MANUAL

REVIEW OF FEDERAL ACTIONS IMPACTING THE ENVIRONMENT

ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

ENVIRONMENTAL
PROTECTION
AGENCY

ADDRESSEE

TRANSMITTAL 1640.1
DATE November 30, 1972

PROCEDURES MANUAL FOR THE
REVIEW OF FEDERAL ACTIONS
IMPACTING THE ENVIRONMENT

1. PURPOSE. This Manual establishes policies, procedures, and responsibilities for the Agency's review of Federal actions impacting the environment, including environmental impact statements prepared pursuant to the National Environmental Policy Act of 1969 and Federal actions encompassed by Section 309 of the Clean Air Act.

2. APPLICABILITY. The policies, procedures, and responsibilities delineated in this Manual apply to all organizational elements of EPA Headquarters, regional, and field offices.

3. REQUIREMENTS. The Manual vests in the Office of Federal Activities the overall management and coordination of responsibilities related to the EPA review of Federal actions impacting the environment and establishes a decentralized principal reviewer system for the review of these actions. EPA will review and make public comments on:

a. Draft environmental impact statements;
b. Final environmental impact statements;
c. Proposed Federal agency regulations; and
d. Proposed Federal agency legislation

and refer actions determined to be unsatisfactory to the Council on Environmental Quality.

4. SUPERSESSION. All existing instructions and directives issued by EPA components, which conflict with the subject Manual, are hereby superseded.

5. FILING INSTRUCTION. File the attached material in a three-ring binder. Post receipt of the Transmittal on the Checklist which is attached and file the checklist in front of the Manual.

William D. Ruckelshaus
Administrator

DISTRIBUTION: Directives Distribution

ENVIRONMENTAL PROTECTION AGENCY

CHECKLIST OF EPA TRANSMITTALS

TITLE: Review of Federal Actions Impacting the Environment

When kept current, this checklist permits the user to see at a glance which transmittals have been filed.

Number	Date	Initials	Number	Date	Initials	Number	Date	Initials

EPA Form 1315-4 (7-71)

GPO 918-387

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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 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) reviewing water resource projects under the Water Resources Council procedure for interagency 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 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, authorizes EPA to review and comment in writing on the environmental impact of any matter relating to 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 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.

3. POLICY OBJECTIVE. Agency policy will be to use the environmental impact statement review process and the Section 309 review process in conjunction with EPA's other authorities to:

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

b. Support the environmentally protective activities of the Agency 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) Maintains overall coordination for the preparation of written comments by Headquarters and regional offices on environmental impact statements submitted to EPA by other Federal agencies.

(2) Provides impact statement policy guidance to Headquarters and regional offices and coordinates with program offices to assure that Agency responses are consistent with policy and reflect the total environmental responsibilities of the Agency.

(3) Coordinates clearance for approval of Headquarters and regional of ice comments on other agencies' major actions affecting the environment which embody a high degree of national controversy or significance or "pioneer" Agency policy, in accordance with the requirements set forth in chapter 3.

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

b. Principal Reviewer. A principal reviewer is an Agency office which:

(1) Reviews impact statements prepared by other Federal agencies which have been submitted to the Agency for review and comment and prepares a formal Agency response;

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

(3) Reviews impact statements prepared by State, regional, or local entities when appropriate;

(4) Obtains comments from other Agency offices whenever the effects of the action extend beyond the technical expertise or geographical area of the principal reviewer;

(5) Signs and distributes the comments (except for impact statements which embody a high degree of national controversy or significance or "pioneer" Agency policy and impact statements which will be referred to OFA for Headquarters clearance).

(6) Initiates press releases and other public notifications for clearance through Headquarters or regional Public Affairs Offices;

(7) Follows up Agency comments on draft impact statements, in accordance with the requirements set forth in chapter 3, paragraph 4, to assure that the Agency's comments are adequately considered by the originating Federal agency; and

(8) Provides technical assistance to other Federal, State, and local agencies regarding the requirements of Public Law 91-190 and similar State and local mandates.

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CHAPTER 2

REVIEW AND COORDINATION OF ENVIRONMENTAL IMPACT STATEMENTS

1. ROUTING OF STATEMENTS. Federal, State, and local agencies have been requested to direct impact statements to the Agency as follows:

Subject or Area	Directed to
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
State and local impact statements	Appropriate regional office

2. DESIGNATION OF PRINCIPAL REVIEWERS

a. A regional office will automatically become the principal reviewer for those impact statements it receives from Federal, State, and local agencies, except where:

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

(2) The impact statement pertains primarily to policy, regulation, 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 impact statement should be forwarded to the Office of Federal Activities (OFA) who will make the appropriate principal reviewer assignment.

(3) The impact statement embodies a high degree of national controversy or significance or "pioneer" Agency policy. In such cases the impact statement should be forwarded directly to OFA who will make the appropriate principal reviewer assignment. (A regional or Headquarters office may at any time request that a particular impact statement be evaluated by OFA to determine who should be the principal reviewer.)

b. The review of State and local impact statements will be undertaken at the discretion of the Regional Administrator.

c. Impact statements received by OFA will be assigned to principal reviewers as described below:

Subject or Area	Principal review and comment responsibilities
Legislation	Office of Legislation
Appropriations	Office of Planning and Management
Policy statements, regulations and major procedures	Office of Federal Activities or Appropriate Headquarters Program Office.
Major Federal actions which embody a high degree of national controversy or significance or "pioneer" Agency policy.	Appropriate Headquarters Office

3. ESTABLISHMENT OF DEADLINES.

a. Federal Agency Draft Impact Statements. The Agency will respond within 45 days of the published date of receipt by the Council on Environmental Quality (CEQ) of the draft impact statement unless a time extension is requested in writing. The official receipt date is published weekly by CEQ in the Federal Register. The principal reviewer will set internal Agency deadlines to assure release of EPA comments within 45 days of the date of each draft impact statement (or other deadlines which may be established by the originating Federal agency). Problems of intra-regional delays will be resolved by the Regional Administrator. Problems of intra-Agency delays will be resolved by OFA. If the principal reviewer determines that the Agency cannot meet the 45-day deadline or the deadline imposed by the originating Federal agency, an extension will be requested in writing (See Figure 2-1 or Figure 2-2). To the maximum extent practicable, requests for time extensions should be limited to critical statements. The extension requested will normally be for 10 days, although a longer extension may be requested if the principal reviewer believes that it is necessary. A copy of the letter requesting the extension will be forwarded concurrently to OFA.

b. Federal Agency Final Impact Statements. The principal reviewer shall ensure that he is on the distribution list for final impact statements in accordance with the procedures set forth in chapter 3, subparagraph 2c. Federal agencies are prohibited by CEQ from initiating administrative action for a minimum of thirty (30) days from the issuance date of the final impact statement except under certain emergency circumstances. The principal reviewer will set internal deadlines to assure release of EPA comments within thirty (30) days of the issuance date, including necessary Headquarters review time if the comments will be signed by the Administrator or Deputy Administrator (see chapter 3, paragraph 4). 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. OFA should be notified as early in the review process as possible of any request made to the originating

agency for an extension, in order to permit timely notification of CEQ and the headquarters of the originating agency that EPA intends to comment on the final impact statement.

4. REPORTING AND CONTROL.

a. Logs.

(1) OFA will maintain a central log of all draft and final impact statements received from other Federal agencies for review and comment. Each impact statement reviewed by the Agency will be assigned a control number in accordance with procedures designated below. Control numbers will not be assigned to non-Federal actions, such as State or local impact statements or to applicants' environmental reports. Each control number is coded to include the following information (Appendix A contains the codes utilized by the control numbering system):

(a) Whether the impact statement is draft or final;

(b) The Federal agency originating the impact statement;

(c) The general subject of the impact statement; and

(d) The State in which the proposed Federal action is to take place (if the proposed action has a specified location).

(2) Impact statements received directly by OFA from another Federal agency shall be logged in and assigned a control number as they are received. Impact statements received by the Office of Legislation or a regional office will be logged in on the Environmental Impact Statement Log (see Figure 2-3). The Office of Legislation or the regional office will record control numbers in the log for each impact statement received in accordance with the codes in Appendix A, except for the last three digits of the subject code. By close of business on each Friday, the Office of

Legislation and each regional office will submit to OFA the portion of this log which lists the impact statements received during the week. OFA will review the assigned control numbers for each impact statement on the log, and assign the last three digits of the subject code which indicate the chronological order of receipt of an impact statement in that subject category. Each week OFA will send the regions a computer listing of impact statements received by EPA during the past week. A copy will be sent to the Office of Legislation whenever legislative impact statements have been received during the week. This listing will include the completed control numbers.

(3) Once a control number has been assigned to an incoming impact statement, this number must be used in all intra-Agency correspondence relating to that impact statement.

b. Reports. The following three reports will be prepared by OFA to keep Agency officials informed on impact statements received for review and comment and to aid in administering the Agency review and comment process.

(1) Weekly Status Report on Overdue Comments. This report will be generated weekly within OFA and, upon request, will be distributed to the Deputy Administrator, Assistant Administrators, Regional Administrators, and Staff Office Directors. The report will list all impact statements for which the Agency's comments to the originating Federal agency are overdue and the office responsible for preparing the Agency's comments (the "principal reviewer"). This report will also summarize the number of overdue comments for which each Agency office is responsible.

(2) Weekly List of Environmental Impact Statements Received by EPA. This report will be generated weekly within OFA and, upon request, will be distributed to the Deputy Administrator, Assistant Administrators, Regional Administrators, and Staff Office Directors. The report will include: (a) a listing of all impact statements received from another Federal agency during the past week; (b) the date on which the Agency's comments are due; and (c) the Agency office responsible for preparing comments on each (the "principal reviewer").

(3) Summary Performance Statistics. This report will provide summary statistics on Agency performance in reviewing and commenting on impact statements prepared by other Federal agencies. The report shall be generated quarterly as a part of the EPA performance monitoring system, and will be published quarterly in the EPA Monthly Status Report.

5. OBTAINING COMMENTS OF OTHER OFFICES.

a. General. The principal reviewer will be responsible for obtaining views of other Agency 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 surface major issues to the Administrator. Regional policy resides with the responsible Regional Administrator who will surface major issues to the Administrator.

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 impact statements. 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 impact statement. The principal reviewer must also consider any technical studies or water quality reviews which may have been conducted previously by EPA on the project.

6. GUIDANCE TO STATEMENT ORIGINATORS. Within the limits of their resources, EPA offices may render technical assistance to Federal agencies prior to the originating agency's preparation of the environmental impact statement, in accordance with the following guidelines.

a. Projects selected for assistance should have high national priority or should have aroused wide public interest or should present a highly significant potential for environmental damage or be instances where EPA's early technical input can result in substantial improvement in the projects.

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

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

(1) Clearly recognizes and understands the environmental impact of the proposed project.

(2) Is fully aware of the most effective 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.

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

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

e. In rendering assistance, EPA personnel should neither explicity support nor reject any action that the requesting agency proposes to describe in its environmental impact statement.

f. Prior to the rendering of any assistance, EPA personnel must make clear that prospective comments will be made on the environmental impact statement without constraint.

CHAPTER 2
REVIEW OF FEDERAL ACTIONS
IMPACTING THE ENVIRONMENT

Addressee

Dear _____,

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

We wish to advise you that we do not anticipate a significant impact on the environment from the proposed project. Our detailed comments will be forthcoming by _____(Date--10 days late)_____.

Sincerely yours,

(Principal Reviewer)

Figure 2-1. Notice of Time Extension (Suggested Format)

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--10 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)

Figure 2-2 Notice of Time Extension (Suggested Format)

ENVIRONMENTAL IMPACT STATEMENT LOG

REGION

HQS CONTROL NO.	DATE		TITLE OF STATEMENT	DATE		REMARKS
	EIS	RECORDED		OF COMMENTS	DUE	

EPA Form 1640-1 (11-72)

Figure 2-3. Environmental Impact Statement Log

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

1. CONTENT AND ORGANIZATION OF AGENCY COMMENTS.

a. The Agency's comments on impact statements should reflect the total environmental responsibilities of the Agency, especially in those cases where the basic nature of the statement indicates a need for a coordinated multi-program response. Agency 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 impact statement should address both the adequacy of the information presented in the statement and the environmental impact of the project. Comments on the document are to assist the originating agency in the preparation of the final statement. At the final impact statement stage, EPA will comment only on the acceptability of the project from the standpoint of public health, welfare, or environmental quality.

c. At the draft stage, comments should be designated by two notations: categories LO, ER, or EU, which signify an evaluation of the environmental impact of the proposed project; and categories 1, 2, or 3, which signify an evaluation of the adequacy of the impact statement. (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 impact statement or suggests only minor changes in the proposed action.

(b) 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.

(c) 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).

(2) Adequacy of the Impact Statement.

(a) 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.

(b) 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.

(c) 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 impact statement.

d. If a draft statement is assigned a Category 3, 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.

e. On final impact statements categorical notations will not be utilized. Instead, principal reviewers will rely on narrative explanations to describe the environmental impact of the proposed project or action.

2. APPROVAL AND DISTRIBUTION OF COMMENTS ON DRAFT IMPACT STATEMENTS.

a. Noncontroversial Impact Statements. For noncontroversial draft impact statements, the principal reviewer will be responsible for the approval and distribution of the Agency's comments on an impact statement submitted to EPA. Distribution will be made in accordance with Appendix B.

b. Controversial Impact Statements.

(1) For draft impact statements which embody a high degree of national significance or controversy, "pioneer" Agency policy, or have been categorized as Category EU or Category 3, the proposed comments will be cleared by the Office of Federal Activities (OFA) prior to release. Substantive program policy issues will be referred to applicable program offices for resolution. 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 Headquarters review. OFA will also indicate to the principal reviewer the official for whose signature the final comments should be prepared.

(2) If Agency comments are to be prepared for the signature of the principal reviewer, distribution will be made directly according to Appendix B. 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.

c. Transmittal of Agency Comments.

(1) Any correspondence transmitting comments to the originating agency will include notification of the categorization of EPA's comments (see Figure 3-1). When the principal reviewer of a draft impact statement categorizes EPA's comments as Category 2, 3, ER, or EU, the Agency's comments will include a request for 5 copies of the final impact statement to be sent to the Agency (addressed to the

principal reviewer) as soon as it is available. The principal reviewer may wish to include a requested distribution list for the final statement with the Agency's comments in order to speed the final review process. When the draft impact statement is categorized LO-1, the comments will normally include a request for only 1 copy of the final impact statement. The final impact statement will be reviewed according to procedures set forth in paragraph 4 of this chapter. OFA will be notified upon receipt of each final impact statement in accordance with the procedures set forth in paragraph 4b of chapter 2.

(2) The principal reviewer will notify the originating agency of the categorization of EPA's comments at the time comments are dispatched to the originating agency. EPA's comments will thereafter be available to the public.

d. Public Notice of Availability of Agency Comments.

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

(a) The availability of comments for each impact statement reviewed by Agency;

(b) The general nature of the Agency's comments; and

(c) The Agency office from who EPA's comments may be obtained in each case. (Agency 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.)

(2) These objectives will be achieved through the use of the Federal Register notices and by press releases. Biweekly, a listing of all draft and final environmental impact statements for which EPA has developed written comments, along with the categorization or a narrative of each comment, will be released by OFA for publication in the Federal Register.

(3) 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 Agency 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.

3. RECORDS. The principal reviewer will maintain a copy of each draft and final impact statement he has reviewed and his comments in a file for two years after the original date of the final statement (or draft statement, if a final is not issued). OFA will maintain a computer listing of principal reviewers for all impact statements.

4. REVIEW OF FINAL ENVIRONMENTAL IMPACT STATEMENTS.

a. General. For each draft impact statement which was rated 2, 3, ER, or EU, the final impact statement will be reviewed by the principal reviewer to determine whether the statement substantially resolves the problems surfaced by the draft statement. Primary attention will be devoted to substantive issues related to assessing the environmental impact of the proposed project or action, as opposed to review of the adequacy of the final statement. The principal reviewer will consult and coordinate, as necessary, with other Agency offices (Headquarters and regional) who reviewed the draft statement.

b. Follow-up Information. The principal reviewer shall follow up Agency comments in categories 2 and 3 by ensuring that the originating agency provides sufficient information for a comprehensive review of the final statement. Within ten (10) days after the receipt of the final statement, the principal reviewer may request of the originating agency that additional information be provided if the lack of this information was identified in EPA's comments on the draft impact statement and if the requested information relates to the review of major issues raised by the comments on the draft statement. If OFA is not notified otherwise within

ten (10) days of EPA's receipt of a final statement, it will be presumed that the principal reviewer has limited his review to the environmental quality of the proposed action or project as described in the final statement. If the principal reviewer believes that EPA should make a formal comment on a final impact statement, he shall, as soon as possible but no later than thirty (30) days after the issuance date of the final statement, notify OFA of his intention to comment, either by telephone or through a copy of the proposed comments, in accordance with procedures set forth below.

c. Action on Final Statements.

(1) 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, he will prepare and transmit to the Director, Office of Federal Activities, a short memorandum recording his decision and underlying rationale. At his discretion, he 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 attach a copy of the comments to his memorandum to the Director, Office of Federal Activities, and will provide a brief summary (not to exceed one paragraph) for publication in the Federal Register. OFA will then publish this summary in the Federal Register. 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. The principal reviewer will distribute any comments sent to the originating agency in accordance with Appendix B.

(2) If the principal reviewer determines that the originating agency has not dealt adequately with the environmental issues raised by the project, he will notify the Deputy Administrator, through OFA, as soon as possible (but no later than thirty (30) days after receipt of the final impact statement). He will also notify the originating agency that EPA is concerned about the environmental impact of the proposed project and intends to submit final comments.

(a) For those projects for which the principal reviewer has environmental reservations, the principal reviewer shall prepare formal comments for transmittal to the originating agency. These comments shall be sent to the Deputy Administrator, through OFA, along with a brief summary of the comments (not to exceed one paragraph) for publication in the Federal Register. The comments shall be prepared for the signature of the Deputy Administrator and shall be accompanied by an action memorandum for the Deputy Administrator outlining the environmental issues and briefly discussing any liaison with the originating agency on these issues. After final signature on these comments by the Deputy Administrator, OFA will make distribution of EPA's comments in accordance with Appendix B and will at the same time publish the summary of the comments in the Federal Register. By memorandum, the Director, Office of Federal Activities, will notify CEQ of EPA's environmental reservations related to the project or action.

(b) For those projects determined by the principal reviewer to be unsatisfactory from the standpoint of health, welfare, or environmental quality, 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. The comments by the principal reviewer shall be accompanied by: (i) a brief summary of the comments (not to exceed one paragraph) for publication in the Federal Register; (ii) a memorandum to CEQ, prepared for the signature of the Administrator, setting forth the basis for EPA's determination; and (iii) an action memorandum to the Administrator outlining the environmental issues and briefly discussing the liaison with the originating agency on these issues. If the Administrator determines that the proposed action is unsatisfactory from the standpoint of health, welfare, or environmental quality the comments shall be transmitted to the originating agency and the matter shall be referred to CEQ. OFA will at this time make distribution of EPA's comments in accordance with Appendix B and publish the summary of the comments in the Federal Register.

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.

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 objection" or indicative of only "minor changes" suggested). Where this is the case, the principal reviewer should specify the appropriate comment.

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

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

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1. REQUIREMENT. Section 309 of the Clean Air Act requires that the Environmental Protection Agency comment on the environmental impact of matters relating to the Administrator's duties and responsibilities. Chapters 1 through 3 of this Manual describe the policies and procedures needed to implement Section 309 of the Clean Air Act when an environmental impact statement has been prepared. This chapter provides the policies and procedures for complying with Section 309 requirements when no environmental impact statement has been prepared by a Federal agency. The provisions of this chapter include the review and comment on the environmental impact of the following:

a. Legislation proposed by any Federal department or agency;

b. Proposed regulations published by any Federal department or agency; and

c. Newly authorized Federal projects for construction and any major Federal agency action, other than a project for construction, where the Administrator determines that an environmental impact statement should be prepared even though the responsible agency has determined that an impact statement is not necessary.

2. REVIEW OF REGULATIONS AND LEGISLATION.

a. Routing. Other Federal agencies have been requested to direct proposed regulations which would have environmental impact related to EPA duties and responsibilities to the Office of Federal Activities (OFA). Proposed Federal agency legislation is routed through the Office of Legislation in accordance with the OMB legislative clearance process.

b. Principal Reviewers.

(1) Regulations. OFA will assign the principal reviewer for proposed Federal agency regulations. OFA will ensure that, upon the initiation of the review, the Federal agency is apprised of EPA's intent to comment.

(2) Legislation. The Office of Legislation will be the principal reviewer for legislation proposed by other Federal agencies. EPA will utilize the legislative clearance process cited in OMB Bulletin No. 72-6, dated September 14, 1971, in preparing Section 309 comments. The Office of Legislation will be responsible for transmitting to OFA copies of all comments on legislation proposed by Federal agencies.

3. PREPARATION OF AGENCY COMMENTS.

a. If the principal reviewer determines that a Federal agency action covered by this chapter will be satisfactory if the agency accommodates suggested changes, he will prepare comments to that agency setting forth EPA's position and forward the comments to OFA for coordination.

(1) For proposed regulations and proposed legislation, the principal reviewer shall sign the Agency's comments.

(2) For major Federal actions subject to independent EPA review, the Administrator shall be the signatory official.

b. If the principal reviewer determines that a Federal agency action covered by this chapter is unsatisfactory from the standpoint of health, welfare, or environmental quality, he will prepare EPA comments on the proposed action and draft a memorandum to the Council on Environmental Quality, for the signature of the Administrator, setting forth the Agency'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 memorandum to the Council on Environmental Quality, and the action memorandum will be sent to OFA for review and forwarding action.

4. DETERMINATION OF NEED FOR IMPACT STATEMENTS. Whenever a regional or Headquarters office (hereafter referred to as the principal reviewer) determines that a Federal agency

has not prepared an environmental impact statement on a major Federal action which could result in a significant environmental impact, the following procedures pertain:

a. The principal reviewer will consult with the Federal agency responsible for the major action to explore the necessity for environmental impact statement preparation. Any written correspondence to 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 impact statement 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 EPA will recommend that the agency develop an environmental impact statement. Correspondence to the Federal agency relating to EPA's independent determination that an impact statement is needed on an action will be transmitted by action memorandum through OFA for signature by the Deputy Administrator.

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 generate a Section 309 review and prepare comments on the particular action. The preparation of these written comments will normally be completed within 10 days and will be prepared in accordance with paragraph 3 above.

5. ONGOING REVIEW RESPONSIBILITIES. The principal reviewer may request supplemental information concerning projects which have undergone a Section 102(2)(C), Public Law 91-190, review whenever new impacts or possible alternatives for mitigating impacts come to light at subsequent stages of planning. The principal reviewer, pursuant to this assessment of the newly divulged aspects of the proposed action, may initiate Section 309 commenting procedures in accordance with paragraph 4 above.

6. REPORTING AND CONTROL. OFA will maintain a central log of all actions reviewed under this chapter in accordance with the procedures set forth in paragraph 4 of chapter 2.

APPENDIX A

CONTROL NUMBERS--GENERAL*

D-	DOT	40315	AZ
(1)	(2)	(3)	(4)

1. Designates whether the impact statement is draft ("D") or final ("F") or designates other Federal actions (see page 2 of this Appendix).

2. Designates the Federal agency drafting the statement or developing the Federal action (each Federal agency has a 3-letter code--see page 3 of this Appendix).

3. **A statement or action number which also serves as a code for the subject of the statement. A different number would be assigned to each statement prepared by a single agency. For example, all numbers between 40000 and 48999 refer to highway projects. Likewise, numbers between 51000 and 51999 refer to airport projects (see pages 4 and 5 of this Appendix).

4. Denotes the State or Territory in which the project or action is located. For those projects which are multi-state or not identified with a particular location, the code "00" is used (see pages 7-8 of this Appendix).

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* Office receiving impact statement from another agency applies control numbers, adds statement to Environmental Impact Statement Log and notifies OFA.

** Receiving office fills in only first two digits of the subject code, using the categorical breakdown on pages 4 and 5. The remaining three digits are for a chronological listing of all impact statements received under the particular subject heading. These numbers will be applied centrally by OFA.

CONTROL NUMBERS--TYPE DESIGNATION

Type of Document	2-Digit Code
Federal action No EIS	A-
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

Agency	3-Digit Code
Atomic Energy Commission	AEC
Appalachian Regional Commission	ARC
Delaware River Basin Commission	DRB
Department of Agriculture:	
Farmers' Home Administration	AFH
Forest Service	AFS
Rural Electrification Administration	REA
Agriculture Stabilization & Conservation Service	ASC
Soil Conservation Service	SCS
Other	DOA
Department of Commerce:	
Economic Development Administration	EDA
Maritime Administration	MAR
National Oceanic and Atmospheric Administration	NOA
Other	DOC
Department of Defense:	
U.S. Air Force	UAF
U.S. Army	USA
Corps of Engineers (civil works)	COE
U.S. Navy	USN
Other	DOD
Department of Health, Education and Welfare	
Food and Drug Administration	FDA
Health Service and Mental Health Administration	HSM
National Institution of Health	NIH
Office of Education	OEH
Public Health Service	PHS
Other	HEW
Department of the Interior:	
Bureau of Indian Affairs	BIA
Bureau of Land Management	BLM
Bureau of Mines	IBM
Bureau of Outdoor Recreation	BOR
Bureau of Reclamation	IBR
Bureau of Sport Fisheries and Wildlife	SFW
National Park Service	NPS
Office of Coal Research	OCR
Office of Saline Water	OSW
U.S. Geological Survey	IGS
Other	DOI
Department of Justice	JUS
Department of State	STA

Agency	3-Digit Code
Department of Transportation:	
Federal Aviation Administration	FAA
Federal Highway Administration	FHW
Urban Mass Transportation Administration	UMT
U.S. Coast Guard	CGD
Other	DOT
Department of Treasury	TRE
Environmental Protection Agency	EPA
Federal Communications Commission	FCC
Federal Power Commission	FPC
Federal Trade Commission	FTC
General Services Administration	GSA
International Boundary & Water Commission--U.S. and Mexico	IBW
Interstate Commerce Commission	ICC
National Aeronautics and Space Administration	NAS
National Science Foundation	NSF
New England River Basin Commission	NER
Office of Science and Technology	OST
Smithsonian Institution	SMI
Tennessee Valley Authority	TVA
U.S. Water Resources Council	WRC
Veterans Administration	VAD

Energy	00001-09999	
AEC Nuclear Development (e.g. fuel, reactors)		00001-00999
Mining		01000-01999
Natural Gas & Oil:		
drilling & exploration		02000-02999
transportation, pipeline		03000-03999
Power:		
hydroelectric		05000-05999
nuclear (e.g. AEC, TVA)		06000-06999
fossil		07000-07999
transmission		08000-08999
other		09000-09999
Military & Space	10000-19999	
Defense Systems		10000-10999
Military Installations		11000-11999
Space Programs		12000-12999
Water Supply, Waste Disposal and Pollution Control Systems	20000-29999	
Hazardous and Toxic Substances Disposal		20000-20999
Munition Disposal		21000-21999
Radioactive Waste Disposal		22000-22999
Pesticides and Herbicides Disposal		23000-23999
Sewage Treatment & Sewerage Facilities		24000-24999
Solid Waste Management		25000-25999
Industrial Wastewater Facilities; Mine Pollution Control		26000-26999
Air Pollution Control		27000-27999
Municipal and Industrial Water Supply Systems (except multi-purpose impoundments)		28000-28999
Water Resource Development	30000-39000	
Beach Erosion, Hurricane Protection		30000-30999
Irrigation, Desalination of Return Flows and Agricultural Water Supply		31000-31999
Navigation		32000-33999
Multi-purpose Impoundments		34000-34999
Dredge & Fill		35000-35999
Watershed Protection & Flood Control		36000-37999
Drainage		38000-38999
Other Water Projects		39000-39999

Transportation	40000-59999	
Roads		40000-49999
Bridge Permits		50000-50999
Airports		51000-51999
Aircraft, Ships & Vehicles		52000-52999
Railroads		53000-53999
Mass Transit		54000-54999
Land Use	60000-69999	
Land Acquisition or Disposal		60000-60999
Parks, Recreation Areas, Wilderness Areas, National Seashores		61000-63999
Wildlife Refuges, Fish Hatcheries		64000-64999
Forestry		65000-66999
Mining (non-energy)		67000-68999
Special Development (Expos, Bicentennial, Olympics, etc.)		69000-69999
Other	80000-99999	
Buildings, Federally Licensed or Assisted (including production facilities)		80000-80999
Buildings for Federal Use		81000-81999
Pesticides, Herbicides Use		82000-82999
Weather Modification and Meteorology		83000-83999
Research & Development (not already covered)		84000-84999
Housing, New Communities		85000-85999
Regulatory Activities (not already covered)		86000-86999
Procurement (not already covered)		87000-87999
Noise Control		88000-88999
Urban Programs (not already covered)		89000-89999
Wetlands, Estuary and Ocean Use		90000-90999
Miscellaneous		99000-99999

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

Region V

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

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

Region X

Washington	WA
Oregon	OR
Idaho	ID
Alaska	AK

Projects with multi-state or unidentified location--00

APPENDIX B

CHECKLIST FOR DISTRIBUTION OF AGENCY COMMENTS

Addressee	Number of Copies
Agency submitting draft statement	Original and one copy
Council on Environmental Quality ATTN: Editor "102 Monitor"	10 Copies
Public Affairs Division of appropriate regional office (if "principal reviewer" is a regional office)	1 Copy
Office of Public Affairs (Headquarters) ATTN: Chief, Editorial Research Branch	1 Copy
EPA offices which participated in the review	1 Copy to each Headquarters office 5 Copies to each regional office
Office of Federal Activities	1 Copy (non-controversial or controversial to be signed by the principal reviewer) 2 Copies (controversial to be signed by the designated official)
Office of Water Programs ATTN: Planning & Standards Branch	1 Copy (for water resources projects only)