

US EPA ARCHIVE DOCUMENT



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

**CATEGORICAL EXCLUSION**  
**City of Carlsbad for Vista-Carlsbad Joint Wastewater Rehabilitation Project**  
**Carlsbad and Vista, California**  
**August 17, 2012**

The U.S. Environmental Protection Agency (EPA) Region 9 intends to award a grant in the amount of \$485,000 to the City of Carlsbad, in accordance with the Consolidated Appropriations Act 2010, Public Law 111-117, which specified this funding to the City of Carlsbad for the Vista-Carlsbad joint wastewater project

EPA 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 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 Carlsbad plans to use EPA Region 9 grant funds to rehabilitate existing corroded 24" ductile iron pipeline by using the host pipe as a mold and inserting new pipe into the existing pipe through existing manholes. This method of rehabilitation requires little or no excavation, provides a significant savings over conventional dig and replace construction methods, and has an additional benefit of much less public inconvenience. The proposed project will reduce sewage leaks from cracked and decayed pipe and prevent people and the environment from coming into sewage.

40 CFR §6.204 (a)(1)(ii) allows a project to be categorically excluded when the project involves:

“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. This category does not include actions that: involve new or relocated discharges to surface or ground water; will likely result in the substantial increase in the volume or the loading of pollutant to the receiving



water; will provide capacity to serve a population 30% greater than the existing population; are not supported by the state, or other regional growth plan or strategy; or directly or indirectly involve or relate to upgrading or extending infrastructure systems primarily for the purposes of future development.”

EPA Region 9 has determined the proposed project is eligible for a categorical exclusion under 40 CFR §6.204 (a)(1)(ii), as the project involves rehabilitation of existing sewer pipe without disturbing soils and all work will occur within an existing underground pipeline.

### 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. The US Fish and Wildlife Service provided concurrence on April 29, 2011, pursuant to section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) that the Vista/Carlsbad Interceptor Sewer project is not likely to adversely affect the federally listed endangered least Bell's vireo (*Vireo bellii pusillus*, "vireo"), southwestern willow flycatcher (*Empidonax traillii extimus*, "flycatcher"), and light-footed clapper rail (*Rallus longirostris levipes*, "clapper rail"); as well as the threatened western snowy plover (*Charadrius alexandrinus nivosus*, "plover"), and coastal California gnatcatcher (*Poliophtila californica californica*, "gnatcatcher").
- (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. The California State Historic Preservation Office suggested that US EPA make a determination of no effect to 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 because little to no soil disturbance will occur during the implementation of this project. Notice letters were sent to a list of Tribal leaders located in the area and follow-up phone calls were made as it related to this project and the larger project funded without US EPA funds. The US EPA funded project was included in the project description identified in the letters sent to interested Tribes. All Tribal comments related to concerns associated with excavation and this portion of the project will not involve excavation.

(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.

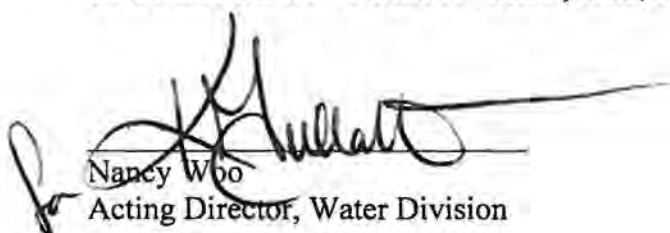
(8) The proposed action is not known or expected to cause significant public controversy about a potential environmental impact of the proposed action.

(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.

### Finding

EPA Region 9 finds the proposed action conforms to the category of actions eligible for exclusion from detailed environmental review under 40 CFR §6.204 (a)(1)(ii), 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.

  
Nancy Woo  
Acting Director, Water Division

Date

8/17/2012