

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 |
| Sunnyvale Cleanwater Program Phase 2 | N18121CA |
| Borrower Name | |
| City of Sunnyvale | |
| Project Description | |
| The project is a rehabilitation project of the Sunnyvale Water Pollution Control Plant (WPCP). Additional pages are attached. | |
| Project Location Description (<i>street address/city/state/ZIP code; site characteristics</i>) | |
| <p>The City of Sunnyvale owns and operates the Donald M. Somers WPCP, located at 1444 Borregas Avenue in Sunnyvale, Santa Clara County. The WPCP includes an approximately 16.6-acre main plant and two oxidation ponds that occupy about 436 acres in total. The Sunnyvale West Channel forms the main plant's western boundary; the Sunnyvale East Channel borders the Sunnyvale Landfill further east. Caribbean Drive runs east-west along the southern edge of the landfill. The San Francisco Bay Trail borders the WPCP to the west and north, and an existing entrance to the Bay Trail and a parking area are located at the west end of Carl Road.</p> <p>The Cleanwater Center (formerly referred to as the Administration Building) Project would construct a new approximately 24,000 square foot building on the north side of Carl Road, across from the closed landfill on the southern side of Carl Road, along with a utilidor connecting the building utilities to other utilities within the main plant fence line. A security fence and entry gate would be installed across Carl Road.</p> | |

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

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| Name | Title | Phone Number |
| Kavita Mak | Environmental Engineer | (202) 566-2999 |

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.

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| 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 |

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| | <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.

| | |
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| <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 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) through (b)(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.

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 | Director, Office of Wastewater Management _____ Title | _____ Date |
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|---|-----------------|
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| Attachment 1. CATEX Eligibility and/or Extraordinary Circumstances Statement(s) | |
| <p>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.</p> | |
| <p>The project is not likely to have an impact on environmental justice communities of minority, low income, or indigenous populations due to the industrial nature of the surrounding area, with little residential development. Potential impacts to communities would be minor and temporary, and would include noise, traffic, dust and vehicle emissions generated during project construction, which would be minimized with construction best management practices.</p> <p>EPA initiated informal consultation with U.S. Fish and Wildlife Service (USFWS) on February 24, 2020; EPA determined that the project would have no effect on a majority of listed species and the project may affect, but not likely to adversely affect the California clapper rail, the California least tern and the salt marsh harvest mouse. On October 5, 2020, USFWS concurred with EPA's determination of "not likely to adversely affect" for the California least tern, but did not concur with EPA's determination for the California clapper rail and salt marsh harvest mouse. On October 5, 2020, USFWS issued a biological opinion for these species and concluded that the project is not likely to jeopardize the continued existence of these species. The USFWS based this conclusion on the fact that the habitat quality is low and these species are not likely to occur in high numbers in the project area. In addition, the noise effects that may impact the species are likely to extend only in the lower quality habitat, and the project would not result in any physical disturbance to the habitat.</p> <p>No archaeological resources have been previously identified in the project Area of Potential Effects. The Cultural Resources Survey Report provides recommendations for the unlikely event that archaeological resources or human remains are uncovered during ground disturbing activities. The Sunnyvale Water Pollution Control Plant was evaluated as not eligible for listing in the National Register of Historic Places. On November 20, 2019, EPA sent a letter to the California State Historic Preservation Officer (SHPO) with a "no historic properties affected" determination. On December 27, 2019, the SHPO concurred with EPA's finding.</p> <p>The City of Sunnyvale completed a preliminary identification of wetlands and waters potentially meeting the regulatory definition of Waters of the U.S. for the WPCP and adjacent areas. No direct or indirect effects to waters or wetlands of the U.S. in the project Action Area are expected to occur. The project would improve effluent quality and continue to comply with existing waste discharge requirements applicable to the WPCP and would not otherwise degrade water quality. The project would not affect potential Waters of the U.S., including wetlands and other waters, in the Action Area.</p> <p>The project area is in non-attainment for ozone and particulate matter (PM-2.5). The project area is in attainment for all other criteria pollutants. Based on the de minimis thresholds defined in 40 CFR § 93.153, the project would not generate emissions that would exceed the thresholds and hence a general conformity analysis is not required. Temporary emissions will result from construction activities and will be minimized by following regulations and best management practices.</p> <p>The project will not impact sole source aquifers, Wilderness Areas, essential fish habitat, farmlands, barrier islands, or floodplains.</p> | |