



## EA & EAW, Status and Plans

DOE Environmental Assessment  
Minnesota Environmental Assessment Worksheet

John Cooper  
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## NOvA Environmental Assessment

- We have a DOE NEPA team:
  - Pete Siebach, NEPA Compliance Officer
  - Vicki Prouty, Legal Counsel
  - Sally Arnold, EA Document Manager
- June 22, 2006: Siebach letter to Livengood advising EA required
- August 1, 2006: Letters from Livengood to Illinois, Wisconsin, Minnesota notifying them to expect an EA for comment
- NOvA team writing the EA:
  - Keith Schuh, Mike Martens, John Cooper, others...., help from ES&H Section



## EA philosophy

- The NOvA EA has three legs:
  - Tritium production in NuMI
  - Fermilab on-site actions
    - Near Detector assembly and ops,
    - Far Detector Factory,
    - Scintillator Blending
  - Ash River
    - road, building, detector assembly and ops
    - This part depends on a State of Minnesota Environmental Assessment Worksheet (EAW)
    - Follows White House Council on Environmental Quality rules to use state or local paperwork and not generate it twice.
      - shortens EA since we just refer to EAW points in one sentence
    - But there must be a gap analysis to make sure all federal rules are covered by the EA or we have to write a bit to cover the gap



## EA status and next steps

- 1<sup>st</sup> draft to NEPA team on Jan 6, 2007
  - Not organized as the NEPA team wished to see it
- 2<sup>nd</sup> draft to NEPA team on April 3, 2007
  - 70 page document
    - it's in the document binder if you want to see it
    - NEPA team responded on April 19 with 265 comments (27 pages)
      - We are working to satisfy those comments
      - Hoping for 3<sup>rd</sup> draft by about mid June
- No show-stoppers here (that might imply an EIS) , just need to get it in a form dictated by the NEPA team



## Associated EAW, status and next steps

- NOVA Project hired Short Elliot Hendrickson (SEH) to write it
  - 1<sup>st</sup> draft available on Dec 21, 2006
    - (NOVA-doc-206 and a copy is in the documents binder)
  - SEH had worked with U of Minnesota before
- The EAW requires a Responsible Government Unit to submit the document to the Minnesota Environmental Quality Board for the public comment period
  - U of Minnesota first response was that based on the SEH document, they did not believe an EAW was required
    - An RGU can make this determination and it will stand
  - Unfortunately this did not satisfy our need for the 3<sup>rd</sup> leg of the federal EA, so we asked them to submit a “discretionary EAW”, also commonly done just to obey the form in Minnesota.
    - DOE NEPA Counsel talked with Minnesota Counsel
- Our request got U of Minnesota to be much more formal about the EAW
  - Need to get University Board of Regents to approve the action
    - They approve on a second reading



## More on EAW Status

- U of Minnesota Administration set 3 stipulations before going to Regents
  - 1. St. Louis County must be OK on RGU.
    - OK, got letter
    - Also got letter from Minnesota Pollution Control Agency
  - 2. A 3<sup>rd</sup> party review instead of the SEH draft EAW
    - Hired Barr Engineering (with Fermilab funding) to review
    - Barr reviewed a slightly modified 2<sup>nd</sup> draft of the EAW and generated 9 pages of comments on the 22 page document. \*\*
    - SEH dealing with these comments now
  - 3. Official action on CA.
- May 18: At a meeting of U of Minnesota Vice Presidents
  - Research, Facilities, Finance + 2 Associate General Counsels
  - The group agreed to take the EAW to the Regents at their June 8 meeting
  - So they would approve it at their July 13 meeting
  - Publication, 30 day comment period, one public meeting later
  - Expect “Completion of the EAW Process on September 14”
    - Minnesota could buy the land for the road and building at this point if funds in CA



## All this leads to a FONSI (hopefully)

- The “no action alternative” remains live until the federal EA process is complete
  - Also a 30 day comment period
  - Written response to comments
- So this runs in parallel with the EAW timeline
  - Would like to have NEPA Compliance Officer advise Livengood that the EA is OK to send to the 3 states on or about July 13
  - Fermilab wants to advise neighbors of the EA a week or two before it gets sent out for comment
- After comments addresses, a draft Finding of No Significant Impact (FONSI) gets written
- Then the final FONSI
- And DOE signs off on it
  - This before signing off on CD-2/3a (!)