Guidelines for Environmental Reviews and Assembling an Environmental Information Document For State Revolving Fund Projects

APRIL 2025

Clean Water State Revolving Fund (CWSRF)

Drinking Water State Revolving Fund (DWSRF)

TEAM KENTUCKY

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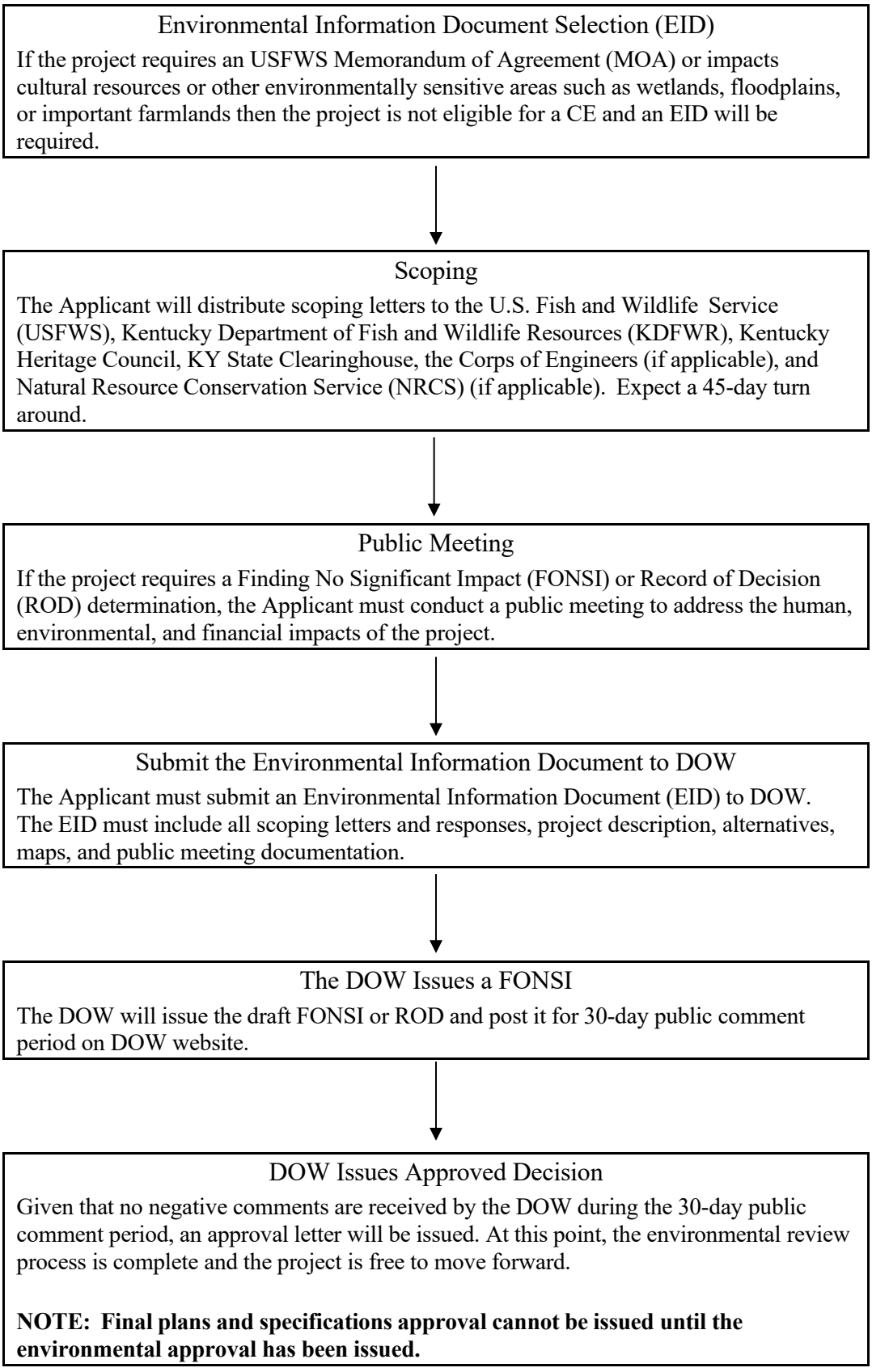
Environmental Review Flow Chart



Environmental Review Guidelines for SRF Projects

The following is an outline of the environmental review requirements for State Revolving Fund projects; both Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF).

The Kentucky SRF environmental review process follows a National Environmental Policy Act (NEPA)-like process as set forth in Kentucky's State Environmental Review Process (SERP) document. The Division of Water (DOW) reviews all SRF projects to assure compliance with the SERP and other environmental laws and regulations.

Categorical Exclusions (CEs) are identified categories of actions, which are not considered to have a significant effect on the quality of the environment. The DOW, following the review of a project narrative, will determine eligibility for a CE. A list of criteria for a CE is found in the SRF Borrower's Handbook. For all projects that are not eligible for a CE, each applicant must complete an Environmental Information Document (EID) as outlined in the SERP. A suggested outline with descriptions is included in this document. An EID describes and evaluates the environmental impacts of the feasible alternatives, including the 'No Action' alternative. The scope of the EID should be commensurate with the size and significance of the proposed project.

Prior to the preparation of the EID, the applicant should obtain concurrence for the proposed project from the crosscutters: Kentucky Heritage Council (KHC), US Fish and Wildlife Service (USFWS), Kentucky Department of Fish and Wildlife Resources (KDFWR), US Army Corps of Engineers (USACE), Natural Resource Conservation Service (NRCS), and Kentucky State Clearinghouse.

The DOW reviews the EID and decides as to the environmental effects of the proposed project. If the project is found to have no significant effect, then DOW documents their findings with the preparation of an Environmental Assessment (EA) and prepares a Finding of No Significant Impact (FONSI). The FONSI is then placed on the DOW website for a 30-day public comment period. Completion of the 30-day comment period without significant adverse opposition will complete the environmental review process and approval will be issued. If the project is found to have significant effects, the applicant will be required to participate in the preparation of an Environmental Impact Statement (EIS).

Public participation should be included in the project planning process culminating in a public meeting or hearing that presents the proposed project to the public and includes discussion of both environmental and financial impacts. A newspaper tear sheet and affidavit, meeting minutes, and a list of interested parties in attendance should be submitted as record of the meeting.

For questions regarding the environmental review process, please e-mail Hollie Delaney, Water Infrastructure Branch Manager at hollie.delaney@ky.gov; Jason Lambert, Municipal Planning Section Supervisor at Jason.lambert2@ky.gov, or Lori Dials, Environmental Scientist Advisor at lori.dials@ky.gov.

Crosscutter Agencies

Kentucky State Clearinghouse:

The e-Clearinghouse review will encompass comments from environmental authorities over the following policies and Acts:

- Archaeological and Historic Preservation Act of 1974 (PL 86-523, as amended)
- Clean Air Act (PL 84-159, as amended)
- Floodplain Management, Executive Order 11988, as amended by 12148.
- National Historic Preservation Act of 1966 (PL 89-665, as amended)
- Wild and Scenic Rivers Act (PL 90-542, as amended)
- State Wild Rivers and Outstanding Resource Waters
- State Water Withdrawal Permits
- Kentucky Pollutant Discharge Elimination System
- Kentucky Department of Fish & Wildlife Resources
- Department of Transportation

Go to Kentucky e-Clearinghouse - Kentucky Department for Local Government for instructions on how to submit a project to the Clearinghouse or contact:

Cindy Seip
100 Airport Road, Third Floor
Frankfort, KY 40601, (800) 346-5606 or DLG.ECH@ky.gov

U.S. Fish and Wildlife Service (USFWS):

- Endangered Species Act (PL 93-205, as amended)
- Fish and Wildlife Coordination Act (PL 85-624, as amended)

Kentucky Field Office is located in Frankfort. Send requests for comments to:
Mr. Virgil Lee Andrews, Jr., Field Office Supervisor

U.S. Dept. of the Interior, Fish and Wildlife Service

J.C. Watts Federal Building
330 West Broadway, Ste. 265

Frankfort, KY 40601-8670, (502) 234-2382

Kentucky Field Office has developed a planning tool to submit projects for a federally designated species list within the project area and to make a determination of 'no affect' or 'not likely to adversely affect' for these species all through the Information Planning and Consultation (IPaC) tool at the following address: Information for Planning and Consultation | U.S. Fish & Wildlife Service. The auto generated letters will also inform the applicant if additional consultation with the Service is required.

Website: www.fws.gov , click on Locations | U.S. Fish & Wildlife Service for information on regional office locations, contacts, etc. For projects near Kentucky's borders with other states, theUSFWS field offices for the adjoining state must also be contacted. Projects as far as 10 miles from the border could be considered "near" due to species such as the Indiana bat.

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Kentucky Heritage Council:

Archeological and Historic Preservation Act of 1974, Pub. L. 86-523, as amended, and National Historic Preservation Act of 1966, PL 89-665, as amended. Send requests for comments to:

Go to the Site Protection Program at Section 106 Review - Kentucky Heritage Council to download the instructions and forms for the Section 106 Review and Compliance.

Nicole Konkol, Site Protection Program Administrator
502-892-3617 or nicole.konkol@ky.gov

The Barstow House
410 High Street
Frankfort KY 40601

The Section 106 Review and Compliance Section has developed a new streamlined process for water and sewer federally funded projects that became effective May 23, 2024. The policy has developed four (4) different project category types that the applicant can recommend which category their project falls and KHC will make the final determination. Instructions on how to apply using the new Water and Sewer Project Policy can be found at Consultants - Kentucky Heritage Council

Tribal Historic Preservation Office

To assist in determining which Native American Tribes existed within or near the project area, the

U.S. Department of Housing and Urban Development (HUD) has created the Tribal Directory Assessment Tool (TDAT): TDAT The tool allows the applicant to search by state/county, project address, or by Tribe. The search results include the Tribal Historic Preservation Officer and their contact information for tribal consultation.

U.S. Natural Resources and Conservation Service (NRCS District Office):

- Farmland Protection Policy Act (PL 97-98)

For district office addresses, go to their website at Kentucky | Natural Resources Conservation Service. Click on the appropriate county for contact information.

U.S. Army Corps of Engineers (USACE):

- Rivers and Harbors Act, Section 10, 33 USC 403.
- Clean Water Act, Section 404, 33 USC 1344.
- Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413.
- Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332.

The Division of Water, Water Quality Section, must be solicited for comments for projects that will affect a "jurisdictional body of water", including wetlands. The USACE may be contacted simultaneously. In the case of stream crossings, comments are not necessary if directional boring practices are used. To determine what type of permit may be needed go to the Regulatory Request System at Regulatory.

For the appropriate district office go to USACE Regulatory Boundaries, an interactive map to help determining which district office should be contacted based on the project location.

Kentucky Division of Water (DOW):

If your project involves one or more of the following activities, you may need more than one permit from Kentucky DOW:

- Building in a floodplain
- Road culvert in a stream
- Streambank stabilization
- Stream cleanout
- Utility line crossing a stream.
- An acre or more construction site

- KPDES Storm Water Permit required if the project would disturb one acre or more of land or is part of a larger common plan of development or sale that will ultimately disturb one acre or more of land. This permit requires the creation of an erosion control plan.

  Wastewater Discharge Permits - Kentucky Energy and Environment Cabinet

  Contact: Amy Van Horne, Amy.VanHorne@ky.gov or (502) 782-7118).

- Kentucky DOW Application for Permit to Construct Across or Along a Stream is required if the project involves development or other activities in the floodplain of all streams in the Commonwealth, i.e., placement of fill, housing developments, and bridges and culvert construction.

  Understand Your Flood Hazards - Kentucky Energy and Environment Cabinet

  Contact: David Coe, David.coe@ky.gov, (502) 782-6296.

- Water Quality Certification required if project involves work **IN** a stream, such as bank stabilization, road culverts, utility line crossings, and stream alteration.

  §401 Water Quality Certification - Kentucky Energy and Environment Cabinet

  Contact: Samantha Vogeler, Samantha.vogeler@ky.gov, or (502) 782-6995).

Environmental Information Document (EID) Outline

The EID should present all information necessary to develop the Environmental Assessment as outlined below. A checklist is provided at the end of this section to help ensure all information is included.

Summary

This section should include a description of the need, and the cost of the project. Project costs should include proposed total project costs, all funding sources, and the effect on user rates. Present proposed user rate based on 4,000 gallons/month.

The project description should include the project name, owner and operator of the facilities, location of the facilities, and the planning area description. List all facilities and actions proposed by the facilities plan/engineering report. Functionally separate major components should be listed as separate items. For example, a treatment plant is an item, an interceptor line is an item, a new pump station is an item, etc. Sewer rehabilitation is an example of an "action."

Relevant design parameters should include a description of major unit processes, flow diagram, pipe lengths, sizes, and locations, and basic design criteria. Maps and figures are beneficial for review. Also include a copy of a United States Geological Survey (USGS) 7.5-minute topographical map showing the existing and proposed facilities associated with the project and the overall project area as presented to the various crosscutter agencies. The location of major project components should be clearly identified, such as treatment works, sewers, water lines, pump station, storage facilities, etc.

Existing Environment

This section should describe aspects of the environment of the planning area that may be affected by implementing the plan. The checklist at the end of this section presents a list of all items to be addressed in this section.

A description of surface waters and their quality is needed in every case, along with any public health problems due to water quality. The information provided should come from the latest version of DOW's Integrated Report to Congress on the Condition of Water Resources in Kentucky. This report includes the lakes and streams listed on the 303(d) and 305(b) list. The classification of the surface waters should be stated, and a statement made to indicate if the waters are meeting the required water quality standards for that classification. Water quality sampling data can be presented, if available. There should be a qualitative statement at a minimum.

If the project impacts groundwater quality or quantity, a discussion of the existing groundwater quality should be included. For example, if existing wastewater disposal methods and the proposed project are degrading groundwater quality will reduce or eliminate that impairment, a discussion ofthat issue should be included. The basis of establishing groundwater impairment should also be discussed, including groundwater sampling or other data sources.

Describe briefly any special or sensitive environmental areas such as wetlands; air quality non-attainment areas; endangered or threatened species; prime or unique agricultural lands; areas of recognized scenic, recreational, archeological or historic value; valuable floral or faunal communities; wild or scenic rivers; drinking water (surface or groundwater) sources; floodplains; recreational or commercial uses of potential receiving streams; and parkland or other public lands. .

For BABA Equivalency projects, the Federal Flood Risk Management Standard (FFRMS) checklist must be included. If the project is located within a floodplain, then additional evaluation of the project location will be required, as well as the method used in determining that the project is located within a floodplain, a map showing the 100-year and 500-year floodplain. The alternatives evaluated need to include possible location change, change in scope to minimize impact to the floodplain, the current proposed plan, and the no action alternative.

For those special environments not found in the planning area, make a statement such as "No wetlands, wildlife preserves, prime agricultural lands, or other environments of special interest are located where they could be impacted by implementation of the recommended facilities."

Existing Facilities

Wastewater Facilities

This section should begin with a general description of the wastewater collection and treatment system for the planning area. Describe existing collection, transportation, treatment, and sludge handling facilities. The service area(s) of these facilities should be described and shown on an attached map/figure. Mention the condition of the facilities, especially as it affects alternative selection. For existing treatment plants, state: 1) design capacity; 2) permit effluent limits; and 3) actual performance over a recent period. Include wastewater flows (average, peak, and wet weather), influent characteristics,

major industrial users, and infiltration and inflow (I/I). Sewered and unsewered areas should be mentioned and shown on the map/figure.

Where septic tanks are prevalent in all or part of the service and/or planning area, their performance should be described and problems explained. It is not sufficient merely to state that malfunctioning septic tanks are causing a problem. Some documentation about the problem should be cited, and details given about the location and severity of the problems. Local Health Depart officials may be able to assist.

Drinking Water Facilities

For drinking water facilities, a general description of the water plant treatment system including the type of treatment and the facilities associated with this type of treatment should be included. Also include a discussion concerning the condition, location, performance, and any problems associated with the intake, water storage, and distribution system. A map/figure should accompany this discussion to show the location of all affected aspects of the system.

Need for Proposed Facilities and Actions

The need for the facility should be presented with statements such as to solve a water quality or water quantity problem; to solve a public health concern; to correct inadequate systems or system components; to increase treatment due to more stringent effluent limits; to increased capacity of the water treatment plant; etc.

For wastewater projects, provide a summary of the need for wastewater facilities or actions, emphasizing existing public health or water quality problems. These problems typically include water quality violations or problems, documented public health hazards, Kentucky Pollutant Discharge Elimination System (KPDES) permit non-compliance, existing facility overload, insufficient capacity for projected demand, failing on-site systems, insufficient pressure, etc. Effluent limits are to be stated. If sewer rehabilitation is a proposed action, it should be justified by a brief quantitative summary of the I/I problems experienced. Location of the severe I/I areas should be stated and shown on a map/figure if needed to identify significant project tasks.

The need for drinking water projects may include capacity issues due to population growth or plant failure, or service interruptions due to low pressure or failing lines. If there are any compliance issues within the recent past then this should also be included in the discussion. Present and future water demands may also be an issue and will need to be discussed.

Include the planning period for the project. The planning period should justify the capacity of the system with its projected population. Population projections should be based on U.S. Census projections or some recognized source of demographic data. Existing and projected flows should be presented. Include land use projections, and the future environment without the project.

In the case of drinking water projects, provide information regarding the population served and the percentage served by the water system vs. the unserved percentage; and if the water system is a purchaser or wholesaler.

Alternative Analysis

All alternatives evaluated should be described. The development of alternatives must include the no-action alternative (the future without the project), optimum utilization of existing facilities, and new construction alternatives.

An explanation should be given for rejecting or selecting alternatives. The explanation should include present worth or equivalent annual cost comparisons; reliability of the alternatives; complexity of the

alternatives; significant environmental effects; and legal or institutional constraints.

Identify which reasonable alternative has been selected and state the reasons why this alternative has been chosen.

Environmental Consequences; Mitigative Measures

Describe and document the environmental effects of the selected alternative on each of the different environmental aspects. Address the direct, indirect and reasonably foreseeable effects for each aspect.

Direct effects are changes directly related to the project activity. Indirect effects are changes that occur later in time or are removed in distance which are reasonably foreseeable, such as community growth, population density, land use, and natural environment. Cumulative effects are the total changes to the environment resulting from the effect of the selected alternative when added to the effect of other past, present, or reasonably foreseeable future actions. Secondary impacts may also be considered, such as the development/growth that would be encouraged or enabled by the construction of the project.

This section should describe anticipated impacts on the environment and measures proposed to mitigate (avoid or minimize) those adverse impacts. Discuss recommendations from the crosscutter agencies and include all agency correspondence in an appendix to the EID. For each of the laws that are not applicable, provide a comment stating that the law is not applicable.

Environmental laws that must be addressed include:

- Archeological and Historic Preservation Act of 1974, Pub. L. 86-523, as amended.
- Clean Air Act, Pub. L. 84-159, as amended.
- Endangered Species Act, Pub. L. 93-205, as amended.
- Federal Flood Risk Management Standard (FFRMS) Executive Order 14030
- Floodplain Management, Executive Order 11988 as amended by Executive Order 12148.
- Protection of Wetlands, Executive Order 11990.
- Farmland Protection Policy Act, Pub. L. 97-98.
- National Historic Preservation Act of 1966, PL 89-665, as amended.
- Fish and Wildlife Coordination Act, Pub. L. 85-665, as amended.
- Safe Drinking Water Act, Pub. L 93-523, as amended.
- Wild and Scenic Rivers Act, Pub. L. 90-542, as amended.

Most environmental impacts to be considered are the features described in Existing Environment There may also be direct or indirect impacts on land use practices, neighborhood stability, air quality, and noise levels. Any such impact should be described.

All structural and nonstructural mitigative measures should be described. If erosion control measures prior or during construction is the only expected mitigative measure, this can be mentioned in one short sentence. A detailed description is needed only for more unusual mitigative measures that respond to some public or regulatory agency concern over a perceived threat to the environment or public health. Also, include a discussion of necessary permits (KPDES, 404/401 etc.) issued or needed, as well as necessary inter-municipal agreements executed or pending.

Public-Participation; Sources Consulted

The National Environmental Policy Act of 1969 (NEPA) and its implementing regulations state that Federal agencies shall fully possible, “Encourage and facilitate public involvement in decisions which affect the quality of the human environment” [40 CFR §1500.2(d)]. Because NEPA-like requirements apply to CWSRF & DWSRF projects, EPA Region 4 has developed the following minimum public participation requirements for projects in which an Environmental Information Document (EID) is

required:

- A public meeting is to be held with the notice published at a minimum of 7 to 21 days prior to the scheduled meeting date. This public meeting can be part of regularly scheduled council/ commission meetings or other similar activities where the project was discussed publicly. Properly noticed public meetings sponsored by other agencies with interest or funding in the project are also included.
- Planning documents and data relevant to discussion at the public meeting must be made available to the public at least **15 days** prior to the meeting.
- The notice of the public meeting should be well publicized. The notice shall identify the matters to be discussed at the meeting and EPA's intent to fund the project along with information on the availability of relevant materials and the procedures for obtaining further information.
- The public meeting should be held at a time and place that maximizes public attendance.
- The meeting should include a formal presentation of the project which includes at a minimum a project description, estimated costs and user charges, discussion of alternatives, environmental consequences, and proposed mitigations. If the project location is within a floodplain, the floodplain mitigation or justification as to why the selected alternative was chosen should be included in the public presentation if this project is a BABA Equivalency project.
- Meeting minutes/ written transcripts of the meeting are required. Minutes or transcripts must be readily accessible to the public.

Applicants should provide documentation of public participation, including copies of the public notice as well as meeting minutes, transcripts, or audio/video recordings in their EID. Questions regarding the public participation requirements should be directed at the state environmental reviewer.

Summarize all public participation, including meetings and public hearings, noting any public objections. In addition, if there has been significant public objection based on environmental concerns, an Environmental Impact Statement may be necessary. Include documentation of the public meeting, including the public meeting date, attendance record, public meeting transcripts, and proof of publication of the notice of the meeting in the local newspaper.

List all sources consulted for information and/or concurrence. The State Clearinghouse should always be one of the entities consulted. If any comments have been offered opposing any aspect of the plan, explain how those comments have been resolved.

Appendix A

Environmental Information Document Checklist

Components of an Environmental Information Document

Project _____

Proposed Project

Component	Page
Project description including major components	
Owner	
Location and area description	
Affected utilities	
Population/customers	
Map (topographic) illustrating location and affected utilities	

Costs

Component	Page
Project cost	
Funding source(s) and amounts	
User rates based on 4,000 gal/month	

Existing Environment

Component	Page
Description of surface waters and their quality is needed in every case with specific reference to any wild and scenic rivers and any impaired surface waters in the project area, watershed name and hydrologic unit code. Identify any public health problems related to poor water quality.	
Existing and potential groundwater quality problems	
Special or sensitive environmental areas such as wetlands, floodplains, or drinking water sources	
Threatened or endangered species as set forth in Endangered Species Act, Pub. L 93-205, as amended	
Local ambient air quality	
Important farmlands, as set forth in the Farmland Protection Policy Act (7 U.S.C. §§ 4201 to 4209)	
Cultural resource areas, as set forth in the National Historic Preservation Act (16 U.S.C. §§ 470 to 470x-6) and the Archeological and Historic Preservation Act (16 U.S.C. §§ 469)	
Special or sensitive environmental areas such as wetlands; areas of recognized scenic or recreational value; floodplains; and parkland or other public lands	

Existing Water System

Component	Page
This section should include a description of the existing treatment and distribution system, water demand (average and peak), surface water sources including intake locations and permitted and actual withdrawal, groundwater sources, location of wells and well fields, water storage, raw water characteristics, residual and backwash disposal and the service area. This section should also include a general description of the wastewater collection and treatment system for the planning area. Describe existing collection, transport, treatment and sludge facilities. The service area(s) of these facilities should be described briefly and shown in the attached figure. Include the condition of the facilities, especially as it affects alternative selection.	

Existing Wastewater System

Component	Page
A general description of the existing wastewater collection and treatment system. The service areas of these systems should be described briefly and shown on attached maps. The description shall include the existing facilities' physical condition, hydraulic and organic design capacities, characteristics of wastewater, ability to meet permit limits, method of sludge handling and disposal, existing flows including average and peak flows, operation and maintenance problems, current compliance status and applicable permit limits, and permit number. A discussion of inflow and infiltration problems and their impact on water quality and public health. A description of any type of state or federal enforcement actions that may exist against any WWTP owned or operated by the applicant within the project area. Where septic tanks are prevalent in all or part of the service planning area, their performance should be described. Explain any problems and provide details about the location and severity of the problems in relation to the proposed project. Also include existing system performance for all facilities.	

Need for Proposed Project

Component	Page
The need for the project and its importance to economic development in the area should be presented; emphasizing existing public health or water quality problems (problems typically include water quality violations or problems, documented public health hazards, existing facility overload, insufficient capacity for projected demand, failing groundwater wells, and insufficient pressure). Other special situations may justify proposed facilities and should be included.	
Include the planning period for the project. The planning period should justify the capacity of the system with its projected population. Population projections should be based on U.S. Census projections or some recognized source of demographic data.	

Alternative Analysis

Component	Page
All alternatives analyzed should be described. The development of alternatives should include the no-action alternative, optimum utilization of existing facilities including flow reduction and water conservation, and new construction alternatives. An explanation should be given for rejecting or selecting alternatives. The explanation should include cost comparisons, including present worth or equivalent annual cost comparisons; reliability of the alternatives; complexity of the alternatives; significant environmental effects; and legal or institutional constraints. Identify which reasonable alternative was selected and state the reasons why this alternative was chosen.	
No action	
Alternatives	
Selected Alternative	

Environmental Consequences and Mitigation

Component	Page
This section should describe and document the environmental effects of the selected alternative. Address the direct, indirect, and reasonably foreseeable impacts for each aspect. This section should also describe anticipated impacts on the environment and measures proposed to mitigate those adverse impacts. Discuss any recommendations from the crosscutting agencies that implement environmental laws and include agency approval letters in an appendix to the EID. All correspondence, including attachments submitted to and from the crosscutting agencies concerning the proposed project, must be submitted as part of the EID. The documentation must include evidence that the agencies generating the comments are satisfied with the applicant's responses and/or commitment to mitigation measures.	
Kentucky Clearinghouse	
US Fish and Wildlife Service	
US Corps of Engineers	
Natural Resources Conservation Service	
State Historic Preservation Office/Kentucky Heritage Council	
Kentucky Department for Fish and Wildlife	

Public Participation

Component	Page
Public Notice: All public notices shall contain the following information: • The name and address of the applicant and the entity that drafted the EID • A brief description of the proposed project and the area the project will serve • The name, address, and telephone number of persons from whom interest parties may obtain information • A brief description of how the public may comment • The date, time, and place of the meeting • A brief description of the nature and purpose of the meeting	
Public Comment: The public shall be given an opportunity to comment on the EID and the period for comments shall remain open for thirty (30) days from the date of the first publication of the notice of the public meeting or until the termination of the meeting, whichever is later. • The public may request longer comment periods, which may be granted by the applicant at its discretion • Any person may submit comments or oral statements and data to the applicant, who may set reasonable limits upon the time allotted for oral statements and may require that statements be submitted in writing All persons who believe that any condition of the EID is inappropriate, inaccurate, incomplete, or otherwise not in the best interest of the public and the environment, shall raise all reasonably ascertainable issues and submit all reasonably available arguments and factual background supporting their position, including all supporting materials to the applicant by the close of the public comment period.	
Public Meeting: The public meeting shall include the following discussions: • Scope of the project • Project cost • Alternatives that were considered during planning • Estimated user charges • Estimated hook-up fees • Any required mitigation The applicant shall submit as part of the EID a copy of the advertisement for the public meeting, a copy of the minutes of the meeting, and any written comments and responses. In addition, the EID shall include a list of all sources consulted for information and/or concurrence. The Kentucky State eClearinghouse shall be one of the entities consulted.	

Appendix B

Public Meeting Notice Template

The **Applicant Name** has applied to the Kentucky Infrastructure Authority for a low interest loan from the **Clean Water / Drinking Water** State Revolving Fund, funded in part by a grant to Kentucky from the US Environmental Protection Agency (USEPA). The project is as follows: **Detailed Project Description**.

The **Applicant Name** will hold a public meeting on **Day of Week, Month, Day, Year** at **Time (am/pm)** at the **Location**. **The purpose of this meeting is to allow the public to review and comment on the proposed activities, potential impacts, and project alternatives.** Any relevant documents will be on file at **Applicant's Address** for citizen's review during regular business hours.

Note to applicant: This is only a suggested format; feel free to adjust font and spacing as needed to minimize printing costs.

Appendix C

Sample Scoping Letter

****Date****

Mr. Virgil Lee Andrews, Jr.,
Field Office Supervisor

U.S. Department of the Interior
Fish and Wildlife Service

J.C. Watts Federal Building
330 West Broadway, Suite 265

Frankfort, KY 40601

Re: **XXXXX** Project
City, Kentucky

Dear Mr. Andrews:

As part of the environmental review requirements pursuant to the State Environmental Review Process for the **Clean / Drinking** Water State Revolving Fund low-interest loan program, please review and comment on the proposed project. The City of **XXXX** is planning to ***describe project***. The attached map illustrates the location of the proposed improvements.

We would appreciate a response within 30 days, if possible. Should you have any questions concerning this matter, please do not hesitate to contact us at **XXX-XXX-XXXX** or email me at **XXXXX**.

Sincerely,

XXXXX

Enclosure: Map

Appendix D

Developing a List of Interested Parties

The applicant must develop a distribution list for a given project based on the types of potential impacts. For Kentucky, land use changes, water pollution, fish and wildlife, population changes, community changes, air pollution, and green space development are typical categories of potential impacts. Other categories may be identified through environmental review. Therefore, the public notice should be distributed to ***local*** government and nongovernment groups, organizations, and individuals that are interested in these issues. The Division of Water will notify the interested parties on the list provided by the applicant of the environmental review findings.

Examples:

Government

Notices are already being sent as part of the environmental process to the U.S. Fish and Wildlife Service, U.S. Natural Resources and Conservation Service (NRCS District Office), the US Army Corps of Engineers (USACE), Kentucky Heritage Council (KHC), and the KY State Clearinghouse. It is also recommended that public libraries (city and county, if applicable), public health departments, other local newspapers, county clerks, and city clerk's receive notifications as well. This would apply to each county included in the project.

Nongovernment

One group or organization may address more than one of the impact categories. Enough ***local*** groups should be chosen so that all the categories are covered. For state or national organizations, check the internet for addresses of local chapters.

Land Use Changes

A) County Natural Resource Conservation Service Board

The Board is comprised of citizens elected by the farm owners in their local Federal NRCS District.

B) Area Planning Societies or Groups

Communities, counties, or regions may have a citizens group that has joined together to protect green spaces and rural areas, such as parks or farmland, from uncontrolled urban or industrial development or from land use changes in general. The mayor and county judge offices for the project site should be familiar with those groups and be able to provide contact names and addresses.

Water Pollution or Fish and Wildlife

C) Kentucky Waterways Alliance, River Watershed Watch or Clean Water Watch

D) Audubon Society Local Chapter, Sierra Club Local Chapter, or other Nature Societies

The mayor and county judge offices for the project site should be familiar with those groups and be able to provide contact names and addresses.

E) County Fish and Game Club, Ducks Unlimited Local Chapter

The mayor and county judge offices for the project site should be familiar with those groups and be able to provide contact names and addresses.

Population or Community Changes, Air Pollution, and Green Space Development

F) Community Action Groups, Civic Groups,

G) Parks and Recreation Citizen Boards

The mayor and county judge offices for the project site should be familiar with those groups and be able to provide contact names and addresses.

Appendix E

Federal Flood Risk Management Standard (FFRMS) Checklist For BABA Equivalency Projects

FEDERAL FLOOD RISK MANAGEMENT STANDARD (FFRMS) GUIDANCE FOR SRF ASSISTANCE RECIPIENTS AND SRF PROGRAMS IN REGION 4

On May 20, 2021, the Federal Flood Risk Management Standard (FFRMS) was re-established by Executive Order 14030 to increase the resilience of infrastructure for flooding evens caused by climate disasters and went into effect in FY2022 for State Revolving Fund (SRF) capitalization grants, including Bipartisan Infrastructure (BIL) funding.

Note that FFRMS is only required for equivalency projects where federal funds are used for new construction, substantial improvement, or to address substantial damage to structures and facilities; however; EPA encourages states to utilize FFRMS for all infrastructure projects. A copy of the FFRMS guidance memo can be found at https://www.epa.gov/dwsrf/federal-flood-risk-management-standard-srf-programs.

For SRF assistance recipients, below are five steps for determining and documenting compliance with FFRMS. A simplified flowchart is included at the end of the guidance.

The assistance recipient must determine if the project action corresponds to one of the two categories listed below. If it does, continue to Step 2. If it does not, provide justification then FFRMS review can be considered complete.

a. New Construction.

b. Substantial improvements (ie. Projects that are estimated to cost more than 50% of the market value[1] or replacement cost of the entire existing facility), including those that address substantial damage to structures and facilities.

The assistance recipient must select one of the three EPA-approved approaches shown below to determine if any portion of their project is located in the floodplain. To find information regarding floodplains, assistance recipients can go to FEMA's National Flood Hazard Layer, FEMA's Google Earth (KMZ) layer, Army Corps of Engineers, or other resources provided by your state and/or the FFRMS guidance memo.

a. Freeboard Value Approach – Use the 100-Year Flood Elevation (i.e. 1% annual chance) and add an additional freeboard value of 2 feet (for non-critical infrastructure) or 3 feet (for critical infrastructure). Note that critical infrastructures is considered anything where even a slight chance of disruption would be considered too great and that most infrastructure projects would be considered critical.

b. 500-Year Flood Elevation (i.e. 0.2% annual chance).

c. Climate-Informed Science Approach – Use best available, actionable hydrologic and hydraulic data and methods that integrate current and future changes in flooding based on climate science and other factors or changes affecting flood risk to determine vertical flood elevation and corresponding horizontal floodplain in a manner appropriate to policies, practices, criticality, and consequences.

[1] According to FEMA, the market value of the existing structure refers to the "price that a seller of real property can expect to receive from a buyer in a fair and open negotiation that is based on the condition of the structure before the improvement(s) is undertaken and/or before damage occurred", not including the value of the land the structure is on. FEMA provides a few methods for determining market value, but as this is only intended to be an estimate of the existing structure's market value, we would recommend any of the following options: (1) values developed for property tax assessment purposes, adjusted to approximate market value, (2) estimates of a structure's actual cash value plus depreciation, and (3) "qualified estimates" based on professional judgement.

If the project **is not** located in a floodplain, the assistance recipient must note this in their environmental information document and indicate which of the EPA-approaches was used for this determination. In addition, EPA would recommend the assistance recipient include a map of the project area in relation to the floodplain in the environmental information document. Otherwise, no additional documentation is needed and FFRMS review can be considered complete.

If the project **is** located in a floodplain, the assistance recipient must prepare a "floodplain assessment" by documenting the following in their environmental information document:

a. At a minimum, evaluate the following in terms of identifying practicable alternatives to constructing the proposed project in the floodplain:
    i. Constructing the project outside the floodplain (i.e. alternate site);
    ii. Minimizing the scope and/or impact of the project on the floodplain;
    iii. "No action" alternative; and
    iv. The currently proposed plan.

b. Assuming there is no practicable alternative, the assistance recipient must identify the mitigating measures or design modifications that will be taken to reduce the threats from locating the project in the floodplain. Options include, but are not limited to, elevating structures above one of the three approaches listed above (i.e. base flood levels), flood proofing the facility, providing compensatory flood storage, or any other means that allow structures and facilities to adapt to, withstand, and rapidly recover from a flood event (i.e. bolting down and sealing sewer manhole covers, flood barriers, emergency generator(s), submersible pumps to allow continued operation even if the facility is flooded, etc.).

c. Identify which of the three approaches listed above in Step 1 was used to determine if any part of the project area is located in or affected the floodplain.

d. Include a map of the project area in relation to the 100-year floodplain, 500-year floodplain, and/or the vertical and horizontal floodplain elevations determined using the climate-informed science approach.

In conjunction with the public notice procedures in the SERP, the assistance recipient must complete the following:

a. Notify the public early in the planning process that the proposed project is located in a floodplain (i.e. in the advertisement for the public meeting).

b. During the public meeting, discuss the alternatives considered, why the project is located within the floodplain, and the mitigation measures being implemented to reduce threats from locating the project in the floodplain.

FEDERAL FLOOD RISK MANAGEMENT STANDARD (FFRMS) GUIDANCE FOR SRF ASSISTANCE RECIPIENTS AND SRF PROGRAMS IN REGION 4

For SRF Programs, below is a checklist that can be used to document FFRMS compliance.

A. Verify whether FFRMS is applicable by determining if the project action falls under one of the following categories.

☐ New construction (i.e., construction of a new facility)

☐ Substantial improvement (i.e., projects that are estimated to cost more than 50% of the market value or replacement cost of the facility), including those that address substantial damage to structures and facilities.

If any of the conditions are met, FFRMS is required. Proceed to Step B. If none apply and the assistance recipient did not complete FFRMS review, did the assistance recipient document why the project action does not fall under any of the above categories?

Confirm that the project is not for new construction

Confirm that the scope of the project does not meet the criteria of substantial improvement by confirming that the project cost is less than 50% of the estimated market value or replacement cost of the facility.

Project Cost = $

Estimated market value or replacement cost of facility = $

If Yes, FFRMS is not applicable and no further action is necessary. If No, ask the assistance recipient to document these in the environmental information document and resubmit.

B. Is the project area within a floodplain?

☐ No – Proceed to Steps C and D

☐ Yes – Select which of the three approaches was used, then proceed to Steps E and F

☐ Freeboard Value Approach. If so…

Identify if the project action is a critical action or non-critical action:

**Note that most projects will be critical*

Enter the freeboard value used: ft

**Note that a minimum of 2ft is required for non-critical actions while a minimum of 3ft is required for critical actions*

☐ 500-Year Flood Elevation

☐ Climate-Informed Science Approach. If so…

Identify the determined vertical flood elevation: ft

C. Since the project is not located within a floodplain, did the assistance recipient discuss and include the following in their environmental analysis:

☐ Stated that the project area is not within a floodplain.

☐ Included a map of the project area in relation to the 100- and 500-year floodplain to verify their determination (*Recommended*)

D. For project not located in a floodplain, EPA would recommend including language (shown below is example language that may be used) in the environmental determination (i.e. CE, FNSI, or EIS) to document that the project was reviewed for FFRMS and determined is not located within a floodplain:

The [*Name of the Assistance Recipient*] evaluated the project against the requirements of the Federal Flood Risk Management Standard and determined that the project is not located within a floodplain.

E. Since the project is located within a floodplain, did the assistance recipient discuss and include all the following in their environmental analysis:

☐ Identified which of the three approaches was used

☐ Notified the public in conjunction with the public notice procedures in the SERP that the project area is to be located in a floodplain.

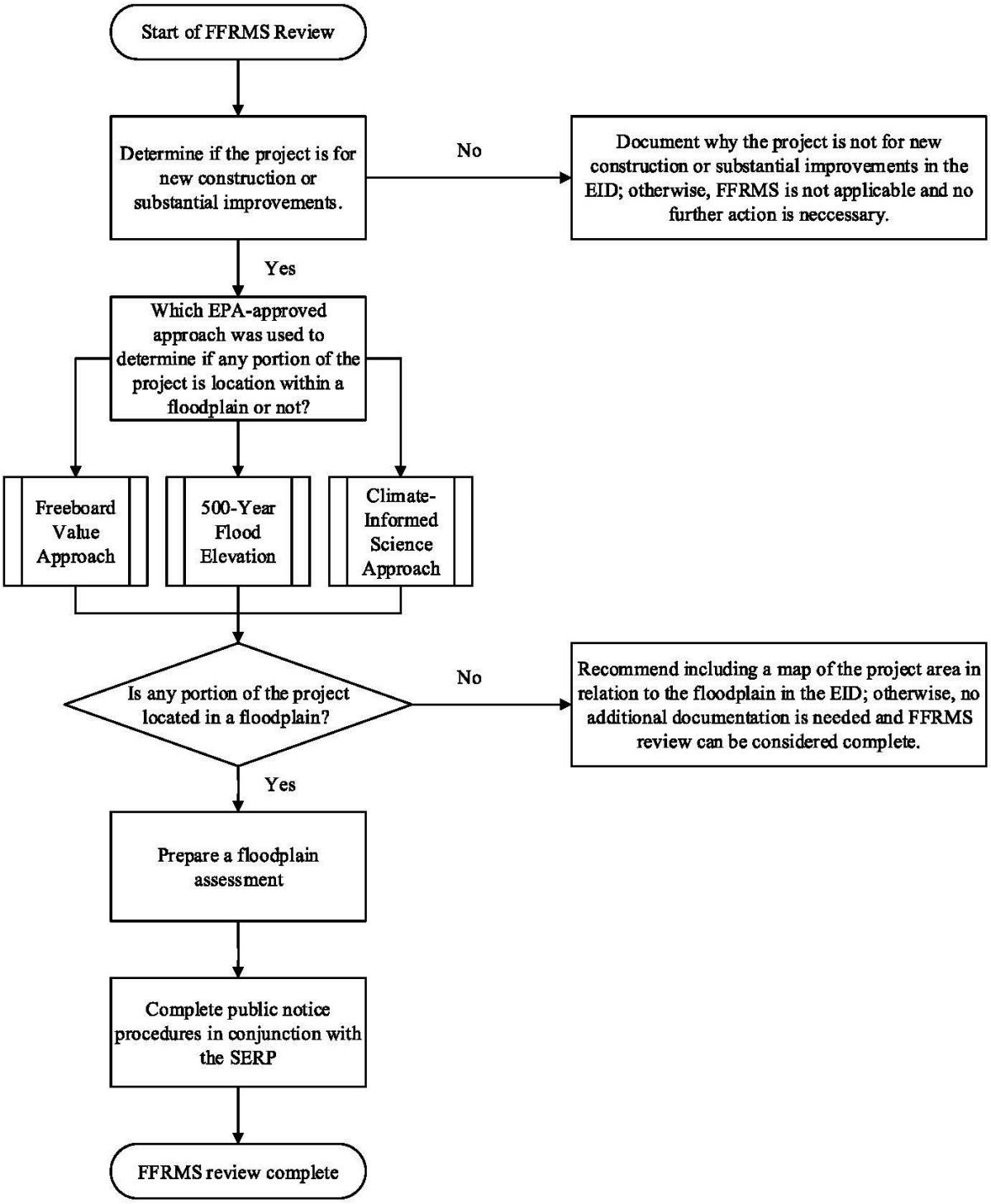
☐ Identified why the project must be located within the floodplain. If so, provide the rationale below.

☐ Identified practicable alternatives and evaluated at least three alternatives in terms of construction the project in the floodplain. If so, state the alternatives considered below

☐ Identified mitigating measures or design modifications and stated the mitigating measures and/or design modifications that will be implemented. If so, list the mitigation measures or design modifications below.

☐ Included a map of the project area in relation to the 100-year floodplain, 500-year floodplain, and/or climate-informed science approach.

F. For projects within a floodplain, was language included in the environmental determination (i.e. CE, FNSI, or EIS) to document that FFRMS review was evaluated and completed for the project (shown below is example language that may be used). ☐ Yes ☐ No

In accordance with Executive Order 11988 and as amended by Executive Orders 13960 and 14030, [*Name of the Assistance Recipient*] evaluated the project against the requirements of the Federal Flood Risk Management Standard and determined that the project is located within a floodplain and was justified in comparison to other practicable alternatives that were considered. The project is located within the floodplain because [*Rational for being in the floodplain*]. The following mitigation measures are being implemented by [*Name of the Assistance Recipient*] to reduce the threats from locating the project in the floodplain and will be detailed in their construction documents (plans and specifications) for the project: [*List measures and/or design modifications being taken*].

FFRMS Flowchart for Assistance Recipients