

## Categorical Exclusion and Extraordinary Circumstances Review Form

United States Environmental Protection Agency  
Washington, DC 20460

### I. General Information

Project Name	WIFIA Id Number
Baltimore City Stormwater Infrastructure Rehabilitation	19113MD
Borrower Name	
Baltimore City Department of Public Works	
Project Description	
Maintenance and expansion on the existing stormwater system in Baltimore City, Maryland, which consists of piping pumping stations and stormwater best management practices.	
Project Location Description ( <i>street address/city/state/ZIP code; site characteristics</i> )	
Various Locations in Baltimore City, Maryland	

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

Name	Title	Phone Number
Alaina McCurdy	WIFIA Contact	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:			
			<b>YES</b>	<b>NO</b>	
			<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:	<b>YES</b>	<b>NO</b>	
			<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

Project Name		WIFIA Id Number
Baltimore Stormwater Infrastructure Rehabilitation		19113MD

**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?

Title of Project		WIFIA Id Number
Baltimore Stormwater Infrastructure Rehabilitation		19113MD

**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) <b>No extraordinary circumstances apply</b> 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 <b>at the proposed action site</b> resulting in a CATEX and/or information gathered as part of previous NEPA or environmental due diligence review conducted <b>at the proposed action site</b> . 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.

Signature of Responsible Official	Title	Date
-----------------------------------	-------	------

Title of Project	WIFIA Id Number
Baltimore Stormwater Infrastructure Rehabilitation	19113MD
<b>Attachment 1. CATEX Eligibility and/or Extraordinary Circumstances Statement(s)</b>	
<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>Baltimore City has a people of color population of 72 percent, and Census Block 240054914013 has a people of color population of 92 percent. Therefore, communities with potential environmental justice concerns are present. The project does not appear to be in or cause impacts to Indian country. Most of the potentially adverse effects associated with the Project would occur during construction and would be temporary, such as construction noise, air emissions from construction vehicles, erosion from disturbed surfaces and construction vehicle traffic or traffic detours. Implementation of the project would not result in disproportionately high and adverse impacts on minority and low-income populations.</p> <p>An inquiry using the U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) tool was performed for the entirety of Baltimore City as well as for the small portion of ER-4054 that is outside of the City limits. The IPaC reports indicate that two federally listed species are listed for the project sites that may be affected by the proposed projects: the northern long-eared bat (threatened) and eastern black rail. EPA has made a no effect determination for each species and no significant impacts to biological resources are expected from the proposed projects.</p> <p>Most projects will take place within existing developed facilities or within paved roadways and are not expected to result in significant impacts to the surrounding waters. Several of the projects consist of restorations of degraded streams, which impact wetlands and floodplains. Permits will be obtained from the Maryland Department of the Environment to allow the disturbances within streams and wetlands for the stream restoration activities. Following completion of the project, any disturbed wetlands floodplain areas will be restored. Portions of these projects will take place within mapped 100-year and 500-year floodplains associated with these streams as well as the larger bodies of water including the Patapsco River and the Baltimore Harbor. As such, it is not expected that the Project would impact floodplains as the proposed activities consist of stream restorations and upgrades within presently developed areas.</p> <p>The Project is located within the coastal zone. EPA has determined that the proposed projects are consistent with the Coastal Zone Management Act. On February 10, 2021, the WIFIA Program received concurrence that the proposed projects are consistent with the enforceable coastal policies of the Maryland Coastal Zone Management Program.</p> <p>The City of Baltimore is in non-attainment or maintenance areas for criteria pollutants including Ozone 8-hour, Particulate Matter 2.5 Annual, Carbon Monoxide, and Ozone 1-hour. The Project may cause short-term, minimal to moderate localized effects on air quality during construction activities, including dust, odors, and emissions from heavy equipment during construction activities. Construction BMPs will be used to minimize generation of these pollutants. There are no anticipated long-term air impacts from the Project and are not predicted to affect the area's attainment of air quality standards.</p> <p>The project will not affect historic properties, farmland, sole source aquifers, coastal barriers, wild and scenic rivers, essential fish habitat, wilderness areas, or marine mammals.</p>	