

## **South Carolina Aeronautics Commission (SCAC)**

### **Non-Federal Airport Project Environmental Policy**

#### Purpose

This South Carolina Aeronautics Commission (SCAC) policy is to ensure that development projects undertaken at publicly owned, public use airports in South Carolina and funded using State and Local (*i.e.* – Non-Federal) resources are in compliance with relevant environmental regulations and will not have a significant, detrimental impact on the environment.

#### Parties

This policy shall apply to South Carolina Public Airport Sponsors and consultants.

#### Definitions

- (1) Airport Sponsor: Public agency owning (or leasing from another government entity) a public-use airport.
- (2) Categorical Exclusion (CATEX): Categories of actions which do not have a significant effect on the human environment and therefore do not require environmental assessment or an environmental impact statement. (FAAO 1050.1G)
- (3) FAA: Federal Aviation Administration
- (4) Public Airport: A publicly owned airport designated for public use.
- (5) SCAC: South Carolina Aeronautics Commission
- (6) SCDES: South Carolina Department of Environmental Services

#### Applicability

When funds derived solely from State and Local sources are used to finance development projects at publicly owned, public use airports in South Carolina and the proposed project has not otherwise received NEPA Compliance Review by FAA Environmental Staff.

#### General Requirements

Airport development projects funded, in whole or in part, by the South Carolina Aeronautics Commission (SCAC) (regardless of an absence of Federal funding) are to comply with all Federal, State, and Local environmental and development laws and regulations including laws and regulations related to the management and protection of trees as well as applicable stormwater, and sediment & erosion control programs.

Prior to the submission of an SCAC grant application, an Airport Sponsor seeking to undertake a development project on property of a South Carolina public use airport should

first coordinate with the Federal Aviation Administration, the South Carolina Aeronautics Commission, and the South Carolina Department of Environmental Services concerning the completion of an environmental review related to the project.

During the coordination process, the type of environmental review to be undertaken and corresponding level of documentation will be determined. Unless determined otherwise, a categorical exclusion (CATEX) is preferred to satisfy the environmental review process. Once the required environmental documentation process is completed, the Airport Sponsor shall submit the documentation to the Airport Development (AD) staff at the South Carolina Aeronautics Commission (SCAC). This documentation (typically a CATEX prepared in accordance with FAA ARP SOP No. 5.2) shall be submitted in advance of or concurrent with the SCAC Grant application for the construction phase of the associated project. Preparation and submission of the CATEX is typically a Design phase task.

Consideration and approval of the Grant Application will require favorable review and concurrence with the submitted CATEX.

**Airport Sponsor's Role:** General Aviation (GA) Airports are operated by Counties, Municipalities, or Airport Authorities. Neither the Federal Aviation Administration (FAA) nor the South Carolina Aeronautics Commission (SCAC) owns or operates airports in the State. Therefore, the decision to undertake a project is the responsibility of the Airport Sponsor who bears primary responsibility for ensuring an environmental review is fully executed and complete as determined by the FAA, SCAC, or SCDES.

**Airport Planning and Engineering Consultant's Role:** The Airport Sponsor's Consultant should be thoroughly familiar with Federal and State environmental process and will possess appropriate technical qualifications to prepare environmental documents for a project. During the environmental review process, the Consultant will ensure that the Sponsor is aware of and involved in all communications between the Consultant and Federal, State, and Local partners. While a CATEX is preferred to satisfy the environmental review process, consultants should be mindful that guidance from the Federal Aviation Administration or SCDES ultimately will determine the analysis to be undertaken. Therefore, consultants should be prepared to follow the guidance provided as to the type of analysis to conduct.

**Federal Aviation Administration Role:** Regardless of funding source(s), the Federal Aviation Administration may review a project to determine if it is subject to Federal environmental review and, based on the impact of a project, what type of environmental review may be necessary in accordance with FAAO 1050.1G and other appropriate environmental

regulations. Such laws, regulations, and executive orders may include but may not be limited to:

- Clean Air Act
- Clean Water Act
- Endangered Species Act
- Fish and Wildlife Coordination Act
- National Environmental Policy Act of 1969 (NEPA)
- EO 11990 – Protection of Wetlands
- EO 11988 – Floodplain Management
- 14 CFR Part 150 – Airport Noise Compatibility Planning
- 33 CFR Part 323 Permits for Discharges of Dredged or Fill Material into Waters of the US
- Section 106 of the National Historic Preservation Act

**SC Department of Environmental Services Role:** The SCDES may also review a project and determine: 1) if an additional review is needed beyond that provided by the project CATEX, and 2) the type of review needed. South Carolina Environmental Regulations which could be applicable to the review process may include, but are not limited to:

- 30-11 General Guidelines for all Critical Areas
- 30-12 Special Project Standards for Tidelands and Coastal Waters
- 61-9.122 The National Pollution Discharge Elimination System
- 61-62 Air Pollution Control Regulations and Standards
- 61-62.6 Control of Fugitive Particulate Matter
- 61-69 Classified Waters
- 72-101-108 Erosion and Sediment Reduction and Stormwater Management

**South Carolina Aeronautics Commission Role (SCAC):** SCAC has authority over airport development grants. Prior to releasing state funds for projects, SCAC must be satisfied that an appropriate environmental analysis has been completed and that development projects undertaken on airport property will not cause or contribute to negative effects on the environment. For SCAC to make this determination, an adequate environmental document must be prepared and submitted to the SCAC Airport Development Staff for consideration. This is typically a CATEX.

If required, SCAC Planning Staff will coordinate review with other State Environmental Agencies such as:

- South Carolina State Historic Preservation Office (SHPO)
- South Carolina Department of Natural Resources (SCDNR)

**Summary:**

- All Public Airport construction projects funded in part by the SCAC require the preparation, submittal, and approval of a CATEX. This is the minimum requirement.
- Depending upon the nature of the project, review and approval of the CATEX may be performed by FAA or SCDES Staff.
- Airport Sponsors are ultimately responsible for ensuring that all required environmental permits are obtained and complied with. Issuance of an SCAC Grant does not relieve the Airport Sponsor of this responsibility.

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