

## **Appendix C – Documentation of Conformance with Environmental Review Procedures for the Water Pollution Control Revolving Fund**

### **Environmental Impact Statement Process – City of Rehoboth Beach Proposed Ocean Outfall -**

#### Environmental Impact Statements

The Department will assure that an Environmental Impact Statement (EIS) will be prepared and issued when it is determined that the treatment works or DW facility will cause any of the following conditions to exist:

- The project will significantly affect the pattern and type of land use, or growth and distribution of population;
- The effects of any structure or facility constructed or operated will conflict with local, regional, or State land use plans or policies;
- The project will have significant adverse effects on wetlands, farmlands, or a floodplain, including indirect and cumulative effects, or any major part of the project will be located in wetlands, farmlands, or a floodplain;
- The project will significantly affect, or will be located in, a habitat of a bird or animal identified on the Department of the Interior's of the State's threatened and endangered species list.
- The project will directly, indirectly, or cumulatively have significant adverse effects on parklands, preserves, other public lands, or areas of recognized scenic, recreational, archaeological, or historic value;
- The project will directly or through induced development have a significant adverse effect on local ambient air quality and noise levels, surface or groundwater quality or quantity, water supply, fish, shellfish, wildlife, and their natural habitats;
- The treated effluent is being discharged into a body of water where the present classification is being challenged as too low to protect present or recent uses, and the effluent will not be of sufficient quality or quantity to meet the requirements of these uses;
- The project is highly controversial; or
- The project, in conjunction with related Federal, State, or local resource projects, produces a significant cumulative impact.

If it is determined an Environmental Impact Statement is required, the Department (DNREC) will:

- Prepare and distribute a Notice of Intent. – **Notice of Intent public noticed on August 8, 2010.**

- Publish and mail a project overview to affected Federal, State, and local agencies, and other interested parties, asking for comment on the scope. **Sent to reviewers on August 11, 2010. Comments accepted from reviewers and public until September 22, 2010.**
- Independently evaluate the scope and contents of the Environmental Impact Statement prior to its approval. **Public scoping meeting was held on September 21, 2010 at Rehoboth Beach Convention Center.**
- Issue public notices in a newspaper of community wide circulation. **A Public Notice of the Notice of Intent and Public Scoping Meeting was advertised:**
  - **Delaware State News and Wilmington News Journal – August 8 & 11, 2010**
  - **Cape Gazette – August 10 & 13, 2010**
  - **DNREC Public Notices and Statewide Calendar – starting on August 8, 2010.**

And the loan applicant (**City of Rehoboth Beach**) will:

- Immediately following the scoping process, identify and evaluate potential viable alternatives to adequately address the range of issues identified in the scoping process. Additional issues and alternatives may be addressed, or others eliminated, during this process and the reasons documented as part of the Environmental Impact Statement. **DNREC provided approved Scope Document to City of Rehoboth Beach on November 24, 2010.**
- Prepare (or hire a consultant approved by the Department to prepare) a draft Environmental Impact Statement which addresses the criteria and standards as provided in these procedures. **City requested approval to hire Stearns and Wheler / GHD to prepare draft EIS on September 9, 2010. Request approved by DNREC on November 29, 2010.**
- Provide copies of the Draft Environmental Impact Statement to all Federal, State, and local agencies and others with an interest in the project. The Department will provide guidance to the applicant regarding coordination requirements. **Draft EIS was received by DNREC on December 15, 2011. After DNREC review, it was made available to reviewing agencies and the public on March 7, 2012**
- Issue public notice, provide a 30-day comment period, and conduct a public hearing based on the draft Environmental Impact Statement. **A public hearing was held by the City of Rehoboth Beach on April 10, 2012. The hearing was publicly noticed on March 7 & 11, 2012 and the record was open for 60 days until May 10, 2012. This was the opportunity for all interested parties and the public to question or challenge the report.**
- Prepare and submit a final Environmental Impact Statement for Departmental review, incorporating all comments received from affected agencies and the public during the

public comment period and public hearing. The content and format of the Environmental Impact Statement must follow that specified in 40 CFR, Part 6, Subpart B – Content of EIS's. **The City responded to all comments from reviewing agencies, interested parties, and the public and addressed them in the final EIS. A Notice of Availability of Final EIS was published on January 27, 2013. Final EIS subjected to a final 30 day waiting period. Comments were received until February 26, 2013.**

- Abide by mitigative measures required in a Record of Decision: **Mitigative measures will be specified in the Record of Decision (ROD).**

After a final Environmental Impact Statement has been prepared and accepted, the Department will issue a Record of Decision prior to, or in conjunction with, approval of the facility plan. The Record of Decision will include identification of mitigation measure derived from the Environmental Impact Statement process, including loan conditions, necessary to minimize the adverse impacts of the selected alternative. **Decision was issued December 2014. All mitigative measures specified in the ROD will be included in the loan conditions of a Water Pollution Control Revolving Fund (WPCRF) financing agreement.**

Prior to facility plan approval, the Department will ensure that effective mitigation measures identified in the Record of Decision will be implemented by the borrower. This will be done by revising the facility plan, initiating other steps to mitigate adverse effects, or including conditions in the loan agreement.

Once the Record of Decision has been prepared on the selected or preferred alternative(s), a loan may be made without further environmental review unless the environmental conditions described in the Environmental Impact Statement have changed or the Record of Decision is over five (5) years old, in which case the Department will, prior to a loan award:

- Issue a public notice reaffirming the Department's decision to proceed with the project without the need for further environmental review;
- Withdraw and publish a notice of need for preparation of an Environmental Impact Statement followed by the preparation, issuance and distribution of the Environmental Impact Statement/Record of Decision; or
- Require an update of the Environmental Impact Statement, issue and distribute a revised Environmental Impact Statement/Record of Decision.