

Savannah Harbor Expansion Project: EPA's Perspective

Jamie Higgins
NEPA Program Office
USEPA Region 4

EPA's Sec 309 of CAA Review

Section 309 of CAA Review:

- **Required to review all Draft and Final EISs to determine adequacy of the EIS and provide technical comments**
- **20+ federal agencies and regionally over 50 EISs reviewed per year**

EPA NEPA Rating System

- **Environmental Impact**
 - Lack of Objections (LO)
 - Environmental Concerns (EC)
 - Environmental Objections (EO)
 - Environmentally Unsatisfactory (EU)
- **Adequacy of Information**
 - Adequate (1)
 - Insufficient (2)
 - Inadequate (3)
- **“EU” or any “3” rating makes project a candidate for referral to CEQ**

EPA's Sec 309 of CAA Review

Cooperating Agency:

- **Occasionally participate as a “Cooperating Agency”**
- **Cooperating Agency** is federal, state, tribal or local agency having special expertise with respect to an environmental issue or jurisdiction by law may be a cooperating agency. A cooperating agency provides technical assistance (as resources allow) in the agencies' special expertise
- Status as a cooperating agency has no effect on our authorities under Section 102(2)(C) of the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act and Clean Water Act (CWA).
- Role as a cooperating agency does not imply that EPA will necessarily concur with all aspects of the EIS

EPA's Sec 309 of CAA Review vs Sec 203 of 1999 Water Resources Development Act (WRDA)

1999 WRDA:

Section 101(b)(9)(B):

CONDITIONS.—The project authorized by subparagraph (A) may be carried out only after

*(i) the Secretary, in consultation with affected Federal, State of Georgia, State of South Carolina, regional, and local entities, reviews and **approves an environmental impact statement for the project** that includes—*

(I) an analysis of the impacts of project depth alternatives ranging from 42 feet through 48 feet; and

(II) a selected plan for navigation and an associated mitigation plan as required under section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)); and

*(ii) **the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the Secretary approve the selected plan and determine that the associated mitigation plan adequately addresses the potential environmental impacts of the project.***

EPA Comment Ltr

DEIS

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EPA Comment Ltr

FEIS

EPA Cond Approval

WRDA
Approval Ltr

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EPA Review

Chiefs Rpt

EPA Review

ROD

EPA's WRDA Approval Letter

- EPA reviewed and provided language to the Draft ROD and Draft Chief's Report prior to EPA's Approval Letter
- EPA issued a letter approving the project and mitigation plan on the condition that there be no major changes to the environmental commitments in the ROD/Chief's Report

EPA Concerns Related to SHEP

- Water Quality (DO and Salinity)
- Wetlands (direct and indirect impacts)
- Air Quality/Children's Health
- Environmental Justice (EJ)

Integration of Commitments in Chief's Report and Record of Decision (ROD)

ROD

- ROD follows the Final EIS and is the Federal Agency's official decision document
- Closes out the NEPA process and is legally binding
- Corps outlined mitigation commitments in ROD
- Corps emphasized on-going monitoring and adaptive management (post construction)

Integration of Commitments in Chief's Report and Record of Decision (ROD)

Chief's Report:

- The Corps Chief of Engineer's (Chief's) Report is the document given to Congress that is used in Congressional authorization legislation
- Ensures Corps is authorized for future funding of construction of the project
- For SHEP, environmental commitments were included in the Chief's Report to ensure authorization for funding for mitigation and 10 years post-construction of monitoring

Conditions in Chief's Report

- **Wetlands**
 - Resolution - Monitoring and Adaptive Management
- **Water Quality / DO**
 - Resolution - DO system implementation, monitoring, adaptive management
- **Dredge Material Disposal Issues**
 - Resolution – Commitment to timeframe for completion of the MPRSA 103 Process
- **Air Quality / EJ / Children's Health**
 - Resolution – GPA commitment to conduct port air study, commitment to reduce air emissions and establish a community advisory group
- **Financial Assurance Monitoring/Adaptive Management:**
 - Resolution - GPA agreed to set aside funds in escrow account to cover **costs of monitoring/adaptive management**

Innovative Process Improvement

- Precedent setting in that both ROD and now Chief's Report reflect adaptive management and post construction monitoring
- Set the stage for other Corps port deepening projects to develop comprehensive Monitoring and Adaptive Management Plan (Jacksonville Harbor and Charleston Harbor)
- Resource agencies now given an opportunity to review Draft Chief's Report when Final EIS is released

Post NEPA

- Provided for continued resource agency engagement (post NEPA) (including annual meetings, reporting requirements, adaptive management feedback loop)
- Unique for EPA to continue engagement post NEPA. EPA committed to continued staff time and travel resources to remain engaged in monitoring and adaptive management efforts

Questions

