

Categorical Exclusion and Extraordinary Circumstances Review Form

United States Environmental Protection Agency

Washington, DC 20460

I. General Information

Project Name

WIFIA Id Number

Safe & Sound Plan

20162MD

Borrower Name

Howard County, MD

Project Description

The Ellicott City Safe & Sound Plan (the Project) is a compilation of multiple projects in the Tiber Branch watershed. The Project will address and mitigate long term flood risk in the Tiber Branch watershed through the implementation of stormwater conveyance and retention infrastructure. It is comprised of dry flood mitigation facilities, conveyance projects including a tunnel intercepting storm water from the Hudson Branch to the Patapsco River, flood mitigation improvements to the Lower Main Street area, and planning and hydraulic modeling efforts. The Project consists of seven individual detention, attenuation, and conveyance projects designed to mitigate the effects of flash flooding in Historic Ellicott City. When completed, the Project is expected to reduce the water levels and velocities seen during the 2016 and 2018 storms along Lower Main Street to levels where non-structural floodproofing of buildings will be effective.

The Project components include: the H-7 project to construct a new 13 acre-foot dry flood mitigation pond facility; the North Tunnel project to construct an approximately 5,900 linear foot tunnel under Ellicott City; the Maryland Avenue Culvert project to construct a large culvert from Maryland Avenue to the Patapsco River; the Lower Main Street project to construct terraced floodplains and remove buildings; the New Cut Road – Stream Bank project to complete slope stabilization and drainage improvement projects; and, the Quaker Mill project to construct a new 10-acre-foot dry flood mitigation pond facility.

Project Location Description (street address/city/state/ZIP code; site characteristics)

The Project will occur in downtown Ellicott City, Maryland at various locations along Main Street. The Quaker Mill project will occur off Rogers Avenue. The H-7 pond project will be located in the US 29/US 40 interchange in Ellicott City. The North Tunnel project will start near Papillon Drive and Frederick Road intersection and end at the Patapsco River. The Maryland Avenue Culvert project will start at Maryland Avenue and end at the Patapsco River. The New Cut Road project will occur upstream along New Cut Road. The Lower Main Street Project will occur along Main Street in downtown Ellicott City, MD.

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

Name

Title

Phone Number

Leslie Temple

Environmental Reviewer

(202) 564-4734

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**☒☐

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 type="checkbox"/>	<input checked="" 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 checked="" 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 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	_____ Director, Office of Wastewater Management Title	_____ Date
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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>Environmental Justice</p> <p>The project area contains six blockgroups with minority populations ranging from 26 - 73 percent. The project area blockgroups have low-income populations of 4 to 37 percent. Howard County has a minority population of 47 percent, and a low-income population of 12 percent. Maryland has a minority population of 49 percent and a low-income population of 22 percent. Three blockgroups have minority populations greater than 50 percent; therefore, the study area does contain a population with environmental justice concerns based on minority populations. The project is not expected to have disproportionate impacts on communities of environmental justice concern during construction. The project will address flooding in the downtown Ellicott City area, which has experienced major flooding events in recent years, and will reduce the risk of property damage from flooding during major wet weather events. Implementation of the project would not result in disproportionately high and adverse impacts on minority and low-income populations.</p>	
<p>Endangered Species Act</p> <p>The U.S. Army Corps of Engineers (USACE) is the lead agency for consultation with the U.S. Fish and Wildlife Service (USFWS). Howard County submitted a Joint Permit Application to USACE and Maryland Department of Environment, which required the USACE to complete a review under the federal requirements of this act. The USACE determined the project will have no effect on threatened or endangered species. A Public Notice was issued on July 6, 2020. Consultation with USFWS is not required for this project and USFWS did not respond to the Public Notice. EPA has reviewed these findings and concurs with the determination of no effects.</p>	
<p>National Historic Preservation Act</p> <p>The USACE is the lead agency for consultation with the Maryland Historic Trust (MHT). Howard County submitted a Joint Permit Application to the USACE and Maryland Department of Environment, which required the USACE to complete a review under the federal requirements of this act. The USACE initiated consultation with the Maryland State Historic Preservation Office on October 16, 2020, to request concurrence with their determination of "no potential to cause effects." USACE completed consultation on September 8, 2021. EPA has reviewed these findings and concurs with this determination.</p> <p>The Lower Main Street Project includes a fully executed programmatic agreement (PA) between the USACE, Maryland State Historic Preservation Office, the Advisory Council on Historic Preservation, and Howard County, which was executed on August 31, 2021. Howard County has a PA with USACE that requires Howard County to carry out the specified coordination, procedures, and implementation of the avoidance, minimization, and mitigation measures as stipulated in the PA. Howard County, as the project sponsor, on behalf of the USACE, is responsible for implementing and funding the stipulations of the PA.</p>	