UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

16 FEB 2016

FINDING OF NO SIGNIFICANT IMPACT

TO ALL INTERESTED GOVERNMENT AGENCIES AND PUBLIC GROUPS:

In accordance with the environmental review guidelines of the Council on Environmental Quality found at 40 Code of Federal Regulations (CFR) Part 1500, and with the use of the implementing environmental review procedures of the United States Environmental Protection Agency (EPA) found at 40 CFR Part 6 entitled "Procedures for Implementing the Requirements of the Council on Environmental Quality on the National Environmental Policy Act" as guidance, the EPA has performed an environmental review of the following proposed action:

Wastewater Infrastructure Construction Project
Proposed by the
Marathon Water Supply and Sewer Service Corporation
For BECC Activities
Located in Marathon, Brewster County, Texas

Estimated EPA Share: $ 1,069,700
Estimated Local Share: $ 0

The Fiscal Year 2015 Appropriations Act for the EPA included special Congressional funding for water and wastewater construction projects. The Marathon Water Supply and Sewer Service Corporation (Corporation) was selected to receive funding support through these special appropriations for the construction of wastewater system improvements and upgrades. The existing wastewater collection system was constructed in 1970, and the plant was expanded in 2004 from 28,000 to 200,000 gallons per day. The wastewater treatment plant has the capacity to handle current and future flow rates, but the wastewater collection system does not meet the current needs of the Community of Marathon (Community). Furthermore, certain aspects of the existing system do not meet the Texas Commission on Environmental Quality (TCEQ) standards for minimum pipe diameter, minimum slope, or infiltration and inflow prevention.

The Community is located in West Texas approximately 60 miles south of Fort Stockton, Texas and 30 miles east of Alpine, Texas. It is the second largest town in Brewster County, and is bisected by the Southern Pacific Railroad at the intersection of U.S. Highway 90 and 395. The Corporation provides both water supply and wastewater services for the Community. The wastewater collection system serves the majority of the Community located on the north side of U.S. Highway 90. On the south side of the Community, the areas known as Fussy Flats and Loma del Chivo are currently not completely serviced by the wastewater system. The current system has the potential to negatively impact the health and safety of the Community. Several of

the wastewater collection pipes are shallow making them susceptible to line breaks. This situation limits the ability of the utility to connect new services in the areas that are presently not served. The wastewater treatment system does not have a grit collection or screening system prior to discharge into holding lagoons, which can result in grit being deposited in the lagoons reducing capacity. In addition, there are no reliable flow records available because the wastewater treatment plant does not have a flow meter installed at the inlet or outfall of the wastewater treatment plant.

Six alternatives, and a no action alternative, have been recognized to address the key issues necessary to modify the existing system in order to achieve compliance with TCEQ regulations, service the entire Community of Marathon, and service potential future growth. Each alternative includes providing a new 12-inch diameter interceptor to increase the capacity of the existing sewer main and allow for the transportation of sediment during peak flows, and replacing the gravity line between the collection system and the wastewater treatment plant which currently has insufficient slope to maintain a 2 feet per second velocity. After due consideration of the feasible alternatives, including no action, to address the continuing needs in the area for adequate and dependable wastewater collection and treatment, the Corporation has decided to proceed with improvements that will adequately address the current situation. The Corporation will replace a section of the existing sewer main in the alley north of 1st Street, the crossing of U.S. 90 and the railroad, and the outfall line to the treatment plant with a new 12-inch diameter sewer main. A new interceptor will be constructed in South Albert as well. The purpose of this project is to provide adequate, safe, and environmentally responsible wastewater treatment support to the Community of Marathon in addition to achieving compliance with TCEQ regulations for wastewater treatment systems. The Corporation will utilize special Congressional funding support to finance 100% of the proposed construction project.

The Marathon Water Supply and Sewer System Service Corporation has submitted an application under the EPA prioritization process to the Border Environment Cooperation Commission (BECC) for certification of the project. After the project application was reviewed and ranked by the BECC with EPA assistance, the applicant was selected to receive funding from the EPA Project Development Assistance Program administered by BECC. Upon certification, the project will receive Border Environment Infrastructure Fund (BEIF) assistance administered by the North American Development Bank (NADB). Both the BECC and the NADB are bi-national sister organizations created by the governments of the United States and Mexico to improve the environmental conditions in and along the United States/Mexico border region. The applicant will utilize the BEIF funding support to finance the proposed construction project. The improvements should continue to protect the health and welfare of the citizens living in the immediate vicinity.

The environmental review process, which is documented by the enclosed Environmental Assessment, indicates that no potential significant adverse environmental impacts are anticipated from the proposed action. The project individually, cumulatively over time, or in con junction with other actions is not expected to have a significant adverse effect on the quality of the environment. On the basis of the environmental review determination there are not any predicted or cumulative significant adverse impacts expected with the project, I have determined that the project is not a major federal action significantly affecting the quality of the human

environment, and that preparation of an Environmental Impact Statement is not necessary. My preliminary decision is based upon the enclosed Environmental Assessment, a careful review of the Environmental Information Document prepared for the project, the results of the public participation process, and other supporting data which are on file in the office listed below and available for public review upon request. Therefore, I am issuing this preliminary Finding of No Significant Impact pertaining to the project.

Comments regarding my preliminary decision may be submitted for consideration to the attention of the Office of Planning and Coordination (6EN-XP), Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202-2733. After evaluating any comments received, the EPA will make a final decision. No administrative action will be taken on this preliminary decision for at least 30 calendar days after release of this Finding of No Significant Impact. The preliminary decision and finding will then become final after the 30-day comment period expires if no new significant information is provided to alter this finding.

Responsible Official,

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

cc: Jim Roberts, Manager/Operator
Marathon Water Supply and Sewer Service Corporation

Renata Manning, Director of Projects
Border Environmental Cooperation Commission

Kevin Patteson, Executive Administrator
Texas Water Development Board

ENVIRONMENTAL ASSESSMENT

WASTEWATER INFRASTRUCTURE CONSTRUCTION PROJECT
Proposed by the
MARATHON WATER SUPPLY AND SEWER SERVICE CORPORATION
For BECC Activities
Located in BREWSTER COUNTY, TEXAS

BACKGROUND

The Fiscal Year 2015 Appropriations Act for the EPA included special Congressional funding for water and wastewater construction projects. The Marathon Water Supply and Sewer Service Corporation (Corporation) was selected to receive funding support through these special appropriations for the construction of wastewater system improvements and upgrades. The existing wastewater collection system was constructed in 1970, and the plant was expanded in 2004 from 28,000 to 200,000 gallons per day. The wastewater treatment plant has the capacity to handle current and future flow rates, but the wastewater collection system does not meet the current needs of the Community of Marathon (Community). Furthermore, certain aspects of the existing system do not meet the Texas Commission on Environmental Quality (TCEQ) standards for minimum pipe diameter, minimum slope, or infiltration and inflow prevention.

The Community is located in West Texas approximately 60 miles south of Fort Stockton, Texas and 30 miles east of Alpine, Texas. It is the second largest town in Brewster County, and is bisected by the Southern Pacific Railroad at the intersection of U.S. Highway 90 and 395. The Corporation provides water and sanitary service for the Community and the wastewater collection system serves the majority of the Community located on the north side of U.S. Highway 90. On the south side of the Community, the areas known as Fussy Flats and Loma del Chivo, are currently not completely serviced by the system. According to the U.S. Census Bureau, Marathon had an estimated 2010 population of approximately 441 residents which is now estimated to be approximately 439 residents in 2015. The issues with the wastewater collection system limit the ability to accommodate any amount of growth, even though minimal growth is expected.

The current system has the potential to negatively impact the health and safety of the Community. Several of the wastewater collection pipes are shallow making them susceptible to line breaks. This situation limits the ability of the utility to connect new services in the areas that are presently not served. The wastewater treatment system does not have a grit collection or screening system prior to discharge into holding lagoons, which can result in grit being deposited in the lagoons reducing capacity. In addition, there are no reliable flow records available because the wastewater treatment plant does not have a flow meter installed at the inlet or outfall of the wastewater treatment plant.

Six alternatives, and a no action alternative, have been recognized to address the key issues necessary to modify the existing system in order to achieve compliance with TCEQ regulations, service the entire Community of Marathon, and service potential future growth.

Each alternative includes providing a new 12-inch diameter interceptor to increase the capacity of the existing sewer main and allow for the transportation of sediment during peak flows, and replacing the gravity line between the collection system and the wastewater treatment plant which currently has insufficient slope to maintain a 2 feet per second velocity. After due consideration of the feasible alternatives, including no action, to address the continuing needs in the area for adequate and dependable wastewater collection and treatment, the Corporation has decided to proceed with improvements that will adequately address the current situation. The Corporation will replace a section of the existing sewer main in the alley north of 1st Street, the crossing of U.S. 90 and the railroad, and the outfall line to the treatment plant with a new 12-inch diameter sewer main. A new interceptor will be constructed in South Albert as well. The purpose of this project is to provide adequate, safe, and environmentally responsible wastewater treatment support to the Community of Marathon in addition to achieving compliance with TCEQ regulations for wastewater treatment systems. The Corporation will utilize special Congressional funding support to finance 100% of the proposed construction project. The project area is shown on the map enclosed as Exhibit A.

The proposed project is considered to be a federal action requiring compliance with the National Environmental Policy Act (NEPA). In accordance with the environmental review requirements of the Council on Environmental Quality found at 40 Code of Federal Regulations (CFR) Part 1500, and with the use of the Environmental Protection Agency's (EPA) implementing regulations found at 40 CFR Part 6 entitled "Procedures for Implementing the Requirements of the Council on Environmental Quality on the National Environmental Policy Act" as guidance, the EPA is preparing this Environmental Assessment to assist in determining the environmental impacts of the proposed action, and in evaluating whether an Environmental Impact Statement or a Finding of No Significant Impact will be prepared for the proposed project.

PROJECT DESCRIPTION

The proposed project will involve construction and rehabilitation activities as follows:

1. Construction of new 12-inch diameter interceptor;
2. Construction of a new gravity line; and
3. Installation of all necessary structures, equipment, hookups and connections necessary to insure proper functionality and operation of all components of the project.

All construction activities for the proposed project will occur within existing rights of way. The overall project will not require the purchase of any additional land or easements, and will not require the displacement of any person, home or business.

ALTERNATIVES TO THE PROPOSED PROJECT

The funding recipient evaluated and considered a range of various alternatives to address the infrastructure needs of the area. Important factors influencing the evaluation of the processes and their recommended solutions include environmental acceptability, overall costs, availability of land for the intended uses, maximum reuse of existing facilities when applicable, operation

and maintenance costs, system reliability, accommodation of future expansion needs, and public acceptance. A complete description of the alternatives is provided in the Environmental Information Document (EID) developed and provided by the funding recipient for the project.

ENVIRONMENTAL SETTING

The Community is located approximately 40 miles north of Big Bend National Park in West Texas at an elevation of 4,100 feet above sea level. The land surface consists of high plateaus, peaks, and valleys and is surrounded by mountain ranges and hills. The project area is located in a small-population urban setting, associated with dispersed residences, transportation corridors, and agricultural fields.

The soils throughout the area are characterized as gravelly loam and silt loam with 0 to 5 percent slopes. There are several types of wetlands within the Community including a freshwater pond, a small freshwater forested shrub wetland, and three freshwater emergent wetlands. Air quality is considered moderate to good due to the lack of local, major sources of air emissions; however, transportation of air pollution from emissions sources located outside of the region are believed to be causing a deterioration of air quality over time.

The Community is located within the Marathon Basin. The area experiences a sub-tropical arid climate characterized by hot summers and low humidity which contribute to high evaporation rates in and around the Community. The land surface is an intermontane valley situated within the structural uplift of the Ouachita fold belt. Groundwater reservoirs in the area are recharged primarily by infiltration of rainfall and stream runoff. Vegetation within Marathon once consisted of drought resistant sparse grasses, desert shrubs and cactus, and isolated mesquite trees, but the majority of the Marathon project area is now developed and inhabited with sparsely distributed native grasses and shrubs. Common wildlife found within the area include coyotes, rabbits, and skunks along with several other less common species native to the area.

There are no national landmarks, wilderness areas, or wild or scenic rivers within or immediately adjacent to the project area. There are no important farmlands, prime forest land or prime rangeland that will be disturbed by the proposed project. The project will serve all populations equally, and will not exclude any particular person or population. The general social and economic characteristics of the Community will not be changed or negatively impacted, will not change the current land use patterns in the area, and will be compatible with applicable zoning ordinances in the area. The benefits, costs and minor impacts of the project, such as limited noise and dust created during eventual construction activities, will be shared equally by all citizens and will cease upon completion of the project. A more detailed description of the local environment is provided in the EID developed for the project.

IMPACTS OF THE PROPOSED PROJECT

The proposed project was analyzed to identify potential short-term, long-term, and cumulative impacts on the environment. Factors that were considered include the probability of impact occurrence, magnitude of any occurrence, if any predicted occurrence is determined to be

reversible/irreversible, direct/indirect or one-time/cumulative, the proposed action's conformity to legal mandates, and the social distribution of risks and benefits. The proposed project is not expected to have a substantial negative impact upon current land uses or land values, nor is it anticipated to have a substantial impact upon the values of surrounding land holdings. The proposed action is expected to have energy requirements typical of other construction projects of similar scope, size and duration, and will be conducted in accordance with the requirements of all applicable federal, tribal, state and local regulations.

The majority of the impacts associated with construction will be short-term and temporary, and will cease immediately upon completion of construction work in any particular area. There are not any anticipated significant adverse environmental impacts associated with the proposed action that cannot be reduced to acceptable levels. The only irretrievable resources committed to the construction portion of the project are labor, machinery wear, materials, funds spent, and energy consumed during construction. The potential short and long-term, direct, indirect and cumulative impacts resulting from the proposed action are identified and discussed below.

1. Biological Resources Including Threatened and Endangered Species: Based upon initial coordination with the United States Fish and Wildlife Service (USFWS) and the Texas Parks and Wildlife Department (TPWD), construction of the proposed project should not have significant adverse impacts to biological resources. The USFWS and TPWD have suggested areas to avoid, implementation of best management practices to control erosion, and maintenance of vegetative buffers. All such measures must be implemented and maintained during the construction process. The funding recipient is responsible for continued coordination with the USFWS and TPWD and must obtain and abide by any/all necessary permits and recommendations to insure that protected species and their designated critical habitat in the area will not be adversely impacted by construction.

2. Cultural/Historic Resources: Based upon initial coordination with the State Historic Preservation Officer (SHPO), construction of the proposed project should not have significant adverse impacts to archaeological, historical, architectural, or cultural resources. The funding recipient is responsible for continued coordination with the SHPO to insure that such resources are protected during construction activities. If cultural materials are encountered during construction, work will stop immediately in the general area of the discovery, and the funding recipient will immediately notify the SHPO of the discovery.

3. Floodplain: Based upon initial coordination with the Federal Emergency Management Agency (FEMA) and the Brewster County Emergency Management Coordinator (CEMC), construction of the proposed project should not have significant adverse impacts to the floodplain. Brewster County is a participant in the National Flood Insurance Program, and has appropriate floodplain protection ordinances in place. The funding recipient is responsible for continued coordination with the CEMC to insure that eventual construction is completed in a manner consistent with the requirement to avoid or minimize damage to or within the floodplain.

4. Wetlands: Based upon initial coordination with the United States Army Corps of Engineers (COE), construction of the proposed project will not require the issuance of a project-specific construction permit under Section 404 of the Clean Water Act. However, if construction activities will occur in a jurisdictional area, the Nationwide Permit 12 will be considered as the form of authorization. It is the responsibility of the Corporation to obtain any and all permits if necessary prior to the initiation of construction activities. Construction of the proposed project should not have significant adverse impacts to designated protected wetlands within the project construction area. The funding recipient is responsible for continued coordination with the COE to insure that designated wetlands in the area will not be adversely impacted by eventual construction.

In order to further protect the natural beneficial functions of the floodplain and wetlands, and to minimize the potential flood hazards to life and property, the construction funding is conditioned to read:

a. The recipient agrees not to collect or treat wastewater generated by new development in the floodplain or wetlands by the project facilities for a period of 50 years from the date of the environmental assessment related to this project. This restriction does not apply to development in the floodplain or wetlands which existed prior to that date;

b. The recipient agrees to adopt and enforce suitable ordinances and implementing procedures for effective local administration of this floodplain and wetlands service area restriction. On application of the recipient's governing body and after considering all relevant information on a proposed development's effects on the natural functions and values of the affected floodplain and wetlands, the EPA Regional Administrator may waive the service area restriction in individual cases; and

c. EPA and the recipient intend that this floodplain and wetlands service area restriction shall benefit any person, organization, or entity possessing an interest in preservation of the natural environment in the 100-year floodplain and wetlands subject to this restriction. Any such beneficiary may seek enforcement of the restriction against the recipient or its successor in a court of competent jurisdiction, if notice of the intent to seek enforcement is first given to the recipient and the EPA Region 6, and neither entity initiates corrective action within 90 days of receiving such notice.

5. Surface Water Resources: Based upon initial coordination with the National Park Service and the Texas Commission on Environmental Quality (TCEQ), construction of the proposed project should not have significant adverse impacts to protected surface water resources. The proposed project will not discharge effluent into any waters that have been designated as a wild and scenic river. If the project will disturb in excess of one acre of land, the funding recipient must comply with the Texas Storm Water Construction General Permit which requires the preparation and implementation of a Storm Water Pollution Prevention Plan. The funding recipient is responsible for continued coordination with the TCEQ, and must obtain and abide by any/all necessary permits to insure that surface water resources in the area will not be adversely impacted by the construction.

6. Ground Water Resources: Based upon initial coordination with the TCEQ, construction of the proposed project should not have significant adverse impacts to ground water resources. The project area does not lie within the boundaries of a designated sole source aquifer, and therefore is not subject to the requirements of the sole source aquifer program. The funding recipient is responsible for continued coordination with the TCEQ, and must obtain and abide by any/all necessary permits and recommendations to insure that ground water resources in the area will not be adversely impacted by the construction.

7. Prime and Unique Farmlands: Based upon initial coordination with the Natural Resources Conservation Service (NRCS), construction of the proposed project should not have significant adverse impacts to protected soils or farmlands. The NRCS also stated that no permits, easements, nor approvals for activities such as this are required. The funding recipient is responsible for continued coordination with the NRCS to insure that protected soils and farmlands will not be adversely impacted by the construction.

8. Air Quality: Based upon initial coordination with the TCEQ, construction of the proposed project should not have significant adverse impacts to air quality. In their letter dated January 15, 2016, the TCEQ states that Brewster County is currently unclassified or in attainment of the National Ambient Air Quality Standards for all six criteria air pollutants. Therefore, a general conformity analysis will not be required. All vehicles and equipment used in the construction of this project must comply with federal regulations concerning the control of air pollution from mobile sources. EPA encourages the use of clean, lower-emissions equipment and technologies to reduce pollution. Also, EPA's final Highway Diesel and Non-road Diesel Rules mandate the use of lower-sulfur fuels in non-road and marine diesel engines. Adherence to these recommendations will insure that construction of the proposed project should not have significant adverse impacts to the air quality in the area. The funding recipient is responsible for continued coordination with the TCEQ to insure that air quality will not be adversely impacted by the construction.

9. Environmental Justice: The project was reviewed to ensure that the current land purchase and eventual construction will be conducted in an appropriate manner so that all persons and populations are served equally by the infrastructure improvements. Based upon the results of an evaluation to rank the potential environmental impacts to local communities using a computer-assisted mathematical formula, including Geographical Information System maps and census demographic data, no persons or populations will be discriminated against or denied the benefits of the proposed project. Since all persons and populations will be served equally by the project, there will be no adverse impacts that are considered disproportionate to any particular portion of the population.

10. Coastal and Barrier Resources: Since the entire project planning area is located inland and not adjacent to any coastal location, the proposed project should not have significant adverse impacts to coastal and barrier resources.

11. Cumulative Impacts: Potential cumulative impacts would be those impacts to the local environment that would result from the proposed project in combination with other ongoing actions, and those reasonably foreseeable future actions. No other known major construction

activity is being conducted presently or planned for the immediate future. The proposed project will not individually nor cumulatively over time have a negative impact on the quality of the human or natural environment.

DOCUMENTATION, COORDINATION, AND PUBLIC PARTICIPATION

A public hearing for the proposed project was held on July 24, 2014, at the Marathon Community Center located on 2nd Street NE in Marathon. All necessary information related to the project was available for public review and comment prior to the hearing. The purpose of the hearing was to inform the public of the proposed project, to identify any concerns, and to request public participation. The project is supported by the Community, and no adverse public comments or concerns were received, although there were several verbal comments questioning street closures, noise, and the affects construction will have on everyday life.

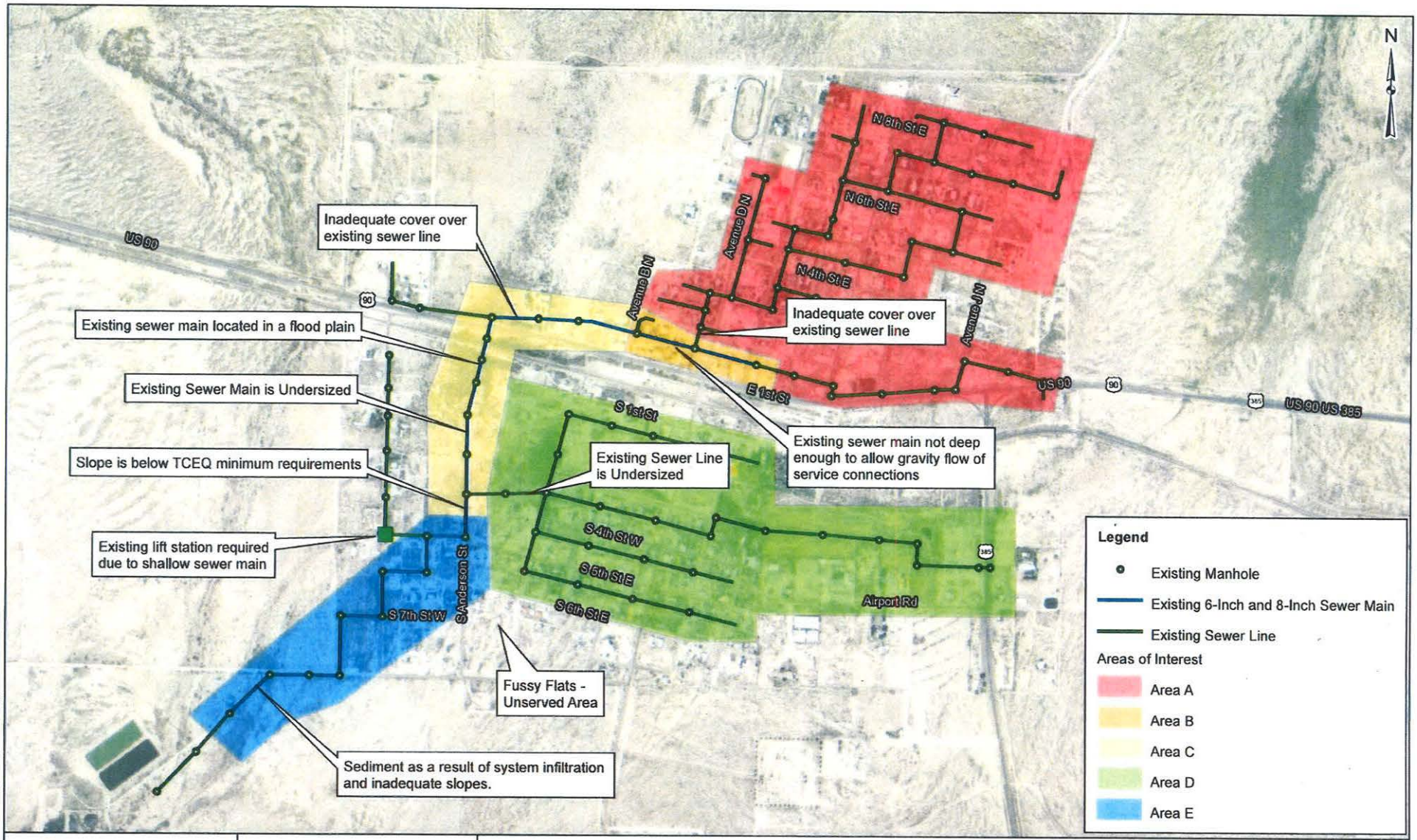
During the process of conducting the environmental review and preparing this Environmental Assessment for the project, coordination was conducted with all required resource protection agencies and offices to solicit and incorporate their initial review and comments. Copies of this Environmental Assessment will be provided to those agencies and offices for their final review and comments. Other interested parties may request a copy of the Environmental Assessment and/or the Environmental Information Document by contacting Stephanie Meyers, NEPA Specialist, via telephone number (214) 665-6496, electronically at meyers.stephanie@epa.gov, or in writing from the EPA, Special Projects Section (6EN-WS), 1445 Ross Avenue, Dallas, Texas 75202-2733.

References

1. Environmental Information Document, Border Environment Cooperation Commission, Marathon Water Supply and Sewer System Wastewater Collection System Improvements, June 2015.
2. Supporting information and attachments to the EID.

RECOMMENDATION

Based upon completion of this Environmental Assessment, and a detailed review of the Environmental Information Document for the project, it has been determined that construction activities are considered to be environmentally sound, and are acceptable from the standpoint of protecting public health or welfare. Therefore, it is recommended that a Finding of No Significant Impact be issued for this project.



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SCALE: 1"= 750'

WASTEWATER SYSTEM MAP

EXHIBIT A

A1

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Service Layer Credits: