



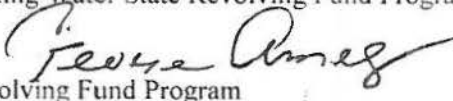
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460


November 5, 2013

OFFICE OF WATER

MEMORANDUM

SUBJECT: Procedures for Implementing Environmental Federal Cross-Cutting Authorities in the Clean Water and Drinking Water State Revolving Fund Programs

FROM: George Ames, Chief 
Clean Water State Revolving Fund Program

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Infrastructure Branch

TO: SRF Regional Coordinators
Region I-X

This memorandum clarifies procedures for applying federal environmental cross-cutting authorities to projects and activities receiving assistance under the Clean Water and Drinking Water State Revolving Funds. Federal environmental cross-cutting authorities are the requirements of certain federal laws and Executive Orders that apply where projects and activities receive federal financial assistance. In the SRF programs, the requirements of federal environmental cross-cutting authorities apply to projects and activities in an amount equal to the federal capitalization grant. See 40 CFR Parts 35.3140 and 35.3575.

The requirements of the federal environmental cross-cutting authorities have been further explained in EPA's handbook entitled "Cross-Cutting Federal Authorities: A Handbook on their Application in the Clean Water and Drinking Water State Revolving Fund Programs." Recent questions from EPA Regions indicate that Regions are unsure how the information in the Crosscutter Handbook relates to their review of State SRF program compliance during the Annual Review. Specifically, they have asked whether the records that are reviewed should reflect that each federal agency responsible for administering a cross-cutting authority has been consulted regarding all proposed SRF projects, and whether this consultation must include a response letter from the cross-cutter agency.

As explained further, records do not necessarily need to show that each federal agency responsible for administering a cross-cutting authority has been consulted on the particular project. Specifically, if State SRF staff perform an internal analysis and **conclusively determine that the proposed project has no potential impact related to a federal cross-cutting authority**, then it is not necessary to consult with the agency responsible for that cross-cutter. Because the cross-cutter federal agencies throughout the country may have different preferences depending on geographic area, Regional Coordinators should encourage State SRF programs, as a best practice, to discuss with their cross-cutter federal agency contacts whether the agencies wish to receive notice of all SRF projects, including those with no potential impact. It is important to note that all SRF project files (for projects equaling the amount of the capitalization grant) should contain evidence that the State SRF staff performed an internal analysis considering potential impacts to protected resources addressed by the relevant federal environmental

cross-cutting authorities. Documentation may include a reference in the State's Environmental Assessment, SERP decision document, memo to the file, or other format as determined by the State. This documentation should also occur for projects not subject to the State Environmental Review Process (such as nonpoint source and estuary projects), if included in the group of projects equal to the capitalization grant, and for DWSRF set-aside projects that are subject to a SERP.

This memorandum is intended to supplement the cross-cutter handbook by clarifying EPA's expectations for compliance with the federal environmental cross-cutting authorities. Any questions about the process outlined in this memo should be directed to Sheila Platt, CWSRF Team Lead, at (202) 564-0686 or to Peter Shanaghan, DWSRF Team Lead, at (202) 564-3848.

cc: Joanne Hogan, OGC
Aimee Hessert, OFA