



## **State Environmental Review Process (SERP) in Pennsylvania and Uniform Environmental Review (UER) Process**

### **1. General**

The EPA requires states to evaluate the environmental impact of all State Revolving Fund (SRF) projects. The SERP, an agreement between the US Environmental Protection Agency (EPA) and the Department of Environmental Protection (DEP), describes how this will be done. As stated in EPA's October 2003 publication, "*Cross-Cutting Federal Authorities: A Handbook on Their Application in the Clean Water and Drinking Water State Revolving Loan Fund Programs*," the applicant's involvement with the SERP is as follows:

"With the assistance of the SRF agency, the assistance recipient must first conduct the necessary studies and analyses and prepare documentation demonstrating that the proposed project is in compliance with the cross-cutting authorities ..."

The UER process accomplishes this task and is described in *Guidelines for the Uniform Environmental Review Process (UER)*, DEP Document ID: 381-5511-111. The federal environmental cross-cutters, federal environmental laws that apply to projects funded with federal monies (SRF), are listed in Attachment 1 below.

### **2. UER Process**

The UER process considers the requirements of each of the major funding agencies in Pennsylvania, assuring that the assessments will meet the expectations of those funding agencies. The advantage is that an applicant can complete its environmental documentation before it is known which agency will fund the construction work.

The different methods of satisfying the UER process are as follows:

#### **A. Categorical Exclusions**

A Categorical Exclusion (CE) can be issued for a project that is exempt from the requirement to develop an Environmental Assessment (EA) report. At the planning consultation meeting, the DEP project manager should advise the applicant whether or not the project is a potential candidate for a CE. If it does not qualify, then a detailed EA report is required.

Typical projects considered for a CE are those that do not disturb previously undisturbed ground. Examples include rehabilitation of existing facilities, infiltration and inflow correction, upgrading, expansion of existing treatment works, functional replacement of equipment,

construction of auxiliary facilities adjacent to or appurtenant to existing facilities and on-site systems construction.

If the applicant believes a CE is warranted, a written request is submitted to the DEP project manager. The request must include a description of the work. If approved, the DEP project manager will request the applicant publish a notice in a newspaper of general circulation in the project area. The notice must include the name and type of project, location, any impact on user fees, the location where the supporting documents are available for review, and where the public can submit any written comments during the 30-day comment period. A statement that the project is being considered for an environmental review categorical exclusion should also be included. The purpose of the comment period is to ensure that there are no exceptional circumstances unknown to the DEP project manager or applicant that should result in a more complete environmental review.

After the comment period is over, the DEP project manager reviews the submitted Public Notice with the written public comments and responses. The applicant will then be asked to address any concerns that were raised. An EA report will be required if there are legitimate concerns.

If no significant adverse comments are received and the review of the proposal confirms that the project will not individually, cumulatively over time, or in conjunction with other federal, state, local or private actions have a significant effect on the environment, the applicant will be notified that the project has been categorically excluded from the environmental review process.

#### B. Environmental Assessments

For projects that are not eligible for a CE, the applicant must prepare an EA report in accordance with the UER. This report should be a stand-alone document so that it can be reviewed by other agencies. If the EA report shows significant adverse environmental effects from project implementation then the project will need to be funded by other means, abandoned, satisfactorily changed or an Environmental Impact Statement will need to be issued.

#### C. Environmental Impact Statement (EIS)

Opportunities to mitigate the environmental impact of a project whose EA report shows significant adverse environmental effects could be further pursued by preparing an EIS. If the applicant continues to be interested in SRF funding, DEP Central Office will consult with EPA to develop a financial and technical plan to accomplish the EIS.

## Attachment 1: Federal Environmental Cross-Cutters

**Archaeological and Historic Preservation Act of 1974**, 16 USCS §469a-1 *et seq.*, (P.L. 86-523, as amended)

**Protection and Enhancement of Cultural Environment**, (Executive Order 11593)

**National Historic Preservation Act of 1966**, 16 USCS §470, (P.L. 89-665, Section 106, as amended)

**Clean Air Act of 1955**, USCS §7401 *et seq.*, (P.L. 84-159, as amended)

**Coastal Barrier Resources Act**, 16 USCS §3501 *et seq.*, (P.L. 97-348)

**Coastal Zone Management Act of 1972**, 16 USCS §1451 *et seq.*, (P.L. 92-583, as amended)

**Endangered Species Act of 1973**, 16 USCS §1531 *et seq.*, (P.L. 93-205, as amended)

**Fish and Wildlife Coordination Act**, (P.L. 85-624, as amended)

**Floodplain Management**, (Executive Order 11988, as amended by Executive Order 12148)

**Environmental Justice**, (Executive Order 12898)

**Protection of Wetlands**, (Executive Order 11990)

**Farmland Protection Policy Act**, 7 USCS §4201 *et seq.*, (P.L. 97-98)

**National Environmental Policy Act of 1969**, (P.L. 91-190)

**Safe Drinking Water Act of 1974**, (P.L. 93-523, Section 1424(e), as amended)

**Wild and Scenic Rivers Act of 1968**, 16 USCS §1271 *et seq.*, (P.L. 90-542, as amended)