SLAC National Environmental Policy Act (NEPA) Implementation Procedure

SLAC
NATIONAL ACCELERATOR LABORATORY

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This document, the *SLAC NEPA Environmental Policy Act (NEPA) Implementation Procedure (SLAC-I-750-0A16C-001-R002)* has been prepared, reviewed, accepted, and approved according to the DOE NEPA Implementation Procedures (10 CFR 1021).

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Purpose

The objectives of the National Environmental Policy Act (NEPA) are to ensure that federal agencies undertake an assessment of the environmental effects of proposed actions as part of the decision making process, and to inform the public of the potential impacts of the project and alternatives. NEPA is a procedural law that affects many programs and projects at SLAC. There are specific steps to follow in the Department of Energy (DOE) NEPA Compliance Program. This implementing procedure:

- Describes NEPA.
- Describes NEPA's relevance to work being conducted at SLAC.
- Provides procedures to project managers and NEPA staff on following the NEPA documentation process at SLAC to ensure that the NEPA requirements are met.

Background

NEPA, created in 1969 and enacted in 1970, is the national charter for protecting the environment. The goal of NEPA is to protect, restore, and enhance the environment. NEPA policies ensure that environmental considerations, along with economic and technical considerations, are factored into decisions made by federal agencies before actions are taken. NEPA requires a detailed statement on major federal projects, including those executed by their contractors that have the potential to significantly affect the environment. This statement must be prepared before the project begins, and it must assess the environmental impacts of all reasonable alternatives to the project. Informed decisions about the specific project can then be made with an awareness of environmental impacts, if any.

Federal agencies such as the DOE are required to implement and administer NEPA policies according to the DOE NEPA Implementing Procedures (10 CFR 1021). The DOE is responsible for determining if proposed projects at SLAC comply with NEPA regulations. In order to do this, DOE issued regulations for implementing NEPA published by the Council on Environmental Quality at 40 CFR Parts 1500 through 1508. To qualify as a major federal project, projects must: (1) have the potential for "significant" impact to the human environment and (2) be "subject to Federal control and responsibility." The Office of Science Management System (SCMS) documents the DOE Office of Science procedures for implementing NEPA.

NEPA Documentation

NEPA is implemented at SLAC through a process of assessment and documentation of proposed projects. The SLAC Environment, Safety and Health Division (ESH) and DOE Bay Area Site Office (BASO) are jointly responsible for administering NEPA at SLAC. The process begins when a department, group, or individual proposes a project. See the section "Review Criteria" for the type of projects to be reviewed. A complete description of the project must be prepared, using the Environmental Compliance Checklist (ECC), and forwarded to the SLAC NEPA Program Manager as early as possible. The checklist can be found at: https://slacspace.slac.stanford.edu/sites/esh/ep/NEPA/default.aspx under "forms".

The checklist is reviewed, and then posted on the internal NEPA SharePoint site by the NEPA Program Manager at: https://slacspace.slac.stanford.edu/sites/esh/ep/NEPA/default.aspx for DOE review and approval.

There are four types of NEPA documents:

- **Categorical Exclusion:** Appendices A and B of 10CFR1021 lists many categories of DOE projects that qualify for a Categorical Exclusion (CX). By definition, a CX applies to projects that do not individually or cumulatively have a significant effect on the environment. In some cases, projects may qualify for a generic CX determination. Generic CX's are seventeen groups of routine activities that have already been approved by the NEPA Compliance Officer at the Integrated Support Center, Oak Ridge Office (DOE). Much of the ongoing maintenance, operation, and infrastructure work at SLAC can be approved under the existing generic CXs. After the ECC is reviewed, and the proposed action is covered by a generic CX, the determination is reviewed by the BASO and DOE concurrence documented in the SLAC NEPA Sharepoint website. A list of the approved existing generic CXs is located at: http://www-group.slac.stanford.edu/esh/groups/ep/epg/nepa.htm
  If the proposed action is not covered by a generic CX, the CX category determination is reviewed by the BASO and the NCO. See the NEPA Procedure section of this document.

- **Environmental Assessment:** An Environmental Assessment (EA) is required when there is uncertainty as to whether or not significant environmental impacts will occur from a project. An EA is a concise document based primarily on existing information. After evaluation by the DOE, an EA will result in either a *Finding of No Significant Impact* (FONSI), which means that the proposed action may proceed, or the EA will require that a more detailed document called an Environmental Impact Statement be prepared.

- **Supplemental Analysis:** A Supplemental Analysis (SA) is prepared to analyze whether the environmental impacts of the proposed changes to a project for which an EA has already been completed are within the scope of the EA.

- **Environmental Impact Statement:** An Environmental Impact Statement (EIS) is a detailed document that must be prepared for major federal actions that significantly affect the quality of the environment. It includes a discussion of the environmental impact of the proposed project, adverse environmental effects, and alternatives to the proposed project.

The following is a list of the average time needed by the DOE to review and approve NEPA documents:

- Generic CX: 1 week
- CX: 2 to 4 weeks
- EA: 6 to 12 months
- SA: 6 to 12 months
- EIS: 18 to 24 months

A subcontractor is usually enlisted to assist in the preparation of an EA, SA, or EIS; therefore, preparation of EA, SA, or EIS documents is not addressed in this procedure. However, SLAC has developed a formal process for the review of these documents*. A project-specific NEPA committee is assembled to shepherd the review process. Once the document has been reviewed and approved by the committee, the document is submitted to the DOE BASO Site Manager and NCO for review and approval. No resources may be committed to a project until it has been approved by the DOE.

*See the attached Appendix A "NEPA Review Process for EAs/EISs".

Review Criteria

Because SLAC is a contractor to the DOE, NEPA documentation is required for the majority of projects performed on site. Almost all NEPA documents initiated by SLAC are generic CXs or CXs. Projects at SLAC that may require a NEPA review include:

- Replacement, demolition, or modification of a structure
- New construction
- Environmental restoration or remediation projects
- Research projects, including those conducted on a computer

All work funded by the following account types require a NEPA review:

- Capital Equipment Projects (CEP)
- Accelerator Improvement Projects (AIP)
- General Plant Projects (GPP)
- Line Item Construction (LIC)
- Lab Directed Research and Development (LDRD)

This list is not comprehensive, and other projects may require NEPA documentation. Administrative (financial, contractual, data analysis, etc.) and routine operations (building maintenance, machining, landscaping, etc.) may not require a NEPA review, if a previous NEPA determination for the same action has already been made. If you are considering a project and are unsure if it requires NEPA documentation, contact the SLAC NEPA Program Manager listed at:

http://www-group.slac.stanford.edu/esh/groups/ep/epg/nepa.htm

Early consideration of NEPA issues helps to ensure timely processing of documents and expedites the proposed project. By taking NEPA into account early in the planning process, last-minute delays in initiating the project can be avoided or minimized. The more complete and thorough the initial NEPA information is, the sooner NEPA documentation can be reviewed and approved.

NEPA Roles and Responsibilities

Functional roles and general responsibilities are listed below.

SLAC Project Representative (PR)

- Completes and submits an ECC form describing the project to the NEPA Program Manager. A blank ECC form is located at: https://slacspace.slac.stanford.edu/sites/esh/ep/NEPA/default.aspx under "forms".
- Manages the preparation of an EA, SA or EIS document, if needed.
- Notifies the SLAC NEPA Program Manager if the scope of the project changes.

SLAC NEPA Program Manager (PM)

- Reviews the ECC for completeness and requests additional information from project manager as needed. Signs the ECC when it is complete.
- Determines if changes or additions to a project require the submittal of a revised ECC form or NEPA review.
- Recommends categorization and documents this recommendation by preparing a Concurrence Form.
- Posts the ECC and Concurrence Form to the SLAC NEPA SharePoint site for review by the BASO NEPA Coordinator.
- Maintains the SLAC NEPA SharePoint site.

DOE BASO NEPA Coordinator (SSO)

- Reviews the posted ECC and Concurrence Form and concurs with the SLAC NEPA PM's determination, or makes recommendations for revisions, as needed.
- Prepares CX documentation for review and approval by the DOE NEPA Compliance Officer.
- Prepares the Annual NEPA Planning Summary.

DOE Office of Science NEPA Compliance Officer (NCO)

- Reviews and approves CX determinations made by the BASO and SLAC.
- Prepares recommendation to the DOE BASO Site Office Manager to finalize the EA, SA, or EIS and FONSI, if a project does not qualify for a CX determination.

DOE BASO Site Office Site Manager

- Reviews and accepts or rejects recommendations from the NCO regarding the approval of the Final EA or EIS and FONSI, if applicable.

SLAC Business and Technology Services (BTS)Financial Planner of each Directorate

- Approves funding for a project after NEPA review is complete.
- Provides account number to PR to initiate the project.

NEPA Procedure

Listed below are the steps in the preparation, review, and concurrence/approval for ensuring compliance with NEPA requirements. All projects are required to submit an ECC for review.

Preparing the ECC

Initiating a NEPA document begins with a scoping process to identify all significant issues related to a proposed project. To initiate scoping of a project at SLAC, the PR must thoroughly describe the project and all potentially connected projects by preparing an ECC (located at https://slacspace.slac.stanford.edu/sites/esh/ep/NEPA/default.aspx under "forms"). Completed forms for previous projects, to be used as examples, may also be found at this site.

All project descriptions should include:

- The need and purpose of the proposed project.
- A detailed description of the proposed project.
- All potentially connected projects, e.g. projects that must be undertaken as a result of the proposed project or projects that must be initiated or completed ahead of this project.
- The location of the proposed project; figures or maps should be included.
- Identification of all known environmental issues and effects related to the proposed project.
- Any mitigating actions that would be undertaken to minimize the environmental impacts of the proposed projects.

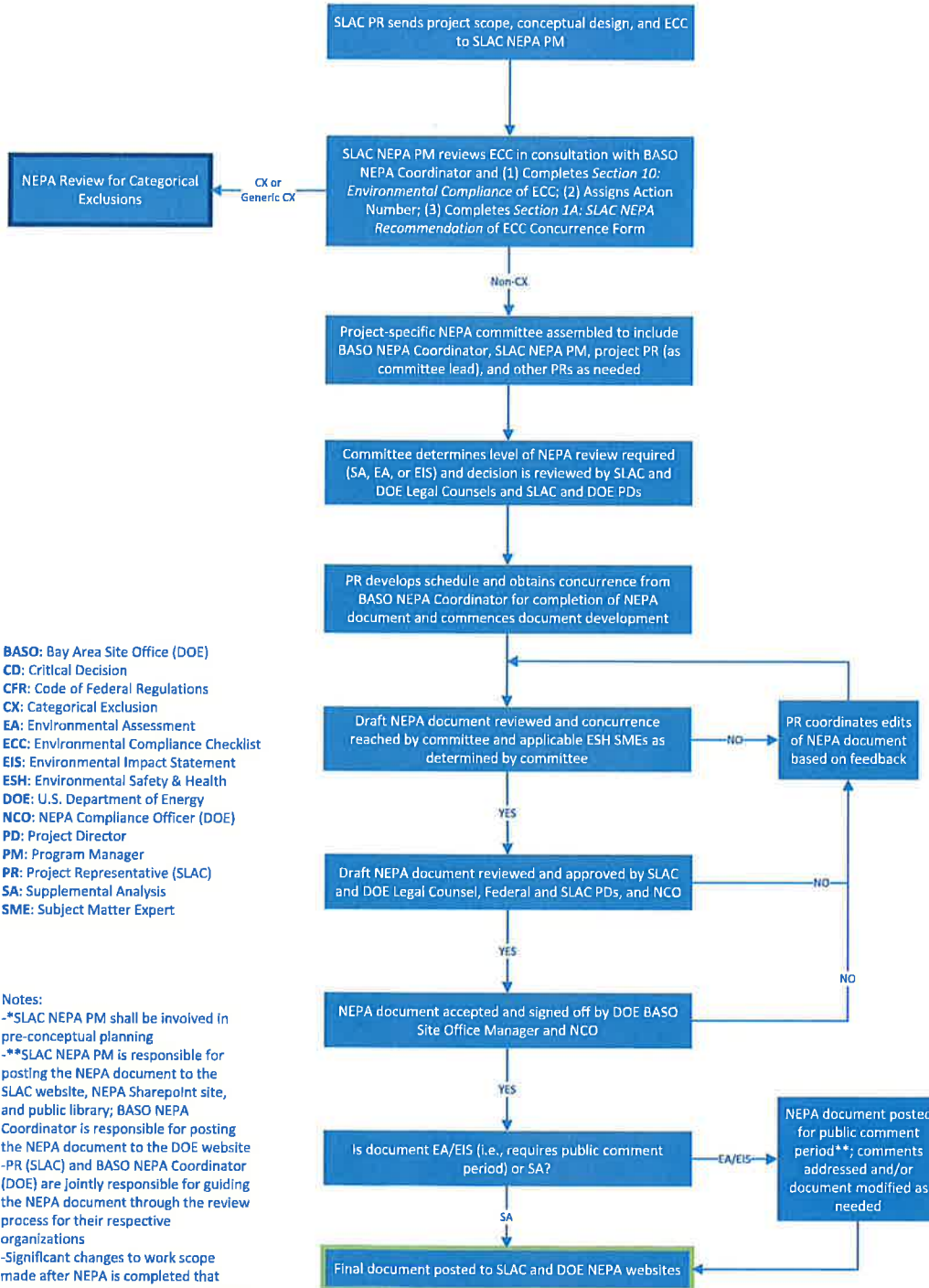When the draft ECC has been completed, the PR forwards it to the SLAC NEPA PM for review.

Reviews and approvals

The SLAC NEPA PM reviews the draft ECC and may ask clarifying questions, request revisions, or make changes. When both the PR and SLAC NEPA PM are satisfied with the content of the ECC, the SLAC NEPA PM completes the Concurrence Form, located at: https://slacspace.slac.stanford.edu/sites/esh/ep/NEPA/Shared%20Documents/Forms/AllIte ms.aspx, recommending that the project be categorized as a generic CX, a CX, an EA, SA, or an EIS. This procedure does not address the preparation of EA or EIS documents, with the exception of SLAC's process for reviewing of EA, SA, and EIS documents provided in Appendix A. If EA, SA, or EIS documents need to be prepared, the SLAC NEPA PM can provide guidance.

The SLAC PM posts the ECC and Concurrence Form to the NEPA SharePoint site at: (https://slacspace.slac.stanford.edu/sites/esh/ep/NEPA/default.aspx). The NEPA site automatically generates an e-mail notification to the BASO whenever an activity requires their review/concurrence. For a generic CX, the BASO reviews both the concurrence form and the ECC, and either provides electronic concurrence or requests revisions. For a CX, EA, SA, or EIS, the NCO will also review the ECC and concurrence forms. After BASO (and if necessary the NCO) concurs with the determination, the SLAC NEPA PM notifies the PR that the NEPA review is complete.

NEPA Review Process for EAs/EISs

Initiate process no later than CD-1, or when sufficient design info available for projects not subject to DOE O 413.3B*

SLAC PR sends project scope, conceptual design, and ECC to SLAC NEPA PM

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NEPA Review for Categorical Exclusions ← CX or Generic CX ←

SLAC NEPA PM reviews ECC in consultation with BASO NEPA Coordinator and (1) Completes *Section 10: Environmental Compliance* of ECC; (2) Assigns Action Number; (3) Completes *Section 1A: SLAC NEPA Recommendation* of ECC Concurrence Form

↓ Non-CX

Project-specific NEPA committee assembled to include BASO NEPA Coordinator, SLAC NEPA PM, project PR (as committee lead), and other PRs as needed

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Committee determines level of NEPA review required (SA, EA, or EIS) and decision is reviewed by SLAC and DOE Legal Counsels and SLAC and DOE PDs

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PR develops schedule and obtains concurrence from BASO NEPA Coordinator for completion of NEPA document and commences document development

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Draft NEPA document reviewed and concurrence reached by committee and applicable ESH SMEs as determined by committee — NO → PR coordinates edits of NEPA document based on feedback

↓ YES

Draft NEPA document reviewed and approved by SLAC and DOE Legal Counsel, Federal and SLAC PDs, and NCO — NO

↓ YES

NEPA document accepted and signed off by DOE BASO Site Office Manager and NCO — NO

↓ YES

Is document EA/EIS (i.e., requires public comment period) or SA? — EA/EIS → NEPA document posted for public comment period**; comments addressed and/or document modified as needed

↓ SA

Final document posted to SLAC and DOE NEPA websites

Abbreviations:

BASO: Bay Area Site Office (DOE)
CD: Critical Decision
CFR: Code of Federal Regulations
CX: Categorical Exclusion
EA: Environmental Assessment
ECC: Environmental Compliance Checklist
EIS: Environmental Impact Statement
ESH: Environmental Safety & Health
DOE: U.S. Department of Energy
NCO: NEPA Compliance Officer (DOE)
PD: Project Director
PM: Program Manager
PR: Project Representative (SLAC)
SA: Supplemental Analysis
SME: Subject Matter Expert

Notes:
-*SLAC NEPA PM shall be involved in pre-conceptual planning
-**SLAC NEPA PM is responsible for posting the NEPA document to the SLAC website, NEPA Sharepoint site, and public library; BASO NEPA Coordinator is responsible for posting the NEPA document to the DOE website
-PR (SLAC) and BASO NEPA Coordinator (DOE) are jointly responsible for guiding the NEPA document through the review process for their respective organizations
-Significant changes to work scope made after NEPA is completed that were not covered in NEPA analysis may be subject to additional review
-Per 10 CFR Part 1021 §1021.210(b), DOE NEPA Implementing Procedure, "DOE shall complete its NEPA review for each DOE proposal before making a decision on the proposal (e.g., **normally in advance of, and for use in reaching, a decision to proceed with detailed design**), except as provided in 40 CFR 1506.1 and §1021.211 and 1021.216 of this part."

NEPA must be completed before PR requests CD-2 or before CD-3A