

## FESHM 8060: NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REVIEW PROGRAM

### Revision History

<b>Author</b>	<b>Description of Change</b>	<b>Revision Date</b>
Samantha Panock	Updated terminology per lab reorganization. Updated NEPA review process flow chart.	March 2024
Teri L. Dykhuis	Revised to reflect that ESH&Q was changed to ES&H and updated the Fermilab NEPA review process flow chart.	March 2022
Teri L. Dykhuis	Revised to reflect the centralization of ESH&Q, the change from Division/Section/Center to Division/Section/Project and the replacement of references to “project” with “action.”	December 2018
	Incorporated the new Environmental Review Form, replacing the former Project Information Form; a new NEPA Review Process Flow Chart; and a new Environmental Evaluation Checklist and accompanying directions and definitions.	November 2013
Teri L. Dykhuis	Revised Chapter to incorporate required formatting	December 2010
Teri L. Dykhuis	Chapter 8060 Rewrite	March 2003
Teri L. Dykhuis	Initial release Chapter 8060	March 1997

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## 1.0 INTRODUCTION

The purpose of this chapter is to ensure that actions proposed by Fermi National Accelerator Laboratory (Fermilab or Laboratory) in Batavia, IL receive the appropriate environmental impact review pursuant to the National Environmental Policy Act (NEPA) as found in 40 CFR 1500-1508, Council on Environmental Quality (CEQ) regulations, United States Department of Energy (DOE) NEPA Implementing Procedures as found in 10 CFR 1021, DOE Office of Science NEPA Procedures, and the Fermilab Director's Policy Manual.

NEPA requires federal agencies to consider the environmental impact of proposed actions prior to initiating those actions. The terms of NEPA must be met during the early proposal phase of an action (or when substantial action changes are being considered) and NOT immediately preceding an action or after an action has been taken. Varying degrees of documentation are necessary for federal agencies to demonstrate compliance with NEPA. This chapter will serve to assure that potential environmental impacts of proposed actions to be taken by Fermilab are reviewed in a timely manner and that the appropriate documentation, if necessary, is generated.

This program applies to all Fermilab actions<sup>1</sup> that will potentially impact the human environment during any phase of activity (design, construction, operation, decommissioning, demolition, and disposal). CEQ Guidance defines human environment as, "the natural and physical environment and the relationship of people with that environment." The [Environmental Review Form](#) (ERF) shall be used to determine the potential for impacts. Please note that some Fermilab activities are administrative and covered by [10 CFR Part 1021 Appendix A](#) categorical exclusions that do not require formal NEPA documentation. The Environmental Programs Department (EPD) NEPA Program Manager will make Appendix A determinations. Generic Routine Maintenance Categorical Exclusions, which are preapproved by DOE, apply to several routine maintenance activities conducted at Fermilab which require documentation using the ERF. Periodically, a NEPA review requiring submittal of an Environmental Evaluation Notification Form (EENF) to the Fermi Site Office (FSO) may be necessary. To initiate this process, an ERF shall be completed by the responsible program and assistance will be enlisted from the NEPA Program Manager within EPD. The ERF is not exhaustive and therefore the NEPA Program Manager should be consulted if a potential environmental impact applies but is not listed. The DOE Office of Science (SC) Environmental Evaluation Checklist, which is more exhaustive, is included as Technical Appendix B in this chapter and may be used to screen actions for potential impacts, including actions taking place at locations other than the Fermilab site in Batavia, IL.

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<sup>1</sup> Material purchases are not in themselves an action; however, these purchases may be part of an action that would potentially impact the environment. If material purchases are made in connection with routine operations or were considered as part of the initial NEPA review of an action, subsequent review is not necessary for repeat purchases of these materials (as long as they are used in the same manner and context originally described in the NEPA review). The focus of NEPA is to evaluate an action in its entirety including any necessary material purchases.

## 2.0 DEFINITIONS

Categorical Exclusion (CX): Actions that, by their nature, do not individually or cumulatively have a significant effect on the human environment. CXs are described in 10 CFR 1021, Subpart D, Appendices A and B.

Action Owner: A person in the Associate Lab Director/Division Director/Project Manager (ALD/DD/PM) position who is responsible for all phases (design, construction, operation, decommissioning, demolition, and disposal) of an action; this person is knowledgeable about the action and will most likely originate requisitions connected with the action and/or have signature authority over the action's funding.

Environmental Assessment (EA): A document that assesses whether a proposed action is a "major Federal action significantly affecting the quality of the human environment," and serves as the basis for a determination by DOE as to whether an environmental impact statement (EIS) is required.

Environmental Review Form (ERF): A documented internal evaluation that provides information about a proposed action relevant to any potential environmental impacts.

Environmental Evaluation Notification Form (EENF): A comprehensive document describing proposed Fermilab actions that serves to notify DOE of potential impacts and recommend an appropriate level of NEPA review to the DOE FSO decision maker. The EENF document is submitted to DOE for evaluation and approval. Actions may not proceed until a DOE determination is made and approved via signature.

Environmental Impact Statement (EIS): A document prepared by DOE in accordance with the requirements of section 102(2)(c) of NEPA and CEQ Regulations at 40 CFR 1500-1508.

Generic CX (See Appendix C): A CX determination by DOE that covers multiple and/or repetitive actions conducted routinely at a site over a period of time, and that sets appropriate bounding criteria.

NEPA Program Manager: A designated person in the Environmental Programs Department (EPD) who is responsible for reviewing ERFs and provides guidance to generate all necessary NEPA documents for a proposed action and coordinating with DOE for approval when required.

## 3.0 SPECIAL RESPONSIBILITIES

### 3.1 Chief Safety Officer (CSO):

- Act as formal liaison between the laboratory and DOE regarding NEPA issues.
- Review all EENFs prior to submission to DOE.
- Coordinate NEPA review with other administrative procedures such as funding requests and schedule considerations.
- Transmit EENF forms to the DOE FSO.

### **3.2 Associate Lab Director/Division Director/Project Manager (ALD/DD/PM):**

- Ensure that an Action Owner is designated for each ALD/DD/PM action initiated and that the Action Owner is aware of their responsibility for NEPA compliance.
- Provide resources as necessary to support Action Owners in fulfilling their responsibilities.

### **3.3 Action Owners:**

- Ensure that impacts of their proposed activities/actions are considered early in the planning process and that necessary NEPA reviews are conducted by following the steps enumerated in this chapter. Action Owners should obtain assistance with NEPA requirements from the EPD NEPA Program Manager. If the action is determined to require a formal NEPA review, the Action Owner shall ensure that this review is conducted.

### **3.4 Environmental Program Department (EPD):**

- Review ERFs submitted by Action Owners.
- Assist Action Owners to prepare EENFs (when required) for proposed actions and submit the EENF documentation to the CSO for review (the CSO will then transmit the EENF to the DOE NEPA Compliance Officer), utilizing information gleaned from the ERF and other input from ALD/DD/PM personnel.
- Assist Action Owners in preparing EAs and other necessary NEPA documents when required.
- Assess ALD/DD/PM implementation of NEPA procedures through periodic formal assessments.
- Serve as the primary point of contact between Fermilab and the DOE FSO NEPA Compliance Officer for all NEPA matters at the Laboratory.

## **4.0 PROGRAM DESCRIPTION**

Early in the activity concept and planning process, Action Owners shall do the following (see Technical Appendix A for flow chart of these steps):

1. Evaluate proposed action by submitting the online ERF to identify potential environmental impacts. If the proposed action will take place at a location other than the Batavia Fermilab site or the South Dakota Long Baseline Neutrino Facility leased spaces, it is recommended that the checklist in Appendix B be utilized to evaluate the proposed action. If further NEPA review is not applicable, other ES&H review requirements may still apply. Action Owners should consult with EPD.
2. Once the ERF is submitted, EPD will determine whether the proposed activity is found in the categories of excluded activities listed in 10 CFR 1021 Appendix A, meets the criteria for a Generic Routine Maintenance Categorical Exclusion (CX), or is covered by an existing NEPA approval (CX, EA, or EIS). If the action does not meet the criteria for any of the above, the process will proceed to step 3.
3. EPD will indicate “DOE Determination Required,” on the ERF. An EENF will be completed by the Action Owner and signed by both the EPD NEPA Program Manager and the Action

Owner. Upon receipt of the signed EENF, it is forwarded to the DOE FSO NEPA Compliance Officer for a determination. (The activity may not proceed without formal DOE approval).

NOTE: If a proposed action is deemed by the DOE FSO to have the potential for significant impact, it may be necessary for the ALD/DD/PM Action Owner to develop an EA and/or EIS. The need for an EA and/or EIS is infrequent; however, if necessary, the process can take from 8 -12 months, depending upon the complexity of the action. Please consult with the EPD early in the proposal of any potentially large, complex, or major expenditure action.

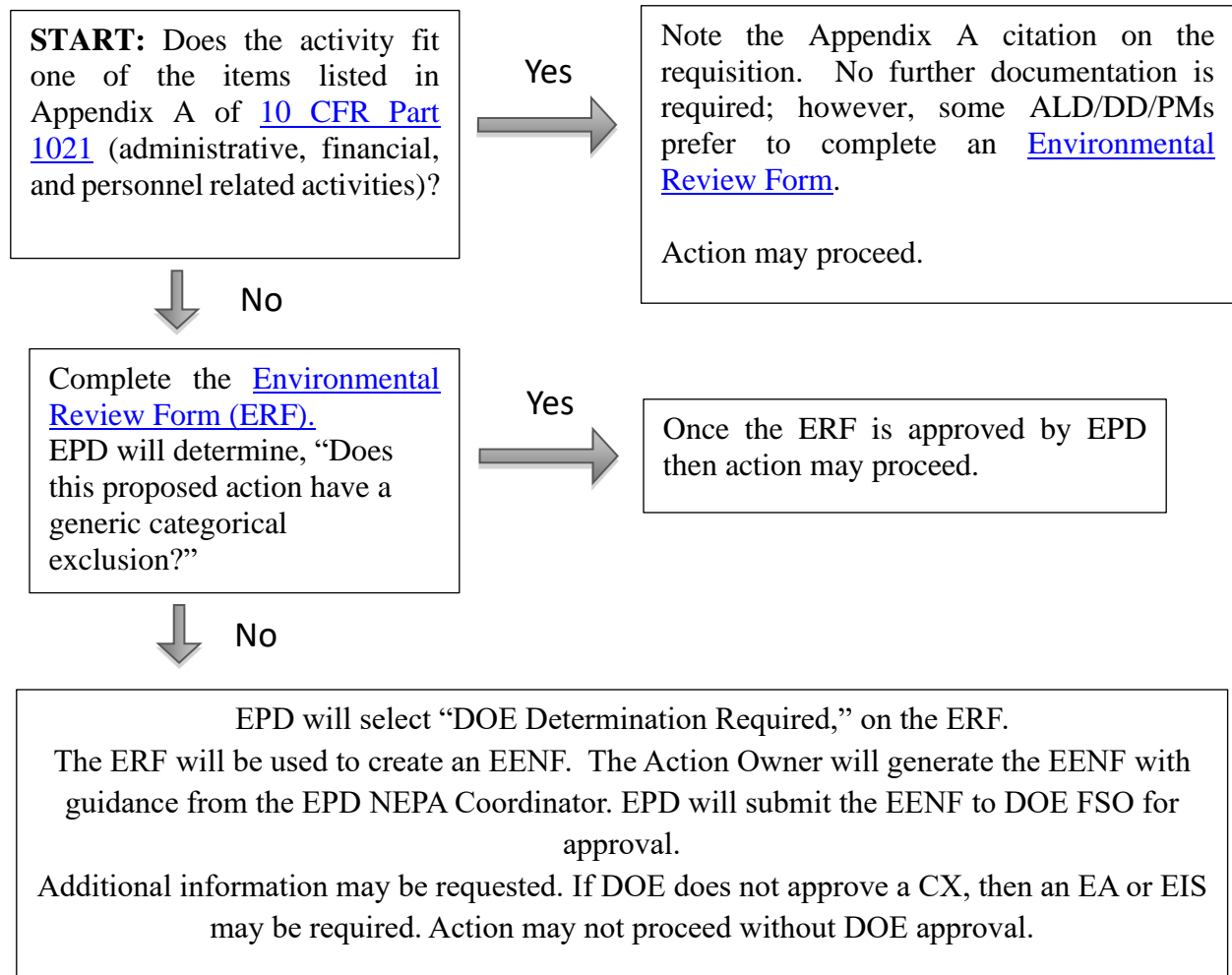
See Section 6.0 for Technical Appendices.

## 5.0 REFERENCES

1. National Environmental Policy Act, P.L. 91-224, [42 U.S.C. 4371-4374](#).
2. President's Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, [eCFR :: 40 CFR Chapter V Subchapter A -- National Environmental Policy Act Implementing Regulations](#)
3. DOE NEPA Implementing Procedures, [10 CFR Part 1021](#)
4. DOE Floodplain/Wetlands Regulations, [10 CFR Part 1022](#)
5. NEPA Compliance Program: [DOE Policy 451.1](#)

## 6.0 TECHNICAL APPENDICES

### 6.1 6.1 Technical Appendix A – FERMILAB NEPA REVIEW PROCESS FLOW CHART



## 6.2 6.2 Technical Appendix B – ENVIRONMENTAL EVALUATION CHECKLIST

(Instructions and definitions follow this checklist)

A. Sensitive Resources: Will the proposed action result in changes and/or disturbances to any of the following resources?

	Yes	No
1. Threatened/Endangered Species and/or Critical Habitats	<input type="checkbox"/>	<input type="checkbox"/>
2. Other Protected Species (e.g., Burros, Migratory Birds)	<input type="checkbox"/>	<input type="checkbox"/>
3. Sensitive Environments (e.g., Tundra/Coral Reefs/Rain Forests)	<input type="checkbox"/>	<input type="checkbox"/>
4. Cultural or Historic Resources	<input type="checkbox"/>	<input type="checkbox"/>
5. Important Farmland	<input type="checkbox"/>	<input type="checkbox"/>
6. Non-Attainment Areas for Ambient Air Quality Standards	<input type="checkbox"/>	<input type="checkbox"/> <b>Error! Bookmark not defined.</b>
7. Class I Air Quality Control Region	<input type="checkbox"/>	<input type="checkbox"/>
8. Special Sources of Groundwater (e.g., Sole Source Aquifer)	<input type="checkbox"/>	<input type="checkbox"/>
9. Navigable Air Space	<input type="checkbox"/>	<input type="checkbox"/>
10. Coastal Zones	<input type="checkbox"/>	<input type="checkbox"/>
11. Areas with Special National Designation (e.g., National Forests, Parks, Trails)	<input type="checkbox"/>	<input type="checkbox"/>
12. Floodplains and Wetlands	<input type="checkbox"/>	<input type="checkbox"/>

B. Regulated Substances/Activities: Will the proposed action involve any of the following regulated items or activities?

	Yes	No
13. Natural Resource Damage Assessments	<input type="checkbox"/>	<input type="checkbox"/>
14. Invasive Species or Exotic Organisms	<input type="checkbox"/>	<input type="checkbox"/>
15. Noxious Weeds	<input type="checkbox"/>	<input type="checkbox"/>
16. Clearing or Excavation (indicate if greater than one acre)	<input type="checkbox"/>	<input type="checkbox"/>
17. Dredge or Fill (under Clean Water Act, Section 404, indicate if greater than one acre)	<input type="checkbox"/>	<input type="checkbox"/>
18. Noise (in excess of regulations)	<input type="checkbox"/>	<input type="checkbox"/>
19. Asbestos Removal	<input type="checkbox"/>	<input type="checkbox"/>
20. Polychlorinated biphenyls (PCBs)	<input type="checkbox"/>	<input type="checkbox"/>
21. Import, Manufacture, or Processing of Toxic Substances	<input type="checkbox"/>	<input type="checkbox"/>
22. Chemical Storage/Use	<input type="checkbox"/>	<input type="checkbox"/>
23. Pesticide Use	<input type="checkbox"/>	<input type="checkbox"/>
24. Hazardous, Toxic, or Criteria Pollutant Air Emissions	<input type="checkbox"/>	<input type="checkbox"/>
25. Liquid Effluents	<input type="checkbox"/>	<input type="checkbox"/>
26. Spill Prevention/Surface Water Protection	<input type="checkbox"/>	<input type="checkbox"/>
27. Underground Injection	<input type="checkbox"/>	<input type="checkbox"/>
28. Hazardous Waste	<input type="checkbox"/>	<input type="checkbox"/>
29. Underground Storage Tanks	<input type="checkbox"/>	<input type="checkbox"/>



- |     |   |                          |                          |
|-----|---|--------------------------|--------------------------|
| 30. | Radioactive or Radioactive Mixed Waste                            | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | Radiation Exposure  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | Nanoscale Materials   | <input type="checkbox"/> | <input type="checkbox"/> |
| 33. | Genetically Engineered Microorganisms/Plants or Synthetic Biology | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | Ozone Depleting Substances  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | Greenhouse Gas Generation/Sustainability                          | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | Off-road vehicles   | <input type="checkbox"/> | <input type="checkbox"/> |
| 37. | Biosafety Level 3-4 Laboratory                                    | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | Research on Human Subjects or other Vertebrate Animals            | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | Facility Footprint exceeds 5,000 Square Feet                      | <input type="checkbox"/> | <input type="checkbox"/> |

C. Other Relevant Information: Will the proposed action involve the following?

- |  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| 40. Disproportionate Nearby Presence of Minority and/or Low-Income Populations     | <input type="checkbox"/> | <input type="checkbox"/> |
| 41. Existing, Modified, of New Federal/State Permits                               | <input type="checkbox"/> | <input type="checkbox"/> |
| 42. Involvement of Another Federal Agency (e.g., license, funding, approval)       | <input type="checkbox"/> | <input type="checkbox"/> |
| 43. Action in a State with NEPA-type law   | <input type="checkbox"/> | <input type="checkbox"/> |
| 44. Expansion of Public Utilities/Services   | <input type="checkbox"/> | <input type="checkbox"/> |
| 45. Depletion of Non-Renewable Resources   | <input type="checkbox"/> | <input type="checkbox"/> |
| 46. Subject to an Existing Institutional Work Planning and Control Process         | <input type="checkbox"/> | <input type="checkbox"/> |
| 47. Other Pertinent Information Which Could Impact Human Health or the Environment | <input type="checkbox"/> | <input type="checkbox"/> |

**Instructions and definitions regarding the Environmental Evaluation Checklist**

[https://science.osti.gov/-/media/SCMS/Management-Systems/ESH/NEPA/NEPA\\_Exh4.pdf](https://science.osti.gov/-/media/SCMS/Management-Systems/ESH/NEPA/NEPA_Exh4.pdf)