



MEMORANDUM

**INTRODUCING FEDERAL NATIONAL ENVIRONMENTAL POLICY ACT PRACTITIONERS TO
THE DISTRICT OF COLUMBIA ENVIRONMENTAL POLICY ACT PROCESS**

This fact sheet is designed to familiarize Federal [National Environmental Policy Act](#) (NEPA) practitioners with the [District of Columbia Environmental Policy Act](#) (DCEPA), DC Code 8-36. When a proposed NEPA action also requires compliance with DCEPA, it is critical that these practitioners familiarize themselves with DCEPA and understand how DCEPA compares to and contrasts with NEPA.

Both statutes are designed to facilitate informed decision-making and environmental review. DCEPA requires that state agencies study the environmental consequences of their actions, including permitting and financial assistance. It also requires them to take all feasible measures to avoid, minimize, and mitigate damage to the environment. This fact sheet compares DCEPA, [DC Codified Law 8-36](#), and DC Municipal Regulations (DCMR) [Chapter 20-72](#) with CEQ's Regulations for Implementing the Procedural Provisions of NEPA, [40 CFR Parts 1500-1508](#).

This fact sheet only provides basic information and is intended to serve as a springboard for discussion with [District of Columbia Department of Consumer and Regulatory Affairs \(DCRA\)](#) staff when proposed projects trigger both Federal and state environmental review requirements. Project proponents are strongly encouraged to contact DCRA in the early stages of project planning so that Federal and state environmental review processes, if applicable, can be appropriately aligned.

Introduction

In 1989, the District of Columbia adopted the DC Environmental Policy Act, which requires the city government “to prepare an environmental impact statement...[for]...an action that, if implemented, is likely to have a significant effect on the quality of the environment; to ensure the residents of the District of Columbia safe, healthful, productive, and aesthetically pleasing surroundings; and to develop a policy to ensure that economic, technical, and population growth occurs in an environmentally sound manner.” [DC Law 8-36](#).

The DCEPA process only applies to a project undertaken or permitted by a branch of the city government that either 1) costs over \$1 million (based on 1989 dollars and adjusted annually to CPI) that may have a significant impact on the environment or 2) costs less than \$1 million (based on 1989 dollars and adjusted annually) and “imminently and substantially affects public health, safety, or welfare.” [DCMR 20-7201](#). Applicants whose actions are not listed as exempt under DCEPA must complete an Environmental Impact Screening Form (EISF). [DCMR 20-7204](#), [DCMR 20-7202](#).

Key Points of Comparison



MEMORANDUM

The below table compares NEPA terms/procedures with equivalent DCEPA terms/procedures.

NEPA	DCEPA
	Actions Exempt Under the Statute, DC Law 8-36, section 7(a) , and DCMR 20-7202
Categorical Exclusion (CE), 40 CFR 1508.4 , 40 CFR 1507.3	
Environmental Assessment (EA), 40 CFR 1508.9 , 40 CFR 1501.3	Environmental Impact Screening Form (EISF) DCMR 20-7201 , DCMR 20-7204
Finding of No Significant Impact (FONSI), 40 CFR 1508.13	Finding as to Environmental Impact, DCMR 20-7210
Notice of Intent, 40 CFR 1508.22	N/A
Draft Environmental Impact Statement (DEIS), 40 CFR 1502 , 40 CFR 1508.11	N/A
Final Environmental Impact Statement (FEIS), 40 CFR 1502 , 40 CFR 1508.11	Environmental Impact Statement, DCMR 20-7206
Record of Decision (ROD) 40 CFR 1505.2	Written Finding, DCMR 20-7210.5

The following bullet points outline points of comparison:

- DCEPA requires that a lead city agency issue its determination of whether a full EIS is required within 30 working days of receiving the EISF. NEPA allows agencies discretion in the timeline for publishing their determination about the need for an EIS. [40 CFR 1502.5](#), [DCMR 20-7205](#).
- Under NEPA, each federal agency maintains a list of actions which they define as Categorical Exclusions, which do not require an EA or an EIS, provided that no “extraordinary circumstances” indicate that a normally excluded action may have a significant effect ([40 CFR 1508.4](#)). Under DCEPA, certain actions are automatically exempt. DCEPA’s exempt actions are listed within the law itself and corresponding regulations, and unlike NEPA, they do not vary based on individual agency. [DC Law 8-36, section 7\(a\)](#), [DCMR 20-7202](#).
- When a lead agency other than DCRA submits an EISF or an EIS for a public or private major action to DCRA as the review agency, DCRA serves a clearinghouse function. DCRA reviews for triggers that establish the need for an environmental review and then sends the project to the District Department of Energy and Environment (DOEE), which performs the substance of the review and provides its approval prior to permit issuance. [DCMR 20-7203](#); see [DCMR 20-7299.1](#).



MEMORANDUM

- In the DCEPA process, if a lead agency determines after reviewing the EISF that no adverse effects are likely then no EIS is required. When the NEPA process results in a similar finding, lead federal agencies issue a FONSI, which states that the action does not require an EIS to be completed. [DCMR 20-7205](#), [40 CFR 1501.4\(2\)](#).
- To comply with DCEPA, a lead city agency must issue its determination of whether the EIS identifies adverse effects and thus whether the project will be approved within 30 days of the end of DEIS public review. To comply with NEPA, a lead federal agency must issue its determination at least 30 days after publishing the FEIS.
- A lead city agency operating under DCEPA guidelines must publish its determination whether an EIS has an adverse impact, and if so, whether that impact threatens public health, safety, or welfare in the *DC Register*. According to DCEPA, if the EIS does not identify any adverse impacts that pose a substantial threat to the public, then the lead agency approves the proposal. A city lead agency's written finding does not provide the public with details about the project, alternatives or mitigation; it notes what the EIS determined. A publication of the written decision by a lead city agency ends the review process and likewise, a ROD issued by a lead federal agency signifies the end of the NEPA process. [40 CFR 1505.2](#), [40 CFR 1506.10](#), [DCMR 20-7210](#).
- District agencies that comply with NEPA do not need to complete an additional process for DCEPA. [DCMR 7202.1\(b\)](#).

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