

**Georgia Department of Natural Resources  
Environmental Protection Division**

State Revolving Loan Fund  
Environmental Review Process

The Georgia Department of Natural Resources Environmental Protection Division (EPD) will review and approve the environmental information documents developed for all State Revolving Loan Fund (SRF) projects. The State will ensure compliance with State Water Quality Rule 391-3-6-.14 and all other applicable State acts, orders, guidelines and rules related to the implementation of the Environmental Review Process.

General

A decision to prepare an EIS can be made at any stage in the project development. However, the State will determine the need for an EIS early in the planning period. If significant adverse impacts cannot or have not been eliminated by making changes in the project, an EIS shall be prepared by the State.

State Responsibilities

The State will:

1. Provide each State Revolving Loan Fund applicant with the latest applicable State guidance for environmental review.
2. Confer with each applicant early in project formulation or planning stage to gather information to be used to determine the eligibility of the project for categorical exclusion, to identify potential environmental issues, to generally determine the scope of the Environmental Impact Document (EID) or to establish the preliminary need for an Environmental Impact Statement (EIS).
3. Make an initial determination of the eligibility of a project for categorical exclusion. Categorical exclusions are granted by the state for projects which do not individually or cumulatively have a significant environmental effect on the quality of the human environment. Environmental Information Documents or Environmental Impact Statements are not required for excluded actions. The following categories are eligible for exclusion:
  - a. Actions for which the facilities planning is solely directed toward minor rehabilitation of existing facilities, functional replacement of equipment, or towards the construction of new ancillary facilities adjacent or appurtenant to existing facilities which do not affect the degree of treatment or capacity of the existing facility. Such actions, include, but are not limited to, infiltration and inflow corrections, replacement of existing mechanical equipment or structures, and the construction of small structures on existing sites.

- b. Actions in sewerred communities of less than 10,000 persons which are for minor upgrading and minor expansion of existing treatment works. This category does not include actions that directly or indirectly involve the extension of new collection systems.
- c. Actions in unsewerred communities of less than 10,000 persons where on-site technologies are proposed.

The full environmental review procedures must be followed if the action involves serious local and environmental issues or meets any of the criteria listed below for not granting a categorical exclusion:

- a. The facilities to be provided will (1) create a new, or (2) relocate an existing, discharge to surface or ground waters;
  - b. The facilities will result in substantial increases in the volume of discharge or the loading of pollutants from an existing source or from new facilities to receiving waters;
  - c. The facilities would provide capacity to serve a population 30% greater than the existing population;
  - d. The action is known or expected to have a significant effect on the quality of the human environment, either individually, cumulatively over time, or in conjunction with other federal, state, local, or private actions;
  - e. The action is known or expected to directly or indirectly affect (1) cultural resource areas such as archaeological and historic sites, (2) habitats of endangered or threatened species, (3) environmentally important natural resource areas such as floodplains, wetlands, important farmlands or aquifer recharge zones.
  - f. The action is known or expected not to be cost-effective or to cause significant public controversy.
4. Perform a Review of Planning/Environmental Impact Documents.
- a. Review preliminary drafts of planning documents including Environmental Impact Documents (EID's) and determine any potential controversial environmental issues for consultation and/or resolution. This review will be documented using the Environmental Review Checklist (attached). For those items found in the preliminary review to be deficient, subsequent resolution should be documented by updating the checklist.
  - b. Review final EID for adequacy. This review should be documented using the Environmental Review Checklist. The review will include an evaluation of direct and indirect impacts, present and future conditions, land use, social economic factors and cumulative impacts. The review will also ensure that the planning population and service life is specified, that an appropriate alternative is selected and that adequate public participation is provided. (See attached example NNSI and checklist.)
  - c. Document significant conflicts and/or problems not resolved during the environmental review process.

- d. Assure that where changes in the project or other means of mitigation are proposed to eliminate significant adverse impacts, that such changes or means are implemented. The State may place conditions on plans and specifications approvals or set special conditions on SRF loan agreements in order to assure compliance.
- e. Require loan applicants to conduct public hearings on proposed projects and to provide copies of the summaries of public meetings and hearings to the State. Where significant public controversy has been involved with the project, the State will initiate a secondary project review.
- f. Solicit comments and coordinate review by other State agencies through Clearinghouse procedures. The existing review procedures required by Executive Order 12372 will be used. This process is commonly called the "A-95 Review Process". Federal agencies will be included in the mailing list for public notification. The State Clearinghouse will distribute the planning documents, including the environmental assessment, to various agencies for review. These reviews will include historical/archaeological potentials, rare and endangered species, and floodplains assessment.

5. Prepare the environmental package consisting of:

- a. Draft Environmental Assessment and Environmental Review Document Checklist.

The environmental review shall be conducted and environmental assessment shall be prepared in accordance with State Rules. The above document will indicate statutory compliance, consultation required and any conditions or mitigations that require action. The assessment checklist should provide, if warranted, the basis for concluding that there will be no significant impact.

- b. Draft Notice of No Significant Impact (NNSI) or recommendation for an Environmental Impact Statement.

A NNSI shall be prepared in accordance with State Rules, procedures and guidelines.

6. Develop and Issue the Notice of No Significant Impact (NNSI)

- a. When appropriate, determine that a NNSI will be issued. The NNSI will be signed by the Assistant Director, Georgia Environmental Protection Division and distributed by the State.
- b. The NNSI will briefly describe the project, the cost, the significant environmental impacts and the reason why an EIS is not required. The NNSI will include a statement of need for the project and information on present and/or future population served.
- c. The NNSI will provide adequate public notice of not less than 30 calendar days and will allow comments by interested individuals and groups prior to the final project action.
- d. The NNSI will clearly state the closing date for public comment.

- e. The NNSI will be brief and will emphasize the major environmental impacts. The Environmental Review Record and a copy of the planning document will be available for public review at the Division office. The planning document will be available for public review at the local City Hall or County offices.
- f. The State will ensure that significant objections to the project are adequately addressed. If there are no public objections, then the NNSI will be adopted without further public notice.
- g. The State will provide for secondary project review if there are significant objections or impacts related to the project. The secondary review will result in one of three actions:
  - 1. A notification reiterating the original decision.
  - 2. An analysis of potential options to be considered by the Loan Applicant or other mitigative measures.
  - 3. Re-review the planning document to identify a less controversial and acceptable alternative.

The decision regarding the project where there are significant objections will be elevated to the Commissioner, Georgia Department of Natural Resources.

- h. Decisions of the State may be appealed in accordance with the "Georgia Administrative Procedure Act", Chapter 13 of Title 50.
  - i. The State will ensure where changes in the project or other means of mitigation are proposed to eliminate significant adverse impacts, that such changes or means are to be implemented. This will be accomplished by placing conditions on plans and specifications approvals or loan agreements. Follow-up inspections will verify compliance.
7. Reaffirmation of Previous Findings of No Significant Impacts

Once an environmental assessment has been prepared and the issued NNSI becomes effective for the treatment works within the study area, loans may proceed without preparation of additional FNSI's or NNSI's unless the State determines that the project or environmental conditions have changed significantly from that which underwent environmental review.

- a. If the FNSI or NNSI for the project is five or more years old, then the State shall reevaluate the project, environmental conditions and public views prior to providing a loan commitment.
- b. If appropriate, the State will update and supplement the environmental review information and distribute a revised NNSI.
- c. If the project has not changed significantly and the resulting environmental impacts have not changed, then a reaffirmation of the FNSI (or NNSI) will be issued to provide public notice that the State will proceed with the project without revising the environmental assessment of the project.

8. Prepare Environmental Impact Statements (EIS):

- a. Assume primary responsibility for preparing Environmental Impact Statements where the need for an EIS is determined. The State will have an EIS prepared when the State determines that a project may have significant environmental impact as a result of the project.
- b. Provide the EPA with the Plan of Study for the proposed EIS and obtain consultants or other expertise necessary to develop an EIS. The State will issue a Notice of Intent and convene a meeting of governmental, local and other interested parties to determine the scope of the EIS.
- c. Maintain frequent communication and coordination with the EPA during the development of the EIS. Provide the EPA with the opportunity to participate in EIS related meetings.
- d. Solicit comments and coordinate review by other State agencies through Clearinghouse procedures. Federal agencies will be included in the notice as appropriate.
- e. Ensure that significant adverse impacts have been eliminated by making changes in the project.

9. Public Participation

- a. Loan applicants will be required to conduct at least one public hearing to present the selected alternative except for projects which qualify for a categorical exclusion. Public meetings may also be conducted in addition to the hearing.
- b. The State may require additional public hearings if a project is significantly altered or if there is significant public controversy.
- c. At least 30 days prior notice of the hearing will be provided to the public. The time and location will be specified. The notice will be published in local and/or regional newspapers.
- d. In the public hearing the public will be informed of the need for the project, the alternatives considered, the basis for selection of the best alternative, the environmental impacts, the population to be served, the service life of the project and the financial impact to the user.

10. Legal Authority

The Georgia Department of Natural Resources, Environmental Protection Division will review SRF projects for compliance with State Rules, solicit public input, and develop necessary procedures to administer the program as authorized under the Official Code of Georgia, Annotated, Section 12-2-2.

## 11. Interdisciplinary Review

The State will utilize existing Clearinghouse review procedures to provide inter-disciplinary reviews of SRF projects. The State will include Federal agencies on their mailing list and will solicit their input as appropriate in order to coordinate Federal cross-cutting requirements. The State will demonstrate cultural, historical, archaeological, biological and fiscal integrity of each project.

The loan applicant will not be required to solicit interagency reviews. The State will coordinate the interagency review process and will transmit any comments received to the loan applicant. The loan applicant will be required to address all applicable planning requirements, address all concerns generated by the interdisciplinary review, and obtain all permits and approvals required for the project. The loan applicant may correspond directly with agencies that provided comments or concerns for assistance on how best to mitigate those concerns.

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