



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

FINDING OF NO SIGNIFICANT IMPACT

Wastewater Collection and Treatment System for the Community of Palo Verde, California, United States

The U.S. Environmental Protection Agency (EPA) is considering authorizing the award of a Border Environment Infrastructure Fund (BEIF) grant to the Palo Verde County Water District (PVCWD) for the construction of a wastewater collection and treatment system to eliminate failed and nonconforming septic systems that are in generally poor condition.

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 at 40 CFR §§1500.1-1508.28, and EPA NEPA regulations at 40 CFR Part 6, USEPA Region 9 has prepared an Environmental Assessment (EA) describing the potential environmental impacts associated with, and the alternatives to, the proposed project. This Finding of No Significant Impact (FONSI) documents USEPA Region 9's decision that the proposed project will not have a significant effect on the environment.

Project Location and Description

The community of Palo Verde is located in the far northeastern corner of Imperial County, with Riverside County abutting the community to the north. Palo Verde is approximately 50 miles north of the US-Mexico international border, 6 miles west of the Colorado River, and 13 miles south of Interstate 10 (I-10). State Highway 78 (Ben Hulse Highway) runs north and south through the community and is the main highway in Palo Verde. The Palo Verde Lagoon and Outfall Drain are in the Palo Verde Valley, and the community of Palo Verde is centered on these water features. The valley is bound on the north by the Big Marina Mountains, on the west by Palo Verde Mesa, and on the south and east by the Colorado River.

The proposed project would include the installation of a new wastewater collection system and new wastewater treatment plant (WWTP) to treat wastewater generated in Palo Verde. The wastewater system would serve 222 parcels and a project population equivalent of 328 persons, and treat an estimated average daily flow (ADF) of 57,300 gallons per day (gpd). The collection system would include the installation of 8-inch diameter gravity sewer lines, 4-inch diameter service laterals, manholes, one pump station, and force mains in order to convey wastewater to the WWTP site. The WWTP would consist of an aerated facultative pond with percolation/evaporation ponds, screens, grit removal, flow measurement, influent pump station and an ultraviolet (UV) disinfection system. Residential septic systems would be properly abandoned as part of the project.

Purpose and Need for Proposed Project

The proposed project would provide increased health, sanitation, and security to residents within Palo Verde. The proposed wastewater collection and treatment system would use an aerated facultative pond with percolation/evaporation basins, and would eliminate wastewater overflows and leaks through the abandonment of existing failed and nonconforming septic systems in the area. The project would also address issues of non-compliance through the elimination of septic systems located within 50 to 100 feet of the Palo Verde Lagoon and Outfall Drain, which is designated as a setback area. The proposed wastewater system would protect groundwater and the Palo Verde Lagoon, thereby improving water quality and providing potential health benefits by reducing the elevated levels of *E. coli* and fecal coliform bacteria.

Environmental Consequences

In compliance with the National Environmental Policy Act (NEPA), USEPA has prepared an EA that analyzes the environmental impacts of the proposed action. After considering a wide range of regulatory, environmental (both natural and human) and socio-economic factors, the EA did not identify any significant impacts to the environment that would result from the implementation of the proposed project.

During preparation of the EA, a loss of six acres of critical habitat for the southwestern willow flycatcher (SWFL) was identified, as well as potential impacts to aquatic species. EPA determined that the loss of six acres of critical habitat “may affect” SWFL species, but was “not likely to adversely affect.” EPA requested informal Section 7 consultation with the U.S. Fish and Wildlife Service. On December 10, 2014, the Service confirmed EPA’s determination and included conservation measures for protection of the SWFL. (See attached list of conservation measures.)

In addition, a cultural resources survey was also conducted for the proposed project. No historic properties or archaeological resources were identified as being impacted. EPA’s determination of no effect was confirmed by the California State Historic Preservation Office in October 2013.

Finally, EPA sent letters to eight Native American governments in January 2013 to determine whether there were Traditional Cultural Places (TCPs) within the vicinity of the proposed project or other issues of concern by the tribes. Communication with the Native American governments was initiated in accordance with the federal NEPA guidance (42 U.S.C. 4321-43351) and Section 106 of the National Historic Preservation Act (16 U.S.C. 470, 36 CFR 800.3). No TCPs or concerns were identified by the Native American governments.

After carefully considering the regulatory, environmental (both natural and human) and socio-economic factors as described in the EA, EPA Region 9 has not identified any significant impacts to the environment that would result from implementation of the proposed project.

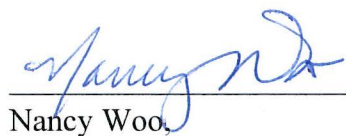
Public Review

EPA made the EA and the unsigned FONSI available for public review at the EPA Region 9 office, and through EPA’s website at <http://www.epa.gov/region9/nepa/epa-genearted/index.html#paloverde> and the Border Environment Cooperation Commission (BECC) website at <http://www.cocef.org>. Notice of the proposed project and the public comment period was published in the Palo Verde Valley

Times. EPA did not receive any public comments on the EA or the unsigned FONSI prior to the close of the public comment period on June 22, 2015.

Finding

Based upon the information contained in the EA, and after an opportunity for public comment, EPA has determined the proposed project will not result in significant impacts to the environment and an environmental impact statement is not required. This FONSI is final upon signature. EPA will not recirculate this FONSI for public review, but will make it available to any individual upon request.



Nancy Woo,
Acting Director, Water Division



Date

Conservation Measures - Palo Verde Wastewater Collection and Treatment System

EPA will include the following conservation measures to reduce impacts to the southwest willow flycatcher (SWFL) and to the fish and aquatic species potentially present in the Palo Verde Lagoon:

- CM #1: Storm Water Pollution Prevention Program (SWPPP) - A SWPPP will be prepared and implemented which will include site-specific Best Management Practices (BMP) to contain any potential spoils generated during construction. The SWPPP will be the guiding framework to ensure environmental compliance with no effects to listed fish species or any other aquatic species.
- CM #2: Habitat Mitigation Management Plan (HMMP) - Preparation of a formal Habitat Mitigation Management Plan (HMMP) for the southwest willow flycatcher (SWFL) which must receive approval from the U.S. Fish and Wildlife Service (Service). The final design for the proposed project will not be considered complete until Service approval of the Habitat Management Plan (HMMP) has been obtained.
- CM #3: Vegetation Management - During the construction phase, all project-related brushing, clearing and trimming of existing shrub/tree-dominated naturalized habitats within and immediately adjacent to the proposed project footprint shall occur outside the two general SWFL migratory periods (May 1 to June 20 and August 10 to October 10); grading activities must be conducted outside of the migration period. A qualified biologist experienced with the SWFL shall monitor all brushing, clearing, trimming and grading activities. In the event that the qualified biologist detects SWFL or any subspecies on the site during such activities, all such activities shall be halted within 500 feet of the existing tamarisk trees or whatever greater distance necessary to reduce noise levels at the edge of the tamarisk woodland below 60 decibels; the activities will cease within this distance until the bird is observed to depart the site or cannot be relocated the next morning.

During the O&M phase, all project-related brushing, trimming, clearing and grading of existing shrub/tree-dominated naturalized, restored and/or preserved habitats within and/or adjacent to the project site must be conducted outside the two SWFL migratory periods. The brushing, trimming, clearing and grading of shrub/tree-dominated naturalized, restored and /or preserved habitats shall be monitored by a qualified biologist experienced in identifying SWFL, and subspecies, in the field, and these activities shall be subject to the terms specified in all of the other applicable mitigation measures, including those relating to dust control, noise reduction, night lighting, and general O&M procedures. In the event that the qualified biologist detects SWFL, and subspecies, on the site during such activities, all such activities will be halted within 500 feet of the existing tamarisk trees or whatever greater distance is necessary to reduce

noise levels at the edge of the tamarisk woodland below 60 decibels. If the bird detected is a SWFL, the activities will cease within this distance until (a) the bird is observed to depart the site, or (b) cannot be relocated within an hour of sunrise on the following work day by any of the following means: visual sighting, passive listening (for its songs/calls) and a failure to respond to playback of recorded SWFL calls broadcast from a portable speaker.

All project personnel, equipment, vehicles and materials shall remain within approved work areas, access routes, laydown areas, construction yards and other feature workspaces. Existing shrub/tree-dominated naturalized, restored and/or preserved habitats outside of approved workspaces shall be avoided by construction and operation and maintenance personnel, vehicles, equipment and materials throughout all phases of the project. Should additional temporary work space become required at any time, a variance may be processed, ensuring that no additional impacts to migratory SWFL are anticipated.

CM #4: *Dust Control - The following standard mitigation measures for fugitive dust control were adopted from the CEQA Air Quality Handbook provided in Appendix B of the Palo Verde Environmental Information Document (EID). In addition to numerous project, wildlife and community benefits, these measures also serve to reduce impacts on migratory SWFL to less than significant levels.*

All disturbed areas, including bulk material storage which is not being actively utilized, shall be effectively stabilized, and visible emissions shall be limited to no greater than 20% opacity for dust emissions by using water, chemical stabilizers, dust suppressants, tarps or other suitable material such as vegetative ground cover.

All on site and off site unpaved roads will be effectively stabilized, and visible emissions shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.

All unpaved traffic areas one (1) acre or more with 75 or more average vehicle trips per day will be effectively stabilized, and visible emission shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.

The transport of bulk materials shall be completely covered unless six inches of freeboard space from the top of the container is maintained with no spillage and loss of bulk material. In addition, the cargo compartment of all haul trucks is to be cleaned and/or washed at delivery site after removal of bulk material.

All track-out or carry-out will be cleaned at the end of each workday or immediately when mud or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within the community of Palo Verde.

Movement of bulk material handling or transfer shall be stabilized prior to handling or at points of transfer with application of sufficient water, chemical stabilizers or by sheltering or enclosing the operation and transfer line.

Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

CM #5: Noise Reduction Measures - *The following standard mitigation measures relating to noise reduction were adopted from the CEQA Air Quality Handbook provided in Appendix B of the EID (AMEC 2011). In addition to numerous project, wildlife and community benefits, these measures also serve to reduce impacts on migratory SWFL to less than significant levels.*

Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes as a maximum.

Limit, to the extent feasible, the hours of operation of heavy-duty equipment and/or the amount of equipment in use.

Noise levels generated by equipment, vehicles, personnel, facilities, and all other project features throughout the construction and operation and maintenance phases should be kept below 60dBA or existing ambient conditions (if greater than 60dBA) throughout the two general SWFL migratory periods (May 1 to June 20 and August 10 to October 10) over the life of the project.

CM #6: Night Lighting Measures - *The following mitigation measures relating to night lighting serve to reduce impacts on migratory SWFL to less than significant levels.*

To reduce impacts on nocturnally roosting SWFL, construction night lighting shall be reduced to the lowest practicable levels on existing shrub/tree-dominated naturalized habitats throughout the two general SWFL migratory periods (May 1 to June 20 and August 10 to October 10).

All exterior lighting associated with long-term facility O&M within the project area adjacent to existing shrub/tree-dominated naturalized, restored and/or preserved habitats shall be of the lowest illumination practical for human safety, selectively placed, shielded, and directed away from stated habitats to the maximum extent practicable.

CM #7: General Operations & Maintenance (O&M) Measures - *The following mitigation measures relating to long-term operation and maintenance procedures serve to reduce impacts on migratory SWFL to less than significant levels.*

All vegetation management, dust control, noise reduction and night lighting mitigation measures shall be followed as applicable to all long-term standard operation and maintenance procedures of the proposed project. Standard operation and maintenance procedures shall generally follow those stated in the Project Evaluation Report (PER) and will generally involve low intensity vehicle, personnel and equipment demands operating within developed areas on an annual basis.

If emergency repairs or other unanticipated non-standard repairs become necessary to maintain the wastewater treatment plant or collection system's integrity and operational functionality, relevant mitigation measures will be applied as necessary to remain in compliance.

CM #8: Qualified Biologist - *The project's qualified biologist shall possess the following qualifications:*

- a) *Document training in identifying SWFL and subspecies by either sight or by calls and songs from those of other riparian bird species;*
- b) *At least 40 hours of supervised experience successfully detecting and observing SWFL and subspecies in the field under the supervision of a more experienced ornithologist. At least 10 hours of the 40 hours of supervised field experience must have involved the use of playbacks of recorded willow flycatcher or subspecies call/songs to elicit vocalizations from SWFL in the field, and response vocalizations must have been successfully obtained from wild birds on at least two separate field days; and*
- c) *Documentation of field training experiences meeting the above criteria, and current contact information for the trainers, must be submitted to the EPA and Service.*

CM #9 Reporting Requirements for Construction Monitoring - *During construction, the project's qualified biologist shall record all detections of SWFL and subspecies to the species level and map the location of the bird on or near the project site to the most accurate degree feasible. Within 120 days of completion of the construction, the qualified biologist shall submit a report to the EPA and the Service relating the dates within which ground-disturbing activities and construction occurred, a brief description of the types of construction activities, and a narrative relating the biological monitoring activities employed during the construction monitoring required in CM #3, above, including dates of monitoring, methods used, and especially the species, dates, and location of the SWFL detected during the monitoring. The report shall include one or more maps depicting the location of the SWFL and subspecies detected during construction monitoring.*

CM#10

Reporting Requirements for Vegetation Removal during Operations – The project's qualified biologist shall record all detections to the species level of SWFL detected while monitoring vegetation removal or disturbance activities, and map the location of the bird on or near the project site to the most accurate degree feasible. The qualified biologist shall submit an annual report to EPA and the Service relating the dates within which vegetation removal or disturbance activities occurred, a brief description of the types of activities which occurred, one or more maps depicting the location of the activities on the project site, and a narrative relating the biological monitoring activities employed during the monitoring required in CM #3, including dates of monitoring, methods used, and especially the species, dates, and locations of SWFL and/or subspecies detected during the monitoring. The report shall include one or more maps depicting the locations of the SWFL species detected during vegetation removal monitoring. The annual report shall describe any vegetation removal or disturbance activities and related biological monitoring for each calendar year (January 1 to December 31) during project operations, and shall be transmitted to the EPA and the Service by February 28 of the subsequent calendar year. If no project operations requiring monitoring for potential impacts to SWFL occurred during the calendar year in question, the Palo Verde County Water District (District) should send a notification to that effect to EPA and the Service by February 28 of the subsequent year. The notification will take the place of the annual report.

CM#11:

Dead and Injured Birds – All project construction and O&M personnel shall immediately report any observations of dead and injured birds on the project site to either the qualified biologist (if present) or to the District. This includes any eagles which appear to be sick.

When an injured bird is found on the project site, the qualified biologist or the District (as applicable) shall make every effort to transport the injured bird to a CA Department of Fish and Wildlife (CDFW) rehabilitation center (www.dfg.ca.gov/wildlife/WIL/rehab/facilities.html).

Should a bird carcass be found on the project site, the qualified biologist or the District (as applicable) shall notify the Service (Palm Springs Field Office, with the Carlsbad Field Office as a fall-back option) and the California Department of Fish and Wildlife (Blythe office) within 72 hours of discovery of the carcass for further direction.

CM#12:

Monitoring and Reporting Requirements for the Riparian Woodland Habitat Restoration – These requirements will be specified in the SWFL HMMP which will be developed by the EPA subsequent to completion of the Endangered Species Act Section 7 consultation.