



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

CATEGORICAL EXCLUSION

Sulger Subdivision Wastewater Collection System Expansion
City of Sierra Vista, Arizona
December 2011

EPA Region 9 is proposing to provide Border Environment Infrastructure Funds (BEIF) to the City of Sierra Vista to expand sewer service to 155 residences within the City's Sulger Subdivision. This project is being conducted in conjunction with the United States Department of Agriculture (USDA) – Rural Development.

EPA Region 9's authorization of funds for the proposed project is a federal action requiring compliance with the National Environmental Policy Act (NEPA), 42 USC §§4321-4370f. In accordance with Council on Environmental Quality regulation, 40 CFR §1508.4, a federal agency may categorically exclude an action from detailed environmental review, provided the proposed action meets certain criteria which EPA has previously determined indicate the undertaking will not have significant environmental impact and provided no extraordinary circumstances exist. EPA's categorical exclusions are set forth in 40 CFR Part 6.

Eligibility for Categorical Exclusion

The City of Sierra Vista plans to use BEIF grant funds to expand sewer service to the City's Sulger Subdivision. Currently, there are failing onsite septic systems within the subdivision which are creating an immediate threat to human health and the environment from exposure to untreated sewage. The City's wastewater treatment plant will provide treatment to the sewage collected from the Sulger Subdivision.

40 CFR §6.204 (a)(1)(ii)(iii) allows the following type of action to be eligible for exclusion:

an action relating to existing sewer systems, drinking water supply systems, and storm water systems that involve minor upgrading, or minor expansion of system capacity or rehabilitation (including functional replacement) of the existing system and system components.

EPA regulations consider a minor upgrade to be an increase in the service area of less than 30% of the existing service area. The addition of 155 homes to the service area represents less than 30% of the existing Sierra Vista service area. EPA Region 9 has determined the proposed project meets the above criteria and is eligible for a categorical exclusion under 40 CFR §6.204(a)(1).

Extraordinary Circumstances

EPA Region 9 has reviewed the proposed action to ascertain whether the proposed project involves any of the extraordinary circumstances identified at 40 CFR § 6.204(b)(1)-(10) and has determined:

- (1) The proposed action is not known or expected to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time.
- (2) The proposed action is not known or expected to have disproportionately high and adverse human health or environmental effects on any community, including minority communities, low-income communities, or federally-recognized Indian tribal communities.
- (3) The proposed action is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat. EPA made this determination based upon the findings of USDA's "Biological Evaluation for the Proposed Sulger Sewer Line Installation in Sierra Vista" dated September 13, 2010. The Biological Evaluation assessed the project area for 24 special status species listed by the U.S. Fish and Wildlife Service and/or the Arizona Department of Game and Fish. No federally listed threatened or endangered or State of Arizona listed species were observed in the project area. It was also determined that the project area did not contain suitable habitat for any of the 24 special status species.
- (4) The proposed action is not known or expected to significantly affect national natural landmarks or any property with nationally significant historic, architectural, prehistoric, archeological, or cultural value, including but not limited to, property listed on or eligible for the National Register of Historic Places. A Class III Cultural Resources Survey was completed by the City of Sierra Vista on September 2010 for the proposed project. EPA Region 9 provided the survey to the Arizona State Historic Preservation Officer (SHPO). EPA Region 9 was notified on November 29, 2011 by SHPO staff that they agreed with the findings of the survey that no significant affect to cultural or archeological resources would occur from the proposed project.
- (5) The proposed action is not known or expected to significantly affect environmentally important natural resource areas such as wetlands, floodplains, significant agricultural lands, aquifer recharge zones, coastal zones, barrier islands, wild and scenic rivers, and significant fish or wildlife habitat.
- (6) The proposed action is not known or expected to cause significant adverse air quality effects.
- (7) The proposed action is not known or expected to have a significant effect on the pattern and type of land use (industrial, commercial, agricultural, recreational, residential) or growth and distribution of population, including altering the character of existing residential areas, and is consistent with land use plans approved by a state, local government or federally-recognized Indian tribe and federal land management plans.
- (8) The proposed action is not known or expected to cause significant public controversy about a potential environmental impact of the proposed action.

(9) The proposed action is not known or expected to be associated with providing financial assistance to a federal agency through an interagency agreement for a project that is known or expected to have potentially significant environmental impacts.

(10) The proposed action is not known or expected to conflict with federal, state, local government, or federally-recognized Indian tribe environmental, resource-protection, or land-use laws or regulations.

Mitigation Measures

Although no significant impacts were identified, the following standard mitigation measures will be included in the grant agreement between the City of Sierra Vista and the North American Development Bank (NADBank).

Historic Properties: No mitigation is required for historic properties. However, in accordance with §41-844 of the Arizona Revised Statutes, the person supervising any survey, excavation, construction, or like activity on state-administered lands is required, upon incidentally encountering cultural deposits more than 50 years old, to halt all work on the undertaking and immediately notify the Director of Arizona State Museum of the finding, so that a consultation process can be initiated and an appropriate course of treatment decided upon. Work in the area is not to resume until authorization is received from the Director.

Biological Resources: In order to minimize indirect and adverse impacts to downstream fish habitat from silt carried by stormwater runoff, Best Management Practices (BMPs), as specified in a Stormwater Pollution Prevention Plan (SWPPP), will be employed during construction of the Proposed Action.

To minimize any adverse impacts to wildlife caused by entrapment in trenches, all trenches left open temporarily during construction will either be covered to prevent wildlife from falling in or equipped with exit ramps to allow wildlife to escape.

Water Quality: In order to minimize any adverse impacts from stormwater flows, a SWPPP will be developed in compliance with EPA and ADEQ regulations. The SWPPP will include BMPs that, when implemented, will serve to eliminate and minimize the discharge of sediment from the Proposed Action area. Examples of BMPs include, but are not limited to, straw bales, straw wattles, and silt fencing.

Socio-Economics/Environmental Justice: In order to minimize potential disproportional adverse impacts to minority and/or low-income residents of the Sulger Subdivision, the City of Sierra Vista will develop and implement an informational campaign with the goal of maximizing the number of residents that connect to the new system at the time of its installation.

Air Quality: In order to minimize adverse impacts to air quality, fugitive dust will be limited by dust control measures, such as watering of disturbed areas by a spray bar-equipped water truck, as specified by local ordinances and federal or state requirements.

Noise: In order to minimize adverse impacts from noise, and in compliance with City regulations, the operation of construction equipment and supply vehicles will only occur between 6 a.m. and 8 p.m.

Finding

EPA Region 9 finds the proposed action conforms to the category of actions eligible for exclusion from detailed environmental review under 40 C.F.R. §6.204 and will not involve any extraordinary circumstances. Accordingly, EPA Region 9 will not prepare either an environmental impact statement or an environmental assessment for the proposed project. EPA Region 9 may revoke this categorical exclusion if changes in the proposed action render it ineligible for exclusion or if new evidence emerges which indicates that serious local or environmental issues exist or federal, state, or local laws would be violated.

John Ong for

Alexis Strauss
Director, Water Division

12/9/11

Date