



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION IX**

**75 Hawthorne Street  
San Francisco, CA 94105-3901**

**CATEGORICAL EXCLUSION**

**Wastewater Treatment Plant Improvements for the Town of Niland, California, United States  
June 2013**

The U.S. Environmental Protection Agency (USEPA) Region 9 is considering authorizing the award of a Border Environment Infrastructure Fund (BEIF) grant to the Niland Sanitary District (NSD) for improvements to the wastewater treatment plant (WWTP) serving the town of Niland, California.

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

**Eligibility for Categorical Exclusion**

The NSD intends to use BEIF funds to improve its existing wastewater treatment plant. Currently, the WWTP does not meet permit requirements for E-coli, copper, total suspended solids (TSS), and biological oxygen demand (BOD). Recently, there were also thallium violations at the WWTP. On January 22, 2009, the Regional Water Quality Control Board (RWQCB) issued a Cease and Desist Order (Enforcement Order R7-2009-0007) to NSD.

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

an action relating to an existing sewer system, drinking water supply system, 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.

The NSD is proposing to upgrade the WWTP by installing two new percolation basins. Each percolation basin would be approximately 275-feet by 275-feet and 3-feet deep. An emergency overflow basin sized at 360-feet by 150 feet would also be constructed. The purpose of the percolation basins is to dispose of the treated effluent that currently discharges to the R Drain. Finally, space at the WWTP site would also be set aside for future capacity. The USEPA has determined the proposed

meets the above criteria and is eligible for a categorical exclusion under 40 CFR §6.204 since it is a rehabilitation of existing system components.

### **Extraordinary Circumstances**

EPA Region 9 has reviewed the proposed action to ascertain whether the proposed project involves any of the extraordinary circumstances identified in 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 or adverse human health or environmental effects on any community, including minority communities, low-income communities, or federally-recognized Indian tribal communities. Indian tribes located adjacent to the project were notified of the proposed action, and no comments were received on the project.
- (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 since the proposed project is within the boundaries of NSD's existing WWTP site and on land that has been previously disturbed.
- (4) The proposed action is not known or expected to significantly affect national natural landmarks or any property with nationally significant historic, architectural, prehistoric, archaeological, or cultural value, including but not limited to, property listed on or eligible for the National Register of Historic Places. EPA received a letter from the California State Historic Preservation Officer on May 13, 2013 confirming EPA's determination that the proposed project would not impact historic properties.
- (5) The proposed action is not known or expected to significantly affect environmentally important natural resources such as wetlands, floodplains, significant agricultural lands, aquifer recharge zones, coastal zones, barrier islands, wild and scenic rivers, and significant fish or wildlife habitat. These important natural resources are not present within the project site.
- (6) The proposed action is not known or expected to cause significant adverse air quality effects. Combustion emissions associated with construction vehicles and equipment associated with construction vehicles and equipment would be minimal due to the short-term duration of the proposed construction period. Fugitive dust emissions during construction would be minimized through dust control and standard engineering practices.
- (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. The proposed project will not increase the capacity of the 0.5 MGD WWTP, but will only include additional treatment components within the existing WWTP site.

(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.

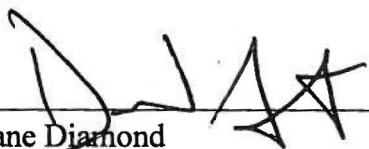
(10) The proposed action is not known or expected to conflict with federal, state, local government, or federally-recognized Indian tribe environmental, resource-protection, or land-use laws or regulations.

### **Mitigation Measures**

Although no significant impacts were identified, a mitigation measure regarding limiting fugitive dust emissions during construction through the use of dust control and standard engineering practices will be included in the grant agreement between the NSD and the North American Development Bank (NADBank).

### **Finding**

EPA Region 9 finds that the proposed action conforms to the category of action 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.

  
fn Jane Diamond  
Director, Water Division

6/7/13  
Date