

PNNL Review of Federal and State Agency Regulatory Streamlining Practices

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Summary

The National Environmental Policy Act requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions. These proposed actions may also require consultations with various federal agencies and collaborators. These requirements have led federal agencies to develop and implement innovative streamlining processes to meet these obligations. This paper includes examples of these streamlined processes:

- the creative use of categorical exclusions (exclusions from performing an environmental review)
- the effective use of programmatic environmental reviews (broad or high-level reviews that can be utilized for subsequent related actions)
- delegating early, informal consultation authority to an applicant or forgoing the consultation (under certain conditions).

In addition, this paper includes examples of highly efficient and effective web portals and online databases or tools that were developed by federal and state agencies to streamline application submittals and facilitate communication between the applicant, other regulatory agencies, and other stakeholders.

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Acronyms and Abbreviations

3-PC	FERC Third-Party Contracting
ACHP	Advisory Council on Historic Preservation
CE	categorical exclusion
CEQ	Council of Environmental Quality
CFR	Code of Federal Regulations
CITAP	Coordinated Interagency Transmission Authorization and Permits
CWA	Clean Water Act
DOE	U.S. Department of Energy
DOT	U.S. Department of Transportation
EA	environmental assessment
EIS	environmental impact statement
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act of 1973, as amended
FCC	Federal Communications Commission
FERC	Federal Energy Regulatory Commission
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
FWS	U.S. Fish and Wildlife Service
HUD	U.S. Housing and Urban Development
IJA	Infrastructure Investment and Jobs Act
MDE	Maryland Department of the Environment
MOU	memoranda of understanding
NCSHPO	National Conference of State Historic Preservation Officers
NEPA	National Environmental Policy Act
NeT	NPDES eReporting Tool
NHPA	National Historic Preservation Act of 1966
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
NTIA	National Telecommunications and Information Administration
PA DEP	Pennsylvania Department of Environmental Protection
PEA	programmatic environmental assessment
SHPO	State Historic Preservation Officer
TCNS	Tower Construction Notification System
THPO	Tribal Historic Preservation Officer
USACE	U.S. Army Corps of Engineers
WIFIA	Water Infrastructure Finance and Innovation Act

1.0 Introduction

All major federal actions with the potential to significantly affect the environment (e.g., land purchases and/or issuing grants, permits, leases, or licenses) are subject to multiple statutes including, but not limited to, the following:

- an environmental analysis under the National Environmental Policy Act (NEPA)
- potential consultations with the U.S. Fish and Wildlife Service (FWS) and/or National Marine Fisheries Service (NMFS) under the Endangered Species Act of 1973, as amended (ESA)
- potential consultations with state historical preservation officers (SHPOs) and/or tribal nations [often tribal historic preservation officers (THPOs)] under the National Historic Preservation Act of 1966 (NHPA)

Given the size of the federal government and the corresponding variability and complexity in its missions, different branches within the federal government have a fairly wide range of approaches to fulfill their NEPA and consultation requirements. Many of these approaches are founded on an agency's desire to streamline its NEPA and consultation processes while meeting the spirit and the letter of the laws and regulations.

To increase the efficiency of their permitting process and to provide for greater transparency, some federal and state environmental or engineering agencies have developed web-based dashboards that provide a single web location for permit application submittals. Recently, the Council on Environmental Quality (CEQ) released *Report to Congress on the Potential for Online and Digital Technologies to Address Delays in Reviews and Improve Public Accessibility and Transparency under 42 U.S.C. 4332(2)(C)* ([CEQ 2024¹](#)). CEQ's report summarizes their research and analysis of opportunities to improve the NEPA process through the use of web-based technology and includes recommendations for potential technology development that could support NEPA reviews and environmental permitting for Federal agencies. Section 3 of this paper discusses two of the examples covered in CEQ's report to Congress.

Another streamlining tool used by both federal and state environmental regulatory agencies is the use of general permits. General permits can streamline the permitting process by establishing identical requirements for all eligible applicants. This reduces the time these agencies need to spend reviewing individual permits and setting specific requirements. In addition, general permits do not require a case-specific permit application.

This paper presents a sampling of effective agency examples of streamlining the NEPA process and associated agency consultations. It also includes several examples of federal and state agency web portals, online application systems, and general permits that make application processes more efficient and accessible. These agency examples were selected because they demonstrate innovative implementations of streamlined processes and web portal use.

¹ Council on Environmental Quality. 2024. "Report to Congress on the Potential for Online and Digital Technologies to Address Delays in Reviews and Improve Public Accessibility and Transparency under 42 U.S.C. 4332(2)(C)". Released July 17, 2024

2.0 National Environmental Policy Act and Consultation-Specific Discussion

The following discussion presents several federal agencies' efforts related to streamlining their NEPA and related consultation processes.

2.1 Department of Commerce (NTIA)

The National Telecommunications and Information Administration (NTIA), located within the Department of Commerce, is the executive branch agency that is principally responsible by law for advising the President on telecommunications and information policy issues. NTIA's programs and policymaking focus largely on expanding broadband internet access and adoption in the United States, expanding the use of spectrum (i.e., the range of frequencies available for wireless communication) by all users, and ensuring that the internet remains an engine for continued innovation and economic growth.

On November 15, 2021, President Biden signed the Infrastructure Investment and Jobs Act (IIJA) which included \$65 billion in funding focused on providing broadband access to the entire United States. Of the \$65 billion provided for broadband in the IIJA, \$48.2 billion will be administered by NTIA. To facilitate NTIA's compliance with the IIJA and because of the critical need to expand and secure broadband access across the United States, NTIA has implemented processes that accelerate effective use of its appropriated funding while ensuring compliance with all relevant authorities, including NEPA.

2.1.1 Agency Streamlining Techniques

- In March 2024, at NTIA's request, the Advisory Council on Historic Preservation (ACHP) amended an existing 2017 Program Comment.¹ As a result, federally funded broadband projects may not require standard Section 106 review if a proposed project area meets certain criteria (see Section 2.1.5).
- In April 2024, NTIA established 30 new categorical exclusions (CEs) to NEPA reviews for broadband infrastructure deployments funded by the Internet for All programs. NTIA also adopted six additional CEs from the First Responder Network Authority, an independent agency within NTIA that constitutes the nation's communication network for first responders.
- NTIA or an applicant can prepare either an environmental assessment (EA) or environmental impact statement (EIS) if the proposed action does not meet any of the CE criteria. If the applicant is preparing the environmental document:
 - For EAs, grant recipients develop the EA in coordination with NTIA—approximately 6 to 12 months to develop and deliver the EA to NTIA. NTIA reviews the draft and final documents for technical and legal sufficiency, publishes the final document for public comment, and, if determined by the review, develops a Finding of No Significant Impact (FONSI).
 - For EISs, grant recipients develop the EIS in coordination with NTIA—approximately 12 to 24 months to develop and deliver the EIS to NTIA. Extensive public involvement requirements apply during the EIS-development phase. NTIA reviews for technical and

¹ ACHP Program Comments provide an alternative way for federal agencies to comply with Section 106 of the NHPA [36 CFR § 800.14(e)]

legal sufficiency, publishes draft documents for comment, publish final documents, and develops a Record of Decision once the final EIS public comment period concludes.

- NTIA encourages, but does not require, grant recipients to undertake informal consultations with FWS and NMFS.
- NTIA has developed the Permitting and Environmental Information Application, a publicly available GIS screening tool that enables project proponents to identify permit requirements and potentially sensitive environmental resources early in project planning. The tool helps grantees design projects that will qualify for CEs and assists grantees to identify and initiate permit applications at the earliest possible stage.

2.1.2 Location of NEPA Regulations

The NTIA does not currently have its own set of NEPA regulations. Guidance on NTIA NEPA Compliance (see Section 2.1.6, Annotated Links) provides a list of statutes and regulations, Executive Orders, and CEQ guidance that should be considered during the development of a NEPA review.

2.1.3 Approach to NEPA

NTIA activities are planned, developed, and implemented to achieve their purpose and need, and to follow the procedures outlined by NEPA, the CEQ regulations, and other related authorities to help ensure responsible stewardship of the environment for present and future generations.

In April 2024, the NTIA published a Notice that it will follow the First Responder Network Authority's (FirstNet Authority) NEPA procedures on an interim basis, with modifications to account for NTIA's internal organization and establish 30 new CEs in compliance with NEPA, CEQ regulations, and other related authorities (see NTIA – National Environmental Policy Act Procedures and Categorical Exclusions, Section 2.1.6).

Also in April 2024, NTIA published its Guidance on NTIA National Environmental Policy Act Compliance.

Typical NTIA-related projects that require either an EA or EIS include the following:

- colocation, modification, or new construction of broadband related towers
- replacing existing or installing new utility poles
- installation and/or colocation of aerial, underground, or submarine cables
- construction of telecommunication regeneration facilities

2.1.4 Who Conducts the Review (applicant, agency, or both)?

The NTIA's NEPA process is led by the agency, in coordination with, as applicable, a joint lead agency, cooperating agencies, or an applicant, and includes: 1) identifying and scoping issues related to the proposed action; 2) determining the necessary steps for NEPA compliance and preparing environmental documents; and 3) making decisions based on understanding the environmental consequences of the proposed action.

NTIA works with applicants to begin the NEPA process at the earliest possible stage. NTIA does not require applicants to develop a full NEPA analysis prior to award. If an applicant voluntarily elects to submit a complete environmental analysis pre-award, NTIA will review this information to ascertain if a NEPA decision is possible at the time of grant award.

To the fullest extent possible, NTIA, in coordination with an applicant, shall prepare NEPA documents concurrently and integrated with environmental analyses and related surveys and studies required by relevant environmental statutes.

2.1.5 Who Conducts and Who Leads Consultations (applicant, agency, or both)?

NTIA consults with appropriate state, tribal, territorial, and local governments, and other relevant organizations on environmental impacts of, and alternatives to, a proposed action when necessary and may appoint a state, tribal, or local agency as joint lead agency.

NTIA encourages, but does not require, grant recipients to undertake informal consultations with the FWS, NMFS, and SHPO/THPOs. Informal consultation is a process designed to help NTIA and the grant recipient determine whether formal consultation is needed. The grant recipient can initiate informal consultation by reaching out to the FWS and the NMFS about its project and is free to do so, keeping NTIA in the loop and maintaining all documentation for the administrative record.

If the grant recipient and NTIA determine that the action is likely to adversely affect listed species, then NTIA must request initiation of formal consultation. Formal consultation is a mandatory process for proposed projects that may adversely affect listed species, is initiated in writing by NTIA, and concludes with the issuance of a biological opinion by the FWS, the NMFS, or both.

NHPA

In 2017, the ACHP issued a Program Comment for Communications Projects on federal lands and property. ACHP Program Comments provide an alternative way for federal agencies to comply with Section 106 of the NHPA [36 CFR § 800.14(e)]. The 2017 Program Comment was made at the request of the U.S. Department of Homeland Security to accelerate the review of communication projects, particularly broadband deployment, under Section 106 of the NHPA.

In 2024, at NTIA's request, the ACHP amended the Program Comment to expand its availability to any federal agency and establish the streamlined Section 106 review standard for all broadband projects in all states and territories—both on and off federal lands.

The purpose of the amendment is to assist federal agencies in efficiently permitting and approving the deployment of wired and wireless next generation technologies of communications infrastructure, including 5G, to connect all communities with reliable, high-speed internet.

As a result, Internet for All funded projects may not require standard Section 106 review if a proposed project area meets any of the following conditions:

- has been previously surveyed and found not to contain historic properties
- has been previously disturbed to the extent and depth where the probability of finding intact historic and cultural properties is low
- is not considered to have a high probability for historic and cultural properties by qualified professionals
- meets certain existing conditional exemptions contained in the 2017 Program Comment

2.1.6 Annotated Links

[Guidance on NTIA NEPA Compliance April 2024](#)

- NTIA’s interim NEPA guidance.

[Amendment to the Program Comment for Communications Projects – 3/13/2024](#)

- ACHP’s March 2024 Amendment to the Program Comment for Communications Projects on Federal Lands and Property.

[NTIA – National Environmental Policy Act Procedures and Categorical Exclusions](#)

- Federal Register Notice that contains information on interim NEPA procedures, and final categorical exclusions and extraordinary circumstances.

[Internet for All – Planning and Implementation](#)

- A three-slide presentation that contains information Planning and Implementation, Environmental Compliance, and Levels of NEPA Review.

2.2 U. S. Environmental Protection Agency (EPA)

The U.S. Environmental Protection Agency (EPA) is an independent agency of the federal government tasked with environmental protection matters. The agency conducts environmental assessment, research, and education. It has the responsibility of maintaining and enforcing national standards under a variety of environmental laws, in consultation with state, tribal, and local governments. EPA enforcement powers include fines, sanctions, and other measures. The EPA delegates some permitting, monitoring, and enforcement responsibility to U.S. states and federally recognized tribes. The agency also works with industries and all levels of government in various voluntary pollution-prevention programs and energy-conservation efforts. The discussion and streamlining examples provided below primarily focus on the EPA’s issuance of credit assistance under the Water Infrastructure Finance and Innovation Act of 2014 (WIFIA).

2.2.1 Agency Streamlining Techniques

- EPA prepared a programmatic EA (PEA) in 2018 to analyze the potential environmental impacts related to the issuance of credit assistance WIFIA. The PEA is an innovative approach to environmental review covering a group of projects that are similar in scope, scale, and magnitude, and that have similar types of impacts, rather than a singular project. The PEA provides a streamlined NEPA compliance path for water and wastewater infrastructure projects with the use of an environmental questionnaire. Projects covered under the PEA do not require an additional public notification or public comment period.
- Credit assistance projects qualify for coverage under this PEA when:
 - the impacts from the projects are within the scope of those considered in the “Affected Environment and Environmental Consequences” (Section 4) segment of the PEA
 - proper supporting documentation is provided
 - a memorandum to the record is developed by EPA using the Questionnaires for WIFIA Credit Assistance in Appendices A or B (as applicable) of the PEA

2.2.2 Location of NEPA Regulations

Title 40 of the Code of Federal Regulations (CFR) Part 6, Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions, adopts the CEQ implementing Regulations at 40 CFR Parts 1500 through 1508. Subparts A through C of Part 6 supplement CEQ's regulations for actions proposed by EPA that are subject to NEPA requirements.

2.2.3 Approach to NEPA

EPA is required to comply with the requirements of NEPA for the following activities:

- certain research and development activities
- EPA facility construction
- Title II wastewater treatment construction grants under Section 201 of the Clean Water Act (CWA)
- water and wastewater infrastructure projects funded under WIFIA
- EPA-issued National Pollutant Discharge Elimination System permits for "new sources" as defined in Section 306 of the CWA
- certain projects funded through EPA annual appropriations acts

EPA is exempt from NEPA requirements for other EPA actions under the CWA and for all EPA actions under the Clean Air Act.

2.2.4 Who Conducts the Review (applicant, agency, or both)?

Compliance with NEPA and other federal laws and regulations is not a prerequisite for submitting a letter of interest, being invited to apply, or applying for a WIFIA loan. The WIFIA program reviews projects for compliance with federal requirements once applicants have submitted an application. EPA will not close a loan and obligate funds for a project prior to completing the NEPA review.

EPA delegates the initial assessment of WIFIA projects to funding applicants. The WIFIA application procedures include checklists to determine the applicability of CEs or the PEA. EPA reviews the application and questionnaire to determine whether a CE or PEA may be relied on or whether it will need to develop an EIS for the proposed action.

2.2.5 Who Conducts and Who Leads Consultations (applicant, agency, or both)?

WIFIA funding applicants conduct initial, informal consultations with the FWS and/or NMFS, state resource agencies, and SHPO/THPOs and notify EPA of their findings as part of the application. If these informal consultations result in potential adverse effect findings, then the EPA initiates and leads formal consultation proceedings.

2.2.6 Annotated Links

[Water Infrastructure Finance and Innovation Act \(WIFIA\)](#)

- WIFIA program home page.

Programmatic Environmental Assessment for the WIFIA Program

- WIFIA PEA and questionnaires.

WIFIA Federal Compliance Requirements

- Federal compliance obligations for projects receiving WIFIA credit assistance (including NEPA, NHPA, and ESA).

WIFIA Closed Loans

- Table listing completed WIFIA funding actions, including identification of NEPA compliance option exercised (i.e., CE, PEA, or EIS/Record of Decision) and links to applicable documentation.

2.3 Federal Communication Commission (FCC)

The Federal Communications Commission (FCC) regulates interstate and international communications by radio, television, wire, satellite, and cable in all 50 states, the District of Columbia, and U.S. territories. These duties include regulating the construction of new towers or collocating antennae on existing structures, which requires compliance with the FCC's rules for environmental review.

Agency actions that may have a significant environmental impact are subject to environmental processing requirements. The FCC's rules streamline environmental processing—by reducing unnecessary paperwork and burdens upon the administration and the public—and ensure that environmental considerations are given appropriate consideration in its decision-making.

2.3.1 Agency Streamlining Techniques

- Applicants perform the initial assessment of the applicability of a CE and/or the preparation of an EA.
- In the event an FCC-produced EIS was developed; the applicant has the responsibility to provide the public and local governments with notice of the availability of environmental documents and the scheduling of any FCC hearings in the proposed action.
- All FCC licensees, applicants, tower companies, and their representatives have a blanket designation and are authorized to contact and work with the FWS.
- FCC licensees and applicants are delegated the responsibility for initiating the Section 106 review process for proposed facilities, providing notice to the public and state, tribal, and local governments, identifying and evaluating historic properties, and assessing effects.
- The FCC has entered into two nationwide programmatic agreements with the ACHP and the National Conference of State Historic Preservation Officers (NCSHPO). The nationwide programmatic agreements exclude certain proposed facilities from Section 106 review.
- The FCC maintains two databases, the E-106 System and the Tower Construction Notification System (TCNS), to facilitate communications with tribal nations, Native Hawaiian Organizations (NHOs), and SHPOs (see Section 2.3.6, Annotated Links).

2.3.2 Location of NEPA Regulations

47 CFR Part 1 – Practice and Procedure §§ 1.1301-1.1320.

2.3.3 Approach to NEPA

FCC regulations specify that Commission actions relative to the following facility types and authorizations may significantly affect the environment and thus require preparation of an EA, and if necessary, an EIS (47 CFR § 1.1307):

- facilities that are to be located in an officially designated wilderness area or wildlife preserve
- facilities that may affect listed or proposed threatened or endangered species or designated critical habitats
- facilities that may affect resources that are listed, or are eligible for listing, in the National Register of Historic Places
- facilities that may affect Indian religious sites
- facilities to be located in floodplains, if the facilities will not be placed at least one foot above the base flood elevation of the floodplain
- facilities whose construction will involve significant change in surface features (e.g., wetland fill, deforestation or water diversion)
- antenna towers and/or supporting structures that are to be equipped with high intensity white lights which are to be located in residential neighborhoods, as defined by the applicable zoning law
- authorizations for radiofrequency sources that would cause human exposure levels to radiofrequency radiation in excess of the limits in FCC regulations

If any element of a proposed project—including the tower, fence, trenching, roads, parking, power and fiber connections and their operation and maintenance—falls into any of the categories listed above, the applicant is required to file an EA which discloses those environmental effects. If the applicant determines that it is not required to submit an EA (i.e., its action does not fall into any of the categories listed above, rather its action is categorically excluded), the applicant is required to retain the supporting documentation such that it can be produced upon request from the FCC. Despite the presumption of actions being categorically excluded, the FCC retains the option of ordering additional environmental review of facilities beyond those listed above, or upon consideration of public comments.

2.3.4 Who Conducts the Review (applicant, agency, or both)?

The FCC delegates the initial assessment of CEs (and certification to that effect if required) and preparation of EAs to licensees and applicants and/or tower owners. The environmental analysis in the EA includes NEPA-related analysis as well as compliance with ESA and NHPA.

If the applicant's EA indicates that the proposed action will have a significant effect upon the environment, the FCC develops an EIS for the proposed action.

2.3.5 Who Conducts and Who Leads Consultations (applicant, agency, or both)?

The role the FCC plays in the consultations process differs, depending on which specific regulations is under consideration. The FCC consultation process does allow its applicants to

conduct informal environmentally related consultations. However, the FCC does not relinquish its responsibilities with respect to formal environmental consultations.

ESA

All FCC licensees, applicants, tower companies, and their representatives have a blanket designation and are authorized to contact and work with the FWS as non-federal representatives of the FCC for purposes of informal consultation with the FWS.

If a qualified biologist or the FWS determines that the proposed facility "may affect, likely adversely affect" protected species or habitats, the applicant must prepare a biological assessment and submit it to the FCC, and the FCC will then request formal consultation with the FWS.

NHPA

FCC licensees and applicants are delegated the responsibility for initiating the Section 106 review process for proposed facilities, providing notice to the public and local government, identifying and evaluating historic properties, and assessing effects.

This process includes consultation with the appropriate SHPOs and THPOs for projects proposed on tribal lands, as well as notification to tribal nations that have expressed an interest in reviewing projects proposed in their designated areas of interest. The FCC maintains two databases, the E-106 System and the TCNS, to facilitate communications.

The TCNS allows companies to voluntarily submit notifications of proposed tower constructions to the FCC. The FCC subsequently provides this information to federally recognized tribal nations (and THPOs), Native Hawaiian Organizations (NHOs), and SHPOs, and allows them to respond directly to the companies if they have concerns about a proposed construction.

The E-106 System enables the real-time referral of information and documented communication among all participating parties, including the FCC. Using the E-106 System, parties proposing to construct communications facilities can electronically submit the FCC Form 620 or 621 (Submission Packet) to the SHPO/THPOs using a secure website maintained by the FCC. Applicants submit a completed form to the E-106 System which notifies federally recognized tribes that the relevant materials are ready for review and tracks the 30-day period that is ordinarily considered reasonable time for review. E-106 is a voluntary system designed to save users time and resources by automating and expediting the exchange of information and correspondence in the Section 106 process.

The FCC remains responsible to participate in a review when a historic property may be adversely affected and to consult with tribal nations requesting government-to-government consultation.

2.3.6 Annotated Links

[FCC Tower and Antenna Siting – NEPA and consultations](#)

- FCC website with guidance on NEPA and consultation processes and compliance.

[Rules and Regulations for Title 47](#)

- 47 CFR Part 1 – Practice and Procedure §§ 1.1305-1.1320.

[FCC Tower Construction Notifications – TCNS and E-106](#)

- Information on submittals to the TCNS and E-106 systems.

[Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the FCC](#)

- Programmatic Agreement between FCC and ACHP and the NCSHPO.

[Environmental Notification Process for the Registration of Antenna Structures – Overview](#)

- An overview with links that provides information on the environmental notification process for the registration of antenna structures.

2.4 Federal Energy Regulatory Commission (FERC)

The Federal Energy Regulatory Commission (FERC) is an independent agency that regulates the interstate transmission of electricity, natural gas, and oil. FERC also reviews proposals to build liquefied natural gas terminals and interstate natural gas pipelines as well as licensing hydropower projects.

FERC has two pre-filing application consultations processes: Traditional Applications and the NEPA Pre-Filing Process. The NEPA Pre-Filing Process is used as a mechanism to identify and resolve environmental and consultation issues at the earliest stages of project development by involving the participating agencies and the public earlier in the process.

2.4.1 Agency Streamlining Techniques

- FERC has a voluntary third-party contracting (3-PC) program option. The 3-PC program involves the use of independent contractors to assist FERC staff in its environmental review and preparation of environmental documents. A third-party contractor is selected by, and works under the direct supervision and control of, FERC staff, and is paid for by the applicant.
- In lieu of 3-PC, FERC has an option for applicants proposing natural gas or hydropower projects of small to moderate size, as well as license amendments to consider using an applicant-prepared draft EA (i.e., Alternate Licensing Process).
- FERC has an interagency agreement with nine federal government agencies including the ACHP and NMFS for early cooperation, coordination, and participation to meet its environmental and historic preservation review responsibilities (see below).
- In conjunction with the interagency agreement, FERC developed a NEPA Pre-Filing Process as a mechanism to identify and resolve issues at the earliest stages of project development by involving the participating agencies and the public earlier in the process.

2.4.2 Location of NEPA Regulations

18 CFR Part 380

2.4.3 Approach to NEPA

FERC developed the NEPA Pre-Filing Process as a mechanism to identify and resolve issues at the earliest stages of project development by involving the participating agencies and the public earlier in the process. FERC's NEPA Pre-Filing Process is a collaborative course of action

among landowners, government agencies, other interested stakeholders, and FERC to identify and address concerns and issues related to a project before the application is filed. While this process is voluntary (i.e., available at the request of the project proponent), it is subject to FERC's approval.

FERC also entered into an interagency agreement for early cooperation, coordination, and participation to meet its environmental and historic preservation review responsibilities for authorizing the construction and operation of interstate natural gas pipeline projects. In addition to FERC, nine other agencies are signatories:

- Department of Army, U.S. Army Corps of Engineers
- Department of Agriculture, USDA Forest Service
- Department of Interior, Bureau of Land Management, Land and Minerals Management and Minerals Management Service
- Department of Commerce, NMFS
- U.S. Department of Transportation (DOT), Research and Special Programs Administration – Pipeline Safety
- Department of Energy
- ACHP
- CEQ
- EPA, Office of Federal Activities, NEPA Compliance Division

FERC identified roughly 36 different CEs in its regulations (18 CFR § 380.4). Typical FERC-regulated projects that require either an EA or EIS include the following:

- projects related to liquefaction (storage of gas)
- pipelines used for the transport of oil (including gasoline) and natural gas
- projects related to hydropower
- restoration of activities previously approved by FERC

2.4.4 Who Conducts the Review (applicant, agency, or both)?

FERC's Office of Energy Projects prepares environmental documents for hydroelectric projects, natural gas facilities, and electric transmission facilities requiring an approval/permit from FERC.

FERC has a voluntary (3-PC) program option. This option enables applicants seeking certificates for natural gas facilities and licenses for hydropower projects to fund a third-party contractor to assist FERC staff in reviewing the environmental aspects of applications and preparing either an EA or EIS, depending upon the potential project impacts. Requests for proposals are developed by the applicant, under FERC guidance, and the review of the proposals and selection of the third-party contractor is conducted by FERC.

The 3-PC program option does not alleviate the requirement for the applicant to submit an environmental report and related documents as part of its initial application. Under the 3-PC program option, FERC retains the ultimate responsibility for full compliance with the requirements of NEPA.

2.4.5 Who Conducts and Who Leads Consultations (applicant, agency, or both)?

Under 18 CFR § 380.13, the project sponsor (applicant or licensee) is designated as FERC's non-federal representative for purposes of informal consultations with the FWS and NMFS under the ESA.

Depending on the specifics of the proposed action and the determination of the consulted agency, informal consultations may be all that is required. However, in the event informal consultations were insufficient and formal consultation is required, FERC staff initiates the formal consultation with the FWS, NMFS, or both, as appropriate.

FERC also authorizes the project sponsor to initiate NHPA Section 106 consultations on its behalf, pursuant to 36 CFR §800.2(C)(4). This can result in early formal Section 106 consultations with the SHPO/THPO, federally recognized tribes, and other stakeholders at the time the project sponsor files notice of intent to file a license application with FERC. However, FERC does not delegate its government-to-government Tribal consultation responsibilities. Within the context of its governing statutes (e.g., the Natural Gas Act), FERC has a trust responsibility to federally recognized tribes.

2.4.6 Annotated Links

[FERC's Process for Hydropower Licenses | Traditional Licensing Process – 01](#)

- Traditional Licensing Process – Applicant's Pre-Filing Process.

[FERC's Process for Hydropower Licenses | Traditional Licensing Process – 02](#)

- Traditional Licensing Process – FERC Application Process.

[FERC's Process for Hydropower Licenses | Alternative Licensing Process](#)

- Alternative Licensing Process – Applicant's Pre-Filing Process.

[Handbook for Using Third-Party Contractors to Prepare Environmental Documents | Federal Energy Regulatory Commission \(ferc.gov\)](#)

- This handbook provides guidance on how the 3-PC program works for natural gas and hydropower projects analyzed by the FERC's OEP.

[Interagency Agreement on Early Coordination of Required Environmental and Historic Preservation Reviews Conducted in Conjunction with the Issuance of Authorizations to Construct and Operate Interstate Natural Gas Pipelines Certificated by the Federal Energy Regulatory Commission \(epa.gov\)](#)

[Processes for the Environmental and Historic Preservation Review of Proposed Interstate Natural Gas Facilities](#)

- FERC's interagency agreement for early cooperation, coordination, and participation to meet its environmental and historic preservation review responsibilities for authorizing the construction and operation of interstate natural gas pipeline projects.

[FERC's Guidance Manual for Environmental Report Preparation Volume I](#)

[FERC's Guidance Manual for Environmental Report Preparation Volume II](#)

- Guidance developed for applications filed under the Natural Gas Act.

[FERC Environmental Documents Database](#)

- Documents from 2002 through 2024.

2.5 U.S. Department of Transportation – Federal Highway Administration (FHWA)

The Federal Highway Administration (FHWA) is an agency within the U.S. Department of Transportation (DOT) that supports state and local governments in the design, construction, and maintenance of the Nation's highway system (Federal Aid Highway Program) and various federally and tribal owned lands (Federal Lands Highway Program). The FHWA's mission is to deliver a world-class highway system that advances safe, efficient, equitable, and sustainable mobility choices for all while strengthening the Nation's economy.

The FHWA developed the Environmental Review Toolkit to act as the one-stop shop for topics related to the environmental program and assist and accelerate NEPA reviews of highway projects throughout the United States. The toolkit highlights emerging technologies and innovations in the environmental analysis of highway projects as well as various national initiatives to accelerate project delivery.

2.5.1 Agency Streamlining Techniques

- Integrating NEPA and permitting processes to allow various environmental reviews and permitting procedures required for Federal Aid Highway Program projects to be performed simultaneously rather than sequentially. This includes establishment of Programmatic Agreements for ESA Section 7, NHPA Section 106, and NEPA/CWA Section 404.
- NEPA Assignment – The Secretary of Transportation can allow a state to assume FHWA's responsibilities under NEPA for one or more highway projects including highway projects classified as CEs. States assume responsibilities for environmental review, consultation, or other action required under environmental law.
- The FHWA enters into programmatic agreements that establish procedures for expeditious and efficient approval of CEs, most of which are listed under 23 CFR § 771.117(d).
- The FHWA applies a tiered NEPA process where an initial EIS broadly analyzes a particular transportation corridor, identifies the appropriate second tier environmental document (i.e., CE, EA, or EIS) for each section of the corridor, and, where appropriate, its environmental analysis is referenced in the second tier NEPA document to eliminate redundancy.
- FHWA utilizes an Environmental Review Toolkit website, a one-stop shop for FHWA-related NEPA information.

2.5.2 Location of NEPA Regulations

23 CFR Part 771 describes the policies and procedures of the FHWA, Federal Railroad Administration (FRA), and Federal Transit Administration (FTA) for implementing NEPA and supplements the CEQ NEPA regulations.

2.5.3 Approach to NEPA

The FHWA prepares environmental reviews as required under 40 CFR §§ 1501-1508 and 23 CFR § 771. The use of CEs is encouraged when possible. 23 CFR § 771 includes cross-agency CEs, which allow FTA project sponsors to apply an FHWA or FRA CE to an FTA project when the FHWA or FRA CE better reflects the project. The FHWA has identified over 40 different CEs in its regulations (23 CFR § 771.117).

To facilitate the use of CEs, FHWA enters into programmatic agreements with a state. Through Memoranda of Understanding (MOUs), the FHWA assigns to that state DOT all or part of FHWA's responsibilities for environmental review, consultation, or other action required under any federal environmental law pertaining to the review of a specific highway project. FHWA monitors the state's compliance with the terms of the MOU. Arizona, California, Nebraska, and Utah currently are engaged in this program.

Typical FHWA-related projects that require either an EA or EIS include the following:

- new construction
- facility operation changes
- environmental cleanup projects
- demolition
- purchases, sales, leases, transfers, or exchanges of natural resources

2.5.4 Who Conducts the Review (applicant, agency, or both)?

The FHWA NEPA process allow transportation officials to make project decisions that balance engineering and transportation needs with environmental factors. During the process, a wide range of partners provide input into the project environmental decisions.

Under the FHWA's Surface Transportation Project Delivery Program agreeing states assume the Secretary's responsibilities under NEPA for one or more highway projects. The FHWA initially reviews the state's compliance with the terms of the MOU through audits and then through monitoring. States also can assume the FHWA's responsibilities for CEs. This includes the environmental review, consultation, or other action required under any federal environmental law pertaining to the review of a specific highway project.

2.5.5 Who Conducts and Who Leads Consultations (applicant, agency, or both)?

ESA

The ultimate responsibility for compliance with all Section 7 requirements under the ESA remains with the FHWA. This includes consultation with the FWS and the NMFS. FHWA policy encourages state DOTs be proactive in informal consultation, including the modification of a proposed project where necessary to avoid adverse effects. These are generally incorporated into the process of complying with NEPA, CWA Section 404, or other federal permit, license, or review requirements.

NHPA

The FHWA Division Office typically works with an applicant, such as a state DOT, to fulfill FHWA's Section 106 obligations. Though some of the day-to-day tasks associated with Section 106 compliance may be carried out by an applicant, the FHWA remains responsible for ensuring that the overall purpose of Section 106 is met. Each FHWA division is responsible for meeting Section 106 requirements to consult with federally recognized tribes for its projects.

2.5.6 Annotated Links

[FHWA Environmental Review Toolkit](#)

- Environmental Review Toolkit website that contains the following information and links:
 - legislation, regulations, and guidance
 - NEPA and project development
 - initiatives to accelerate project delivery
 - environmental topics including historic preservation, environmental justice, and tribal consultation
 - publications, resources, and tools.

[Section 106 Tutorial – Participants: Roles and Responsibilities](#)

- FHWA Section 106 Tutorial – Participants: Roles and Responsibilities.

[Initiatives to Accelerate Project Delivery](#)

- Case Study – Missouri’s I-70 Tiered EIS Process.

[FHA – Center for Accelerating Innovation](#)

- Integrating NEPA and Permitting tab.

2.6 U.S. Department of Housing and Urban Development (HUD)

The Department of Housing and Urban Development (HUD) is the federal agency responsible for national policy and programs that address America’s housing needs. It administers various programs and funds designed to improve America’s access to safe, affordable housing. Not every HUD funded project is subject to a full environmental review (i.e., every project’s environmental impact must be examined, but the extent of this examination varies), but every project must comply with NEPA and other related federal and state environmental laws.

2.6.1 Agency Streamlining Techniques

- HUD regulations at 24 CFR Part 58 allow the assumption of authority to perform the environmental reviews by responsible entities, which are units of a local government, such as a town, city, county, federally recognized tribe, or state. The responsible entities develop the scope and content of the environmental review, make the environmental finding, and, in the event of a lawsuit, defend the content and conclusions in the environmental review.
- HUD responsibilities under Part 58 are limited. HUD will receive the Request for Release of Funds and Certification (HUD form 7015.15) from the responsible entities, accept public comments during the HUD public comment period, and approve the use of HUD assistance through the Authority to Use Grant Funds (HUD form 7015.16). HUD will also periodically conduct in-depth monitoring of responsible entities’ environmental review records.
- HUD annually completes a Part 50 Programmatic Environmental Review covering Community Project Funding Soft Costs (e.g., maintenance, management, and administrative costs) to support certain CEs.
- HUD’s Office of Environment and Energy has developed an online system for developing, documenting, and managing environmental reviews. It covers all levels of environmental reviews for both Part 50 and Part 58 projects and includes on-screen guidance for completing HUD environmental reviews.

2.6.2 Location of NEPA Regulations

24 CFR Parts 50 and 58

2.6.3 Approach to NEPA

Part 50 applies to programs where HUD performs the environmental reviews. Part 50 applies when program legislation does not delegate the authority to assume responsibility to the local government, such as Federal Housing Authority housing programs. Part 50 may also apply when the local government was not a direct recipient of the funds and refuses to accept responsibility or when HUD determines the local government does not have capacity to act as RE. HUDs Part 50 CEs are found at 24 CFR § 50.20.

Part 58 applies to programs that allow a responsible entity to perform the environmental reviews. These include most community planning and development and public housing programs. HUDs Part 58 CEs are found at 24 CFR § 58.35.

Both Parts 50 and 58 have defined activities that are Exempt or Categorically Excluded from environmental reviews and consultations.

HUD uses/requires the following Impact Codes in its NEPA analysis: (1) Minor beneficial impact, (2) No impact anticipated, (3) Minor Adverse Impact – May require mitigation, (4) Significant or potentially significant impact requiring avoidance or modification which may require an EIS.

Typical HUD-related projects that require either an EA or EIS include the following:

- housing (construction, redevelopment, and applicable restoration)
- lead and asbestos hazard reductions
- land development

2.6.4 Who Conducts the Review (applicant, agency, or both)?

Under Part 50, HUD develops EAs, and subsequent EISs if the results of the EA indicate the proposed action would have a potentially significant impact on the human environment.

Under Part 58, local, state, or tribal governments become responsible entities and assume the federal agency's environmental review authority and responsibility for projects within their jurisdiction, including those for which they are grantees. Responsible entities develop EAs, and subsequent EISs, if the results of the EA indicate the proposed action would have a potentially significant impact on the human environment.

2.6.5 Who Conducts and Who Leads Consultations (applicant, agency, or both)?

Under Part 50, consultations with SHPOs, THPOs, and other relevant parties under Section 106 of the NHPA are conducted by a HUD official. Under Part 50, a HUD official also takes the lead in consultations with the FWS and/or NMFS under ESA Section 7.

Under Part 58, the responsible entities assume responsibility for Section 106 and tribal consultations (i.e., the responsible entities assume the role of the federal agency in tribal consultations). This applies to projects on and off tribal lands. The responsible entities also

assume responsibility for consultations with FWS and/or NMFS under ESA Section 7. The responsible entity cannot delegate the consultations to a consultant or lender.

2.6.6 Annotated Links

[HUD Orientation to Environmental Reviews – Parts 50 and 58](#)

- HUD's environmental review process under Part 50 or Part 58.

[HUD developed PowerPoint – Section 106 Review and HUD Projects](#)

- Detailed discussion of HUD Section 106 process.

[ESA Section 7 Consultation for Responsible Entities with FWS or NMFS](#)

- Graphical process ESA Section 7 Consultation for responsible entities with FWS and NMFS.

[HUD's HEROS website](#)

- HUD's online system for developing, documenting, and managing environmental reviews.

[HUD's Environmental Review Records](#)

- HUD's Environmental Review Records page.

2.7 National Aeronautics and Space Administration (NASA)

The National Aeronautics and Space Administration (NASA) is an independent agency of the federal government responsible for the civil space program, aeronautics research, and space research.

In April 2024, NASA updated its NEPA regulations (14 CFR § 1216.3) to:

- better align the rule with NASA's current and near future actions
- adjust the level of NEPA review and documentation required for certain actions
- provide more concise descriptions of NASA actions
- update existing descriptions of actions normally requiring EAs or EISs
- update existing CEs contained within 14 CFR § 1216.304

2.7.1 Agency Streamlining Techniques

- NASA utilizes programmatic EAs and EISs by grouping similar missions under a programmatic environmental review. These programmatic reviews provide the basis for decisions to approve broad or high-level decisions such as identifying geographically bounded areas of a new program or initiative that are bounded within the programmatic review.
- NASA uses programmatic analysis to identifying broad mitigation and conservation measures that can be applied to subsequent tiered reviews.
- Checklists to identify relevant environmental information including Radioactive Material, Launch Vehicles and Rites, Facilities (construction), Health and Safety, and Other Environmental Issues are used to support tiered NEPA documentation.

2.7.2 Location of NEPA Regulations

14 CFR Part 1216

2.7.3 Approach to NEPA

Part 1216 describes actions that would normally require the preparation of an EA and EIS. Additionally, Part 1216 encourages the analysis of actions at the programmatic level for those programs similar in nature or broad in scope. NASA has identified over 20 CEs in 14 CFR § 1216.304.

Typical NASA-related projects that require either an EA or EIS include the following:

- construction of new or expansion of existing physical facilities
- on-site natural gas distribution systems for a NASA facility
- shoreline protection
- borrow pits in support of on-site construction
- on-site Class III landfill

2.7.4 Who Conducts the Review (applicant, agency, or both)?

Under 10 CFR Part 1216 and NASA Procedural Requirements (NPA) 8580.1A, NASA prepares NEPA documentation.

2.7.5 Who Conducts and Who Leads Consultations (applicant, agency, or both)?

NASA leads and conducts consultations where they are the lead agency.

2.7.6 Annotated Links

[NASA's Procedures for Implementing the National Environmental Policy Act](#)

- NASA's April 2014 update to 14 CFR Subpart 1216.3

[Pocket Guide Section 106 – Managing NASA's Cultural Resources](#)

- Contains NASA's Section 106 Review 4-step process.

[NASA – Programmatic NEPA](#)

- Contains links to some of NASA's programmatic NEPA reviews.

[NASA Routine Payload Checklist](#)

- NASA Routine Payloads EA Checklist (Appendix C of the EA)

[Site-wide Programmatic EIS Environmental Checklist](#)

- Final Wallops Flight Facility Site-wide Programmatic EIS Checklist (Appendix A of the Programmatic EIS)

[NASA NEPA Documents – Kennedy Space Center](#)

- Current and former NEPA documents for the Kennedy Space Center 2008 to present

3.0 Web Portals and General Permits

Some federal and state agencies use web portals to foster better communication with the public and provide easier access to agency and regulatory information and permitting processes. General permits are another tool utilized by some agencies in their permit processes. A general permit is a permit that authorizes a category of activities that have minimal adverse effects. General permits can be issued on a nationwide, regional, or state basis. When and where appropriate, federal and state agencies use general permits as a regulatory tool to simplify the permit issuance process for similar facilities or activities. The following discussion examines how a sampling of federal and state agencies use both web portals and general permits to increase accessibility and efficiency.

3.1 U.S. Army Corps of Engineers (USACE)

The U.S. Army Corps of Engineers (USACE) is a federal engineering regulatory agency whose purview includes engineering (e.g., designing and constructing water resources, Army installations, and other federal and local projects), disaster relief, environmental protection, and national security.

3.1.1 Application of Web Portals and General Permits

The USACE issues individual permits when the project in question has more than minimal individual or cumulative impacts. The USACE determines whether these projects need to be evaluated using additional environmental criteria, which is reflected in each individual permit.

The USACE also issues general permits for structures, work, or discharges that cause minimal adverse effects. The USACE uses three types of general permits: nationwide, regional, and programmatic.

A Nationwide General Permit is a type of general permit issued on a nationwide basis. It is typically issued for a category or categories of activities that are either similar in nature and cause only minimal individual and cumulative adverse impacts.

Regional General Permits are more limited in their geographic extent but are similar to Nationwide General Permits in that they are also issued for a category or categories of activities that are either similar in nature and cause only minimal individual and cumulative adverse impacts.

Programmatic General Permits are based on an existing state, local, or other federal program and designed to avoid duplication of that program. They are employed to eliminate duplication of effort between USACE districts and state regulatory programs that provide similar environmental protections. All three types of USACE general permits always include terms and conditions for compliance and may require preconstruction notification of the USACE.

In May 2024, the USACE introduced a web-based Regulatory Request System, an online application portal and management platform (currently in beta version). The Regulatory Request System allows users to apply for individual and general permits using online forms. As constructed, the system should increase the efficiency of the USACE's permitting process. For general permits, the applicant must show that its project adheres to all relevant terms and conditions of the particular general permit. In addition, the Regulatory Request System includes web links for information on USACE's regulatory program, jurisdiction, permitting, and online violation reporting for unauthorized activity or permit noncompliance.

3.1.2 Annotated Links

[USACE – Regulatory Program and Permits – Obtain a Permit](#)

- USACE *Pre-Regulatory Request System* web page for general permits.

[USACE – Regulatory Request System](#)

- Allows users to apply for individual and general permits using online forms.

3.2 U.S. Environmental Protection Agency (EPA)

As discussed in Section 2.2, the EPA is an independent agency of the federal government tasked with environmental protection matters. In states where the EPA has not delegated its authority, and in U.S. territories and Indian Country,¹ it issues environmentally related permits (e.g., National Pollutant Discharge Elimination System [NPDES] and air emissions), conducts monitoring, and enforces its regulations.

3.2.1 Application of Web Portals and General Permits

The EPA uses various individual and general permits as part of its regulatory process. These include general permits for stationary air emission sources that are similar in nature, have similar emissions, and would be subject to the same or similar permit requirements. Under the Marine Protection, Research and Sanctuaries Act, the EPA has issued general permits for ocean dumping activities. Of particular interest to this discussion, the EPA issues NPDES general permits and has created several online tools to streamline its NPDES permit process.

The EPA's online NPDES eReporting Tool (*NeT*) was implemented to facilitate electronic submittal of data (e.g., permit records and related submissions for general permits) by the regulated community directly to EPA and its partners (e.g., state agencies with delegated authority). Notifications to the EPA of planned discharges for which coverage under a NPDES general permit is needed (i.e., a Notice of Intent) can also be submitted through *NeT*.

The EPA has also implemented an online Permit Search tool. The Permit Search tool includes data implemented in *NeT*. This includes NPDES general permits related to aquaculture; construction stormwater; groundwater remediation, dewatering, and hydrostatic testing; industrial stormwater; municipal stormwater; and pesticide applications.

3.2.2 Annotated Links

[NeT Homepage](#)

- The *NeT* home page includes links to launch *NeT*, training materials, training schedule, knowledge articles for new users, *NeT* contacts, and frequently asked questions.

¹ **Indian Country:** Defined at 40 CFR 122.2 to mean: 1) all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation; 2) all dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and 3) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.

[NeT Launch Page](#)

- Provides access to the following general permits: aquaculture; construction stormwater; groundwater remediation, dewatering, and hydrostatic testing; industrial stormwater; municipal stormwater; and pesticide application.

[EPA – Central Data Exchange](#)

- The EPA's web-based electronic reporting system that allows the EPA to receive and store electronic environmental data from companies, states, federally recognized tribes, and other entities.

[Electronic Reporting for EPA's NPDES General Permits](#)

- Contains detailed information and links for electronic reporting related to NPDES Construction General Permits, Multi-Sector General Permits, Pesticides General Permits, and Vessel General Permits.

[EPA – 2022 Construction General Permit](#)

- Updated Construction General Permit concerning permit coverage to eligible construction stormwater discharges in the following areas where EPA is the NPDES permitting authority—four states, six territories, Indian Country lands in 32 states, and other designated areas. Contains links covering the entire 2022 Construction General Permit, a bulleted list of key requirements, a webinar, and a list (with links) to all previously approved Construction General Permits.

[EPA – 2021 Pesticides General Permit](#)

- Contains links to the 2021 Pesticides General Permit, a related fact sheet, and implementation tools for permittees.

3.3 U.S. Department of Energy (DOE) – Grid Deployment Office

The U.S. Department of Energy (DOE) is a federal agency that is responsible for advancing the energy, environmental, and nuclear security of the United States. It oversees U.S. national energy policy and energy production, the research and development of nuclear power, the military's nuclear weapons program, nuclear reactor production for the United States Navy, energy-related research, and energy conservation. In 2022, DOE organized and implemented its Grid Deployment Office. One of the objectives of the Grid Deployment Office is the promotion and development of new and upgraded electric infrastructure including electric transmission lines and other associated electric transmission equipment.

3.3.1 Application of Web Portals

In April 2024, DOE released a new federal permitting reform rule that streamlined federal environmental review and permitting processes for qualifying electrical transmission projects. The permitting reform rule established the Coordinated Interagency Transmission Authorization and Permits (CITAP) Program, which is managed by the Grid Deployment Office's Environmental Reviews, Permitting, and Resources Adequacy Division. The objective of the CITAP Program is to make the federal permitting process for transmission infrastructure more efficient and effective without sacrificing the quality of environmental reviews. DOE is the lead federal agency in this permitting process. The lead agency in NEPA reviews supervises the preparation of the environmental review when more than one federal agency is involved (40 CFR § 1501.7).

In May 2024, CITAP Program launched the *CITAP Portal*, a full-service website for qualified transmission developers to submit application related material and monitor the status of their application. The *CITAP Portal* also allows DOE to communicate and coordinate with other federal agencies to facilitate the timely completion of federal permitting reviews and fulfill its role as the lead agency in the NEPA review.

3.3.2 Annotated Links

[DOE - Grid Deployment Office](#)

- Description of the Grid Deployment Office’s mission with information and links for its four divisions: Environmental Reviews, Permitting, and Resources Adequacy; Transmission; Grid Modernization; and Corporate Business Operations

[DOE - Coordinated Interagency Transmission Authorizations and Permits Program \(CITAP\)](#)

- DOE is the lead agency to coordinate and accelerate environmental reviews and permitting processes related to qualified electric transmission projects

[CITAP Portal](#)

- One-stop-shop web-based portal to improve communication and expedite permitting related to qualified electric transmission projects

3.4 Maryland Department of the Environment (MDE)

The mission of the Maryland Department of the Environment (MDE) is to “protect and restore the environment for the health and well-being of all Marylanders.” The MDE’s responsibilities include enforcement of environmental laws and regulations, long-term planning, and research. The EPA has delegated authority to issue permits and enforce certain environmental regulations to the State of Maryland and MDE.

3.4.1 Application of Web Portals and General Permits

The EPA has delegated authority to MDE for several types of environmental permits for actions in Maryland: point sources of pollutants that are discharged into U.S. waters in Maryland (i.e., NPDES), Outer Continental Shelf Air Regulations, and Clean Air Act (shared responsibility). MDE issues both individual and general NPDES and air quality permits.

Consistent with 40 CFR § 122.28, MDE issues general wastewater or stormwater permits to cover categories of point sources that have common elements. These include industrial storm water discharges, facilities that have the same or substantially similar operations, and facilities that discharge the same type of wastewater.

MDE’s *OneStop* Portal (website and search engine) provides access to detailed information on the steps, requirements, and related documents (including online application and application forms) for obtaining an individual permit or the criteria for qualifying for a general permit.

The EPA’s NPDES wastewater-related general permits delegated to MDE include:

- Industrial Wastewater General Discharge Permit
- Oil Control Program General Wastewater Discharge Permit
- Industrial Wastewater/Stormwater General Discharge Permit from Mining Operations
- General Permit for Storm Water Associated with Construction Activity
- General Discharge Permit for Stormwater Associated with Industrial Activities

The EPA has approved Maryland's "State Implementation Plan" under Section 110 of the Clean Air Act, 42 U.S.C. 7410, and 40 CFR Part 51 to meet national ambient air quality standards. MDE's *OneStop* Portal provides online applications for its individual and general air quality permits.

MDE also provides a web page that contains information on its individual and general air quality permits. Each air quality general permit link consists of a package which contains a fact sheet, general permit to construct, and a request for coverage form. The link also provides instructions, general guidance, and applications for the following air quality general permit types:

- vehicle refinishing (autobody)
- small gasoline refueling facilities
- medium gasoline refueling facilities
- large gasoline refueling facilities
- charbroilers and pit barbecues
- groundwater air strippers and soil vapor extraction
- perchloroethylene dry cleaning equipment
- small fuel burning (boiler/heater) equipment
- sheet-fed lithographic printing
- concrete batch plant
- medium-sized boilers < 30mmbtu
- off-road gasoline refueling facilities
- emergency generators

3.4.2 Annotated Links

[Maryland OneStop Portal](#)

- The central hub for Maryland state licenses, forms, certificates, permits, applications, and registrations.

[Maryland OneStop General Permits – Wastewater](#)

- Search engine results for "general permits" – MDE's four wastewater-related general discharge permits with links for information and online applications.

[MDE – General Discharge Permits](#)

- Contains links to current permit notices, training opportunities, forms, guidance documents, and supplemental information related to regulated water discharges.

[Maryland OneStop Air Quality Permit to Construct](#)

- Search engine results for "Air Quality Permit to Construct" – MDE's online application for air quality permits.

[MDE – Air Quality General Permits](#)

- Contains links to application forms for air quality general permits to construct.

3.5 Pennsylvania Department of Environmental Protection (PA DEP)

The Pennsylvania Department of Environmental Protection's (PA DEP) mission is to "protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment." The EPA has delegated regulatory authority to the PA

DEP to enforce certain activities related to the CWA (e.g., NPDES permitting) and Clean Air Act (air emissions permitting).

3.5.1 Application of Web Portals and General Permits

PA DEP regulates any point source discharge to waters of the Commonwealth of Pennsylvania. This involves issuing both individual and general NPDES permits.

PA DEP has developed the following 14 general NPDES permit types as delegated by EPA:

- discharges of stormwater associated with construction activities
- discharges of stormwater associated with small construction activities
- discharges of stormwater associated with industrial activities
- discharges from small flow sewage treatment facilities
- discharges from petroleum contaminated groundwater systems
- discharges from combined sewer systems
- beneficial use of exceptional quality biosolids
- beneficial use of biosolids
- beneficial use of residential septage
- discharges from hydrostatic testing of tanks and pipelines
- discharges from aquatic animal production facilities
- concentrated animal feeding operations
- discharges from small municipal separate storm sewer systems
- discharges from the application of pesticides

PA DEP has developed web pages that provide information on both individual and general NPDES permits. These pages contain links to *Greenport*, a full-service web-based dashboard development for online communications and submittals for PA DEP, the Pennsylvania Department of Conservation and Natural Resources, Pennsylvania Department of Agriculture, and Milk Marketing Board. *Greenport* accepts regulatory submittals (including individual permit applications, Notices of Intent for general permits, and payments) and provides background and instruction material for PA DEP's regulatory activities.

In terms of air quality permits, PA DER has been given primacy enforcement responsibility from the EPA to issue both individual and general permits. PA DEP has developed the following 20 general permit types in its air quality program:

- gas and no. 2 oil-fired small combustion units
- storage tanks for volatile organic liquids
- portable nonmetallic mineral processing plants
- burn-off ovens
- natural gas compression and/or processing facilities
- petroleum dry cleaning process
- sheet-fed offset lithographic printing press
- powder metal sintering furnaces
- diesel or no. 2 fuel-fired internal combustion engines
- non-heatset web offset lithographic printing press
- nonroad engines
- fugitive dust sources and diesel-fired IC engines at coal and coal refuse preparation plants
- hot mix asphalt plants

- human and animal crematories
- feed mills
- dry abrasive blasting operations
- natural gas-fired combined heat and power facilities
- coal-mine methane enclosed flare
- landfill gas-fired simple cycle turbines
- pharmaceutical and specialty chemical production

PA DEP provides web pages that contain information for the process involving obtaining an individual air quality permit as well as the criteria and process to qualify for the 20 general permits listed above. These web pages contain links to *Greenport* for the submittal of permit applications including instructions and associated forms.

3.5.2 Annotated Links

[Greenport – Login Page](#)

- Pennsylvania's *Greenport* – a one-stop dashboard for PA DEP, the Pennsylvania Department of Conservation and Natural Resources, the Pennsylvania Department of Agriculture Applications, and Pennsylvania Milk Marketing Board.

[PA DEP – NPDES and Water Quality Management Permitting Programs](#)

- Contains links to *Greenport* for documents, instructions, operating permits, and forms related to individual and general NPDES permits (Note: includes 12 NPDES General Permits: PAG-03 through PAG-13, and PAG-15). Also includes Water Quality Management permits issued under Pennsylvania's Clean Stream Law.

[PA DEP – Construction Stormwater General Permits](#)

- Contains links to *Greenport* for documents, instructions, operating permits, and forms related to NPDES General Permit PAG-1 – General Permit for Discharges of Stormwater Associated with Small Construction Activities and NPDES General Permit PAG-02 – General Permit for Discharges of Stormwater Associated with Construction Activities.

[PA DEP – Chapter-102-ePermit System](#)

- PA DEP's Chapter 102 electronic permitting system (ePermit System) to improve the efficiency of submissions and reviews of Chapter 102 permit applications and Notices of Intent for NPDES General Permit PAG-2 and enable faster responses to applicants. Accessible through *Greenport*.

[PA DEP – Air Quality Operating Permits - General Information](#)

- Contains links to *Greenport* for documents, instructions, operating permits, and forms related to air quality permits.

[PA DEP – Air Quality General Permits](#)

- Links to *Greenport* for documents, instructions, operating permits, and forms related to PA DEP's Air Quality General Permit

4.0 Conclusion

Based on this review, several NEPA analyses and consultation streamlining techniques were identified:

- the use of CEs where appropriate (NTIA, FCC, FERC, FHWA, HUD, and NASA)
- the use of programmatic EAs and EISs as a tiering tool to reduce redundancies with subsequent site-specific analyses (EPA, FHWA, and NASA) or to eliminate the need for additional site-specific analysis through the use of environmental checklists to confirm the applicability of the programmatic reviews
- some portion of the NEPA and/or consultation process can be conducted by the applicant (NTIA, FCC, FERC, FHWA, and HUD)
- streamlining of the consultation processes including working with ACHP to establish criteria to forgo Section 106 consultations (NTIA and FCC) and early “informal” engagement by the agency and/or applicant with FWS, NMFS, and SHPOs/THPOs (tribal nations) in the consultation process (NTIA and FERC)
- the use of web portals or online databases/tools to streamline application submittals and facilitate communication with the agency and consulting parties (NTIA, FCC, FERC, FHWA, and HUD)

With respect to general permits, both federal and state agencies use all-in-one web-based dashboards to make environmentally related permitting more streamlined and efficient. These include the following:

- USACE – *Regulatory Request System*
- EPA – *NeT*
- DOE – *CITAP Portal*
- MDE – *OneStop*
- PA DEP – *Greenport*

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