a Federal agency action covered by this paragraph is environmentally unsatisfactory and thereby satisfies one of the criteria under paragraph 1.d of this Chapter, it will prepare EPA comments on the proposed action and a draft letter to the Council on Environmental Quality, for the signature of the Administrator, setting forth EPA's objections to the proposed action. The principal reviewer will also submit an action memorandum to the Administrator explaining EPA's position. The comments, the draft letter to the

Council on Environmental Quality, and the action memorandum will be sent to OFA for review and forwarding action.

7. PUBLIC NOTICE OF AVAILABILITY OF EPA COMMENTS.

(a) To comply with Section 309 of the Clean Air Act, as amended, the public will be notified of:

(1) The availability of comments for each EIS or Federal agency action reviewed by EPA;

(2) The general nature of EPA's comments; and

(3) The EPA office from which EPA's comments may be obtained in each case. (EPA comments signed by a Regional Administrator will be available to the public from the appropriate regional office. Comments signed by an official at Headquarters will be available to the public from the Office of Public Affairs.)

(b) These objectives will be achieved through the use of the Federal Register notices and press releases. Biweekly, a listing of all draft and final EIS's for which EPA has developed written comments, will be released by OFA for publication in the Federal Register. In addition, a listing of final EIS's reviewed but not commented upon will be published. To assist OFA in preparing the notices and maintaining a central file, principal reviewers shall submit to the OFA Section 309 Data Coordinator the following information on the general nature of EPA's comments:

(1) For draft and final EIS's, in accordance with Chapter 2, paragraph 8.a, submit on the weekly log the classification of comments.

(2) For final EIS's, when a formal comment letter is sent to the originating agency, immediately transmit a brief summary of the comments in accordance with figure 3-2.

CHAPTER 3

PREPARATION, APPROVAL AND
DISTRIBUTION OF COMMENTS ON
FEDERAL ACTIONSREVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

(3) For final EIS's, when the final EIS is reviewed but no formal comments are submitted to the originating agency, submit a short memorandum for the record in accordance with figure 3-3.

(4) For other Federal agency actions, where no EIS is involved, but a formal comment letter is sent to the originating agency, immediately transmit a brief summary of the comments in accordance with figure 3-2.

(c) Monthly, OFA will combine previous Federal Register notices prepared during the past month into a single notice and forward it to the Council on Environmental Quality for publication in the CEQ "102 Monitor." This notice will contain information identical to that published in the Federal Register. The timing of the preparation of this notice shall be coordinated with CEQ so that the notice published in the "102 Monitor" will contain the most current information on EPA comments. Copies of EPA comments will be available to the news media and the general public at the time the agency proposing the action has received EPA comments.

8. RECORDS. The principal reviewer will maintain a copy of each draft and final EIS he has reviewed, his comments, and related correspondence in a file for two years after date of the final EIS comment letter (or the final EIS, if there is no comment letter on the final EIS, or draft EIS comment letter, if a final EIS is not issued). OFA will maintain a computer listing of all EIS's.

Addressee

Dear _____:

The Environmental Protection Agency's comments on the draft environmental impact statement (Name) dated _____, have been classified as Category _____, specifically 2/_____. The classification and the date of EPA's comments will be published in the Federal Register in accordance with our responsibility to inform the public of our views on proposed Federal actions under Section 309 of the Clean Air Act.

Definitions of the categories are provided on the attachment. Our procedure is to categorize our comments on both the environmental consequences of the proposed action and the adequacy of the impact statement at the draft stage.

[Substantive Comments]

If you have any questions concerning our categorization procedures, please let us know.

Sincerely yours,

(Principal Reviewer)

Attachment

1/ As an alternative, the principal reviewer may include the categorization in the comment letter itself. See note below.

2/ Some categorizations contain more than one possible comment (for example, LO may be either "no objections" or indicative of only "minor changes" suggested). Where this is the case, the principal reviewer should specify the appropriate comment.

Environmental Impact of the Action

LO--Lack of Objections

EPA has no objections to the proposed action as described in the draft impact statement or suggests only minor changes in the proposed action.

ER--Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these aspects.

EU--Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1--Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2--Insufficient information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3--Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonably available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the draft statement.

If a draft impact statement is assigned a Category 3, ordinarily no rating will be made of the project or action, since a basis does not generally exist on which to make such a determination.

To be used when formal comments are issued to the
originating Agency on final EIS or other Federal
agency action.

SUBJECT: Summary Paragraph for Federal Register
Publication

FROM: (Region/Program Office)

TO: Section 309 Data Coordinator
Office of Federal Activities, A-104

Title of EIS or Other Federal Agency Action: _____

Control Number: _____ Final Rating
(Computer Code)
(1,2,3,4) (if EIS)

Comment Letter Dated: _____

SUMMARY PARAGRAPH:

SIGNED BY: _____
(Principal Reviewer)

To be used when no formal comments are issued to the
originating Agency.

MEMORANDUM

DATE:

SUBJECT: (Title of EIS)

FROM: (Region/Program Office)

TO: Section 309 Data Coordinator
Office of Federal Activities, A-104

EIS Control Number: _____ Final Rating: 1

Draft EIS was rated LO-1. The final EIS is
therefore deemed adequate and no formal review
necessary.

Draft EIS was rated _____. Review of the
final EIS has been completed and we have made
no formal comments to the originating Agency.

SIGNED BY: _____
(Person Reviewing
Final EIS)

APPENDIX A

INSTRUCTIONS FOR COMPLETING
SECTION 309 ACTIONS LOG
(See Figure 2-3)

MANUAL

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

Item (1) Dates of Report

The dates shall be inclusive for the one week reporting period. These dates must appear on the log sheet to enable OFA to keep a chronological file of weekly reports for each region.

Item (2) Office

The regional or Headquarters office shall be identified.

Item (3) Control Number

Upon receipt of an EIS or action from the initiating agency, the principal reviewer will assign a control number. In cases where there is distribution by an agency to more than one office, the offices should coordinate the logging of the control number. Normally, the principal reviewer will assign the control number. Under this system each office shall assign and keep track of the sequential numbers used in each subject area so that the control numbers remain unique for the office. For a final EIS, the same control number shall be assigned as was assigned to the draft EIS. However, the type of action should be changed from "D" to "F."

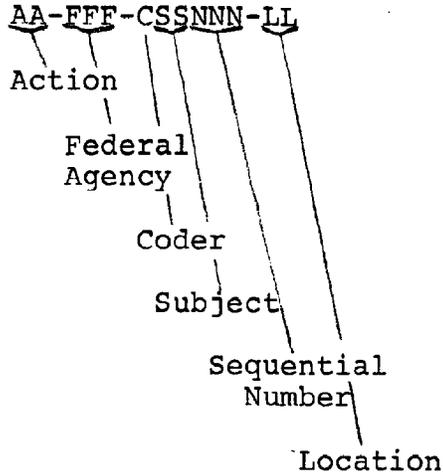
The control number should be prepared in accordance with the following format:

MANUAL

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

APPENDIX A

INSTRUCTIONS FOR COMPLETING
SECTION 309 ACTIONS LOG
(See Figure 2-3)



This number consists of:

- (a) The type of action being entered (See Appendix B);
- (b) The agency submitting the action for review (See Appendix C). The code for the subagency which submitted the EIS or action shall be utilized rather than the agency code;
- (c) The office responsible for providing the control number (See Appendix D);
- (d) The subject code of the action (See Appendix E);
- (e) The sequential number of the action within each subject code; and
- (f) The State/Territory in which the proposed action will take place. (See Appendix F).

The following are examples of how the control numbers are derived:

APPENDIX A

INSTRUCTIONS FOR COMPLETING
SECTION 309 ACTIONS LOG
(See Figure 2-3)

MANUAL

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

Example 1: The Federal Highway Administration submits a draft EIS for a proposed road construction project located in Pennsylvania to Region III on or about July 2, 1974. This is the first road construction EIS received by Region III since the new coding system was initiated.

Control Number = D-FHW-D40001-PA

Example 2: The Corps of Engineers submits a draft EIS for a proposed dam construction (flood control) project in Louisiana to Region VI on or about September 1, 1974. This is the sixth flood control EIS received by Region VI since July 1, 1974.

Control Number = D-COE-G36006-LA

Example 3: For the example shown in Example 1, the Federal Highway Administration files a final EIS with Region III for the proposed road construction project on July 1, 1975. The EIS control number for this EIS should be the same as the number shown in Example 1, except the "D" for draft EIS should be changed to an "F" for the final EIS.

Control Number = F-FHW-D40001-PA

Item (4) Date of EIS

The date recorded on the EIS or action itself shall be identified here.

Item (5) Date Recorded

The actual date the EIS or action was received by the principal reviewer shall be shown here.

MANUAL

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

APPENDIX A

INSTRUCTIONS FOR COMPLETING
SECTION 309 ACTIONS LOG
(See Figure 2-3)

Item (6) Title of Statement

The full title of the EIS or action as shown on the statement itself shall be included. This shall include the county in which the action is located. No abbreviations shall be used. There must be a full and accurate title to report to the Federal Register. No preliminary or State EIS's shall be included since they are not recorded in the computer.

Item (7) Due Date

The date the comments are due shall be recorded only when the official CEQ date has been received or a longer review time has been granted by the originating agency. Otherwise, this record will be completed by OFA. A report of all overdue comments is taken from this column (see item (10) "Remarks").

Item (8) Date of Comments

The date the comments were signed and sent out of the principal reviewer's office shall be recorded here.

Item (9) Codes

This column shall be used to show:

- (a) The classification of draft EIS comments (see Appendix G) forwarded by a principal reviewer to the originating agency.
- (b) The computer codes of final EIS comments (see Appendix H) forwarded by a principal reviewer to the originating agency.

APPENDIX A

INSTRUCTIONS FOR COMPLETING
SECTION 309 ACTIONS LOG
(See Figure 2-3)

MANUAL

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

- (c) For draft EIS's, the applicable code from Appendix I which indicates the type of pre-draft EIS liaison upon receipt of the draft EIS (e.g. when entered under the first section of the log).

Item (10) Remarks

- (a) For received EIS's where the due date has been recorded, the principal reviewer shall indicate whether it was derived from the official CEQ due date or as the result of an extended review time granted by the originating agency.
- (b) Any information deemed necessary for clarification of a particular problem shall be indicated.

MANUAL

APPENDIX B
ACTION TYPE CODES

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

<u>Action Type</u>	<u>Code</u>
Federal action No EIS	A
Federal action with Negative Declaration	N
Major Federal action with Draft EIS	D
Major Federal action with Final EIS	F
Federal Agency NEPA Guidelines	G
Proposed Legislation No EIS	L
Proposed Legislation with Draft EIS	LD
Proposed Legislation with Final EIS	LF
Proposed Regulations No EIS	R
Proposed Regulations with Draft EIS	RD
Proposed Regulations with Final EIS	RF
Preliminary Proposed Regulations	PR
Supplemental (Revised) Draft EIS	DS
Supplemental (Revised) Final EIS	FS

MANUAL

APPENDIX C
AGENCY CODES

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

<u>CODE</u>	<u>AGENCY</u>
ACH	ADVISORY COUNCIL ON HISTORIC PRESERVATION
ACT	ACTION
AID	AGENCY FOR INTERNATIONAL DEVELOPMENT
DOA	AGRICULTURE, DEPARTMENT OF
ASC	AGRICULTURE STABILIZATION & CONSERVATION SERVICE
AFH	FARMERS' HOME ADMINISTRATION
AFS	FOREST SERVICE
REA	RURAL ELECTRIFICATION ADMINISTRATION
SCS	SOIL CONSERVATION SERVICE
ABM	AMERICAN BATTLE MONUMENTS COMMISSION
ARB	AMERICAN REVOLUTION BICENTENNIAL COMMISSION
ARC	APPALACHIAN REGIONAL COMMISSION
AOC	ARCHITECT OF THE CAPITOL
AEC	ATOMIC ENERGY COMMISSION (Superseded by ERD and NRC)
CIA	CENTRAL INTELLIGENCE AGENCY
CAB	CIVIL AERONAUTICS BOARD
CSC	CIVIL SERVICE COMMISSION
DOC	COMMERCE, DEPARTMENT OF
EDA	ECONOMIC DEVELOPMENT ADMINISTRATION
MAR	MARITIME ADMINISTRATION
NOA	NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NTR	NATIONAL TERRAIN RESOURCES REVIEW COMMISSION
CPR	COASTAL PLAINS REGIONAL COMMISSION
FCR	FOUR CORNERS REGIONAL COMMISSION
NER	NEW ENGLAND REGIONAL COMMISSION
OWR	OLD WEST REGIONAL COMMISSION
ORC	OZARKS REGIONAL COMMISSION
PNR	PACIFIC NORTHWEST REGIONAL COMMISSION
UGL	UPPER GREAT LAKES REGIONAL COMMISSION
UMR	UPPER MISSISSIPPI RIVER BASIN COMMISSION
CPS	CONSUMER PRODUCT SAFETY COMMISSION
CCR	COMMISSION ON CIVIL RIGHTS
CAS	COST ACCOUNTING STANDARDS BOARD
CLC	COST OF LIVING COUNCIL
CEQ	COUNCIL ON ENVIRONMENTAL QUALITY
CIE	COUNCIL ON INTERNATIONAL ECONOMIC POLICY
DOD	DEFENSE, DEPARTMENT OF

MANUALREVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

APPENDIX C

AGENCY CODES

<u>CODE</u>	<u>AGENCY</u>
DCP	DEFENSE CIVIL PREPAREDNESS AGENCY
DCA	DEFENSE COMMUNICATIONS AGENCY
DIA	DEFENSE INTELLIGENCE AGENCY
DMA	DEFENSE MAPPING AGENCY
DNA	DEFENSE NUCLEAR AGENCY
DSA	DEFENSE SUPPLY AGENCY
JCS	JOINT CHIEFS OF STAFF
UAF	U.S. AIR FORCE
USA	U.S. ARMY
COE	CORPS OF ENGINEERS
USN	U.S. NAVY
DRB	DELAWARE RIVER BASIN COMMISSION
DCG	DISTRICT OF COLUMBIA GOVERNMENT
RLA	DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY
ERD	ENERGY RESEARCH & DEVELOPMENT ADMINISTRATION
EEO	EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
EIB	EXPORT-IMPORT BANK
FCA	FARM CREDIT ADMINISTRATION
FCC	FEDERAL COMMUNICATIONS COMMISSION
FDI	FEDERAL DEPOSIT INSURANCE CORPORATION
FEA	FEDERAL ENERGY ADMINISTRATION
FHL	FEDERAL HOME LOAN BANK BOARD
FJC	FEDERAL JUDICIAL CENTER
FLR	FEDERAL LABOR RELATIONS BOARD
FMC	FEDERAL MARITIME COMMISSION
MCS	FEDERAL MEDIATION AND CONCILIATION SERVICE
FPC	FEDERAL POWER COMMISSION
FPR	FEDERAL PROPERTY REVIEW BOARD
FRS	FEDERAL RESERVE SYSTEM
SAC	FEDERAL SAFETY ADVISORY COUNCIL
FTS	FEDERAL TRADE COMMISSION
GAO	GENERAL ACCOUNTING OFFICE
GSA	GENERAL SERVICES ADMINISTRATION
GPO	GOVERNMENT PRINTING OFFICE
HEW	HEALTH, EDUCATION, AND WELFARE, DEPARTMENT OF

MANUAL

APPENDIX C
AGENCY CODES

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

<u>CODE</u>	<u>AGENCY</u>
FDA	FOOD AND DRUG ADMINISTRATION
HSM	HEALTH SERVICE AND MENTAL HEALTH ADMINISTRATION
NIH	NATIONAL INSTITUTE OF HEALTH
OEH	OFFICE OF EDUCATION
PHS	PUBLIC HEALTH SERVICE
HUD	HOUSING AND URBAN DEVELOPMENT, DEPARTMENT OF
FHA	FEDERAL HOUSING ADMINISTRATION
DAA	FEDERAL DISASTER ASSISTANCE ADMINISTRATION
IND	INDIAN CLAIMS COMMISSION
DOI	INTERIOR, DEPARTMENT OF
BIA	BUREAU OF INDIAN AFFAIRS
BLM	BUREAU OF LAND MANAGEMENT
IBM	BUREAU OF MINES
BOR	BUREAU OF OUTDOOR RECREATION
IBR	BUREAU OF RECLAMATION
SFW	FISH AND WILDLIFE SERVICE
MES	MINING ENFORCEMENT AND SAFETY ADMINISTRATION
NPS	NATIONAL PARK SERVICE
OCR	OFFICE OF COAL RESEARCH
OWT	OFFICE OF WATER RESEARCH AND TECHNOLOGY
IGS	U.S. GEOLOGICAL SURVEY
IAF	INTERAMERICAN FOUNDATION
IBW	INTERNATIONAL BOUNDARY AND WATER COMMISSION
ICC	INTERSTATE COMMERCE COMMISSION
JPA	JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA
JUS	JUSTICE, DEPARTMENT OF
LAB	LABOR, DEPARTMENT OF
OSH	OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
LOC	LIBRARY OF CONGRESS
NAS	NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
NCH	NATIONAL CAPITAL HOUSING AUTHORITY
NCP	NATIONAL CAPITAL PLANNING COMMISSION
NCU	NATIONAL CREDIT UNION ADMINISTRATION
FAH	NATIONAL FOUNDATION ON ARTS AND HUMANITIES
LRB	NATIONAL LABOR RELATIONS BOARD
NMB	NATIONAL MEDIATION BOARD

MANUALREVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

APPENDIX C

AGENCY CODES

<u>CODE</u>	<u>AGENCY</u>
NSF	NATIONAL SCIENCE FOUNDATION
NSC	NATIONAL SECURITY COUNCIL
NTS	NATIONAL TRANSPORTATION SAFETY BOARD
NVC	NATIONAL VISITORS CENTER ADVISORY COMMISSION
NRC	NUCLEAR REGULATORY COMMISSION
OEO	OFFICE OF ECONOMIC OPPORTUNITY
OTA	OFFICE OF TECHNOLOGY ASSESSMENT
ORB	OHIO RIVER BASIN COMMISSION
PNW	PACIFIC NORTHWEST RIVER BASIN COMMISSION
PCC	PANAMA CANAL COMPANY
PAD	PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION
PRC	POSTAL RATE COMMISSION
UPS	POSTAL SERVICE, U.S.
SEC	SECURITIES AND EXCHANGE COMMISSION
SSS	SELECTIVE SERVICE SYSTEM
SBA	SMALL BUSINESS ADMINISTRATION
SMI	SMITHSONIAN INSTITUTION
STA	STATE, DEPARTMENT OF
SLS	ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION
SRB	SUSQUEHANNA RIVER BASIN COMMISSION
TFC	TARIFF COMMISSION, U.S.
TVA	TENNESSEE VALLEY AUTHORITY
DOT	TRANSPORTATION, DEPARTMENT OF
CGD	COAST GUARD, U.S.
FAA	FEDERAL AVIATION ADMINISTRATION
FHW	FEDERAL HIGHWAY ADMINISTRATION
FRA	FEDERAL RAILROAD ADMINISTRATION
UMT	URBAN MASS TRANSPORTATION ADMINISTRATION
TRE	TREASURY, DEPARTMENT OF THE
ACD	U.S. ARMS CONTROL AND DISARMAMENT AGENCY
UIA	U.S. INFORMATION AGENCY
RWA	U.S. RAILWAY ASSOCIATION
VAD	VETERANS ADMINISTRATION
WRC	WATER RESOURCES COUNCIL

MANUAL

APPENDIX D
CODING DESIGNATOR

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

OFFICE	CODE
Headquarters	A
Region I	B
Region II	C
Region III	D
Region IV	E
Region V	F
Region VI	G
Region VII	H
Region VIII	J
Region IX	K
Region X	L

MANUAL

APPENDIX E
CONTROL NUMBERS--SUBJECT CODE

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

Energy

	<u>00001-00999</u>	
AEC Nuclear Development (e.g. fuel, reactors)		<u>00001-00999</u>
Mining		<u>01000-01999</u>
Natural Gas & Oil: drilling & exploration		<u>02000-02999</u>
transportation, pipeline, storage		<u>03000-03999</u>
Power:		
hydroelectric		<u>05000-05999</u>
nuclear (e.g. AEC, TVA)		<u>06000-06999</u>
fossil		<u>07000-07999</u>
transmission		<u>08000-08999</u>
other		<u>09000-09999</u>

Military & Space

	<u>10000-19999</u>	
Defense Systems		<u>10000-10999</u>
Military Installations		<u>11000-11999</u>
Space Programs		<u>12000-12999</u>

Water Supply, Waste Disposal and Pollution

Control Systems

	<u>20000-28999</u>	
Hazardous and Toxic Substance Disposal		<u>20000-20999</u>
Munition Disposal		<u>21000-21999</u>
Radioactive Waste Disposal		<u>22000-22999</u>
Pesticides and Herbicides Disposal		<u>23000-23999</u>
Sewage Treatment & Sewerage Facilities		<u>24000-24999</u>
Solid Waste Management		<u>25000-25999</u>
Industrial Wastewater Facilities; Mine Pollution Control		<u>26000-26999</u>
Air Pollution Control		<u>27000-27999</u>
Municipal and Industrial Water Supply Systems (except multi-purpose impoundments)		<u>28000-28999</u>

MANUALREVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

APPENDIX E

CONTROL NUMBERS--SUBJECT CODE

Water Resource Development30000-39999

Beach Erosion, Hurricane Protection	<u>30000-30999</u>
Irrigation, Desalination of Return Flows, Agricultural Water Supply	<u>31000-31999</u>
Navigation	<u>32000-33999</u>
Multi-purpose Impoundments	<u>34000-34999</u>
Dredge and Fill	<u>35000-35999</u>
Watershed Protection & Flood Control	<u>36000-37999</u>
Drainage	<u>38000-38999</u>
Other Water Projects	<u>39000-39999</u>

Transportation40000-54999

Roads	<u>40000-49999</u>
Bridge Permits	<u>50000-50999</u>
Airports	<u>51000-51999</u>
Aircraft, Ships & Vehicles	<u>52000-52999</u>
Railroads	<u>53000-53999</u>
Mass Transit	<u>54000-54999</u>

Land Use60000-69999

Land Acquisition or Disposal	<u>60000-60999</u>
Parks, Recreation Areas, Wilderness Areas, National Seashores	<u>61000-63999</u>
Wildlife Refuges, Fish Hatcheries	<u>64000-64999</u>
Forestry and Range Management	<u>65000-66999</u>
Mining (non-energy)	<u>67000-68999</u>
Special Development (Expos, Bicentennials, Olympics, etc.)	<u>69000-69999</u>

Other80000-99999

Buildings, Federally Licensed or Assisted (including production facilities)	<u>80000-80999</u>
Buildings for Federal Use	<u>81000-81999</u>
Pesticides, Herbicides Use	<u>82000-82999</u>
Weather Modification and Methodology	<u>83000-83999</u>
Research & Development (not already covered)	<u>84000-84999</u>

MANUAL

APPENDIX E

CONTROL NUMBERS--SUBJECT CODE

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

Housing, New Communities	85000-85999
Regulatory Activities (not already covered)	<u>86000-86999</u>
Procurement (not already covered)	87000-87999
Noise Control	<u>88000-88999</u>
Urban Programs (not already covered)	<u>89000-89999</u>
Wetlands, Estuary and Ocean Use	<u>90000-90999</u>
Miscellaneous	<u>91000-99999</u>

MANUAL

APPENDIX F

CONTROL NUMBERS--STATE/TERRITORY CODE

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

Region I

Maine	ME
New Hampshire	NH
Vermont	VT
Massachusetts	MA
Connecticut	CT
Rhode Island	RI

Region II

New York	NY
New Jersey	NJ
Puerto Rico	PR
Virgin Islands	VI

Region III

Pennsylvania	PA
Maryland	MD
Delaware	DE
West Virginia	WV
Virginia	VA
District of Columbia	DC

Region IV

Kentucky	KY
North Carolina	NC
South Carolina	SC
Georgia	GA
Florida	FL
Alabama	AL
Tennessee	TN
Mississippi	MS
Canal Zone	CZ

MANUAL

APPENDIX F

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

CONTROL NUMBERS--STATE/TERRITORY CODE

Region V

Michigan	MI
Wisconsin	WI
Illinois	IL
Indiana	IN
Ohio	OH
Minnesota	MN

Region X

Washington	WA
Oregon	OR
Idaho	ID
Alaska	AK

Region VI

New Mexico	NM
Oklahoma	OK
Arkansas	AR
Texas	TX
Louisiana	LA

Region VII

Nebraska	NB
Iowa	IA
Kansas	KS
Missouri	MO

Region VIII

Montana	MT
North Dakota	ND
South Dakota	SD
Wyoming	WY
Utah	UT
Colorado	CO

Region IX

California	CA
Nevada	NV
Arizona	AZ
Hawaii	HI
American Samoa	AS
Guam	GU
Trust Territory of the Pacific Islands	TT
Wake Island	WK

Projects with multi-state or unidentified location--00

MANUAL

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

APPENDIX G

DRAFT COMMENT CODES

<u>Comment</u>	<u>Code</u>
LO-1	LO1
LO-2	LO2
3	3
ER-1	ER1
ER-2	ER2
ER-3	ER3
EU-1	EU1
EU-2	EU2

MANUAL

**REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT**

APPENDIX H
FINAL COMMENT CODES

No Comment	1
Comments Sent to Agency/No Objections Expressed	2
Environmental Reservations Comments Referred to Agency	3
Environmentally Unsatisfactory Comments Referred to CEQ	4
Unresponsive Final Impact Statement	5
Environmental Reservations Comments where Section 309 exclusion	6

APPENDIX I
CODES FOR PRE-EIS LIAISON ACTIVITY

Code - Definition

A - No pre-EIS liaison of any kind on this project.

Codes B, C, D, E, or F indicate one, but only one,
form of pre-EIS liaison activity for this project.

B - Review of an applicant's environmental report or pre-draft EIS prior to receiving an EIS, if such review is substantive and adequate to identify areas of particular concern to EPA and if areas of concern where the preliminary analyses are deficient are pointed out to the sponsoring Federal agency;

C - Attendance at Federal agency meetings where the action is described and the EPA official has the opportunity to assess the importance of the action and to provide an input necessary to the sponsoring agency to identify EPA areas that need to be considered in the EIS;

D - Substantive discussion with Federal agency of a proposed action;

E - Providing to the Federal agency background materials for use in developing an EIS, to the extent that this assistance is related to a specific EIS;

F - Review of former EPA (pre-EIS) program files on a proposed action, specifically, review of a watershed work plan or water resources project report, and assessment of the extent to which the project or EPA's views may have changed since the original review was made.

MANUAL

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

APPENDIX I

CODES FOR PRE-EIS LIAISON ACTIVITY

Codes G through R indicate more than one form of
pre-EIS liaison for this project.

G - B + C

H - B + D

J - B + E

K - B + F

L - C + D

M - C + E

N - C + F

P - D + E

Q - D + F

R - E + F

Codes S, T, or U indicate more than two forms of
pre-EIS liaison for this project.

S - 3 forms

T - 4 forms

U - 5 forms

MANUAL

REVIEW OF FEDERAL
ACTIONS IMPACTING
THE ENVIRONMENT

APPENDIX J
CHECKLIST FOR PRINCIPAL REVIEWER
DISTRIBUTION OF AGENCY COMMENTS ON
IMPACT STATEMENTS

<u>Addressee</u>	<u>Number of Copies</u>
Agency submitting statement	Original and one copy
Council on Environmental Quality Attn: Editor "102 Monitor"	5 Copies
Public Affairs Division of appropriate regional office (if principal reviewer is a regional office) (include control number)	1 Copy
EPA offices which served as associate reviewers	1 Copy to each Head- quarters office 3 Copies to each regional office
Office of Federal Activities Attn: Section 309 Data Coordinator	2 Copies
Office of Water Planning and Standards Attn: Planning and Standards Branch	1 Copy (for water resources projects only)
Appropriate State Agencies	1 Copy each

COASTAL ZONE
INFORMATION CENTER

NOAA COASTAL SERVICES CENTER LIBRARY



3 6668 00000 7650