



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF WATER

Categorical Exclusion

**For the Florida Keys Aqueduct Authority's
Water Supply 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 Florida Keys Aqueduct Authority (FKAA), Florida. The EPA intends for this loan to fund FKAA's Water Supply Rehabilitation 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 40 CFR § 6.204(b)(1)-(10).

Project Description

The Florida Keys Imperiled Water Supply Rehabilitation Project is an aggregate of the following six (6) water subprojects:

- P-01: Stock Island Reverse Osmosis (RO) Alternative Water Supply Rehabilitation and Improvement – Replacement of the existing seawater Reverse Osmosis (RO) Facility on Stock Island, which contains failing and obsolete technology and was damaged by Hurricane Irma. Provide up to 4 million gallons per day (mgd) of desalination process equipment in a new building with new membrane technology and continue to use the existing 2 mgd of hollow fiber membrane system in the existing building with no modifications.
- P-02: Grassy Key Transmission Line Replacement – Replacement of approximately 2 miles of failure prone and extremely corroded 30-inch ductile iron piping.
- P-03: Transmission Line Terminus Replacement – Replacement of approximately 8671.3 linear feet of extremely corroded 18-inch cast iron piping.
- P-04: Old Town Key West Distribution Replacement – Replacement of approximately 1 mile of expired 12-inch water distribution ductile iron piping.
- P-05: Islamorada Transmission Line Replacement – Replacement of approximately 5 miles of failure prone and extremely corroded 30-inch ductile iron piping with mostly 36-inch piping.

- P-06: Stock Island Pump Station Replacement – Replacement of the existing Stock Island distribution pump station building and equipment, which contains underperforming technology and was damaged by Hurricane Irma. This project also includes operational redundancy for emergency operations.

Project Location

The project takes place in Monroe County, Florida,

- P-01 is located 6900 Front Street, Stock Island, Florida.
- P-02 is located on Grassy Key, beginning at Overseas Highway Mile Marker (MM) 58 and ends roughly ½-mile past MM 60.
- P-03 is located in the City of Key West. It begins at the intersection of Newton Street and Eisenhower Drive to the intersection of White Street and Fleming Street, continuing to the intersection of Fleming Street and Thomas Street, ending at the Key West Pump Station, located at 301 Southard Street.
- P-04 is located along Simonton, Front, Whitehead and Southard Streets in downtown City of Key West.
- P-05 is located Upper Matecumbe Key, beginning at Overseas Highway MM 79 and ending at MM 84.
- P-06 is located at 5226 College Road, with the City of Key just the west.

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 EPA has determined the proposed project is eligible for a categorical exclusion under 40 CFR §6.204 (a)(1)(ii), as the project involves minor upgrading, or minor expansion of system capacity or rehabilitation (including functional replacement) of the existing system and system components.

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 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 for this project.

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.* These projects are being developed to reduce environmental impacts by repairing and replacing aging infrastructure in the service area.
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.* Environmental justice communities are considered present surrounding projects P-01, 02, 03, 04 and 06, as minority and/or low-income populations are meaningfully greater than county or state populations. Environmental justice communities are not considered to be present surrounding project P-05, as minority and low-income populations are not meaningfully greater than county or state populations. No tribal areas were identified at the project location.

Potential short term, minor impacts to communities include noise, vibration, erosion and runoff, dust and emissions generated during project construction, which would be reduced with construction best management practices. Therefore, implementation of the project would not result in disproportionately high and adverse impacts on environmental justice or tribal communities.¹

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 a list of threatened and endangered species from U.S. Fish and Wildlife Service (USFWS) through their Environmental Conservation Online System Information for Planning and Consultation (ECOS-IPaC) for each subproject on November 6, 2019. On November 25, 2019, the EPA sent a technical assistance request to the USFWS with a *no effect determination* for 30 species and two critical habitats, and a *may affect, not likely to adversely affect determination* for three species. The USFWS responded with additional questions on the proposed project on March 11, 2020; the EPA provided responses to questions on March 17, 2020. As a result of the email correspondences, the USFWS

¹ EPA EJScreen data for project area (October 2019); Exhibit V Construction Plans

found on March 18, 2020, that the proposed project is not likely to adversely affect (NLAA) any listed species or critical habitat.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.* On November 7, 2019, the EPA contacted the Florida Master Site File which provided information on known archeological sites or cultural resources found in the vicinity of the project. The EPA contacted the Florida State Clearinghouse on November 22, 2019, with the determination of no affect to historic resources for each of the subprojects. On November 25, 2019, the EPA received a response from the Clearinghouse declining to select the project for review, stating that the EPA may proceed with the project.³ Therefore, these projects are not expected to significantly affect nationally significant historic resources.
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 streams, wetlands, and waters of the United States. No short-term or long-term impacts to nearby wetlands are anticipated.⁴ All of Monroe County Florida is identified as a coastal floodplain. The Stock Island RO and the Stock Island Pump Station buildings will be reviewed by Monroe County Building Department Floodplain Coordinators for conformance with all floodplain management regulations.⁵

The project is not located within agricultural lands, a designated sole source aquifer, coastal barrier island, essential fish habitat, or near a wild and scenic river.⁶ However, the project is located within the coastal zone. On November 22, 2019, the EPA submitted a consistency determination to the Florida State Clearinghouse, indicating that the project is consistent with the Florida Coastal Management Program (FCMP) and the Coastal Zone Management Act (CZMA). On November 25, 2019, the EPA received a response from the Clearinghouse declining to select the project for review, stating that the EPA may proceed with the project.⁷

6. *The proposed action is not known or expected to cause significant adverse air quality effects.* The project area is designated as in attainment for all criteria pollutants.

² USFWS Species Lists, November 2019; USFWS Technical Assistance Request, November 25, 2019; USFWS email questions and responses, March 2020; USFWS NLAA Determination, March 18, 2020

³ Florida Master Site File Positive Project Letter, November 22, 2019; Correspondences between Florida State Clearinghouse and EPA; November 22 and 25, 2019

⁴ P-05 Permitting Matrix Engineering Report; Fish and Wildlife Service's National Wetland Inventory Data accessed through NEPAAssist

⁵ FEMA's National Flood Hazard Layer accessed through NEPAAssist; FCAA WIFIA Application

⁶ Data.gov Sole Source Aquifer data accessed through NEPAAssist; U.S. Geological Survey's National Land Cover Database layer accessed through NEPAAssist

⁷ Correspondences between Florida State Clearinghouse and EPA; November 22 and 25, 2019

Construction related emissions will be generated from the exhaust of mobile equipment and fugitive dust from earthmoving and are not expected to affect the area's attainment of air quality standards.⁸ The project 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 not expected to be inconsistent with state or local government, or federally-recognized Indian tribe approved land use plans or federal land management plans.* Land uses and land use patterns will not be modified by the proposed project. 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 the aging infrastructure in the project 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 the FKAA and is not providing financial assistance to any federal agencies.
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.

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)(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
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Date

⁸ U.S. EPA Non-Attainment Area data accessed through NEPAassist