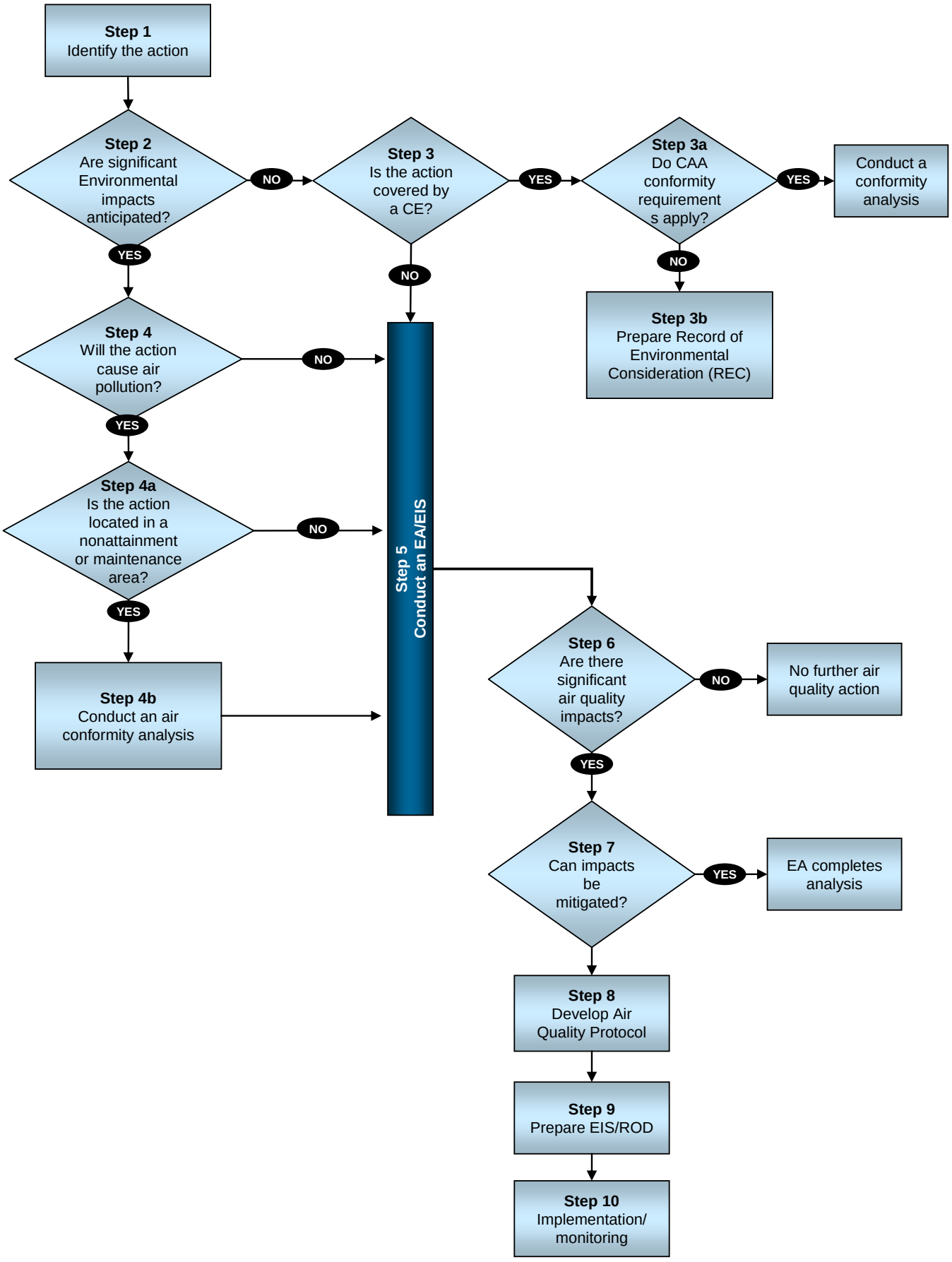
# NEPA Air Analysis (Protocol) Process



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Enacted in 1969, The National Environmental Policy Act (NEPA) requires federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. Agencies must use all practicable means necessary to ensure that the decision making process mitigates potential damage to the environment. This includes incorporating all applicable environmental laws, such as the Clean Air Act.

## Step 1. Identify the action

Identify the proposed action and determine if compliance with NEPA is required. To be subject to NEPA requirements, the proposed action must be a federal action occurring either on federal land and/or with federal resources.

## Step 2. Will significant environmental impacts occur?

There are three levels of analysis depending on whether or not an undertaking could significantly affect the environment. These three levels include: categorical exclusion determination; preparation of an environmental assessment/finding of no significant impact (EA/FONSI); and preparation of an environmental impact statement (EIS). If significant impacts are anticipated, then you must determine the type of environmental analysis needed, EA or EIS. Actions that are anticipated to have no impact may be covered under Categorical Exclusion (CE).

## Step 3. Is the action covered by a CE?

A CE applies to actions that have minimal or no environmental impact. These actions can be categorically excluded and required no further NEPA analysis. A number of agencies have developed lists of actions which are normally categorically excluded from environmental evaluation under their NEPA regulations. However, the action must still comply with other applicable environmental laws such as the Clean Air Act Conformity requirements. Proposed actions that are not excluded must undergo an EA/EIS.

## Step 3a. Do CAA conformity requirements apply?

The proposed action must conform to the state and local plans to attain and maintain ambient air quality standards. If the proposed action will occur in a nonattainment or maintenance area and results in emissions of pollutants to the ambient air, a conformity analysis will be required.

## Step 3b. Record of Environmental Consideration (REC)

A REC is prepared when a proposed action is categorically excluded. The REC documents the decision to use the categorical exclusion.

## Step 4. Will the action cause air pollution?

Related to Step 2, a preliminary finding on whether the action will cause emissions of air pollution needs to be made. All air quality related values, such as, ambient air quality, visibility, and atmospheric deposition must be considered.

## Step 4a. Is the action located in a nonattainment or maintenance area?

It the action occurs in a nonattainment or maintenance area, a conformity analysis must be prepared to determine conformity with local and state air quality plans.

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## Step 5. Prepare NEPA Documentation

NEPA analyzes the potential impacts of a proposed action and highlights any possible alternatives. The result of this analysis shows whether the action will have a significant impact on the environment. The document explains the environmental impacts of the proposed action as well as identifies mitigation possibilities. If the analysis shows that the action will not result in any impacts, a FONSI is prepared and made available for public comment. Mitigation measures may be put in place to reduce the impact and lead to a finding of no significant impact. However, if the analysis shows the environmental impacts to be significant, an EIS is prepared. Project management needs to make a decision early in this process to pursue either the EA or the EIS document.

## Step 6. Are there significant air quality impacts?

The EA can be used to determine if significant air quality impacts are anticipated. Again, these impacts could be to ambient air quality standards for criteria and HAP pollutants, visibility impairment, or atmospheric deposition on critical soils or waterways.

## Step 7. Can air quality impacts be mitigated?

Any air quality impacts identified in the EA must be reviewed to determine if they can be mitigated by control technology, emission reduction strategies, or avoidance. If the impacts can be mitigated, the air quality component of the EA is completed.

## Step 8. Develop Air Quality Protocol for the EIS

An EIS is prepared when impacts to the proposed action are found to be significant to the environment. For any air quality impacts that cannot be mitigated, a full air quality analysis is required. The nature and scope of that analysis is defined in a protocol document. The protocol is developed in cooperation with other stakeholders and the regulatory agencies to get early buy-in to the approach.

## Step 9. Prepare the EIS/ROD

The air quality analysis is conducted identifying both the air quality baseline conditions and the anticipated impacts for all alternatives. Usually, mitigation is also included in the EIS documents. The process goes through a Draft stage and then a Final stage with responses to comments after each stage.

A ROD is issued 30 days after the publication of the final EIS. The ROD notifies the public of the selected alternative and the rational behinds its selection.

## Step 10. Implementation/Monitoring

Once the implementation of the action has started, any required monitoring will be initiated to determine whether objectives have been achieved and whether adjustments to the action or any additional mitigation measures are in order. Monitoring the mitigation measures can either be air quality monitoring, emissions tracking, or throughput tracking.