

US EPA ARCHIVE DOCUMENT



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

**CATEGORICAL EXCLUSION**  
**City of Fernley for Sludge Drying Beds and Removal Facilities**  
**Fernley, California**

**September 5, 2012**

The U.S. Environmental Protection Agency (EPA) Region 9 intends to award a grant in the amount of \$291,000 to the City of Fernley, in accordance with the Consolidated Appropriations Act, 2010, Public Law 111-117, which specified this funding to the City of Fernley for a wastewater infrastructure 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 Fernley plans to use EPA Region 9 grant funds to construct two concrete sludge drying basins where two earthen storage lagoons are now located. The storage lagoons are dry and no longer in use. The new sludge drying basins will be placed within the footprint of the existing facility where the ground has previously been disturbed. The proposed project will extend the life of the existing treatment facility and reduce operation and maintenance costs for the City of Fernley.

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 construction of new minor ancillary facilities adjacent to or on the same property as existing facilities.

### **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)(ii) 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 largest impact of this project will be the placement of the concrete sludge drying basins, and since the basins are being constructed within an existing part of the wastewater treatment plant, no listed species will be affected.
- (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. EPA Region 9 contacted the Nevada State Historic Preservation Office (SHPO) on August 9, 2012, to learn if the project would affect any National Register properties. The Nevada SHPO confirmed the proposed action will not 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 on August 31, 2010. EPA Region 9 sent letters to interested Tribes on August 3, 2012, to notify them of the proposed project and to identify any concerns they might have concerning the action. EPA Region 9 followed-up with telephone calls with all interested Tribes and concluded that there were no issues or concerns regarding this project.
- (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.

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.

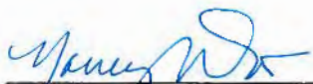
(8) The proposed action is not known or expected to cause significant public controversy about a potential environmental impact of the proposed action.

(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.

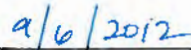
(10) The proposed action is not known or expected to conflict with federal, state, local government, or federally recognized Indian tribe environmental, resource protection, or land use laws or regulations.

#### **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