



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

OFFICE OF WATER

Categorical Exclusion
For the Tohopekaliga Water Authority (TWA)
The Accelerated Gravity Sewer Assessment and Rehabilitation Project
Pursuant to 40 CFR §6.204(a)(1)(ii)

The U.S. Environmental Protection Agency (EPA) is planning to award a loan under the Water Infrastructure Finance and Innovation Act (WIFIA) to the Tohopekaliga Water Authority (TWA) located in Osceola, Polk, Lake and Orange counties, Florida. The EPA intends for this loan to fund the Accelerated Gravity Sewer Assessment and Rehabilitation Project (Project).

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)(1)(i)–(iv) and does not exhibit any of the extraordinary circumstances listed in § 6.204(b)(1)–(10).

Project Description

The proposed project is for the sanitary sewer system (including laterals) assessment and the rehabilitation and/or removal and replacement of certain wastewater mains and manholes within rights-of-way, easements, and developed parcels in the Lift Station Areas described below.

Project improvements consist of the following:

- Closed circuit televising (CCTV) inspection of mains being evaluated for lining or replacement;
- Cured-in-place pipe (CIPP) lining for 6" to 24" diameter mains;
- Gravity sanitary sewer replacements for 6" to 24" diameter mains;
- Manhole replacements;
- Manhole rehabilitations/coating;
- Manhole inspections for manholes being evaluated for replacement, rehabilitation and or coating;
- Replacement of water mains and storm sewer replacements adjacent to sewer rehabilitation and replacements; and

- Any work directly related the rehabilitation and/or removal and replacement of certain wastewater mains and manholes and that is completed within rights-of-way, easements, and developed parcels.

The full scope of work for the removal, replacement or rehabilitation phase of the project will be identified upon completion of the pipeline CCTV and manhole visual inspections, which have either been completed or continue to be performed to finalize recommendations to be proposed for the project.

Project Location

The project is located within the TWA service area, which covers the incorporated area of the City of Kissimmee, the City of St. Cloud, unincorporated areas in Osceola County, the southern portion of Orange County, and portions of unincorporated Polk County. The service area is made up of 417 Lift Station Areas (LSAs), of which 349 LSAs make up the project area, which encompasses 44 square miles or approximately 95 percent of the service area.

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.”

This project will not be an expansion of either the sanitary or water system extensions of service area but will only involve the repair, rehabilitation or replacement of existing components determined to require attention upon the completion of the preliminary investigations. The proposed projects under this application are scheduled to be completed by 2025. As the project involves repair or replacement on the same property as the existing piping and manholes, the EPA has determined the proposed project is eligible for a categorical exclusion under 40 CFR §6.204(a)(1)(ii).

Additionally, 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 eligible for this categorical exclusion 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 percent 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.”

The EPA has determined that these factors do not apply to this project. The project will allow for the continued use of the existing water and wastewater infrastructure as presently located and in use. The proposed project is to repair and/or replace existing infrastructure to reduce system failures and reduce inflow and infiltration.

The project will not be providing capacity to serve a population 30 percent greater than the existing population. The project does not increase capacity of the water and wastewater systems; instead, the project repairs, rehabilitates or replaces aging infrastructure in order to eliminate inflow and infiltration.

Additionally, the project does not conflict with any regional growth strategies as the project is occurring within the existing service area and infrastructure in place and no significant changes in land use or demographics are expected. The project's purpose is not to expand infrastructure for future development; instead, its primary objective is to reduce system failures and reduce inflow and infiltration.

Extraordinary Circumstances

The EPA has determined that none of the following extraordinary circumstances outlined in 40 CFR § 6.204(b)(1)–(10) 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 associated with infiltration and inflow into the wastewater collection system and to repair, rehabilitate or replace aging and damaged infrastructure.
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.* Florida has a minority population of 44 percent and a low-income population of 37 percent. Osceola, Polk and Orange Counties have minority populations of 64, 38 and 32 percent, respectively, and low-income populations of 46, 43 and 15 percent, respectively.¹ Individual block group minority and low-income population percentages range widely in the project area, which covers the majority of the TWA service area, from 19 up to 92 percent, and from 15 up to 68 percent, respectively. However, the majority of the block groups occurring in the project area have minority populations greater than 50 percent and low-income populations that are meaningfully greater than relevant state and county percentages. Relatively few block groups within the service area had minority populations below 50 percent or had low-income populations less than relevant state and county percentages. Because minority demographic data equals or exceeds 50 percent of the population in the majority of the project area, the EPA is conservatively considering environmental justice communities to be present throughout the project area. Because the percentage of the population that is low-income within the project area is meaningfully greater than the relevant state and county low-income population percentages, the EPA is conservatively considering income-based environmental justice communities to be present throughout the project area. No tribal areas

¹ Demographic data accessed through EPA's EJScreen web tool in September and December 2019, and January 2020.

were identified at the project location.

Minor, short-term impacts on communities may occur during construction such as noise, vibration, increased construction traffic, temporary roadway detours, and erosion and runoff, which would be reduced by following construction Best Management Practices (BMPs) and a traffic plan prepared by the contractor for each project area. The repair and replacement of aging infrastructure will reduce system failures and reduce infiltration and inflow, which will benefit communities through improved service and reduced unplanned disruptions associated with system failures. Therefore, implementation of the project would not result in disproportionately high and adverse impacts on minority and low-income populations, or tribes.

3. *The proposed action is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat.* The EPA generated an official species list for the project area using the U.S. Fish and Wildlife Service's (FWS) Information, Planning and Consultation (IPaC) tool on September 27, 2019 and updated the list on January 3, 2020. On October 16, 2019 the FWS confirmed the use of the determination key titled "Clearance to Proceed with Federally-Insured Loan and Grant Project Requests," which is applicable to federally-insured loans, loan transfers, or grant requests and stated that the FWS did not need to consult further on this project. Based on the IPaC determination key, the EPA determined that the proposed projects will have no effect on species of concern or critical habitats. The EPA generated a consistency letter on January 3, 2020.²
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 EPA contacted the Florida State Clearinghouse on October 1, 2019 and provided the EPA's determination that the undertaking has no potential to effect historic resources. The EPA considered that the work is being performed on existing infrastructure located within rights-of-way, easements, and developed parcels. Trenchless technology will be used where applicable and coating of interior of manholes does not require excavation. In a response dated November 26, 2019 the Florida State Clearinghouse concluded their review of the project. The Clearinghouse provided additional direction should the inadvertent discovery of historic or prehistoric artifacts occur. The Clearinghouse did not object to the funding of the project or the EPA's 'no effect' determination.³ Therefore, the project is not known or expected to significantly affect national landmarks, or properties with nationally significant historic, architectural, prehistoric, archaeological, or cultural value.
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 will use trenchless technology where applicable. The project involves existing infrastructure within previously disturbed areas; therefore, it is anticipated no

² FWS Consistency Letter, January 3, 2019.

³ EPA correspondences with Florida Clearinghouse, October 1, 23, and November 26, 2019.

wetlands, floodplains, significant agricultural lands, aquifer recharge zones, coastal zones, barrier islands, wild and scenic rivers or significant fish or wildlife habitats will be affected at the project locations.⁴

The proposed projects have received a consistency determination from the Florida State Clearinghouse on November 26, 2019, stating that they have no objections and the funding award is consistent with the Florida Coastal Management Program (FCMP) and the Coastal Zone Management Act (CZMA).⁵ The project is not located within any coastal barriers and no Prime or unique farmlands, wild and scenic rivers or essential fish habitat occur within the project area.⁶

6. *The proposed action is not known or expected to cause significant adverse air quality effects.* The project area is designated as either in attainment or unclassified for all criteria pollutants. 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.⁷
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 within rights-of-way, easements, and developed parcels. No changes to land use are anticipated due to the project. Land uses and land use patterns will not be modified by the proposed project nor shall the sewer service area be expanded.
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 is not expected to cause public controversy about a potential environmental impact. The project uses proven technology and construction methodologies, and occurs within rights-of-way, easements, and developed parcels. This project is being developed to reduce system failure and infiltration and inflow.
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 TWA and is not expected to have any significant 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*

⁴ Fish and Wildlife Service's National Wetland Inventory data accessed through NEPAassist (September 2019).

⁵ EPA correspondences with Florida Clearinghouse, October 1, 23, and November 26, 2019.

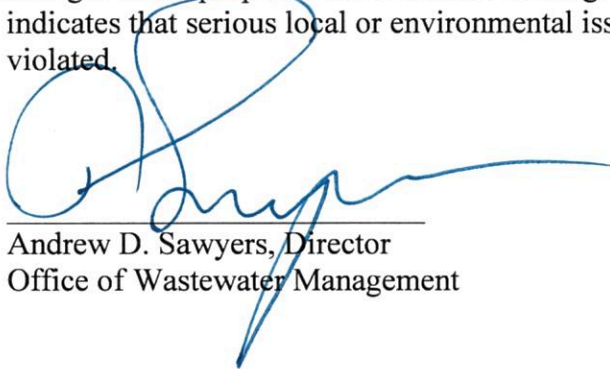
⁶ See <https://www.fws.gov/ecological-services/habitat-conservation/cbra/maps/mapper.html>.

⁷ U.S. EPA Non-attainment Area data accessed through NEPAassist for project sites (September 2019).

regulations. The project would comply with all applicable federal, state, local government, or tribal environmental, resource-protection, or land-use laws or regulations.

Finding

The EPA finds that the 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)(1)–(10). 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

1/28/20

Date