

Public Participation for Special Appropriations Projects (SPAPs)

The National Environmental Policy Act of 1969 (NEPA) and its implementing regulations state that Federal agencies shall to the fullest extent possible, “Encourage and facilitate public involvement in decisions which affect the quality of the human environment.” [40 CFR §1500.2(d)] Because the NEPA requirements apply to Special Appropriations Projects under the EPA State and Tribal Assistance Grant Account, EPA Region 4 has developed the following minimum public participation requirements for projects in which an Environmental Information Document (EID) is required:

- A public meeting is to be held with the notice published at least 15 days prior to the meeting. This public meeting can be part of regularly scheduled council/ commission meetings or other similar activities where the project was discussed publicly. Properly noticed public meetings sponsored by other agencies with interest or funding in the project are also included.
- For complex or controversial projects, EPA may require a public hearing. If there are questions concerning whether or not a public hearing is required, the grantee should contact the SPAPs project officer for additional information. Although 40 CFR Part 25 is not a requirement for Special Appropriations Projects, the grantee may use it as a guide for public hearings.
- The notice of the public meeting should be well publicized. The notice shall identify the matters to be discussed at the meeting and EPA’s intent to fund the project along with information on the availability of relevant materials and the procedures for obtaining further information.
- The public meeting should be held at a time and place that maximizes public attendance.
- The meeting should include a formal presentation of the project which includes at a minimum a project description, estimated costs and user charges, discussion of alternatives, environmental consequences, and proposed mitigations.
- Meeting minutes, written transcripts, or audio/video recordings of the meeting are required. Minutes or transcripts must be in a format readily accessible to the public.
- Planning documents and data relevant to discussion at the public meeting must be made available to the public at least 15 days prior to the meeting.
- Projects that may impact minority or low income groups (Environmental Justice) will require an expanded public notice to ensure that the affected populations are made aware of the project and have the opportunity to respond. This may include publication of notices in newspapers or periodical directed at the affected community (e.g., in a Spanish language newspaper if a Hispanic community is impacted, etc.).

Grantees should provide documentation of public participation, including copies of the public notice as well as meeting minutes, transcripts, or audio/video recordings in their EID. Questions regarding the public participation requirements should be directed to the SPAPs Project Officer.

Projects where construction is complete do not require a public meeting.