



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

CATEGORICAL EXCLUSION

Bay Acres WWCS Expansion & WWTP Improvements, Douglas AZ

The U.S. Environmental Protection Agency (USEPA) Region 9 is considering authorizing the award of Border Environment Infrastructure Funds (BEIF) to upgrade and expand the wastewater treatment plant (WWTP) in the City of Douglas, Arizona. The project also includes the construction of a new wastewater collection system in the Bay Acres Colonia, located in the northeastern part of Douglas, just outside of the city limits; but no BEIF funds will be used to fund that component of the project.

EPA Region 9's approval of grant funding for the proposed project is a federal action requiring compliance with the National Environmental Policy Act (NEPA), 42 USC §§4321-4370(f). In accordance with the Council on Environmental Quality regulation, 40 C.F.R. §1508.4, a federal agency may categorically exclude certain actions from detailed environmental review that do not individually or cumulatively have a significant effect on the quality of the human environment. To qualify for a categorical exclusion, a project must conform to one of the categories listed in 40 C.F.R. §6.204(a), and it must not involve any of the extraordinary circumstances identified in 40 C.F.R. §6.102(B)(6).

Eligibility for Categorical Exclusion

The City intends to use BEIF funds to upgrade the existing Douglas WWTP and expand its permitted capacity from 2.0 million gallons/day (MGD) to 2.6 MGD to provide capacity to meet the needs of the new wastewater collection system that will be constructed in the Bay Acres Colonia, as well as allow for limited and controlled build-out within the Colonia and the City. The WWTP expansion will require an update to the current Aquifer Protection Permit (APP). The WWTP does not meet its current APP limits and will be ungraded as part of the project to meet more stringent requirements (Best Available Demonstrated Control Technology) in the new APP.

USEPA Region 9 previously determined that the proposed project to construct a wastewater collection system in the Bay Acres Colonia and upgrade and expand the existing Douglas WWTP will not result in significant impacts to the environment. EPA issued a Finding of No Significant Impact (FONSI) on February 28, 2014. During final design of the proposed project, the design firm concluded that 0.6 acres of additional property was necessary to accommodate one of the two new oxidation ditches selected as the wastewater treatment technology. A small rectangular block of land located immediately north of the existing WWTP fence line is being proposed for this purpose.

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

Actions relating to existing infrastructure systems (such as sewer systems; drinking water supply systems; and stormwater systems, including combined sewer overflow systems) that involve minor upgrading, or minor expansion of system capacity or rehabilitation (including functional replacement) of the existing system and system components (such as the sewer collection network and treatment system; the system to collect, treat, store and distribute

drinking water; and stormwater systems, including combined sewer overflow systems) or construction of new minor ancillary facilities adjacent to or on the same property as existing facilities.

EPA has determined the proposed project meets the above criteria and is eligible for a categorical exclusion under 40 CFR §6.204(a)(1)(ii) because the use of additional land to upgrade and expand the WWTP constitutes “minor upgrading” and a “minor expansion of system capacity.”

Extraordinary Circumstances

EPA Region 9 has reviewed the proposed action to ascertain whether the proposed project addition 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. No Native American tribes are traditionally affiliated with the project area.
- (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 the existing WWTP site, where no threatened or endangered species, or species that are candidates for protection, have been found. The same conclusion applies to the additional land proposed for use, based on the results of a biological survey that was conducted in September 2015.
- (4) The proposed action is not known or expected to significantly affect national 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. On December 31, 2015, the Arizona State Historic Preservation Officer concurred with EPA’s determination that no historic properties would be affected by the proposed project.
- (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.

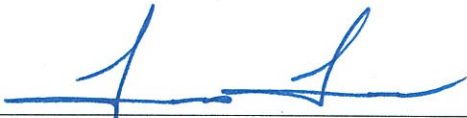
(8) The proposed action is not known or expected to cause significant public controversy about a potential environmental impact of the proposed action.

(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.

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.



Tomás Torres
Director, Water Division



Date