

# A very brief summary of the NEPA Process along with an overview of the regulatory framework

---

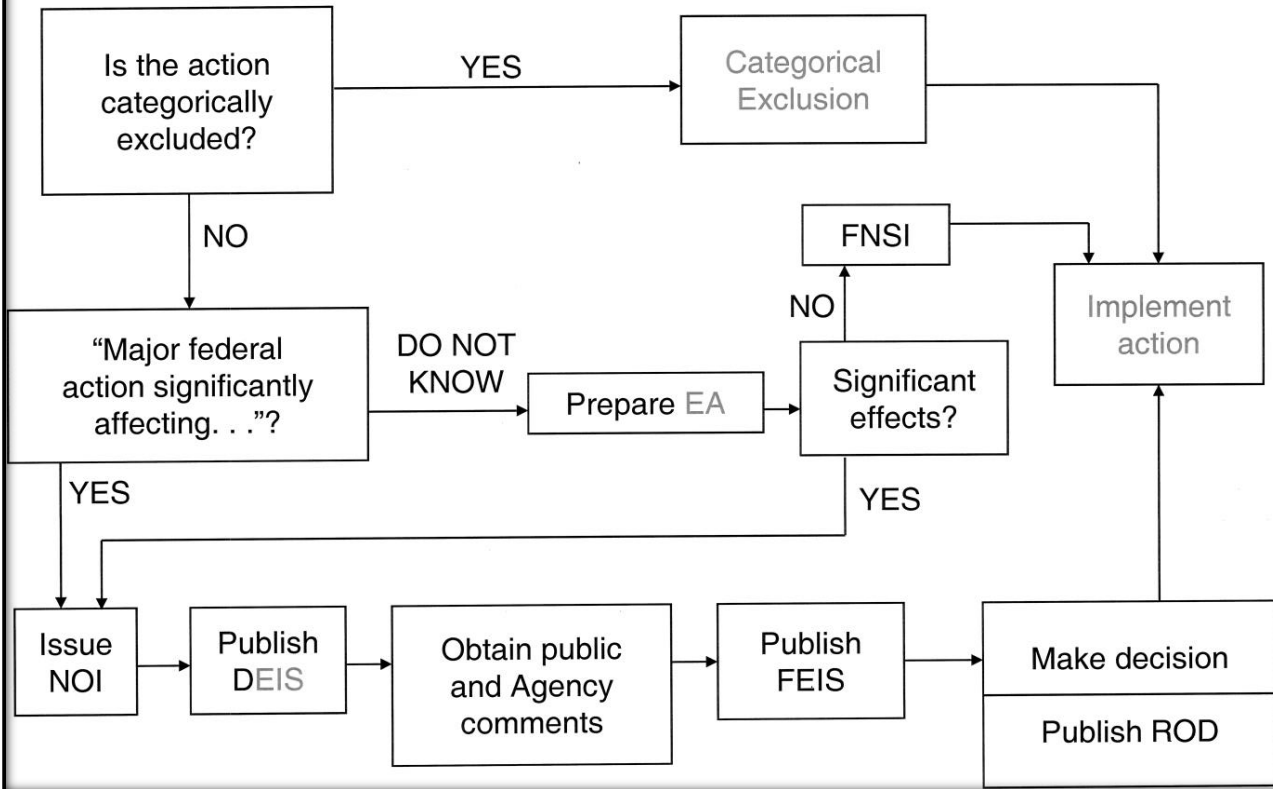
## The NEPA Process

The [National Environmental Policy \(NEPA\) Act of 1969](#) itself is only a couple of pages long and simply compels all Federal Agencies to do the following prior to undertaking an activity: 1) consider environmental impacts (Environmental Impact Statement) in their decision making, 2) involve the public, and 3) document the process by which the agency made its informed decision. The NEPA also designated a Council on Environmental Quality (CEQ) who published the [Council on Environmental Quality Regulations for Implementing NEPA \(40 CFR Parts 1500-1508\)](#) which introduced the concept of an Environmental Assessment and a Categorical Excluded activity and then called for each Federal agency to issue its own individual implementing regulations ([Department of Energy \(DOE\) NEPA Regulations \(10 CFR Part 1021\)](#)). The DOE NEPA Regulations list categories of actions which DOE determined did not individually or cumulatively have a significant effect on the human environment and would not normally require an Environmental Assessment (EA) or Environmental Impact Statement (EIS), therefore, they are considered categorically excluded (CX) from the need to develop an EA or EIS. Even when an activity is covered by a CX, the process must still be documented (except for routine administrative activities covered in Appendix A of the DOE NEPA Regulations) and DOE requires that the documentation be submitted to them for concurrence, which is why we send a NEPA Environmental Evaluation Notification Form (EENF) for all of our proposed actions (prototypes, experiments, projects, etc.), along with a CX recommendation, to the FSO.

When I took over the NEPA program in 2002 and saw the large number of EENFs being filed for routine maintenance activities as well as the infrastructure improvements that were planned, I applied for and received a blanket Generic Routine Maintenance CX approval for these from FSO. Since maintenance is primarily conducted by FESS, they created an electronic database to document that each of these activities was reviewed for conformance with this blanket CX; if it doesn't fit the CX, then information is sent to me and I submit an EENF to FSO. This has saved tremendous time, energy, and resources for the Lab as we have upgraded our infrastructure over the past few years but the downside is that much of the NEPA program implementation occurs below the radar (doesn't require EENFs to be sent formally to FSO) and therefore there's a tendency to forget about it and that we need to screen all activities for their environmental impacts.

For PPD, many of the experiments proposed and conducted in the Meson Detector Building have not had environmental impacts (I'm on the ORC team so have reviewed these). But as in the case of the Digital Hadron Calorimeter, if we are proposing to utilize gasses (Greenhouse gases or air pollutants that may trigger the need for a permit) or there will be scrap, waste, etc. from the D&D or any effluent, then we need to ensure that a NEPA EENF is submitted. The bottom line is that a NEPA review needs to be conducted on everything that we do but the level of documentation differs which confuses things.

# Summary of the NEPA Process



Teri Dykhuis, MEnvE, CHMM  
 Fermilab Environment, Safety and Health Section  
 Environmental Engineer; NEPA Compliance  
 Coordinator  
 (630) 840-3607 (Office)  
 (630) 840-3390 (FAX)  
 dykhuis@fnal.gov