

Categorical Exclusion and Extraordinary Circumstances Review Form

United States Environmental Protection Agency
Washington, DC 20460

I. General Information

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| Project Name | WIFIA Id Number |
| Morris Forman Biosolids Processing Solution | 18101KY |
| Borrower Name | |
| Louisville and Jefferson County Metropolitan Sewer District (MSD) | |
| Project Description | |
| Replacement of outdated existing biosolids dryers with a reconfigured solids treatment process including new thermal hydrolysis pretreatment facilities and associated new equipment, and repurposed facilities and equipment from the existing treatment train. The project will modify existing liquid sludge holding tank and existing wet cake bins, rehabilitate and reuse existing blend tanks and anaerobic digesters, and construct a new sludge screening facility, cake receiving facility, cake storage bins, thermal hydrolysis pretreatment facility, high-solids centrifuges, cake loadout facility, sidestream treatment facility, combined head and power facility, and odor facility. | |
| Project Location Description (<i>street address/city/state/ZIP code; site characteristics</i>) | |
| The project is located at MSD's Morris Forman Water Quality Treatment Center, located at 4522 Algonquin Parkway, Louisville, KY 40211. Project improvements are planned entirely within the existing plant site, and some improvements will be made in existing buildings. | |

II. EPA Contact for Environmental Review on this Project (If different from Responsible Official)

| | | |
|----------------|-------------------------|----------------|
| Name | Title | Phone Number |
| Alaina McCurdy | NEPA Coordinator, WIFIA | (202) 564-6996 |

III.A. Categorical Exclusion Eligibility (*Check YES or NO*) Complete the following questions in their entirety to determine if the project is eligible for a Categorical Exclusion (CATEX) pursuant to 40 CFR § 6.204(a)(1)(ii). Additionally, supporting statements and documentation can be included in Attachment 1.

| | | | | |
|-------------------------------------|---|-------------------------------------|--|---|
| If yes to any, CATEX applies | Does the project involve actions relating to existing infrastructure systems (e.g., sewer systems; drinking water supply systems; and stormwater systems, including combined sewer overflow systems) and involve: | | | |
| | YES | NO | | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | Minor upgrading |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | Minor expansion of system capacity or rehabilitation (including functional replacement) of the existing system and its 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) |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | Construction of new minor ancillary facilities next to or on the same property as existing facilities |
| If yes to any, CATEX does not apply | Will the project include actions that: | | | |
| | YES | NO | | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | Involve new or relocated discharges to surface or ground water |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | Will likely result in the substantial increase in the volume or the loading of pollutant to the receiving water |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | Will provide capacity to serve a population 30% greater than the existing population |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | Are not supported by the state, or other regional growth plan or strategy |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | Directly or indirectly involve or relate to upgrading or extending infrastructure systems primarily for the purpose of future development |

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III.B. Extraordinary Circumstances (Check YES or NO) Complete the following questions in their entirety to determine if the project involves any of the following extraordinary circumstances which would make it ineligible for a CATEX pursuant to 40 CFR § 6.204(b)(1) through (b)(10). Additionally, supporting statements and documentation can be included in Attachment 1.

| YES | NO | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1) Is the action known or expected to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2) Is the action 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? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3) Is the action known or expected to significantly affect federally listed threatened or endangered species or their critical habitat? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 4) Is the action known or expected to significantly affect national natural landmarks or any property with naturally 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? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5) Is the action 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? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 6) Is the action known or expected to cause significant adverse air quality effects? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 7) Is the action 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 or may not be consistent with state or local government, or federally-recognized Indian tribe approved land use plans or federal land management plans? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 8) Is the action known or expected to significantly cause significant public controversy about potential environmental impacts of the proposed action? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 9) Is the action 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? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 10) Is the action known or expected to conflict with federal, state, or local government, or federally-recognized Indian tribe environmental resource-protection, or land-use laws or regulations? |

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III.C. Extraordinary Circumstances Statement (*Check ONLY ONE box*) If the responses to Section III.A indicate the project is CATEX eligible, and if a **NO** response was recorded for each of the questions in Section III.B, then no Extraordinary Circumstances are present pursuant to 40 CFR § 6.204(b) and one of the following statements should be selected.

| | |
|-------------------------------------|--|
| <input type="checkbox"/> | 1) No extraordinary circumstances apply to the proposed action pursuant to 40 CFR §§ 6.204(a)(1) and 6.204(b). This statement is based on either past experience with similar actions at the proposed action site resulting in a CATEX and/or information gathered as part of previous NEPA or environmental due diligence review conducted at the proposed action site . Provide any supporting documentation or references in Attachment I. |
| <input checked="" type="checkbox"/> | 2) A statement and supporting documentation is attached explaining why no extraordinary circumstances exist or apply to the proposed action pursuant to 40 CFR §§ 6.204(a)(1) and 6.204(b). |

IV. NEPA Review Determination and Responsible Official Signature

Sections I through III must be completed to satisfy EPA's documentation requirements for CATEX eligibility. If completion of this form indicates that a CATEX *does apply*, the Responsible Official must sign below.

Categorical Exclusion Determination 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) through (b)(10). Consequently, EPA will not prepare an environmental impact statement or an environmental assessment for the proposed project. 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.

As the Responsible Official, I have determined that **this action is eligible for a Categorical Exclusion** per the substantive environmental review requirements under EPA regulations at 40 CFR § 6.204. Section III.C of this form has been completed providing the required Extraordinary Circumstances Statement.

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| Signature of Responsible Official | Title | Date |
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Attachment 1. CATEX Eligibility and/or Extraordinary Circumstances Statement(s)

The space below may be used for a statement and supporting documentation explaining CATEX eligibility why no extraordinary circumstances exist or apply to the proposed action pursuant to 40 CFR §§ 6.204(a)(1) and 6.204(b). Attach additional pages as needed.

On May 14, 2020, the species lists were obtained from the U.S. Fish and Wildlife Service (USFWS) IPaC website, which identified fifteen federally listed species. The project is not expected to jeopardize threatened and endangered species as the project consists of upgrades to an existing facility. The proposed construction activities will occur within the limits of the existing facility within areas characterized by existing structures, impervious surfaces, and previously disturbed areas. No habitat for these species is known to exist within the project area. Based on the lack of suitable habitat in the area, EPA has made a no effect determination.

No impact to historic or archaeological resources is expected for the proposed project. No properties listed or eligible for listing on the National Register of Historic Places (NRHP) are located within a mile of the project area. All construction activities will occur within the limits of the existing facility and will occur within areas characterized by existing structures, impervious surfaces, and maintained lawn. Based on the historic resource screening and the developed nature of the project site, EPA proposed a no adverse effect determination to the State Historic Preservation Office on June 6, 2020. On June 24, 2020, the Kentucky Heritage Council (KHC) concurred with EPA's determination of no effect to historic properties or sites that are listed or eligible for listing on the National Register of Historic Places (NRHP).

The National Wetlands Inventory (NWI) mapping does not indicate any mapped wetlands on the project site; however, the Ohio River is located west of the facility limits. The project will use an existing National Pollution Discharge Elimination System (NPDES) permitted outfall. No new outfalls will be generated by the project. The project does not include any work in streams, wetlands, or other Waters of the United States under Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act of 1899. The Ohio River is located approximately 600 feet west of the Project limits. No impacts to wetlands and waters will occur as the proposed impacts will occur within areas characterized by existing structures, impervious surfaces, and maintained lawns.

According to the effective Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (Map Number 21111 C0039E), the site is mapped within Zone X. This area is designated on the map as areas protected from the 1% annual chance flood by a levee system. The facility is located on the protected side of the grass floodwall along the Ohio River. It is near the 100-year floodplain, but none of the site extends beyond the floodwall so any work done at the facility as part of this project would not affect the floodplain.

The project has no impact to coastal resources, farmland, sole source aquifers, essential fish habitat, or air quality.