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National Environmental Policy Act (NEPA)

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Submitting Environmental Impact Statements

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Amended EIS Filing System Guidelines (January 2011)

EPA amended the EIS Filing System Guidelines on January 11, 2011. Highlights include:

- EPA will now only require four copies of each EIS to be filed

- At least one copy of the entire EIS must be a paper copy; other copies can be on appropriate electronic storage devices - e.g., compact disks (CDs), USB flash drives, or memory cards

- EPA is encouraging agencies to publish their EISs online, and provide EPA with the web address via e-mail to EIS-Filing@epa.gov

- Procedures for how to submit EISs should EPA activate a Continuity of Operations Plan (COOP) (e.g., in response to an event that makes it impossible for EPA employees to work in their regular facility)

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Where to Submit (or "File") an EIS

Deliveries by US Postal Service (incl. USPS Express Mail)

US Environmental Protection Agency
Office of Federal Activities
EIS Filing Section
Mail Code 2252-A
Ariel Rios Building (South Oval Lobby)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Deliveries in-person or by commercial express mail services (incl. Federal Express or UPS)

If the documents are to be delivered in-person, you will need to ask the security guards to phone our office at (202) 564-5400 so we can escort you to the Filing Section.

US Environmental Protection Agency
Office of Federal Activities
EIS Filing Section
Ariel Rios Building (South Oval Lobby), Room 7220
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Telephone inquiries can also be made to:

- Dawn Roberts: (202) 564-7146
- Pearl Young: (202) 564-1399

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Filing an EIS--Draft, Final and Supplemental

Federal agencies are required to prepare EISs in accordance with Section 1502 of the Regulations (40 CFR 1502) and to file the EISs with EPA as specified in 1506.9. The EISs must be filed no earlier than they are transmitted to commenting agencies and made available to the public.

If an EIS is hand-carried to EPA, the person delivering the document must complete a form stating that transmittal to all agencies is being made simultaneously with the filing with EPA. This will assure that the EIS is received by all interested parties by the time the EPA Notice of Availability appears in the *Federal Register*, and therefore allows for the full minimum review periods prescribed in 1506.10.

Federal agencies file an EIS by providing EPA with four (4) copies, including appendices. In addition to the four copies of the EIS that are filed with EPA Headquarters, agencies should provide a copy of the EIS directly to the appropriate EPA Regional Office(s) for review and comment. Material which is incorporated into the EIS by reference is not required to be filed with EPA. The agency filing the EIS (usually the lead agency if more than one is involved) should prepare a letter of transmittal to accompany the four copies of the EIS. The letter should identify the name and telephone number of the official responsible for both the distribution and contents of the EIS, should state that the transmittal has been completed.

EPA encourages Federal agencies to make their EISs available on the internet. Agencies that do publish EISs to the internet should send EPA a copy of the web address (i.e., URL) for the document. The appropriate information should be e-mailed to: EIS-Filing@epa.gov concurrent with filing the EIS as required above.

Once received by EPA, each EIS is stamped with an official filing date and checked for completeness and compliance with 1502.10 of the CEQ Regulations. If the EIS is not “complete” (i.e., if the documents do not contain those elements outlined in 1502.10 of the CEQ Regulations), EPA will contact the lead agency to obtain the omitted information or to resolve any problems prior to publication of the Notice of Availability in the *Federal Register*.

Agencies often publish (either in their EISs or individual notices to the public) a date by which all comments on an EIS are to be received. Agencies should ensure that the date they use is based on the date of publication of the Notice of Availability in the *Federal Register*. If the published date gives reviewers less than the minimum review time computed by EPA, then EPA will send the agency contact a letter explaining how the review period is calculated and the correct date by which comments are due back to the lead agency. This letter also encourages agencies to notify all reviewers and interested parties of the corrected review periods.

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EIS Filing Procedure for Continuity of Operations Plan (COOP) Events

In order to ensure official filing of EISs in the event of a COOP event, when EISs cannot be physically delivered to EPA, Federal agencies will need to send EPA a copy of the EIS cover sheet to the e-mail address identified above. In turn, EPA will use the cover sheet information to publish the weekly EIS NOA in the *Federal Register*.

During the COOP event, filing agencies should not submit the four copies of the EIS to the EPA. However, once the COOP event is over, filing agencies will have 14 days to submit the four copies of all EISs filed during the event to the EPA's Filing Section. If EPA does not receive the four copies of the EIS filed during the COOP event within 14 days, it will publish a notice in the *Federal Register* retracting the NOA for that EIS.

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Notice in the Federal Register

EPA will prepare a weekly report of all EISs filed during the preceding week for publication each Friday under a Notice of Availability in the *Federal Register*. At the time EPA sends its weekly report for publication in the *Federal Register*, the report will also be sent to the CEQ. Information included in the report for each EIS is the same as the data entered in EPA's computerized data file. This includes an EIS Accession number (created by EPA), EIS status (draft, final, supplemental), date filed with EPA, the agency or bureau that filed the EIS, the state and county of the action that prompted the EIS, the title of the EIS, the date comments are due and the agency contact.

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Time Periods

The minimum time periods set forth 1506.10(b),(c), and (d) are calculated from the date EPA publishes the Notice of Availability in the *Federal Register*. Review periods for draft EISs, draft supplements, and revised draft EISs shall extend 45 calendar days unless the lead agency extends the prescribed period or a reduction of the period has been granted. The review periods for final EISs and final supplements shall extend for 30 calendar days unless the lead agency extends the period or a reduction or extension in the period has been granted. If a calculated time period would end on a non-working day, the assigned time period will be the next working day (i.e., time periods will not end on weekends or Federal holidays).

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