



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF WATER

Categorical Exclusion

For the City of Cortland Clinton Avenue Gateway Project

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 Cortland, New York. The EPA intends for this loan to fund the Clinton Avenue Gateway 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) and does not exhibit any of the extraordinary circumstances listed in § 6.204(b).

Project Description

The Clinton Avenue Gateway project will replace aged water, sanitary sewer, and stormwater infrastructure. The project includes the following construction phases:

- Phase II – Construction-related activities to replace approximately 4,600 linear feet of existing water mains with 8-inch ductile iron mains along Clinton Avenue between Pomeroy Street and Main Street and including the entirety of River Street;
- Phase III – Construction-related activities to replace approximately 3,600 linear feet of sewer lines with 8-inch PVC pipe, replace brick manholes with pre-cast concrete manholes, replace approximately 4,700 linear feet of storm sewer with 15-inch polyethylene pipe, and install bioretention areas along Clinton Avenue between Pomeroy Street and Main Street;
- Phase IV – Construction-related activities to replace approximately 2,700 linear feet of existing water mains with 10-inch ductile iron water mains, replace approximately 2,700 linear feet of sewer lines with 8-inch PVC pipe, replace brick manholes with pre-cast concrete manholes, replace approximately 3,000 linear feet of storm sewer with 18-inch polyethylene pipe, and install bioretention areas along Groton Avenue between Main Street and Otter Creek Place.
- Phase V – Construction-related activities to replace approximately 1,500 linear feet of existing water mains with 12-inch ductile iron mains, replace approximately 1,550

linear feet of sewer lines with 10-inch PVC pipe, replace brick manholes with pre-cast concrete manholes, replace approximately 2,000 linear feet of storm sewer with 12-inch and 18-inch polyethylene pipe, and install bioretention areas along Main Street between Clinton Avenue and Port Watson Street.

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 proposed project affects an existing system, and it constitutes a minor upgrade to the existing system. This minor rehabilitation of an existing 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.”

The EPA has determined that these factors do not apply for this project. This project does not involve new or relocated discharge to surface or ground water and will not result in the substantial increase in volume or loading of pollutant to the receiving water. This project will not be providing capacity to serve a population 30 percent greater than the existing population.¹ The project’s purpose is not to upgrade infrastructure for future development; instead, its “primary objective” is to provide new infrastructure to replace the existing infrastructure, which has exceeded its useful life.²

Extraordinary Circumstances

¹ City of Cortland Application, Section B #8&9.

² City of Cortland Application, Section B, #5.

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 replace aging infrastructure that has exceeded its useful life, leading to proper water and sewer main separation, reduced treatment costs, and improved water quality.

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 blockgroups around the site of the proposed action have a minority population that ranges from zero to 34 percent, which compares to 44 percent minority population in New York and 7 percent minority population for Cortland County. Although minority populations do not equal or exceed 50 percent of the population in any block group, three of four blockgroup minority populations are meaningfully greater than county populations. Therefore, environmental justice communities are present in these block groups.

Blockgroups around the site have a low-income population ranging from 38 to 77 percent, which compares to 32 percent in New York and 33 percent for Cortland County. As low-income populations in all blockgroups in the project area are meaningfully greater than state and/or county low-income populations, environmental justice communities are present in all blockgroups.

No tribal areas were identified at the project location.

Construction related impacts are expected, such as air emissions, noise, traffic, and transportation detours, which would be mitigated with construction best management practices. These impacts are expected to be short-term in nature and are not expected to be disproportionate in nature. Therefore, implementation of the project would not result in disproportionately high and adverse impacts on minority and low-income populations, and federally recognized tribal communities.³

3. *The proposed action is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat.*

An IPaC species list did not identify any threatened or endangered species or critical habitats in the project area.⁴

³ EPA EJScreen data and report (March 2019)

⁴ IPaC Species list (December 2019)

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 New York State Office of Parks, Recreation and Historic Preservation provided an email response to the EPA's inquiry on the project, stating their opinion that the project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.⁵ The Office provided as reference the June 2017 determination for the City of Cortland with findings of no effect on cultural and archaeological resources for the project area.⁶

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 wetlands, agricultural lands, coastal zones, barrier islands, federally recognized wild and scenic rivers or significant fish and wildlife habitat, including essential fish habitat.⁷ However, the project borders two riverine wetlands identified in the National Wetlands Inventory. The project does not involve work within these wetlands and no impacts are anticipated.

The project includes water and sewer line replacement work that may be in or adjacent to areas within the 100-year and 500-year Floodplain Area near Otter Creek Place, near Clinton Avenue and Pomeroy Street, and on River Street. The project is only replacing existing infrastructure in the same previously disturbed location and therefore not expected to impede or redirect flood flows (or, consequently, exacerbate flood hazards). The project will include contract language in all applicable contracts that require contractors to take necessary precautions to preclude contamination of any floodplain, wetland, or waterway during construction.

6. *The proposed action is not known or expected to cause significant adverse air quality effects.*

The project area is in attainment for all criteria pollutants. There are no anticipated long-term air impacts from the project. Project construction will produce noise, odor and dust; however, impacts will be short-term in duration and will be minimized by proper construction practices, including fencing, watering, and mulching of exposed areas.⁸

⁵ Email Correspondence between EPA and New York on Section 106 Consultation (December 2019)

⁶ New York NHPA Findings for the City of Cortland (June 2017)

⁷ NEPAAssist (March 2019).

⁸ USFW, and U.S. EPA Non-Attainment Area data accessed through NEPAAssist for project site.

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 proposed project is within existing highway and road right of ways, and no change in land use is expected to change as a result of this project. No change in growth or distribution of population is expected.⁹

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 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.*

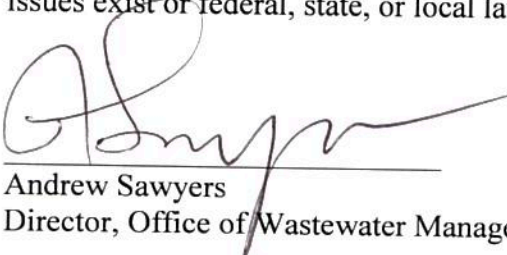
The proposed action is to provide financial assistance to a municipal entity to repair and rehabilitate existing infrastructure.

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 will 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). 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 Sawyers
Director, Office of Wastewater Management

2/9/20
Date

⁹ City of Cortland Application (June 2019).

