§ 6.201 Coordination with other environmental review requirements.

Consistent with 40 CFR 1500.5(g) and 1502.25, the Responsible Official must determine the applicability of other environmental laws and executive orders, to the fullest extent possible. The Responsible Official should incorporate applicable requirements as early in the NEPA review process as possible.

§ 6.202 Interagency cooperation.

(a) Consistent with 40 CFR 1501.5, 1501.6, and 1505.8, the Responsible Official will request other appropriate federal and non-federal agencies to be joint lead or cooperating agencies as a means of encouraging early coordination and cooperation with federal agencies, state and local governments, and federally-recognized Indian tribes with jurisdiction by law or special expertise.

(b) For an EPA action related to an action of any other federal agency, the Responsible Official must comply with the requirements of 40 CFR 1501.5 and 1501.6 relating to lead agencies and cooperating agencies, respectively. The Responsible Official will work with the other involved agencies to facilitate coordination and to reduce delay and duplication.

(c) To prepare a single document to fulfill both NEPA and state or local government, or federally-recognized Indian tribe requirements, consistent with 40 CFR 1506.2, the Responsible Official must comply with the requirements of 40 CFR 1501.5 and 1501.6 relating to lead agencies and cooperating agencies, respectively. The Responsible Official will work with the other involved agencies to facilitate coordination and to reduce delay and duplication.

§ 6.203 Public participation.

(a) General requirements. (1) The procedures in this section apply to EPA’s environmental review processes, including development, supplementation,
adoption, and revision of NEPA documents.
(2) The Responsible Official will make diligent efforts to involve the public, including applicants, in the preparation of EAs or EISs consistent with 40 CFR 1501.4 and 1506.6 and applicable EPA public participation regulations (e.g., 40 CFR Part 25).
(3) EPA NEPA documents will use plain language to the extent possible.
(4) The Responsible Official will, to the greatest extent possible, give notice to any state or local government, or federally-recognized Indian tribe that, in the Official's judgment, may be affected by an action for which EPA plans to prepare an EA or an EIS. 
(5) The Responsible Official must use appropriate communication procedures to ensure meaningful public participation throughout the NEPA process. The Responsible Official must make reasonable efforts to involve the potentially affected communities where the proposed action is expected to have environmental impacts or where the proposed action may have human health or environmental effects in any communities, including minority communities, low-income communities, or federally-recognized Indian tribal communities.
(b) EA and FONSI requirements. (1) At least thirty (30) calendar days before making the decision on whether, and if so how, to proceed with a proposed action, the Responsible Official must make the EA and preliminary FONSI available for review and comment to the interested federal agencies, state and local governments, federally-recognized Indian tribes and the affected public. The Responsible Official must respond to any substantive comments received and finalize the EA and FONSI before making a decision on the proposed action.
(2) When circumstances make it necessary to take the action without observing the 30 calendar day comment period, the Responsible Official must notify the NEPA Official before taking such action. If the NEPA Official determines that a reduced comment period would be in the best interest of the Government, the NEPA Official will inform the Responsible Official, as soon as possible, of this approval. The Responsible Official will make the EA and preliminary FONSI available for review and comment for the reduced comment period.
(c) EIS and ROD requirements. (1) As soon as practicable after the decision to prepare an EIS and before beginning the scoping process, the Responsible Official must ensure that a notice of intent (NOI) (see 40 CFR 1508.22) is published in the FEDERAL REGISTER. The NOI must briefly describe the proposed action; a preliminary list of environmental issues to be analyzed, and possible alternatives; EPA’s proposed scoping process including, if available, whether, when, and where any scoping meeting will be held; and the name and contact information for the person designated by EPA to answer questions about the proposed action and the EIS. The NOI must invite comments and suggestions on the scope of the EIS.
(2) The Responsible Official must disseminate the NOI consistent with 40 CFR 1506.6.
(3) The Responsible Official must conduct the scoping process consistent with 40 CFR 1501.7 and any applicable EPA public participation regulations (e.g., 40 CFR Part 25).
(i) Publication of the NOI in the FEDERAL REGISTER begins the scoping process.
(ii) The Responsible Official must ensure that the scoping process for an EIS allows a minimum of thirty (30) days for the receipt of public comments.
(iii) The Responsible Official must hold one or more public meetings as part of the scoping process for an EPA EIS. The Responsible Official must announce the location, date, and time of public scoping meetings in the NOI or by other appropriate means, such as additional notices in the FEDERAL REGISTER, news releases to the local media, or letters to affected parties. Public scoping meetings should be held at least fifteen (15) days after public notification.
(iv) The Responsible Official must use appropriate means to publicize the availability of draft and final EISs and the time and place for public meetings or hearings on draft EISs. The methods chosen for public participation must focus on reaching persons who may be
interested in the proposed action. Such persons include those in potentially af-
fected communities where the proposed action is known or expected to have en-
vironmental impacts including minority communities, low-income commu-
nities, or federally-recognized Indian tribal communities.

(v) The Responsible Official must cir-
culate the draft and final EISs con-
sistent with 40 CFR 1502.19 and any ap-
plicable EPA public participation regu-
lations and in accordance with the 45-
day public review period for draft EISs and the 30-day public review period for final EISs (see § 6.209 of this part). Consis-
tent with section 6.209(b) of this part, the Responsible Official must es-
ablish a longer public comment period for a draft or final EIS.

(vi) After preparing a draft EIS and
before preparing a final EIS, the Re-
sponsible Official must solicit the com-
ments of appropriate federal agencies, state and/or local governments, and/or federally-recognized Indian tribes, and
the public (see 40 CFR 1503.1). The Re-
sponsible Official must respond in the
final EIS to substantive comments re-
ceived (see 40 CFR 1503.4).

(vii) The Responsible Official may
conduct one or more public meetings or
hearings on the draft EIS as part of the
public involvement process. If meet-
tings or hearings are held, the Respon-
sible Official must make the draft EIS available to the public at least thirty
(30) days in advance of any meeting or
hearing.

§ 6.204 Categorical exclusions and ex-
traordinary circumstances.

(a) A proposed action may be cat-
egorically excluded if the action fits
within a category of action that is eli-
gible for exclusion and the proposed ac-
tion does not involve any extraor-
dinary circumstances.

(1) Certain actions eligible for cat-
egorical exclusion require the Respon-
sible Official to document a determina-
tion that a categorical exclusion ap-
plies. The documentation must include:
A brief description of the proposed ac-
tion; a statement identifying the cat-
egorical exclusion that applies to the
action; and a statement explaining why
no extraordinary circumstances apply
to the proposed action. The Respon-
sible Official must make a copy of the
determination document available to
the public upon request. The categori-
ical exclusions requiring this docu-
mentation are listed in paragraphs
(a)(1)(i) through (a)(1)(v) of this sec-
tion.

(i) Actions at EPA owned or operated
facilities involving routine facility
maintenance, repair, and grounds-
keeping; minor rehabilitation, restora-
tion, renovation, or revitalization of
existing facilities; functional replace-
ment of equipment; acquisition and in-
stallation of equipment; or construc-
tion of new minor ancillary facilities
adjacent to or on the same property as
existing facilities.

(ii) Actions relating to existing infra-
structure systems (such as sewer sys-
tems; drinking water supply systems;
and stormwater systems, including
combined sewer overflow systems) that
involve minor upgrading, or minor ex-
pansion of system capacity or rehabili-
tation (including functional replace-
ment) of the existing system and sys-
tem components (such as the sewer col-
lection network and treatment system;
the system to collect, treat, store and
distribute drinking water; and
stormwater systems, including com-
bined sewer overflow systems) or con-
struction of new minor ancillary facil-
ities adjacent to or on the same prop-
erty as existing facilities. This cat-
egory does not include actions that: in-
volve new or relocated discharges to
surface or ground water; will provide capa-
city to serve a population 30% greater
than the existing population; are not
supported by the state, or other re-
gional growth plan or strategy; or di-
rectly or indirectly involve or relate to
upgrading or extending infrastructure
systems primarily for the purposes of
future development.

(iii) Actions in unsewered commu-
nities involving the replacement of ex-
isting onsite systems, providing the
new onsite systems do not result in
substantial increases in the volume of
discharge or the loadings of pollutants