UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 24 2018

OFFICE OF WATER

Categorical Exclusion

For the Saddle Creek Retention Treatment Basin (RTB)

Pursuant to 40 CFR §6.204

The U.S. Environmental Protection Agency (EPA) is planning to award a loan under the Water Infrastructure Finance and Innovation Act (WIFIA) to the City of Omaha, Nebraska. The EPA intends for this loan to fund the Saddle Creek (CSO 205) Retention Treatment Basin (RTB).

The EPA's authorization of funding for the proposed project is a federal action requiring compliance with the National Environmental Policy Act (NEPA), 42 USC §§ 4321-4370(f). According to the Council on Environmental Quality's NEPA regulations, 40 CFR § 1508.4, a federal agency may categorically exclude an action from detailed environmental review as long as the action does not individually or cumulatively have a significant effect on the human environment. An action undertaken by the EPA can qualify as a categorical exclusion if it falls under any category within 40 CFR § 6.204(a), and does not exhibit any of the extraordinary circumstances listed in § 6.204(b).

Project Description

The Saddle Creek RTB Project will serve CSO 205, the only CSO in the Saddle Creek Basin, which has a drainage area of approximately 3,550 acres. This facility will provide treatment of combined sewer overflows prior to being released into the Little Papillion Creek (which ultimately discharges to the Missouri River). This project began with planning and design activities in April 2011 and is proposed to be constructed at 64th and Dupont Streets in Omaha, Nebraska. The RTB will be an underground structure where combined sewage is held during wet weather events and treated (i.e., settling tank for removal of solids, disinfection, and dechlorination) before being discharged to Little Papillion Creek. Following the event, the contents of the RTB that are not discharged to Little Papillion Creek will be pumped into the existing sanitary sewer system for conveyance to the Papillion Creek Wastewater Treatment Plant, where it will receive further treatment. Above ground improvements include a building to house controls, equipment, and chemicals, and a pump station building housing dewatering pumps and associated controls.

This project is an important element of the City's Long Term Control Plan (LTCP) and is important to addressing water quality concerns in Papillion Creek and the Missouri River. The City is obligated to implement its LTCP through both a Consent Order and their National Pollutant Discharge Elimination System (NPDES) permit. Without construction of the RTB, 558 million gallons of combined sewage would continue to be discharged into the Little Papillion Creek (which is classified by the Nebraska Department of Environmental Quality for primary recreation) on an annual basis. Currently, the discharges from the combined sewer impact receiving streams from the point of discharge to the Missouri River. After the construction of the RTB, the amount of undisinfected discharges to the Creek will be reduced by over 85 percent. This will ensure that achievement of the water quality standard for

E. coli is not precluded by CSOs. In addition, the project will remove floatables and other solids from CSO discharges.

Eligibility for Categorical Exclusion

This project is eligible for a categorical exclusion under 40 CFR § 6.204(a)(1)(ii), which requires that projects be:

> "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."

The City of Omaha owns and maintains over 2,100 miles of sewer collection pipelines in a service area that is approximately 320 square miles in both Douglas and Sarpy counties. The City wastewater collection system leads to the treatment of wastewater at two major treatment facilities: the Missouri River Wastewater Treatment Plant (MRWWTP) and the Papillion Creek Wastewater Treatment Plant (PCWWTP). The combined sewer area has 510 miles of combined sewers, 345 miles of sanitary sewers that discharge into combined sewers, and 26 active CSO outfalls or discharge points. The proposed project affects an existing CSO system, and it simply constitutes a minor upgrade or expansion, because it will affect only one out of the system's 26 total outfalls.[1] This minor upgrading of a CSO system is expressly listed as a permissible categorical exclusion under 40 CFR § 6.204(a)(1)(ii).

Additionally, in order to qualify as a categorical exclusion, a project cannot fall within any of the exceptions listed under 40 CFR § 6.204(a)(1)(ii). Accordingly, projects cannot be designated categorical exclusions if they:

> "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."

First, this project will allow for the continued discharge of water from the existing outfall connected to this combined sewer system, albeit with a reduction in frequency and wastewater volume. After the proposed minor upgrades to the system are completed, the pollutants in its discharged water will not increase, and its discharged water will continue to enter the same waterway and fit within the system's existing NPDES permit. The variables that the Saddle Creek RTB project will mainly change are the arrangement of the outfall structure, the reduction in the frequency of CSOs and the reduction in pollutants entering the receiving waterway. In sum, this project does not involve a new or relocated discharge but a new or relocated outfall structure of an existing permitted discharge. Second, given that the Saddle Creek RTB project only affects one out of twenty-six outfall structures, and is designed to reduce the frequency of CSOs and pollutants leaving the system, this project is not likely to place a substantially higher quantity of pollutants into the receiving water. Third, this project will not be providing capacity to serve a population 30 percent greater than the existing population, as the Saddle

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[1] Authorization to Discharge Under the National Pollutant Discharge Elimination System (NPDES). NPDES Permit No.:NE0133680. City of Omaha Combined Sewer Overflows (September 28, 2015).

Creek basin has actually seen a slight reduction in population between the last two censuses.[2] Fourth, the project does not conflict with any regional growth strategy as the project location and basins are fully developed urbanized areas with no significant changes in land use or demography expected in the future and is consistent with the objectives of Omaha's Master Plan.[3] Fifth and finally, the project's purpose is not to upgrade infrastructure for future development; instead, its "primary objective" is to reduce the quantity of untreated water that leaves the system's outfall structure.[4]

Extraordinary Circumstances

The EPA has determined that none of the following extraordinary circumstances outlined in 40 CFR § 6.204(b) apply to the proposed project:

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.* This project is being developed to reduce environmental impacts by reducing the frequency of CSOs and, consequently, the volume of waste materials discharged to surface waters.[5]

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.* The area around the site of the proposed action has a population that is 25 percent comprised of minorities, which is slightly higher than the 19 percent minority population in Nebraska as a whole but lower than the 33 percent minority population for the city of Omaha. There are more low-income residents within the site of the proposed project than there are in Omaha as a whole—these values are 49 percent and 37 percent, respectively. [6] No tribal areas were identified at the project location. Any likelihood of minor, short-term impacts on communities during construction would be reduced by the Stormwater Pollution Prevention Plan and other Best Management Practices (BMPs) that are mandated by the required NPDES General Permit for Construction Stormwater Discharge.[7] At completion of the project, the amount of undisinfected sewage and stormwater currently entering the waterway would be reduced by over 85 percent. This would improve the environmental health conditions of the area and result in long-term, beneficial impacts to the Little Papillion Creek, which is classified by the Nebraska Department of Environmental Quality for primary contact recreation. Ultimately, the project would result in improved local water quality for the communities. Therefore, implementation of the project would not result in disproportionately high and adverse impacts on minority and low-income populations.

3. *The proposed action is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat.* On February 7, 2007 and again on May 13, 2014, information was obtained from the Nebraska Games and Parks Commission that states that no endangered species, nor critical habitat are anticipated in the areas impacted by the LTCP. In addition, concurrence was obtained from the U.S. Fish and Wildlife for a project in the same area that no endangered species or critical habitat exist. This is supported by a biological review that

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[2] Update to Long-Term Control Plan for the Omaha Combined Sewer Overflow Control Program § 2.3.1. (October 2014).

[3] Omaha Master Plan reports #302 (Environment Element), #264 (Concept Element), and #272 (Land Use Element).

[4] Update to Long-Term Control Plan for the Omaha Combined Sewer Overflow Control Program.

[5] Update to Long-Term Control Plan for the Omaha Combined Sewer Overflow Control Program and Saddle Creek Preliminary Basin Plan Final Design Report Technical Report (No date).

[6] EJScreen reports for project site and City of Omaha (September 2017).

[7] Saddle Creek Retention Treatment Basin Permitting Status Technical Memorandum (January 9, 2015).

was completed on April 7, 2014, which confirmed that the site did not contain any endangered species or critical habitat. However, the Northern Long-eared Bat (*Myotis septentrionalis*) was listed as a threatened species since these analyses and consultations were conducted. A Northern Long-Eared bat habitat survey at the site showed no suitable summer roosting habitat and no presence of bats or bat indicators within the cast-in-place CSO culvert structure. EPA has reviewed the habitat survey and further analyzed the current site condition which lacks trees/foraging habitat and the lack of other dense wooded areas (riparian areas, wooded draws, other dense patches of trees) within 1.5 miles of the site and has determined that the species and critical habitat are not present and the project will not affect Northern Long-eared Bats [8]

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.* The Nebraska State Historical Society provided a concurrence letter with the project's determination of no impact to known historic or cultural resources.[9]

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.* The project area does not contain any mapped Federal Emergency Management Agency floodplains, wetlands, or federally recognized wild and scenic rivers. However, the channel was determined as a water of the U.S. by the USACE. A Nationwide Permit was obtained for work in the channel on April 9, 2015. A reapplication is needed before construction. [10]

6. *The proposed action is not known or expected to cause significant adverse air quality effects.* The Saddle Creek RTB project site is not located in a non-attainment or maintenance area under the EPA classifications. The emissions associated with this project, which are anticipated to derive from the exhaust of mobile equipment and fugitive dust from earthmoving, are not predicted to affect the area's attainment of air quality standards. The City's Air Quality Program, which implements the air quality program in the Omaha area for the Nebraska Department of Environmental Quality (NDEQ), stated that no air permit was necessary for the operation of the project. [11]

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[8] Saddle Creek Area Biological Assessment Letter with "No Objection" from US Fish and Wildlife Services on January 30, 2012 (January 26,2011). Update of Sensitive Areas Analysis, Omaha Combined Sewer Overflow Long Term Control Plan (May 13, 2014). Biological Survey Update for the Saddle Creek Retention Treatment Basin (RTB) (April 7, 2014). Data request for critical habitat in streams in Omaha Area (February 15, 2007). CSO 205 Northern Long-Eared Bat Habitat Assessment (February 9, 2018). List of threatened and endangered species (January 31, 2018)

[9] Nebraska State Historical Society Letter Re: HP#1502-023-01; OPW 52049 Saddle Creek Retention Treatment Basin (February 12, 2015).

[10] Technical Memorandum: Summary of Environmental Documents for the Saddle Creek RTB and FEMA Flood Zone, U.S. FWS National Wetland Inventory and U.S. Forest Service, National Park Service, Bureau of Land Management, and the US Fish and Wildlife Service National Wild and Scenic Rivers System data accessed through NEPAssist for project site (March 2018).

[11] City of Omaha Air Quality Division Saddle Creek RTB air emission permit status (March 4, 2015) and U.S. EPA Non-Attainment Area data accessed through NEPAssist for project site (March 2018).

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 not expected to be inconsistent with state or local government, or federally-recognized Indian tribe approved land use plans or federal land management plans.* The project site is situated entirely on previously disturbed land, formerly owned by the Metropolitan Utilities District (MUD) and used as their construction and demolition debris landfill.[12] Aerial photographs indicate a mix of land uses including residential, institutional, commercial, and industrial within a one-half mile radius of the project site. The City of Omaha future land use map indicated a classification of industrial for the project site and no changes to the surrounding area.[13] Therefore, no land use changes are anticipated from the project.

8. *The proposed action is not known or expected to cause significant public controversy about a potential environmental impact of the proposed action.* The project would result in beneficial outcomes, such as improvements to water quality that would improve the environmental health conditions of the area, and is not expected to cause significant public controversy.

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.* The proposed action is to provide financial assistance to a municipal entity to construct a Retention Treatment Basin.

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.* The project would comply with all applicable federal, state and local regulations.[14]

Finding

The EPA finds that the proposed action is eligible for exclusion from detailed environmental review under 40 CFR § 6.204(a)(1)(ii), and will not involve any of the extraordinary circumstances delineated under 40 CFR § 6.204(b). Consequently, the EPA will not prepare an environmental impact statement or an environmental assessment for the proposed project. The EPA 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.

Andrew D. Sawyers, Director
Office of Wastewater Management

4/24/18
Date

[12] Request for Concurrence, Omaha Combined Sewer Overflow (CSO) Control Program OPW 52049 – Saddle Creek Retention Treatment Basin (RTB) Project (January 23, 2015).
[13] Omaha Master Plan report #272 (Land Use Element).
[14] Saddle Creek Retention Treatment Basin Permitting Status Technical Memorandum.