



# Facilities Planning Process Overview

As described in the Rhode Island Department of Environmental Management's (DEM) Water Quality Regulations (250-RICR-150-05-1); to obtain an Order of Approval from DEM for the design and construction of a wastewater treatment works project, the project must be consistent with a DEM-approved Wastewater Facilities Plan (FP). The purpose of this document (along with the attached FP process flow chart) is to provide some general guidance on the procedures for developing and submitting a facilities planning document to DEM for review and approval. See DEM's [FP Checklist](#) for an outline of what information must be included in a FP.

## Initial Draft Submittal

An initial draft of the FP must be submitted to DEM for review and must include a completed [FP Checklist](#). To be eligible for funding through Clean Water State Revolving Fund Program (CWSRF) to construct the proposed project(s) identified in the FP, an Environmental Assessment (EA) (also known as an Environmental Information Document (EID)) must also be prepared and submitted as part of the FP. (See sections XI through XIII of the FP Checklist.) The EA can be incorporated into the FP or prepared as a separate, stand-alone document. Pursuant to the National Environmental Policy Act (NEPA), the EA must be no more than 75 pages. *(For the purposes of this guidance document, where an EA is required, the FP is referred to as the FP/EA.)*

## Early Development / Public Meeting

The FP/EA must comply with [NEPA regulations](#), including providing opportunities for public review and comment. As part of the public participation process, informal public meeting(s) must be held early in the FP development process and must be addressed in the initial draft submittal. Placeholders also need to be included in the initial draft for sections and any appendices that will address the Intergovernmental Review (IGR), and formal public hearing requirements described further below.

## DEM Review

DEM will review the initial draft of the FP/EA and provide any comments. If DEM has significant comments, a revised draft must be submitted for additional review. This process may occur multiple times. Once DEM has completed its review and has no additional comments, the FP/EA can proceed to IGR. If federal funds will not be used for the design and/or construction of the project(s) identified in the FP or if the EA will be prepared at a later date, DEM will issue an approval letter for the FP at this time.

## Intergovernmental Review

The FP/EA must be forwarded to certain agencies for review and comment. A listing of agencies that must be provided an opportunity for review is provided in DEM's [IGR Contact List](#). Note that it is only necessary to provide the reviewing agencies a copy of the executive summary, rather than the entire FP/EA document. If a reviewing agency raises any significant issues that require revisions to the FP/EA, the revised draft of the FP/EA may need to be resubmitted to DEM for additional review.



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## Public Hearing

A formal public hearing must be held on the draft FP/EA to allow the public the opportunity to provide oral and/or written comments on record. The formal public hearing should be advertised and held in accordance with local public hearing policies. The public hearing can take place concurrently with the IGR. However, DEM suggests waiting until the IGR is complete before holding the public hearing. Otherwise, if the FP/EA is revised to address issues raised during the IGR, an additional public hearing will need to be held.

## Final Draft Submittal and Approval

Once the IGR and formal public hearing are complete, two (2) hard copies and a digital copy of the final draft of the FP/EA must be submitted to DEM for final review. The final draft must include documentation for the IGR and public hearing. The IGR documentation consists of copies of all correspondence with the various agencies and response summary. The public hearing documentation includes a copy of the hearing advertisement and a copy of a written transcript or audio/video recording of the hearing. DEM will also accept a digital copy of the recording, which can be forwarded to DEM via email or on a physical storage device (thumb drive). If there are no additional comments or significant environmental impacts identified in the FP/EA, DEM will draft a Finding of No Significant Impact (FONSI) and issue a 30-day public notice on the draft FONSI. If, by the end of the public notice period, DEM does not receive any comments or requests for hearing on the FONSI, DEM will issue an approval letter for the final FP/EA along with the final FONSI. DEM will also forward a DEM stamped-approved hard copy of the FP/EA.

*Note: In the uncommon case where significant environmental impacts are identified in the FP/EA that prevent DEM from issuing a FONSI, an Environmental Impact Statement (EIS) must be prepared. The EIS process ends with DEM issuing a Record of Decision (ROD).*

## Types of Facilities Plans

**Facilities Plan (FP)** - A FP is a comprehensive facilities planning document where no previous FP exists.

**Facilities Plan Update (FPU)** - A FPU replaces an existing FP that is out of date or beyond its planning period. The FPU is a comprehensive update that evaluates wastewater needs for the next planning period (typically 20-years).

**Facilities Plan Amendment (FPA)** – A FPA is prepared if any new need(s) arise within the planning period of an existing FP or FPU, or if there is a significant change to an existing FP or FPU.

**Facilities Plan Reaffirmation (FPR)** – A FPR is prepared if construction of a project(s) does not commence before the FONSI expires (FONSIs are valid for five (5) years). The FPR must be developed in accordance with DEM's [FPR Checklist](#). Like the FP/EA review and approval process described above, DEM will then public notice a new draft FONSI and, presuming no public comments are received, will approve the FPR and issue the new FONSI.



# FP Process Flow Chart

- FP** Facilities Plan
- DEM** Department of Environmental Management
- IGR** Intergovernmental Review
- EI** Environmental Impacts
- FONSI** Finding of No Significant Impacts
- EA** Environmental Assessment
- EIS** Environmental Impact Statement
- ROD** Record of Decision
- CWSRF** Clean Water State Revolving Fund

