



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

JAN 8 - 2014

FINDING OF NO SIGNIFICANT IMPACT

TO ALL INTERESTED GOVERNMENT AGENCIES AND PUBLIC GROUPS:

In accordance with the environmental review guidelines of the Council on Environmental Quality found at 40 Code of Federal Regulations (CFR) Part 1500, and with the use of the implementing environmental review procedures of the United States Environmental Protection Agency (EPA) found at 40 CFR Part 6 entitled "Procedures for Implementing the Requirements of the Council on Environmental Quality on the National Environmental Policy Act" as guidance, the EPA has performed an environmental review of the following proposed action:

Wastewater Infrastructure Construction Project
Proposed by the Anthony Water and Sanitation District
for BECC Activities
Located in Dona Ana County, New Mexico

Estimated EPA Share: \$ 1,500,000

The Fiscal Year 2012 Appropriations Act for the EPA included special Congressional funding for water and wastewater construction projects. The Anthony Water and Sanitation District (District/AWSD) was selected to receive funding support through these special appropriations to upgrade the District's existing wastewater collection system in order to improve the efficiency, reliability, and capacity of the system. Factors influencing the need for the proposed project include the age and condition of the overall system, as well as additional demands on the system caused by an increasing population in the area. Numerous portions of the AWSD's wastewater collection system have reached or passed the end of their useful service life, and are in urgent need of replacement. The backbone of the collection system is the Sonic Lift Station which has experienced multiple failures, overflows, and spills over the years. These failures have resulted in such problems as sewage backup into homes and overflows of raw sewage onto the ground around this lift station. The failures are causing a public health hazard to the residents living in the area, and contribute to continued contamination of the environment.

The proposed project involves the replacement of the Sonic Lift Station which was constructed originally in the 1980s, and has undergone major rehabilitation twice over the years. The District has dedicated a large amount of time and resources to the maintenance and replacement of old and aging equipment to this lift station and the collection system in general. Most of the equipment problems are the result of pump failures, force main breaks, control panel failures, and loss of electrical power. The AWSD is continually addressing these problems at great and unnecessary cost. Maintenance has increased the operating life beyond the design life

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of much of the equipment, but they have now reached critical replacement age. The Sonic station serves the largest area within the District, and will replace three other also outdated lift stations. This combination of actions will move lift stations away from residential areas while upgrading the current wastewater collection and delivery system. As part of the overall project, the AWSD will also install new gravity sewer lines and force main piping to and from the new Sonic lift station. A series of new pumps will be installed along the new lines to transport collected wastewater to the existing wastewater treatment facilities. This series of pumps will be installed in parallel to accommodate a range of flows by being able to turn on additional pumps as demand increases. The proposed project will be a significant improvement toward enhancing the dependability of the AWSD wastewater system, and eliminating the continued contamination of the local environment.

The AWSD has submitted an application under the EPA prioritization process to the Border Environment Cooperation Commission (BECC) for certification of the project. After the project application was reviewed and ranked by the BECC with EPA assistance, the applicant was selected to receive funding from the EPA Project Development Assistance Program administered by BECC. Upon certification, the project will receive Border Environment Infrastructure Fund (BEIF) assistance administered by the North American Development Bank (NADB). Both the BECC and the NADB are bi-national sister organizations created by the governments of the United States and Mexico to improve the environmental conditions in and along the United States/Mexico border region. The applicant will utilize the BEIF funding support to finance the proposed construction project. The improvements should continue to protect the health and welfare of the citizens living in the immediate vicinity.

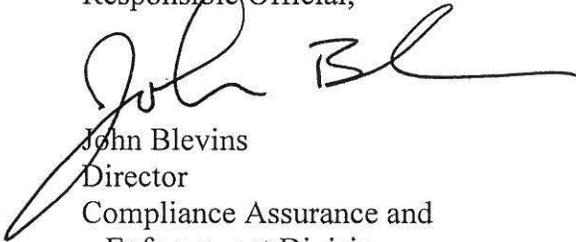
The environmental review process, which is documented by the enclosed Environmental Assessment, indicates that no potential significant adverse environmental impacts are anticipated from the proposed action. The project individually, cumulatively over time, or in conjunction with other actions is not expected to have a significant adverse effect on the quality of the environment. On that basis, I have determined that the project is not a major federal action significantly affecting the quality of the human environment, and that preparation of an Environmental Impact Statement is not necessary. My preliminary decision is based upon the enclosed Environmental Assessment, a careful review of the Environmental Information Document prepared for the project, the results of the public participation process, and other supporting data which are on file in the office listed below and available for public review upon request. Therefore, I am issuing this preliminary Finding of No Significant Impact pertaining to the project.

Comments regarding my preliminary decision may be submitted for consideration to the attention of the Office of Planning and Coordination (6EN-XP), Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202-2733. After evaluating any comments received, the EPA will make a final decision. No administrative action will be taken on this

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preliminary decision for at least 30 calendar days after release of this Finding of No Significant Impact. The preliminary decision and finding will then become final after the 30-day comment period expires if no new significant information is provided to alter this finding.

Responsible Official,



John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

cc: Jose Terrones, Superintendent
Anthony Water and Sanitation District

Arnulfo Castaneda, Mayor
City of Anthony

Renata Manning-GboGbo, Director of Projects
Border Environment Cooperation Commission

Ryan Flynn, Secretary
New Mexico Environment Department

ENVIRONMENTAL ASSESSMENT

WASTEWATER INFRASTRUCTURE CONSTRUCTION PROJECT Proposed by the ANTHONY WATER and SANITATION DISTRICT For BECC Activities Located in DOÑA ANA COUNTY, NEW MEXICO

BACKGROUND

The Fiscal Year 2012 Appropriations Act for the EPA included special Congressional funding for water and wastewater construction projects. The Anthony Water and Sanitation District (District/AWSD) was selected to receive funding support through these special appropriations to upgrade the District's existing wastewater collection system in order to improve the efficiency, reliability, and capacity of the system. Factors influencing the need for the proposed project include the age and condition of the overall system, as well as additional demands on the system caused by an increasing population in the area. Numerous portions of the AWSD's wastewater collection system have reached or passed the end of their useful service life, and are in urgent need of replacement. The backbone of the collection system is the Sonic Lift Station which has experienced multiple failures, overflows, and spills over the years. These failures have resulted in such problems as sewage backup into homes and overflows of raw sewage onto the ground around this lift station. The failures are causing a public health hazard to the residents living in the area, and contribute to continued contamination of the environment.

The proposed project involves the replacement of the Sonic Lift Station which was constructed originally in the 1980s, and has undergone major rehabilitation twice over the years. This particular wastewater lift station handles almost 80% of the wastewater for the AWSD. The District has dedicated a large amount of time and resources to the maintenance and replacement of old and aging equipment to this lift station and the collection system in general. Most of the equipment problems are the result of pump failures, force main breaks, control panel failures, and loss of electrical power. The AWSD is continually addressing these problems at great and unnecessary cost. Maintenance has increased the operating life beyond the design life of much of the equipment, but they have now reached critical replacement age. The Sonic station serves the largest area within the District, and will replace three other also outdated lift stations. The Sonic lift station will be relocated to a new 8-acre parcel already owned by the AWSD in another part of the City. This combination of actions will move lift stations away from residential areas while upgrading the current wastewater collection and delivery system.

As part of the overall project, the AWSD will also install new gravity sewer lines and force main piping to and from the new Sonic lift station. A series of new pumps will be installed along the new lines to transport collected wastewater to the existing wastewater treatment facilities. This series of pumps will be installed in parallel to accommodate a range of flows by being able to turn on additional pumps as demand increases. The proposed project will be a significant improvement toward enhancing the dependability of the AWSD wastewater system, and eliminating the continued contamination of the local environment.

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The District is a member-owned community water and wastewater system located within the incorporated municipal limits of the City of Anthony which is a sister city to Anthony, Texas. The AWS D system currently consists of nine wastewater lift stations, associated gravity lines and force mains, and a wastewater treatment facility. The lift stations vary in age from less than 10 years old to more than 30 years, and are in various operating conditions. The City contains areas of old dense neighborhoods, and a historic business district. As the City continues to grow due to an increase in local population, the area is experiencing an influx of newer but still dense residential housing and businesses. The City has a current population of approximately 10,000 people and is located on the New Mexico/Texas border 25 miles south of Las Cruces, New Mexico and 20 miles north of El Paso, Texas. The project planning area is shown on the map enclosed as Figure 1.

The AWS D has submitted an application under the EPA prioritization process to the Border Environment Cooperation Commission (BECC) for certification of the project. After the project application was reviewed and ranked by the BECC with EPA assistance, the applicant was selected to receive funding from the EPA Project Development Assistance Program administered by BECC. Upon certification, the project will receive Border Environment Infrastructure Fund (BEIF) assistance administered by the North American Development Bank (NADB). Both the BECC and the NADB are bi-national sister organizations created by the governments of the United States and Mexico to improve the environmental conditions in and along the United States/Mexico border region. The applicant will utilize the BEIF funding support to finance the proposed construction project. The improvements should continue to protect the health and welfare of the citizens living in the immediate vicinity.

The proposed project is considered to be a federal action requiring compliance with the National Environmental Policy Act (NEPA). In accordance with the environmental review requirements of the Council on Environmental Quality found at 40 Code of Federal Regulations (CFR) Part 1500, and with the use of the Environmental Protection Agency's (EPA) implementing regulations found at 40 CFR Part 6 entitled "Procedures for Implementing the Requirements of the Council on Environmental Quality on the National Environmental Policy Act" as guidance, the EPA is preparing this Environmental Assessment to assist in determining the environmental impacts of the proposed action, and in evaluating whether an Environmental Impact Statement or a Finding of No Significant Impact will be prepared for the proposed project.

PROJECT DESCRIPTION

The District has proposed the construction and installation of the following components to handle the current and projected wastewater collection needs of the local population:

1. Construction of a new lift station on an 8-acre parcel of land already owned by the District to replace the existing Sonic lift station;
2. Construction of approximately 3,600 linear feet of 16-inch diameter sewer lines;
3. Construction of approximately 6,500 linear feet of 12-inch diameter force main lines;

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4. Installation of a series of pumps along the collection lines to the treatment facilities; and
5. Installation of related valves, piping, and other necessary appurtenances.

The proposed improvements will provide safe and dependable wastewater collection to serve the needs of the area. All construction activities will occur within existing previously disturbed rights-of-way and utility easements owned by the District, the City of Anthony, or the New Mexico Department of Transportation. The new lift station will be adjacent to State Highway 478, with lines crossing under State Highway 460 near the center of the city. The proposed project will not displace any existing citizen, home or business.

ALTERNATIVES TO THE PROPOSED PROJECT

The funding recipient evaluated and considered a range of various alternatives to address the infrastructure needs of the area. Important factors influencing the evaluation of the processes and their recommended solutions include environmental acceptability, overall costs, availability of land for the intended uses, maximum reuse of existing facilities when applicable, operation and maintenance costs, system reliability, accommodation of future expansion needs, and public acceptance. A complete description of the alternatives is provided in the Environmental Information Document (EID) provided by the funding recipient for the project.

ENVIRONMENTAL SETTING

The Anthony community is located in the south central part of the state near the New Mexico/Texas border. It is situated approximately 2 miles west of Interstate 25, approximately 25 miles southeast of the city of Las Cruces, New Mexico and 20 miles northwest of El Paso, Texas. The area is part of the Las Cruces Metropolitan Statistical Area, and according to the 2010 census, there are approximately 10,000 citizens living in the area. The incorporated limits of the city cover almost 4 square miles, with land use being predominantly residential with some commercial areas and occasional vacant lots. Anthony has a long history of agriculture, and has an abundance of farms and dairy operations in the area. This area has sparse annual rainfall.

The area slopes from northeast to the southwest, with elevations ranging approximately 3,800 feet above sea level. The land and cover is consistent with Chihuahuan desert habitat, which includes creosote brush, honey mesquite, four-wing salt brush, and soap-tree yucca. Doña Ana County is characterized by sloping plains broken by rugged mountain ranges and the Rio Grande Valley. The majority of the area has been impacted by human activities as a result of agricultural production, canal and road construction, railroad activity, and residential and business development. There are no national landmarks, wilderness areas, or wild or scenic rivers within or immediately adjacent to the project area. There are no important farmlands, prime forest land, or prime rangeland that will be disturbed by the proposed project. A more detailed description of the local environment is provided in the Environmental Information Document developed for the project.

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IMPACTS OF THE PROPOSED PROJECT

The proposed project was analyzed to identify potential short-term, long-term, and cumulative impacts on the environment. There are no anticipated significant adverse environmental impacts associated with the proposed action that cannot be reduced to acceptable levels as identified and discussed below.

1. Biological Resources Including Threatened and Endangered Species: Based upon coordination with the United States Fish and Wildlife Service (USFWS), the New Mexico Department of Game and Fish (NMDGF) and the New Mexico Energy, Minerals, and Natural Resources Department (NMEMNRD), construction of the proposed project should not have significant adverse impacts to biological resources. Protected resources or their designated critical habitat are not known to occur in the project planning area, except for the sand prickly pear. The NMEMNRD stated that there is a high likelihood for the occurrence of sand prickly pear cactus on the project site which is a State-listed endangered plant, and recommends avoidance or mitigation measures if actually found on site. Also, the Migratory Bird Treaty Act of 1918 makes it illegal to disturb active bird nests without a permit. Therefore, "it is recommended that construction activities take place outside the normal breeding season in order to avoid impacts to nesting migratory birds". All project related trenching activities must be in accordance with NMDGF trenching guidelines. The funding recipient is responsible for continued coordination with the USFWS, the NMDGF, and the NMEMNRD to insure protection of any protected animal and plant species that may be discovered during actual construction.

2. Cultural/Historic Resources: Based upon coordination with the State Historic Preservation Officer (SHPO), local Indian Tribes and Pueblos, and the New Mexico Department of Transportation (NMDOT), construction of the proposed project should not have significant adverse impacts to archaeological, historical, architectural, or cultural resources since these protected resources are not known to occur in the project area. An inventory of the cultural resources in the project area was conducted, and discovered three potential historic sites. However, these sites were later determined to be "ineligible for inclusion in the National Register of Historic Places under any criteria", therefore no further consideration is warranted. The project was coordinated with local tribes to incorporate any concerns they may have, but no negative responses were received. The Ysleta del Sur Pueblo stated that "the proposed project will not affect any objects, sites, or locations of traditional religious importance to the Ysleta del Sur Pueblo". The SHPO stated that the NMDOT may require cultural surveys within their rights-of-way, but the NMDOT stated that a cultural resource inventory was not required for activities on NMDOT lands. If cultural materials are encountered during construction, work will stop immediately in the general area of the discovery, and the funding recipient will immediately notify the SHPO and potentially impacted tribes of the discovery. Any such resources discovered will be evaluated in accordance with the requirements of 36 CFR Part 800, and

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appropriate mitigation measures developed and implemented, as needed, in consultation with the SHPO before construction in the area is allowed to continue. The funding recipient is responsible for continued coordination with the SHPO, local Indian Tribes and Pueblos, and the NMDOT to insure protection of any cultural resources that may be discovered during actual construction.

3. Floodplain: Based upon coordination with the Federal Emergency Management Agency and the local Floodplain Administrator (FA), construction of the proposed project should not have significant adverse impacts to the local floodplain. FEMA recommended coordination with the local FA, Doña Ana County Flood Commission, which states that the lift station will be located within a FEMA Special Flood Hazard Area (SFHA) which requires special attention and activities. Any impervious areas created by the project will require an onsite open retention pond to contain water not absorbed into the soils, and the collection system must have sealed manhole covers in gravity feed areas within the SFHA. The County is a participant in the National Flood Insurance Program, and has appropriate floodplain protection ordinances. Any and all recommendations made by the local FA must be implemented during the construction of the project. The funding recipient is responsible for continued coordination with the FA, and must complete any subsequent permitting process prior to the initiation of actual construction activities.

4. Wetlands: Based upon coordination with the United States Army Corps of Engineers (COE), construction of the proposed project should not have significant adverse impacts to wetlands or jurisdictional waters of the United States since construction activities will not require the issuance of a project-specific permit under Section 404 of the Clean Water Act. The funding recipient is responsible for continued coordination with the COE, and must complete any subsequent permitting process prior to the initiation of actual construction activities.

In order to further protect the natural beneficial functions of the floodplain and wetlands, and to minimize the potential flood hazards to life and property, the construction funding is conditioned to read:

a. The recipient agrees not to collect or treat wastewater generated by new development in the floodplain or wetlands by the project facilities for a period of 50 years from the date of the environmental assessment related to this project. This restriction does not apply to development in the floodplain or wetlands which existed prior to that date;

b. The recipient agrees to adopt and enforce suitable ordinances and implementing procedures for effective local administration of this floodplain and wetlands service area restriction. On application of the recipient's governing body and after considering all relevant information on a proposed development's effects on the natural functions and values of the affected floodplain and wetlands, the EPA Regional Administrator may waive the service area restriction in individual cases; and

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c. EPA and the recipient intend that this floodplain and wetlands service area restriction shall benefit any person, organization, or entity possessing an interest in preservation of the natural environment in the 100-year floodplain and wetlands subject to this restriction. Any such beneficiary may seek enforcement of the restriction against the recipient or its successor in a court of competent jurisdiction, if notice of the intent to seek enforcement is first given to the recipient and the EPA Region 6, and neither entity initiates corrective action within 90 days of receiving such notice.

5. Surface Water Resources: Based upon coordination with the Surface Water Quality Bureau of the New Mexico Environment Department (NMED) and the National Park Service (NPS), construction of the proposed project should not have significant adverse impacts to protected surface water resources since effluent will not be discharged into any waters which have been designated as a wild and scenic river. The District has been issued a National Pollutant Discharge Elimination System (NPDES) permit for discharges from the wastewater treatment facilities. The NPDES permit requires a Storm Water Pollution Prevention Plan (SWPPP) when construction will result in the disturbance of one or more acres. Since the Sonic lift station will be rebuilt on an 8-acre parcel of land, the project requires the preparation and implementation of a SWPPP which requires the implementation of engineering Best Management Practices (BMPs) to prevent pollutants in storm water runoff from entering waters of the United States. Implementation of BMPs should insure that the surface water resources in the area will not be adversely impacted by the construction. The NPS requested review of the cultural resources survey report to determine if adequate measure will be taken to protect portions of the El Camino Real de Tierra Adentro National Historic Trail occurring within the project area. This report has subsequently been reviewed by the NPS, and the monitoring recommendations contained within the report are adequate and acceptable to the NPS. Also, the Elephant Butte Irrigation District (EBID) has stated that any crossing of EBID's property including the Anthony Lateral and the East Drain will require design review and permitting. The funding recipient is responsible for continued coordination with the NMED, NPS, and EBID, and must complete any subsequent permitting process prior to the initiation of actual construction activities.

6. Ground Water Resources: Based upon coordination with the Ground Water Quality Bureau (GWQB) of the NMED, construction of the proposed project should not have significant adverse impacts to protected ground water resources since the project area is not located over a designated sole source aquifer. The GWQB stated that the use of heavy equipment and asphalt products may have the "possibility of contaminant releases (e.g., fuel, asphalt, hydraulic fluid, etc.) associated with equipment malfunctions", and recommends that "all parties involved in the project to be aware of notification requirements for accidental discharges" contained in state regulations. The GWQB also stated that "any effects the project may have on the Anthony Wastewater Treatment Plant should be reported" to the Bureau. The funding recipient is responsible for continued coordination with the NMED, and must complete any subsequent permitting process prior to the initiation of actual construction activities.

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7. Prime and Unique Farmlands: Based upon coordination with the Natural Resource Conservation Service (NRCS), construction of the proposed project should not have significant adverse impacts to prime or unique farmlands since these protected resources are not known to occur in the project area. The NRCS stated in their comment letter that the project is not subject to the Farmland Protection Policy Act since “the entire project is located in an urban or development area in an existing easement”. The NRCS further states that “the proposed project will not cause Prime or Unique Farmland soils to be converted to non-agricultural uses”. The funding recipient is responsible for continued coordination with the NRCS during construction in order to insure protection of protected soils and farmlands.

8. Air Quality: Based upon coordination with the Air Quality Bureau of the NMED, construction of the proposed project should not have significant adverse impacts to air quality in the area. The project is located in an area that is in moderate nonattainment for particulate matter which is a criteria pollutant under the National Ambient Air Quality Standards (NAAQS). Dust and air borne particulate matter are caused by the local desert like conditions. The desert portion of the area affecting Anthony is in an undisturbed state, and particulate emissions are considered not to be of manmade origin and cannot be fully controlled. The EPA has concluded that emissions from the desert and locally managed rangelands are the source of dust and particulate matter in Anthony, and that these sources are insignificant emission sources and are not feasible controllable. To further insure compliance with NAAQS standards, all vehicles and motorized equipment used in construction must comply with regulations regarding the control of air pollution from mobile sources. The EPA encourages the use of clean, lower-emissions equipment and technologies to reduce pollution. Also, EPA’s final Highway Diesel and Non-Road Diesel rules mandate the use of lower-sulfur fuels in non-road and marine diesel engines. The funding recipient is responsible for continued coordination with the NMED, and must complete any subsequent permitting process prior to the initiation of actual construction activities.

9. Environmental Justice: The project was reviewed to ensure that construction will be conducted in an appropriate manner so that all persons and populations are served equally by the infrastructure improvements. Based upon the results of an evaluation to rank the potential environmental impacts to local communities using a computer-assisted mathematical formula, including Geographical Information System maps and census demographic data, no persons or populations will be discriminated against or denied the benefits of the proposed project. Since all persons and populations will be served equally by the project, there will be no adverse impacts that are considered disproportionate to any particular portion of the population.

10. Coastal and Barrier Resources: Since the entire state is inland and not adjacent to any coastal location, construction of the proposed project should not have significant adverse impacts to coastal and barrier resources.

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11. Cumulative Impacts: Potential cumulative impacts would be those impacts to the local environment that would result from the proposed project in combination with other ongoing actions, and those reasonably foreseeable future actions. No other major construction activity is being conducted presently or planned for the immediate future. The proposed project will not individually nor cumulatively over time have a negative impact on the quality of the human or natural environment. To the contrary, improved infrastructure will have a positive environmental effect by enhancing public health and protecting the natural environment from continued contamination and degradation.

DOCUMENTATION, COORDINATION, AND PUBLIC PARTICIPATION

A public hearing for the proposed project was held on June 29, 2013, at the offices of the Anthony Water and Sanitation District located at 1155 North 4th Street in the City of Anthony, New Mexico. The purpose of the meeting was to inform the public of the proposed project, to identify any concerns, and to request public participation in the development of the project. Several questions were asked by attendees during the hearing, but no adverse public comments were presented.

During the process of conducting the environmental review and preparing this Environmental Assessment for the project, coordination has been conducted with all required resource protection agencies and offices to solicit and incorporate their initial review and comments. Copies of this Environmental Assessment will be provided to those agencies and offices for their final review and comments. Other interested parties may request a copy of the Environmental Assessment and/or the Environmental Information Document by contacting Don Walker, NEPA Specialist, via telephone number (214) 665-6769, electronically at walker.donald@epa.gov, or in writing at the EPA, Office of Planning and Coordination (6EN-XP), 1445 Ross Avenue, Dallas, Texas 75202-2733.

References

Environmental Information Document, Anthony Water and Sanitation District, Doña Ana County, New Mexico, Wastewater System Improvements and Lift Station Replacement, July 2013.

RECOMMENDATION

Based upon completion of this Environmental Assessment, and a detailed review of the Environmental Information Document for the project, it has been determined that construction activities are considered to be environmentally sound. Therefore, it is recommended that a Finding of No Significant Impact be issued for this project.

