

**Determination of NEPA Adequacy/NEPA Re-Evaluation  
Programmatic Environmental Assessment for the WIFIA Program  
February 2024**

In accordance with Section 108 of NEPA<sup>1</sup> and 40 CFR 6.200(h)<sup>2</sup>, this document reflects the U.S. Environmental Protection Agency's evaluation and determination of NEPA adequacy regarding the [2018 Programmatic Environmental Assessment](#) (PEA) for the Water Infrastructure Finance and Innovation Act (WIFIA) program.

## 2018 PEA: Background

In the 2018 PEA, EPA analyzed the potential adverse and beneficial environmental impacts of water infrastructure projects eligible to receive WIFIA credit assistance. The PEA presents nationwide information on existing conditions and discusses potential impacts and mitigation measures that might typically occur during construction and operation of broad project types. The PEA provides mechanisms to evaluate site-specific conditions and impacts for individual projects and determine if project impacts fall within the scope of the PEA.

## Proposed Federal Action

The proposed federal action considers providing credit assistance for a wide range of water and wastewater infrastructure projects which are eligible for WIFIA credit assistance. 33 U.S.C. § 3905 defines projects eligible for assistance. EPA considers the impacts likely to result from the issuance of credit assistance, including the reasonably foreseeable impacts of providing credit assistance to water infrastructure projects. EPA considers activities associated with the planning, design, construction, operation, and maintenance of one or several types of eligible water and wastewater infrastructure projects defined in 33 U.S.C. § 3905.

Projects receiving WIFIA credit assistance qualify for coverage under this PEA when:

- The project impacts are within the scope of those considered in Section 4 of this PEA,
- Proper supporting documentation is provided, and
- A memorandum to the record is developed by EPA using the PEA Questionnaire for WIFIA Credit Assistance Projects in Appendix A or Questionnaire for WIFIA Credit Assistance SRF Programs in Appendix B.

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<sup>1</sup> Section 108(2) of NEPA requires an agency to reevaluate the analysis in a programmatic environmental document and any underlying assumption to ensure reliance on the analysis remains valid.

<sup>2</sup> 40 CFR 6.200(h) requires for all NEPA determinations that are five years old or older, and for which the subject action has not yet been implemented, the Responsible Official must re-evaluate the proposed action, environmental conditions, and public views to determine whether to conduct a supplemental environmental review of the action and complete an appropriate NEPA document or reaffirm EPA's original NEPA determination.

## Review and Analysis

The EPA conducted a review to determine whether significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts not previously analyzed may result in significantly different environmental effects (40 CFR 6.200(h)). This review evaluated whether activities described in the proposed action would constitute any changes from the activities and associated environmental impacts analyzed in the 2018 WIFIA PEA; whether new circumstances or information would result in significantly different environmental effects from those considered in the 2018 WIFIA PEA; and, if the site of the activities present unique circumstances that require additional analysis beyond those addressed in the 2018 WIFIA PEA.

**Corps Water Infrastructure Financing Program PEA.** Since 2018, an additional resource became available to the EPA for review and consideration in the development of this PEA re-evaluation. The EPA reviewed the [Programmatic Environmental Assessment for the Corps Water Infrastructure Financing Program](#) (CWIFP PEA) prepared by the U.S. Army Corps of Engineers (USACE) in May 2023. The CWIFP PEA evaluated potential environmental impacts, including analyzing environmental resources, potentially applicable statutes and regulations, and resource existing conditions. USACE determined that no significant environmental impacts were anticipated from their proposed action. Based on the similarity of the CWIFP proposed federal action, of the resources considered, and of the impact analysis to the WIFIA program's proposed federal action, the EPA is incorporating by reference the CWIFP PEA into the WIFIA program's PEA, consistent with 40 CFR § 6.200(d)(3).

The subsections below address the potential environmental effects for individual resources associated with the proposed action and where those effects are considered in the WIFIA PEA. See Table ES-1 *Summary of Potential Impacts* of the proposed action in the WIFIA PEA for a general description of the potential impacts by resource type considered. For each resource, see section citations below.

**Land Use.** Effects to land use described as part of the proposed action were analyzed in the WIFIA PEA and might include changes in land use cover and designations, alterations to land use patterns, and preclusion of other land uses within or adjacent to project footprints. It was determined that there would be no significant impact to land use. The proposed action would not result in additional land use impacts not already analyzed in the PEA (Section 4.1).

**Air Quality.** Effects to air quality considered as part of the proposed action analyzed in the WIFIA PEA include generation of construction dust and emissions, and generation of operational emissions, including criteria air pollutants and ozone precursors due to treatment processes, power generation, and increased vehicular traffic. It was determined that there would be no significant impact to air quality. While the air quality in specific geographic areas may have changed since the publication of the WIFIA PEA in 2018, this does not represent significant new circumstances or information and the proposed action would not result in additional air quality impacts not already analyzed in the WIFIA PEA (Section 4.2).

**Noise and Vibration.** Effects to noise and vibration described as part of the proposed action were analyzed in the WIFIA PEA and might include generation of construction and operational noise and vibration. It was determined that there would be no significant noise and vibration impacts. The proposed action would not result in additional noise and vibration impacts not already analyzed in the PEA (Section 4.3).

**Geology and Soils.** Effects to geologic and soil resources described as part of the proposed action were analyzed in the WIFIA PEA and might include vegetation removal, grubbing, grading, and trenching. It was determined that there would be no significant impact to geology and soils. The proposed action would not result in additional geologic and soils impacts not already analyzed in the WIFIA PEA (Section 4.4).

**Water.** Effects to water resources described as part of the proposed action were analyzed in the WIFIA PEA and might include ground and soil-disturbing activities, direct impacts to surface water or wetlands, new or expanded outfalls and discharges of effluent to water resources. It was determined there would be no significant impacts to water resources. Existing conditions of water resources may have changed since the publication of the PEA in 2018, such as the number of impaired waters identified on the 303(d) list, the miles of protected Wild and Scenic Rivers Systems, or acreage of wetlands; however, this does not represent significant new circumstances or information. The proposed action would not result in additional water resource impacts not already analyzed in the WIFIA PEA (Section 4.5).

**Biological.** Effects to biological resources described as part of the proposed action were analyzed in the WIFIA PEA and might include reduced vegetative cover, soil compaction, erosion or sedimentation, habitat fragmentation, introduction of invasive species, changes in water availability, and disturbance from construction noise and dust. It was determined that there would be no significant impact to biological resources. Although the number of species protected by the Endangered Species Act or other acts have varied since the publication of the WIFIA PEA in 2018, this does not represent significant new information and the proposed action would not result in additional biological impacts not already analyzed in the WIFIA PEA (Section 4.6).

**Cultural Resources and Historic Properties.** Effects to cultural resources and historic properties described as part of the proposed action were analyzed in the WIFIA PEA and could include encroachment, displacement or destroying or diminishing the historic integrity of National Register of Historic Places (NRHP) listed or eligible properties. It was determined that there would be no significant impact cultural or historic resources. Although the number of listings on the NRHP or number of properties determined to be eligible for listing has varied since the publication of the WIFIA PEA in 2018, this does not represent significant new information.

The WIFIA PEA assumed that construction on previously developed sites or construction within an existing facility's operational footprint has a low likelihood that listed or eligible NRHP would be present. It was also assumed a low likelihood that known or unknown archaeological resources may be

present on previously developed sites. Through the implementation of the WIFIA program, since the development of the PEA, and based on the age of many of the existing water and wastewater facilities in need of upgrade or repair, it has become evident that the facilities themselves may be listed or eligible for the NRHP. Based on the EPA's experience implementing the program, while previously developed sites may have a lower likelihood of a NRHP listed or eligible sites, in some highly sensitive locations this does not eliminate the possibility of encountering them. Construction at an existing facility or within an existing right-of-way may have the possibility of encountering previously undisturbed archaeological resources if ground disturbance is at a greater depth than previous construction.

Although these initial assumptions in the WIFIA PEA have evolved through implementation of the WIFIA program, the types of impacts to NRHP listed or eligible properties described in the WIFIA PEA is consistent, as is the description of the types of avoidance, minimization, and mitigation measures described in the WIFIA PEA. The process as outlined under the National Historic Preservation Act and described in the WIFIA PEA remains unchanged. Therefore, the proposed action would not result in additional cultural or historic impacts not already analyzed in the WIFIA PEA (Section 4.7).

**Socioeconomics /Environmental Justice.** Effects to socioeconomics conditions and environmental justice communities described as part of the proposed action were analyzed in the WIFIA PEA and might include local economic benefits from construction and operation and disruption to communities from construction. It was determined there would be no significant impacts to socioeconomics or environmental justice. The existing demographic, economic, social asset, and environmental justice conditions may have changed since the publication of the WIFIA PEA in 2018; however, this does not represent significant new circumstances or information.

Since the publication of the WIFIA PEA in 2018, EO 14008 was issued. EO 14008 includes the Justice40 Initiative, with the goal that 40 percent of overall project benefits flow to disadvantaged communities. As the WIFIA Program is a covered program under the Justice40 Initiative, beneficial effects to disadvantaged or environmental justice communities should occur, but this would not represent significant new circumstances or information.

The proposed action would not result in additional socioeconomic or environmental justice impacts not already analyzed in the WIFIA PEA (Section 4.8).

**Transportation and Traffic.** Effects to transportation and traffic described as part of the proposed action were analyzed in the WIFIA PEA and could include street closures, lane closures, detours, traffic and parking restrictions, and reduced traffic speeds. It was determined that there would be no significant impact to transportation and traffic. The proposed action would not result in additional transportation and traffic impacts not already analyzed in the WIFIA PEA (Section 4.9).

**Utilities and Community Services.** Effects to utilities and community services described as part of the proposed action were analyzed in the WIFIA PEA and could include utility relocations and service

interruptions. It was determined that there would be no significant impact to utilities and community services. The proposed action would not result in additional utility and community services impacts not already analyzed in the WIFIA PEA (Section 4.10).

**Hazardous and Toxic Materials and Waste.** Effects to hazardous and toxic materials and waste described as part of the proposed action were analyzed in the WIFIA PEA and could include accidental spills or releases of materials. It was determined that there would be no significant impact to the storage, handling, transportation, and disposal of hazardous and toxic materials. Existing conditions described in the WIFIA PEA may have changed since publication in 2018, such as the number of sites on the National Priority List or number of underground storage tanks; however, this does not represent significant new information. The proposed action would not result in additional impacts not already analyzed in the PEA (Section 4.11).

**Health and Safety.** Effects to human health and safety described as part of the proposed action were analyzed in the WIFIA PEA and could include generation of fugitive dust, and construction related risks such as falls and other injuries and accidental spills and leaks from construction equipment. It was determined that there would be no significant impact to human health and safety. Although some of the baseline demographic and statistical citations related to human health may have changed since the publication of the PEA in 2018, this does not represent significant new information. The proposed action would not result in additional health and safety impacts not already analyzed in the WIFIA PEA (Section 4.12).

## New Information or Impacts

EPA has identified an additional resource type and impacts that were not previously analyzed in the PEA. A discussion on climate change is included below.

### Climate Change

EPA is incorporating by reference the climate change analysis from the CWIFP PEA Section 4.14. Within the CWIFP PEA, the resource, potentially applicable statutes and regulations, and existing conditions are defined. Although climate change was not specifically addressed in the 2018 PEA, a summary of existing greenhouse gas (GHG) conditions was included within the WIFIA PEA Section 4.2.3.

The CWIFP PEA concluded, within Section 4.14.4, that as impacts related to climate change are expected to become increasingly disruptive in the future, WIFIA financed projects are likely to be designed to be resilient to climate change. Both the CWIFP PEA Section 4.14.4 and WIFIA PEA Section 4.2.4.2 conclude that construction related GHG emissions will also result from the temporary use of construction equipment and vehicle trips. Minor incremental GHG emissions associated with construction will have incremental long-term impacts, including incremental contributions to cumulative impacts. With implementation of appropriate mitigation measures, which have co-benefits of GHG reductions, impacts to air quality from criteria pollutants during construction will be localized

and generally short-term but less than significant. GHG emissions related to the operation of water and wastewater infrastructure and mitigation measures are also discussed in the WIFIA PEA Section 4.2.4.2.

Potential impacts of climate change, such as sea-level rise, increased storm surge, and increasing precipitation, runoff, and drought events are discussed in the WIFIA PEA (Section 4.5.4.4 Water Resources). While not specifically named or described in the WIFIA PEA, climate change considerations, such as GHG emissions and changes to water resources were analyzed in the PEA. The proposed action would not result in additional impacts related to climate change not already analyzed in the WIFIA PEA or as incorporated by reference from the CWIFP PEA. The proposed action does not constitute a change from the activities and associated environmental impacts analyzed in the WIFIA PEA. The climate change impacts do not represent significant new circumstances or information and impacts are not anticipated to be significantly different than those considered in the WIFIA PEA.

## Determination

The EPA evaluated whether significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts not previously analyzed may result in significantly different environmental effects (40 CFR 6.200(h)). After reviewing the proposed action and the analysis provided in the WIFIA PEA, EPA has determined that:

- The activities described in the proposed action do not constitute a change from the activities and associated environmental impacts analyzed in the 2018 WIFIA PEA.
- There are no significant new circumstances or information that would result in significantly different environmental effects from those considered in the 2018 WIFIA PEA.
- The site of the activities does not present unique circumstances that require additional analysis beyond that addressed in the 2018 WIFIA PEA.

Therefore, the analysis in the WIFIA PEA and its underlying assumptions and analysis remains valid, and EPA can proceed with a decision on the proposed federal action. Conducting additional NEPA analyses (e.g., a supplemental environmental review or site-specific EA) is not necessary or warranted at this time. As the Responsible Official, based on the foregoing, I reaffirm EPA's original NEPA determination.

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Andrew D. Sawyers, Director

Office of Wastewater Management

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Date