

Drinking Water State Revolving Fund (DWSRF)

DWSRF Guidance Document Number 15 Environmental Review

This document is out of date as of December 2021. Please see the [Environmental Review page](https://dec.vermont.gov/water-investment/water-financing/srf/environmental-review) for current information.
<https://dec.vermont.gov/water-investment/water-financing/srf/environmental-review>

All construction projects receiving funding assistance through the DWSRF require an environmental review of the project to ensure that the project will not have significant environmental impacts. This is accomplished through the preparation of an environmental report. The environmental review must be completed in accordance with the State Environmental Review Process (SERP), which was adopted in June 1997 and revised June 2008. The degree of environmental review is a function of the anticipated environmental impact of the project to be funded, which can range from having no effect to significantly conflicting with current land use patterns, adversely affecting wildlife habitat, wetlands, agricultural operations, archeological and historic resources, etc. The SERP is designed to require a progressively more in-depth environmental review as the potential for environmental effects increases. The following summarizes the various levels of environmental review documentation.

1. Construction projects conducted completely within a permanent, existing contained facility (e.g., school UV disinfection project) and reliable and scientifically-sound methods are used to appropriately dispose of wastes will not require DWSRF Project Lead to request or review an environmental report. DWSRF Project Lead will review the project plans and specs to ensure they meet the criteria above, draft a memo to the file indicating the project is exempt from review, have FED Division director sign, and post the decision to the Division's website.
2. Prior to Environmental Report submittal the applicant, through their consulting engineer, must submit to the DWSRF Project Lead documentation to perform a historic properties review. The required documentation includes, when available, a brief project description, site location map, site plans, photographs, past historic properties reports (ARAs, Phase Ib's, etc.). The DWSRF Project Lead will forward this information to the State Historic Preservation Office (SHPO) and Stockbridge-Munsee community of the Mohican Tribe, when appropriate. There is a 30-day comment period. *This step applies to all projects regardless of previous ground disturbance.*
3. The environmental report template, which includes a request for a categorical exclusion, shall be used to support the Request for Categorical Exclusion. The applicant, through their consulting engineer, is responsible for completion and submission of this document to the DWSRF Project Lead.
4. The environmental report (ER) may be submitted as part of the Preliminary Engineering Report (PER). If this is the case, it may be necessary to obtain an electronic copy of the PER from the Drinking Water and Groundwater Protection Division (DWGWPDP).
5. The ER will be reviewed by DWSRF Project Lead and, depending on the project, a site visit may be required. DWSRF Project Lead will generally follow up on incomplete submittals and address

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any regulatory compliance issues.

6. Initial categorical exclusion eligibility determinations are made by DWSRF Project Lead and, if approved, the Notice of Determination of Eligibility for Categorical Exclusion (CatEx) is also completed by DWSRF Project Lead.
 7. The CatEx is signed by the Director of the Facilities Engineering Division or their designee in accordance with the SERP.
 8. DWSRF Project Lead is responsible for emailing the decision document to identified stakeholders and posting on the Division's website.
 9. Actions on the CatEx must be completed prior to execution of construction loans.
 10. If a project is not eligible for a CatEx, DWSRF Project Lead will request more information in the ER (e.g., more analysis, explanation, and documentation in Section VI and completion of Section VII, mitigation measures and/or alternative plans of action) and conduct an independent environmental assessment of the project.
 11. A Finding of No Significant Impact (FONSI) determination will be made by DWSRF Project Lead. Loans may include requirements for compliance with environmental review determinations.
 12. In the event a project is funded by another state or federal agency, the DWSRF may defer to another program's review of the environmental impacts. The following hierarchy applies *generally* for DWSRF funded loans, lowest level of review to highest:
 - a. United States Department of Agriculture- Rural Development (USDA-RD)
 - b. DWSRF
 - c. Clean Water State Revolving Fund (CWSRF)
 - d. Agency of Commerce and Community Development (ACCD), Community Development Block Grant (CDBG), Housing and Urban Development (HUD)
 - e. Vermont Agency of Transportation (AOT, VTrans)
- I. Class Review of Certain Types of Construction in Floodplains
- A. A streamlined floodplain review process may be used for certain types of construction based on a class review. Pages 21-23 of the FEMA document, *Further Advice on Executive Order 11988*, outlines the types of activities which may be included in a class review. Many DWSRF construction projects impacting floodplains meet the criteria outlined for a class review. Project activities listed in the paragraph below when implemented in accordance with the provisions of Paragraph C below satisfy the requirements for compliance with Executive Order 11988.

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B. Actions included in the Class Review:

Construction of the following types of facilities in floodplains will normally utilize the eight-step process in the Water Resource Council's Floodplain Management Guidelines (see page 4 of the FEMA document, *Further Advice on Executive Order 11988*). There may be unusual circumstances where an action described below will require an environmental assessment. Any action which supports additional floodplain development requires an environmental assessment.

- (a) Water mains and appurtenances constructed for transmission of water which do not serve areas located in floodplains or impact floodplain development
- (b) Utility lines (telephone, electric, etc.) and appurtenances which are necessary for the operation and maintenance of water supply facilities located in floodplains
- (c) Wells and appurtenances used for domestic water supply systems
- (d) Water intakes, appurtenances for domestic water supply
- (e) Small water pumping stations which require above grade structures of 50 square feet or less
- (f) Modifications and improvements to existing water supply facilities which serve existing homes and communities located in floodplains which do not provide increased system capacity that would support additional floodplain development

C. Compliance Criteria for Class Actions:

All activities which are described above must be implemented in accordance with the following criteria. Actions which do not comply with these criteria must be analyzed in accordance with the eight-step process.

- (a) Determine if the action occurs in the floodplain and document the determination that the action is covered by the class action.
- (b) There is no practicable alternative to siting in the floodplain.
- (c) All practical measures will be taken during implementation to minimize any adverse impacts to natural and beneficial floodplain values.
- (d) All facilities will be designed and constructed to withstand flooding with minimum damage.
- (e) All activities will adhere to the minimum standards of the National Flood Insurance Program and will comply with local floodplain management regulations. In accordance with these minimum standards, proposed actions will be evaluated to ensure that development (1) will not significantly increase 100-year flood elevations, and (2) will not involve placement of fill or other flow obstructions in the floodway portion of the floodplain unless compensatory adjustments are also included.
- (f) Existing vegetation (ground cover and canopy) will be left in place and undisturbed

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to the maximum extent practicable.

- (g) Best management practices will be used as a minimum to control surface water runoff and erosion. Disturbed areas will be reseeded as soon as possible with species adapted to existing conditions.
- (h) Dredge spoils will be disposed of properly in accordance with local, State and Federal regulations at an inland site outside identified floodways.
- (i) Riprap, as opposed to soil, will be utilized as fill material below the maximum normal pool elevation. Prior to crossing areas harboring threatened or endangered species, or areas specifically identified as "sensitive", biologists will be contacted and will assist in the determination of mitigative measures necessary to negate or minimize impacts to these areas.

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