

Categorical Exclusion and Extraordinary Circumstances Review Form

United States Environmental Protection Agency

Washington, DC 20460

I. General Information

Project Name	WIFIA Id Number
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Regional Wastewater Control Facility Modifications Project	N18126CA
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Borrower Name

City of Stockton

Project Description

The Regional Wastewater Control Facility (RWCF) Modifications Project involves the planning, design, construction, and commissioning of updated wastewater treatment facilities, to meet current regulatory treatment objectives, provide flexibility to address future regulatory requirements, and extend the life of existing assets.

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

The RWCF is located at 2500 Navy Drive in Stockton, San Joaquin County, California, with facilities situated along both the eastern and western banks of the San Joaquin River. The existing RWCF includes four treatment areas: the Main Plant, facultative ponds, engineered wetlands, and the Tertiary Plant. The Main Plant includes the treatment facilities along the eastern bank of the river, and the Tertiary Plant includes the treatment facilities along the western bank. A bridge over the river connects the plants.

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

Name	Title	Phone Number
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Alaina McCurdy	Environmental Scientist	202-564-6996
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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.

- 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.
- 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 Andrew D. Sawyers
Director of Wastewater Management _____
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.

Environmental justice communities are considered present in the study area. Construction related impacts are expected, such as air emissions, noise, traffic and transportation detours. These impacts are expected to be minor, adverse, and short-term in nature and will be minimized through best management practices. Therefore, the project would not result in disproportionately high and adverse impacts on minority or low-income populations.

In reliance on the Section 10(a)(1)(B) Permit issued by the United States Fish and Wildlife Service and the Section 2081(b) Incidental Take Permit issued by the California Department of Fish and Wildlife, City of Stockton has consulted with and agreed to allow coverage pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) for the Stockton Regional Wastewater Control Facility Project its successors, agents and assigns pursuant to the "Implementation Agreement for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan" which will allow the Stockton Regional Wastewater Control Facility Project, its successors, agents and assigns to construct, operate and maintain the Project commonly known as the Stockton Regional Wastewater Control Facility Project and located on Assessor Parcel Numbers 162-040-16, -17, -20; 162-140-01; 163-330-03; 163-340-09, which could result in a legally permitted Incidental Take of the SJMSCP Covered Species in accordance with and subject to the terms and conditions of the Stockton Regional Wastewater Control Facility Project, Valley Elderberry Longhorn Beetle (VELB) Mitigation approved by the City of Stockton. There is a potential for migratory birds and bird nesting sites to be present in the project area. The SJMSCP ITMM includes protective measures for several different species, including nesting and migratory birds.

On July 22, 2020, EPA provided the National Marine Fisheries Service (NMFS) the Biological Assessment and EPA’s determination of effects to listed species. EPA concluded that the action may affect, but is not likely to adversely affect the Southern DPS Green Sturgeon, Central Valley DPS Steelhead, Central Valley Spring-run ESU Chinook Salmon, the Sacramento River Winter-run ESU Chinook Salmon. Based upon the Project design (including lack of in-river work) and the fact that construction and operation of the Project will not reduce the quantity or quality and thus value of any physical biological features that exist within the action area, EPA determined that the proposed action will not result in destruction or adverse modification of designated critical habitat for DPS Green Sturgeon or Central Valley DPS steelhead. EPA also determined that the Project will have no adverse effects on essential fish habitat. On August 21, 2020, NMFS responded to EPA’s letter and concurred with the determination of may affect, not likely to adversely affect.

A Cultural Resource Inventory study to assess the Project’s potential to adversely affect historical properties was prepared by Parus Consulting for the Project. A Cultural Resources Technical Letter Memo for the Project was also prepared in September 2018, covering the approximately 29-acre City owned parcel that is planned for their construction headquarters and staging area, which was not included in the Parus 2013 Inventory. After reviewing these reports, EPA sent a letter to the California State Historic Preservation Office (SHPO) on November 19, 2019, with determinations of eligibility for the four resources identified in the reports and a determination that the project would have no effect on those resources. An additional letter was sent to SHPO on April 9, 2020, which provided updated tribal consultation information and included EPA’s finding of No Adverse Effects for this undertaking. On April 15, 2020, SHPO responded stating that they did not object or have no further comments.

The proposed action occurs in a nonattainment area for ozone and particulate matter (PM10 and PM2.5); the project area is in attainment for all other criteria pollutants. Construction emissions of criteria air pollutants would not exceed any emissions thresholds and the City would implement measures to reduce fugitive dust during construction.

The proposed activity does not involve capture, transport, exhibition, collection, control or disturbance of eagles, or eagle parts. The project will not affect marine mammals, sole source aquifers, farmland, coastal zones, coastal barriers, wild and scenic rivers, or wilderness areas.