



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

Categorical Exclusion

For the Georgetown Wet Weather Treatment Station (GWWTS)

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 King County Wastewater Treatment Division (WTD) in Seattle, Washington. The EPA intends for this loan to fund the Georgetown Wet Weather Treatment Station (GWWTS).

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 GWWTS project includes construction of a new wet-weather treatment station (WWTS); conveyance system improvements including approximately 3,000 linear feet of new conveyance pipelines, a new regulator station, and other conveyance system modifications to connect new and existing pipes; and a new outfall structure. The purpose of the project is to reduce the volume and frequency of discharges of untreated combined sewage (sanitary sewage and stormwater) to the Lower Duwamish Waterway. During wet-weather events, flows of combined sewage would be conveyed to the WWTS, where they would be screened, attenuated in an equalization basin, and then treated by ballasted sedimentation and UV disinfection. The flows of treated water would then travel through new conveyance pipelines to a new outfall structure in the Lower Duwamish Waterway.

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.”

King County's wastewater system includes three large regional wastewater treatment plants, two small wastewater treatment plants, four CSO treatment facilities, over 391 miles of sewer pipelines, 26 regulator stations, 47 pump stations, 38 CSO outfalls, and serves about 1.7 million people within a 424-square-mile service area. The proposed project affects an existing combined sewer system, and it constitutes a minor expansion, because it will affect only two out of the system's 38 total CSO outfalls.¹ This minor upgrading of a combined sewer 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.”

First, this project will allow for the continued discharge of water from the existing outfalls connected to this combined sewer system, albeit with a reduction in frequency and wastewater volume. After the proposed minor upgrades to the system are completed, the pollutants in its discharged water will not increase, and its discharged water will continue to enter the same waterway and fit within the system's existing NPDES permit. The variables that the GWWTS project will mainly change are the arrangement of outfall structures and the reduction in the frequency of untreated CSOs to reduce pollutants entering the receiving waterway. In sum, this project does not involve a new or relocated discharge but a new or relocated outfall structure of an existing permitted discharge. Second, given that the GWWTS project only affects two out of thirty-eight outfall structures, and is designed to reduce the frequency of CSOs and pollutants leaving the system, this project is not likely to place a substantially higher quantity of pollutants into the receiving water. Third, this project will not be providing capacity to serve a population 30 percent greater than the existing population, as the populations around the Michigan St. and Brandon St. basins are projected to hardly increase between 2020 and 2040.² Fourth, the project does not conflict with any regional growth strategy as the project location and basins are fully developed urbanized areas with no significant changes in land use or demography expected in the future and is consistent with the objectives of King County's long term growth strategy.³ Fifth and finally, the project's purpose is not to upgrade infrastructure for future development; instead, its “primary objective” is to reduce the quantity of untreated water that leaves the system's outfall structures.⁴ These conclusions derive further support from King County's assertions that “significant changes in land use or demography are not expected in the future” and “population growth is not the project driver.”⁵

Extraordinary Circumstances

The EPA has determined that none of the following extraordinary circumstances outlined in 40 CFR § 6.204(b) apply to the proposed project:

¹ Georgetown Wet Weather Treatment Station Facility Plan (Facility Plan) § 2.4.10 (June 2016).

² Facility Plan § 3.2.1.

³ Facility Plan §§ 3.2 and 5.6.1; 2016 Adopted King County Comprehensive Plan (December 05, 2016).

⁴ Facility Plan § ES.2.

⁵ Facility Plan § 5.6.1.

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.*⁶ This project is being developed to reduce environmental impacts by reducing the frequency of untreated CSOs and, consequently, the volume of waste materials discharged to surface waters.
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.*⁷ The site of the proposed action has a population that is 45 percent minority, which is slightly higher than the 36 percent minority population in Seattle as a whole. There are also nearly twice as many low-income households within the site of the proposed project as there are in Seattle as a whole – these values are 33 percent and 14 percent, respectively.⁸ Additionally, the Muckleshoot and Suquamish Tribes have fishing rights, based on the Treaty of Point Elliott, at the site of the proposed project. King County has entered into agreements with the Tribes to address mitigation of fishing access impacts to the Tribes.⁹ Any likelihood of minor, short-term impacts on communities during construction would be reduced by the Stormwater Pollution Prevention Plan, the Spill Prevention, Control, and Countermeasures (SPCC) Plan, and other Best Management Practices (BMPs) at all construction sites.¹⁰ At completion of the project, the amount of untreated sewage and stormwater currently entering the waterway would be reduced by 95 percent. This would improve the environmental health conditions of the area and result in long-term, beneficial impacts for fish and other aquatic species, indirectly reducing health risks associated with seafood consumption. Ultimately, the project would result in improved local water and soil quality for the communities.¹¹ 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.¹²
3. *The proposed action is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat.* A portion of the project area is used by and contains designated critical habitat for three threatened species: Puget Sound Chinook salmon (*Oncorhynchus tshawytscha*), Puget Sound steelhead (*O. mykiss*), and Coastal-Puget Bull trout (*Salvelinus confluentus*). With regard to the Bull trout, King County and U.S. Army Corps of Engineers (USACE) consulted with U.S. Fish and Wildlife Service (USFWS), which determined that the long-term effects on that species would be “insignificant.”¹³ The County plans to schedule the in-water segment of the construction of the outfall structure so as to avoid hindering the migration of juvenile salmon and Bull trout. The County and USACE also consulted with the National Marine Fisheries Service who concluded that the action is not likely to jeopardize the continued existence of Puget Sound Chinook salmon or Puget Sound steelhead, or result in the

⁶ Georgetown Wet Weather Treatment Station Project Determination of Non-Significance (DNS) (March 2, 2016).

⁷ King County Georgetown Wet Weather Treatment Station (GWWTS) Project Team to Jim Sussex, Wastewater Treatment Division, Environmental Justice Memorandum § 8 (Oct. 8, 2015) (Environmental Justice Memorandum).

⁸ Facility Plan § 2.2.3.

⁹ Environmental Justice Memorandum § 6.2.4; Agreement between the Suquamish Tribe and King County (May 25, 2017); Agreement between Muckleshoot Indian Tribe and King County (May 5, 2017).

¹⁰ Environmental Justice Memorandum § 6.1.4.

¹¹ Environmental Justice Memorandum §§ 7, 8.

¹² Environmental Justice Memorandum § 8 and EPA EJSCREEN Report (August 30, 2017)

¹³ Facility Plan § 7.4.3.4. USFWS Letter in Response to informal consultation for King County Wastewater Treatment Division, Georgetown Wet Weather Treatment Station (NWS-2016-0017) (May 19, 2016)

destruction or adverse modification of their designated critical habitats.¹⁴ Additionally, bald eagles may forage near the shores in the site of the project, but they do not nest in that area. While bald eagles are protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act, they are not listed under the Endangered Species Act.¹⁵

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.* Thus far, some human remains were unearthed approximately 200 yards away from the project's location. An archaeological site was identified during site preparation at the treatment station location and the procedures in the project's Inadvertent Discovery Plan were implemented but it was not determined to be eligible for the National Register of Historic Places.¹⁶ No other archaeological sites or significant historical resources have been found at the site of the proposed project.¹⁷ The State of Washington Department of Archaeology & Historic Preservation provided a concurrence letter with the project's determination of No Adverse Effect.¹⁸
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 mapped Federal Emergency Management Agency floodplains, wetlands, or federally recognized wild and scenic rivers.¹⁹ However, the project is located on the coast. To address this, the USACE has determined that the authorized work complies with the Washington State Department of Ecology's (Ecology) Water Quality Certification (WQC) requirements and Coastal Zone Management (CZM) consistency determination response that is part of the Nationwide Permit 7.²⁰
6. *The proposed action is not known or expected to cause significant adverse air quality effects.* The GWWTS project site is in a maintenance area under the EPA classifications for ozone, PM₁₀, and CO, and thereby is subject to a State Implementation Plan (SIP). Nonetheless, the emissions associated with this project, which are anticipated to derive from the exhaust of mobile equipment and fugitive dust from earthmoving, are not predicted to affect the area's attainment of air quality standards.²¹ Additionally, King County plans to take measures, including street

¹⁴ NMFS Endangered Species Act Section 7(a)(2) Biological Opinion, and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for Construction of the Georgetown Wet Weather Treatment Station (GWWTS) Combined Sewer Overflow (CSO) Outfall, Duwamish River, Seattle, King County, Washington (Sixth-field Hydrologic Unit Code 171100130305, Green River) (Corps No. NWS-2016-17) (July 28, 2016).

¹⁵ Facility Plan § 2.2.7 and § 7.4.3.4.

¹⁶ King County Georgetown Wet Weather Treatment Station (GWWTS) Chris Lockwood/ESA to Jim Sussex/Wastewater Treatment Division, Follow-on Delineation of Archaeological Site FS-01: August 14, 2017 Technical Memorandum and site preparation archeological correspondence.

¹⁷ Facility Plan § 2.2.6.

¹⁸ DAHP Letter RE: Georgetown Wet Weather Project COE: NWS-2016-0017 Log No.: 2016-03-02076-COE-S (August 24, 2016).

¹⁹ Facility Plan § 7.4.3.10; § 7.4.3.11 and § 7.4.3.12.

²⁰ Facility Plan § 7.4.3.3; USACE Authorization Letter for Nationwide Permit (NWP) 7, Outfall Structures and Associated Intake Structures for NWS-2016-17 King County Wastewater Treatment Division (GWWTS), June 23, 2017.

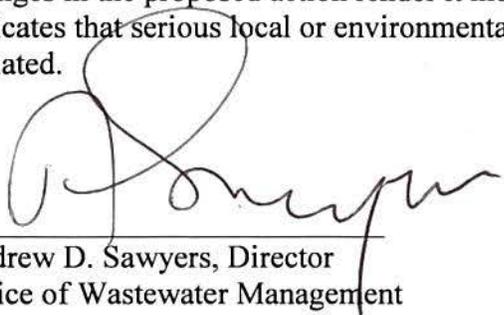
²¹ Facility Plan § 2.2.4.

sweeping, watering exposed soil surfaces, covering soil stockpiles, testing the diesel generator's exhaust, and utilizing an odor control system, in order to reduce fugitive dust and other forms of air pollution.²²

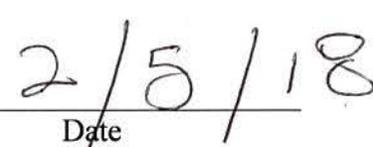
7. *The proposed action is not known or expected to have a significant effect on the pattern and type of land use (industrial, commercial, agricultural, recreational, residential) or growth and distribution of population including altering the character of existing residential areas, and is not expected to be inconsistent with state or local government, or federally-recognized Indian tribe approved land use plans or federal land management plans.* Land uses in the site of the proposed action are industrial, wholesale distribution, retail commercial and residential. The properties proposed to be used for the treatment station, conveyance, and outfall, and adjacent properties, are designated as industrial in the City of Seattle's Comprehensive Plan. Future land use is anticipated to continue to be industrial.²³
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, such as improvements to water quality and the removal of contaminated soils that would improve the environmental health conditions of the area, 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 construct a Wet Weather Treatment Station.
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 would comply with all applicable federal, state and local regulations.²⁴

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 D. Sawyers, Director
Office of Wastewater Management



Date

²² DNS § (B)(2)(c).

²³ King County Georgetown Wet Weather Treatment Station (GWWTs) Project Team to Jim Sussex, Wastewater Treatment Division, Land and Shoreline Use Technical Memorandum § 5 (Oct. 8, 2015).

²⁴ Facility Plan § 2.2.9; § 7.4.