

State of Oklahoma
Department of Environmental Quality

STATE ENVIRONMENTAL REVIEW PROCESS (SERP)

DRINKING WATER STATE REVOLVING FUND

SERP PROCESS



TABLE OF CONTENTS

State Environmental Review Process

Section 1. Purpose and Policy.....	5
Section 2. Definitions.....	5
Section 3. Applicability.....	7
Section 4. Overview of the Environmental Process.....	7
Section 5. Categorical Exclusion.....	8
Section 6. Finding of No Significant Impact.....	11
Section 7. Environmental Impact Statement.....	15
Section 8. DEQ Actions for All Environmental Review Procedures.....	18

Appendices

Appendix A. EID Contents.	19
Appendix B. EIS Body.....	22

State of Oklahoma
Department of Environmental Quality

**STATE ENVIRONMENTAL REVIEW PROCESS
(SERP)**

DRINKING WATER STATE REVOLVING FUND

SECTION 1. Purpose and Policy

(a) The Drinking Water State Revolving Fund (DWSRF) was established by the Safe Drinking water Act (SDWA) Amendments of 1996. It authorizes the EPA to award capitalization grants to states to provide low-cost loans to eligible public water systems. Drinking Water State Revolving Fund (DWSRF) regulations at OAC 252:633 are authorized by O.S. Supp. 1993, § 1085.71 et seq. OAC 252:633-7-1 requires the Oklahoma Department of Environmental Quality (DEQ) to establish procedures for the environmental review. The purpose of these procedures is to establish an interdisciplinary environmental review process consistent with the National Environmental Policy Act (NEPA). The DEQ responsible official shall conduct an environmental review for projects proposed for funding through the DWSRF in accordance to these procedures. This review will ensure that the project will comply with the applicable local, state, and federal laws, and DEQ regulations and procedures relating to the protection and enhancement of the environment. This review will be required prior to the approval for construction of the proposed water treatment project. As necessary, the determination will include mitigative provisions as a condition of financial assistance for building, and no financial assistance will be provided until a final environmental determination has been made. Nothing in these procedures shall prohibit any public, private or governmental party from seeking administrative or legal relief from the determinations of DEQ.

(b) These procedures will be known as the State Environmental Review Process (SERP).

SECTION 2. Definitions

The following words and terms when used in these procedures shall have the following meaning, unless the context clearly indicates otherwise:

(a) *“Applicant”* means the entity applying or having applied to DEQ for financial assistance under the provisions of OAC 252:633 and 82 O.S. 1996, § 1085.71-1085.84.

(b) “*Categorical Exclusion (CATEX)*” means proposed actions which are 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 or other categories as approved by the DEQ that may be categorically excluded from the requirement to prepare an *EID*, *EA* and *FNSI*, or *EIS* and *ROD*.

(c) “*Environmental information document (EID)*” means any written analysis prepared by the DEQ, an applicant, or contractor describing the environmental impacts of a proposed project. This document will be of sufficient scope to enable the responsible official to identify potentially significant environmental concerns and the associated potential impacts of the proposed project. The DEQ will determine if it is necessary to prepare an EID in lieu of a Draft EA or EA.

(d) “*Environmental assessment (EA)*” means a concise public document that analyzes the environmental impacts of a proposed project and provides sufficient evidence to determine the level of significance of the impacts. The DEQ may gather the information and prepare the EA without the assistance from the applicant, or, have the applicant prepare a Draft EA with supporting documents. An EA is prepared to provide sufficient data and analysis to determine whether an EIS or finding of no significant impact is required. Where DEQ determines that a CATEX is appropriate or an EIS will be prepared, there is no need to prepare a formal environmental assessment. EIDs or EAs will not have to be prepared for actions where a CATEX has been granted.

(e) “*Environmental impact statement (EIS)*” means a detailed statement prepared by the DEQ when a proposed project may significantly affect the quality of the human environment.

(f) “*Environmental Justice (EJ)*” is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local and tribal programs and policies.

(g) “*Environmental review*” means the process whereby an evaluation is undertaken by the DEQ to determine whether a proposed project may have a significant impact on the environment and make appropriate environmental review determination of a *CATEX*, *FNSI* or an *EIS*.

(h) “*Finding of no significant impact (FNSI)*” means a decision by the DEQ when the environmental review indicates no significant impacts are anticipated or when the project is altered to eliminate any significant adverse impacts. A FNSI shall be issued and made available to the public. The environmental assessment shall be included as a

part of the FNSI. The FNSI shall list any mitigation measures necessary to make the recommended alternative environmentally acceptable.

(i) “*Loan*” means a loan of funds by a written loan agreement from the Drinking Water State Revolving Fund (DWSRF).

(j) “*Monitoring*” means that the responsible official shall provide for monitoring to assure that decisions on any action are properly implemented.

(k) “*Notice of Intent (NOI) and EIS*” mean when the environmental review indicates that a significant environmental impact may occur and significant adverse impacts can not be eliminated by making changes in the project, a NOI to prepare an EIS shall be published, scoping shall be undertaken, and a draft EIS shall be prepared and distributed. A final EIS shall be prepared and disseminated after external coordination and evaluation of the comments received have been made. The final EIS shall list any mitigation measures necessary to make the recommended alternative environmentally acceptable.

(l) “*Record of Decision (ROD)*” means a precise public record of the decision by the DEQ on any action for which a final EIS has been prepared. The record of decision shall describe those mitigation measures to be undertaken which will make the selected alternative environmentally acceptable. Where the final EIS recommends the alternative, which is ultimately chosen by the responsible official, the record of decision may be extracted from the executive summary to the final EIS.

(m) “*Responsible official*” means the DEQ Water Quality Director (or its successor) who is authorized to fulfill the requirements of this process.

(n) “*Selected alternative*” means the same as chosen alternative, preferred alternative, proposed alternative, and recommended alternative.

SECTION 3. Applicability

This process shall apply to all DWSRF projects and be carried out during the planning/design phase of a project receiving a DWSRF loan.

SECTION 4. Overview of the Environmental Process

(a) *Consultation during the facilities planning process.* The DEQ and applicant shall initiate the environmental review process early to identify environmental effects, avoid delays and resolve conflicts. The environmental review process should be integrated throughout the planning process. Applicants should consult with the DEQ early in the planning process to identify any Environmental Justice communities in the project area, determine the appropriateness of a CATEX, the scope of an EA or EID, if required, or

the appropriateness of the early preparation of an EIS. The consultation with DEQ would be most useful during the evaluation of project alternatives prior to the selection of a preferred alternative to assist in resolving any identified environmental problems.

(b) *Coordination with other environmental review and consultation requirements.* Various state and federal laws and executive orders address specific environmental concerns and review procedures. The DEQ shall integrate to the greatest practicable extent those concerns and applicable procedures during the implementation of the environmental review process to ensure an interdisciplinary approach to assessing impacts including adherence to other state and federal environmental objectives. Coordination shall be implemented early by the DEQ as the lead agency in accordance with "State Environmental Review Process."

(c) *Basic environmental determinations.* There are three basic environmental determinations that will apply to proposed projects requesting DWSRF assistance. These are (1) a determination to categorically exclude (CATEX) a project from formal environmental review; (2) a Finding of No Significant Impact (FNSI) based upon a formal environmental review supported by an Environmental Assessment (EA); and (3) a determination to provide or not to provide financial assistance based upon a Record of Decision (ROD) following the preparation of an Environmental Impact Statement (EIS).

The DEQ may gather the information and prepare a CATEX, EID, or EA; or, require the applicant to prepare and submit a CATEX or Draft EA with supporting documents. The DEQ shall notify the applicant should it be decided that an EID in lieu of a Draft EA must be prepared by the applicant.

(d) *Other determinations available to the responsible official.* An applicant may request advance authority to construct part of the proposed water treatment project before completion of the necessary environmental review when the relevant portion of the project will (1) immediately remedy a severe public health problem where violations of primary drinking water standards threaten health of the public; (2) not preclude any reasonable alternatives identified for the complete system; (3) not cause significant or indirect environmental impacts including those which cannot be acceptably mitigated without completing the entire project; and (4) not be highly controversial.

SECTION 5. Categorical Exclusion

(a) *Categorical Exclusion (CATEX).* Applicants that propose actions which are 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 or other categories as approved by the DEQ may seek a CATEX. Documentation required in these procedures will be submitted to the DEQ for formal review and decisions.

(b) Projects eligible to apply for a CATEX include, but are not limited to, the following:

- (1) Installation and addition of new equipment that occurs within an existing water treatment facility.
- (2) Rehabilitation, replacement, or repairs of water treatment system elements that occur within an existing water treatment facility. Such projects may include, but are not limited to, intake structures, raw water lines, pump stations, water towers, water storage tanks, standpipes, distribution lines, water wells, filters, filter media, sedimentation basins, clarifiers, and rapid mix units.
- (3) Construction or installation of new elements of a water treatment system that occur outside of an existing water treatment facility, but do not result in disruption of undisturbed or undeveloped lands including new looping lines within an established distribution system and new wells within an existing well field.

(c) The proposed projects that meet the following categories will not be allowed a CATEX:

- (1) The proposed action is known or expected to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time.
- (2) The proposed action is known or expected to have disproportionately high and adverse human health or environmental effects on any community, including minority communities, low-income communities, or federally-recognized Indian tribal communities.
- (3) The proposed action is known or expected to significantly affect federally listed threatened or endangered species or their critical habitat.
- (4) The proposed action is known or expected to significantly affect national natural landmarks or any property with nationally significant historic, architectural, prehistoric, archeological, or cultural value, including but not limited to, property listed on or eligible for the National Register of Historic Places.
- (5) The proposed action is known or expected to significantly affect environmentally important natural resource areas such as wetlands, floodplains, significant agricultural lands, aquifer recharge zones, coastal zones, barrier islands, wild and scenic rivers, and significant fish or wildlife habitat.
- (6) The proposed action is known or expected to cause significant adverse air quality effects.
- (7) The proposed action is known or expected to have a significant effect on the pattern and type of land use (industrial, commercial, agricultural, recreational, residential) or growth and distribution of population including altering the character of existing residential areas, or may not be consistent with state or local government, or federally-recognized Indian tribe approved land use plans or federal land management plans.

- (8) The proposed action is known or expected to cause significant public controversy about a potential environmental impact of the proposed action.
- (9) The proposed action is known or expected to be associated with providing financial assistance to a federal agency through an interagency agreement for a project that is known or expected to have potentially significant environmental impacts.
- (10) The proposed action is known or expected to conflict with federal, state or local government, or federally-recognized Indian tribe environmental, resource-protection, or land-use laws or regulations.
- (11) The project would provide capacity to serve a population 30% greater than the existing population.
 - i. A project may or may not affect capacity of a water system pursuant to DEQ regulations, OAC 252:626 Drinking Water Construction Standards. DEQ Regulations require redundancy for critical treatment units. Design capacity of a water system is based on the rate of flow through each treatment unit pursuant to DEQ standards with one unit out of service for maintenance.
 - ii. DEQ Regulations further require a minimum of two critical units for community water systems, with each critical unit meeting peak capacity so that one unit can be out of service for maintenance.

(d) DEQ can act on CATEXs without request from applicant or may have Applicants applicant provide DEQ with sufficient documentation to demonstrate compliance with the requirements of these procedures. Submit one copy of the CATEX documentation to the DEQ. At a minimum, documentation will consist of the following:

- (1) A brief complete description of the proposed action.
- (2) A statement identifying the CATEX that applies to the action.
- (3) A statement explaining why no extraordinary circumstances apply to the proposed action.
- (4) Map(s) of the proposed project showing the location of all construction areas, the planning area boundaries, and any known environmentally sensitive areas.
- (5) The DEQ must make a copy of the determination available to the public upon request.

(e) When the responsible official has determined that an applicant's proposed project may be excluded from a formal environmental review, DEQ will prepare a CATEX, which will describe the proposed project, and describe those factors that make the selected alternative environmentally acceptable. CATEXs do not require formal public notification.

(f) For CATEX determinations five or more years old, the responsible official shall reevaluate the project, environmental conditions and public views, and prior to a loan agreement, either:

- (1) Reaffirm – issue a public notice reaffirming the original environmental determination to proceed with the project without need for any further environmental review;
- (2) Supplement – update the information in the decision document on the categorically excluded project and prepare, issue and distribute a revised CATEX in accordance with Sections 5(e) and 5(f); or
- (3) Reassess – revoke the CATEX and require a complete environmental review to determine the need for an EA, followed by the preparation, issuance and distribution of a FNSI or an EIS and ROD.

SECTION 6. Finding of No Significant Impact

(a) *Finding of No Significant Impact (FNSI)*. The DEQ may gather the information and prepare an EID and/or EA; or, require the applicant to prepare and submit a Draft EA or EID with supporting documents. The DEQ shall notify the applicant should it be decided that an EID in lieu of a Draft EA must be prepared by the applicant. EIDs and EAs are for those proposed projects that do not meet the criteria for a CATEX and for which DEQ has made a preliminary determination that an EIS will not be required. Should DEQ require the applicant to prepare a Draft EA or EID, the applicant must submit one copy to the DEQ.

- (1) At a minimum, the contents of the EID will include the following with a more detailed list shown at Exhibit A:
 - i. Purpose and need for project
 - ii. Proposed project and funding status
 - iii. Existing environment
 - iv. Existing facilities
 - v. Alternative analysis
 - vi. Environmental impacts and mitigation
 - vii. Cumulative effects
 - viii. Coordination activities
 - ix. Public participation
- (2) At a minimum, the contents of the Draft EA or EA will include the following:
 - i. Cover and Title Sheet
 - ii. Legal Description
 - iii. Background and Existing Condition
 - iv. Purpose and Need
 - v. Proposed Project Description

- vi. Proposed Funding
- vii. Alternatives
- viii. Impacts and Environmental Considerations
- ix. Coordination of Review
- x. Public Participation and Responsiveness Summary
- xi. Recommendation
- xii. References

xiii. Appendices (supporting documents).

- (3) An environmental review of the proposed project, supported by the applicant's Draft EA or EID, will be conducted by the responsible official to determine whether any significant impacts are anticipated and whether any changes may be made in the proposed project to eliminate significant adverse impacts. As part of this review, DEQ may require the applicant to submit additional information or undertake additional public participation and coordination to support DEQ's environmental determination.

(b) *Coordination of Local, State, and Federal agencies.* The applicant shall send copies of the project description and location map to applicable Local, State, and Federal agencies to solicit comments on environmental affects from the project. The applicant must include copies of all correspondence sent and received, including a list of agencies, organizations and persons to whom copies of the project description were sent. A written response from each resource agency is preferred. In case of no written response, an Email or a Record of Communication based on the discussion with the appropriate representative of the resource agency will be acceptable. The objections and suggestions made by Local, State, and Federal agencies before and during the preparation of the Draft EA, EA, or EID must be given full consideration, along with the issues of public concern expressed by individual citizens and interested environmental groups. The environmental laws that must be considered include:

- (1) *Archeological and Historic Preservation Act of 1974, Pub. L. 86-523, as amended.*
- (2) *Clean Air Act, Pub. L. 84-159, as amended.*
- (3) *Endangered Species Act, Pub. L. 93-205, as amended.*
- (4) *Environmental Justice, Executive Order (EO) 12898.*
- (5) *Farmland Protection Policy Act, Pub. L. 97-98.*
- (6) *Fish and Wildlife Coordination Act, Pub. L. 85-665, as amended.*
- (7) *Floodplain Management, Executive Order 11988, as amended by EO 12148.*
- (8) *National Historic Preservation Act of 1966, Pub. L. 89-665.*
- (9) *Protection of Wetlands, Executive Order 11990.*
- (10) *Safe Drinking Water Act, Pub. L. 93-423, as amended.*
- (11) *Wilderness Act, Pub. L. 88-577.*

If there is a potential for one of the above resource impacts to occur, applicants should include DEQ in the coordination process up-front, rather than at the end.

(c) *Environmental Justice (EJ)*. The DEQ will include environmental justice information in their preparation of an EID and/or EA; or, may require the applicant to provide environmental justice information along with latitude and longitude of the project to the DEQ. In preparing the Draft EA or EID, the applicant must identify any minority populations and low-income populations which exist within the overall planning area or which may otherwise be impacted by the project. Native American communities, including their traditional resource areas are included.

If no minority and low-income populations were identified, then include a statement to that effect. If any EJ communities are identified in the project area, the DEQ or applicant must address the following questions in the Draft EA, EA, or EID:

- (1) Does there exist a potential for disproportionate risk?
- (2) Have the identified EJ communities been sufficiently involved in the decision-making process?
- (3) Do the identified EJ communities currently suffer or have they historically suffered from environmental and health risks or hazards?

(d) *Public Participation*. Before the applicant's adoption of the planning document (Draft EA, EA, or EID), the applicant shall make diligent efforts to involve the public in preparing and implementing the plan for the project. The applicant shall provide public notice in accordance with the Oklahoma Open Meeting Act, at least 30 days before the public hearing (including location and time), and the availability of environmental documents to inform those who may be interested or affected, those who have requested it on an individual action, local, State, and Federal agencies, including state and area wide clearinghouses, and Indian tribes when effects may occur on reservations. Provide public notice by publication in local newspapers (in papers of general circulation rather than legal papers), by notice through other local media, by notice to potentially interested community organizations including small business associations, by publication in newsletters that may be expected to reach potentially interested persons, by direct mailing to owners and occupants of nearby or affected property, and by posting of notice on and off site in the area where the action is to be located. Public participation activities and information shall be included in the Draft EA, EA, or EID.

- (1) Hold or sponsor public hearings whenever appropriate according to statutory requirements applicable. Criteria shall include whether there is substantial environmental controversy concerning the proposed action or substantial interest in holding the hearing.
- (2) Solicit appropriate information from the public.
- (3) State where information on the project may be acquired. Make documents available to the public. Materials to be made available to the public shall be provided to the public without charge to the extent

practicable, or at a fee that is not more than the actual costs of reproducing copies.

- (4) Provide a Responsiveness Summary that shall
 - (i) Identify the public participation activity conducted;
 - (ii) Describe the matters on which the public was consulted, summarize the public's view, significant comments, criticisms and suggestions, and set forth the applicant's specific responses in terms of modifications of the proposed action or an explanation for rejection of proposals made by the public;
 - (iii) Include a complete recording of the public hearing, with the list of attendees and an evaluation of the effectiveness of the public participation program; and
 - (iv) Be made available to the public.

(e) Following the DEQ's environmental review of the EID or Draft EA and preparation of the EA, the DEQ will issue a FNSI or a Notice of Intent (NOI) to prepare an EIS. The FNSI is a concise public record of decision that will

- (1) Describe those mitigative measures to be taken that will make the selected alternative environmentally acceptable.
- (2) Briefly describe the proposed project including project costs, any mitigative measures required as a condition of financial assistance, and a statement to the effect that comments supporting or disagreeing with the FNSI may be submitted for consideration by DEQ.
- (3) Include an attached environmental assessment when mitigative measures are specified as conditions of financial assistance.

(f) DEQ will prepare a Notice, which will describe the proposed project, describe the environmental assessment and its findings, state the availability of supporting documentation for public inspection, and be published by the applicant. The responsible official will distribute the EA and FNSI to all interested parties concurrent with publication of the Notice by the applicant, and collect and review any comments on the EA and FNSI during the 30-day public comment period.

(g) The applicant shall publish the Notice in a local newspaper of community wide circulation, following the DEQ issuance of a FNSI. Publication must be followed by a 30-day comment period during which DEQ will collect and review any comments on the EA and FNSI. No FNSI shall be final until the 30-day public comment period has expired and DEQ has received proof of publication from the applicant.

(h) For a determination based on an EID five or more years old, the responsible official shall reevaluate the project, environmental conditions and public views, and prior to a loan agreement, either:

- (1) Reaffirm – issue a public notice reaffirming DEQ's decision to proceed with the project without revising the EID;

- (2) Supplement – require an update of the EID, issue and distribute a revised EA/FNSI in accordance with Sections 6(e), 6(f) and 6(g), or
- (3) Reassess – withdraw the FNSI and publish a notice of intent to produce an EIS, followed by the preparation, issuance and distribution of the EIS and ROD.

SECTION 7. Environmental Impact Statement

(a) *Environmental Impact Statement.* Proposed projects that contain actions with significant environmental impacts are required by the National Environmental Policy Act of 1969 to prepare an Environmental Impact Statement.

- (1) Environmental Impact Statement Content and Formatting. The format of an EIS will encourage sound analysis and clear presentation of alternatives, including the no action alternative and the selected alternative, and their environmental, economic and social impacts. The following format must be followed by the applicant unless DEQ determines there are compelling reasons to do otherwise.
 - i. Cover sheet (applicant, project name, funding agency, and date);
 - ii. Executive summary;
 - iii. Table of contents;
 - iv. Purpose of and need for action;
 - v. Alternatives including proposed action;
 - vi. Affected environment;
 - vii. Environmental consequences of the alternatives;
 - viii. Coordination (includes list of agencies, organizations, and persons to whom copies of the EIS are sent);
 - ix. List of preparers;
 - x. Index (commensurate with complexity of EIS); and
 - xi. Appendices.
- (2) The executive summary shall describe in sufficient detail (10-15 pages) the critical facets of the EIS so that the reader can become familiar with the proposed project or action and its net effects. The executive summary shall focus on (a) the existing problem, (b) a brief description of each alternative (including the preferred and no action alternatives) along with a listing of the environmental impacts, possible mitigation measures relating to each alternative, and any areas of controversy (including issues raised by governmental agencies and the public, and (c) any major conclusions.
- (3) The body of the EIS will contain information as listed in Exhibit B and be presented in a manner that will facilitate comprehension.

- (4) Coordination of public participation and scoping shall include a list of agencies, organizations and persons to whom copies of the EIS are sent.
- i. The objections and suggestions made by local, State, and Federal agencies before and during the EIS review process must be given full consideration, along with the issues of public concern expressed by individual citizens and interested environmental groups. The EIS must include discussions of any such comments concerning our actions, and the author of each comment should be identified. If a comment has resulted in a change in the project or the EIS, the impact statement should explain the reason.
 - ii. Public participation through public hearings or scoping meetings shall also be included. If a public hearing has been held prior to the publication of the EIS, a summary of the transcript should be included in this section. For the public hearing, which shall be held after the publication of the draft EIS, the date, time, place, and purpose shall be included here.
 - iii. In the final EIS, a summary of the coordination process and DEQ responses to comments on the draft EIS shall be included.

(b) A Supplemental Information Document will include material incorporated into an EIS by reference and be made available for public review upon request. No material may be incorporated by reference unless it is reasonably available for inspection by interested persons within the specified 45-day comment period.

(c) DEQ will independently evaluate the EIS prior to issuance of the Record of Decision (ROD) and take responsibility for its scope and contents when contractors, either in the service of the applicant or DEQ, prepare an EIS. DEQ staff that undertakes this evaluation will be identified under the list of preparers along with those of the contractor and any other parties responsible for the content of the EIS.

(d) Upon making the determination that an EIS will be required of a proposed project, DEQ will prepare a Notice of Intent, publish the notice in the Oklahoma Register, and distribute the Notice of Intent to all interested federal, state and local agencies, the applicant, and other interested parties. The notice for the scoping meeting required at Section 7(e) will be incorporated into the NOI and will have a notification period of at least forty-five (45) days.

(e) As soon as possible after the Notice of Intent has been issued, DEQ will convene a meeting of the affected federal, state and local agencies, the applicant, and other interested parties to determine the scope of the EIS. As part of the scoping meeting DEQ will, at a minimum:

- (1) Determine the significance and scope of those significant issues to be analyzed in depth in the EIS.
- (2) Identify the preliminary range of alternatives to be considered.
- (3) Identify potential cooperating agencies.

- (4) Determine the information or analyses that may be needed from cooperating agencies or other parties.
- (5) Discuss the method for EIS preparation.
- (6) Discuss the EIS public participation strategy.
- (7) Identify consultation requirement of other laws and regulations.
- (8) Determine the relationship between the preparation of the EIS and the completion of the planning document and any necessary arrangements for coordination of the preparation of both documents.

(f) Following the scoping process DEQ will begin the identification and evaluation of all potentially viable alternatives to adequately address the range of issues developed in the scoping. A summary of this including a list of the significant issues identified will be provided to the applicant and other interested parties. Preparation of the EIS will be done, at the discretion of DEQ directly, by its own staff, by consultants to DEQ or by a consultant, contracted by the applicant subject to approval by DEQ. In the latter two cases, the consultant will be required to execute a disclosure statement prepared by DEQ signifying they have no financial or other conflicting interest in the outcome of the project. Both the draft EIS and final EIS will be distributed and made available for public review and a notice of availability of the draft and final EIS will be published in the Daily Oklahoman, the Oklahoma Register, and a newspaper(s) of general circulation in the project area. The notice of availability of the EIS will give locations at which it will be available for public review at least forty-five (45) days prior to making any environmental determination.

(g) Following the comment period and public meetings on the final EIS, and at the time of the decision to approve the facilities plan or to provide or deny financial assistance to the proposed project, DEQ will prepare a concise public record of decision (ROD). The ROD will describe mitigative measures to be taken that will make the selected alternative environmentally acceptable. DEQ will provide copies of the decision to all local, state and federal agencies and public groups with an interest in the proposed project; provide notes of all issues of public concern expressed by individuals or interested groups and attach these to the final EIS, including discussions of any such comments pertinent to the project or the EIS; identification of all persons commenting, if a comment has led to a change in either the project or the EIS, the reason should be given; and DEQ must always endeavor to resolve any conflicts that may have arisen, particularly among permitting agencies, prior to the issuance of the final EIS. In all cases, the comment period will be no less than forty-five (45) days.

(h) Applicants EIS Public Notice Responsibilities. The public participation required for an EIS is extensive; but should, depending upon the nature and scope of the proposed project, be supplemented by the applicant.

SECTION 8. DEQ Actions for All Environmental Review Procedures

In accordance with the previous procedures, DEQ will prepare environmental documents, conduct environmental reviews, make environmental decisions, issue public notices, and amend determinations as appropriate.

EXHIBIT A

Environmental Information Document Contents

- i. Purpose and need for project
 - (a) Historical background
 - (b) Need for project, may include the following:
 - (1) Existing public health and environmental problems
 - (2) Water quality problems
 - (3) Permit non-compliance
 - (4) Insufficient capacity
 - (c) Planning period (20 years)
 - (d) Existing and projected populations
 - (e) Existing and projected capacity
- ii. Proposed project and funding status
 - (a) Description of project
 - (1) Project name
 - (2) Legal description of project
 - (3) Owner of facility
 - (4) Location of facilities
 - (5) Planning area description
 - (6) List all facilities, components, and actions proposed by the engineering report
 - (7) Area planning maps
(USGS topographic map showing existing and proposed facilities and overall project area, include major project components)
 - (b) Proposed project costs showing all funding sources
- iii. Existing environment
 - (a) Description of existing environment of planning area
 - (b) Description of physiography, topography, geology, and soils as they apply to proposed project and alternatives
 - (c) Briefly discuss any special or sensitive environmental areas that may be affected by the proposed project
 - (d) Include environmental justice (EJ) information along with latitude and longitude
- iv. Existing Facilities
 - (a) Description of the existing water distribution and treatment systems
 - (1) Condition of water system
 - (2) Design capacity
 - (b) Water demand (average and peak)
 - (c) Description of water sources including intakes and/or wells
 - (d) Description of permitted water rights

- v. Alternative analysis
 - (a) Description of alternatives
 - (i) "No-Action" alternative (the environment without the project)
 - (ii) Selected (proposed) alternative
 - (iii) Other alternatives
 - (b) Advantages and disadvantages of alternatives
 - (c) State reason(s) why the selected (proposed) alternative was chosen and other alternatives rejected
- vi. Environmental impacts and mitigation
 - (a) Description of anticipated impacts on the environment and proposed mitigation measures to mitigate any adverse impacts of the selected alternative
 - (b) Address direct and indirect effects of the selected alternative
 - (c) Describe required permits needed for the selected alternative
- vii. Cumulative effects - discuss how this project may interact with other activities in the project area,
- viii. Coordination Activities
 - (a) Include consultation and recommendation letters from crosscutting agencies that implement environmental laws.
 - (b) The environmental laws that must be considered include:
 - (1) *Archeological and Historic Preservation Act of 1974, Pub. L. 86-523, as amended.*
 - (2) *Clean Air Act, Pub. L. 84-159, as amended.*
 - (3) *Endangered Species Act, Pub. L. 93-205, as amended.*
 - (4) *Environmental Justice, Executive Order (EO) 12898.*
 - (5) *Farmland Protection Policy Act, Pub. L. 97-98.*
 - (6) *Fish and Wildlife Coordination Act, Pub. L. 85-665, as amended.*
 - (7) *Floodplain Management, Executive Order 11988, as amended by EO 12148.*
 - (8) *National Historic Preservation Act of 1966, Pub. L. 89-665.*
 - (9) *Protection of Wetlands, Executive Order 11990.*
 - (10) *Safe Drinking Water Act, Pub. L. 93-423, as amended.*
 - (11) *Wilderness Act, Pub. L. 88-577.*
- ix. Public participation
 - (a) All Public Meetings and Notice must be performed in accordance with the Oklahoma Open Meeting Act.
 - (1) List Activities Conducted.
 - (2) Meeting Records
 - (i) List of public meeting notice(s),

- (ii) Copy and proof of publication of notice(s) (at least 30 days before meeting),
 - (iii) Contents of Public Meeting Notice (time, place, and availability of environmental documents),
 - (iv) List of witnesses and complete text,
 - (v) Text of statement on the purpose of the hearing, and
 - (vi) Transcript
 - (a) Include a complete recording of the public meeting,
 - (b) List of attendees, and
 - (c) Evaluation of the effectiveness of the public participation program.
- (b) Applicant's responses to issues raised at the public meeting in the form of formal Responsiveness Summary.

EXHIBIT B

EIS Body

- A. Purpose and need for action. A complete and clear description of the purpose and need for the proposed project that clearly identifies its goals and objectives.
- B. Alternatives including proposed action. A balanced description of each alternative considered by the applicant including:
 - (1) Size and location of the facilities and pipelines.
 - (2) Land requirements.
 - (3) Construction schedules.
 - (4) Discussion of the alternative of no action
 - (a) The effects of the no action alternative must be included to serve as a baseline for comparison of the adverse and beneficial impacts of the other alternatives.
 - (b) A description of the existing environment in the no action section to provide background information. The detail in which the affected environment is described will be commensurate with the complexity of the situation and the significance of the anticipated impacts.
 - (5) Identification of the requested alternative.
 - (6) Presentation of alternatives that are eliminated from examination with the reasons for their elimination.
- C. A description of the alternatives available to DEQ including:
 - (1) Provide financial assistance to the proposed project.
 - (2) Require that the proposed project be modified to reduce adverse impacts before providing financial assistance, or providing assistance with conditions requiring the implementation of mitigative measures.
 - (3) Not provide financial assistance.
- D. A description of the alternatives available to other local, state, and federal agencies which may have the ability to issue or deny a permit, provide financial assistance or otherwise affect or have an interest in any of the alternatives.
- E. A description of the affected environment and environmental consequences of each alternative. Including effects on (at least):
 - (1) Hydrology.
 - (2) Geology.
 - (3) Air quality.
 - (4) Noise.
 - (5) Biology.
 - (6) Environmental justice.
 - (7) Land use.
 - (8) Cultural resources.