
APPENDIX G
CATEGORICAL EXCLUSION REQUEST

NEW MEXICO ENVIRONMENT DEPARTMENT
Construction Programs Bureau
Categorical Exclusion Request

Grantee/Loanee: Village of Taos Ski Valley

Funding Source(s): State Revolving Funds Loan

Project Description –Latitude 36° 35' 46" N and Longitude 105° 27' 38" W.

The Village of Taos Ski Valley (Village) is proposing to upgrade and increase their existing wastewater treatment facility (WWTF) to a hydraulic capacity of 0.31 million gallons per day (MGD). The Village owns and has operated the existing wastewater treatment facility since acquiring the facility in 2001 after dissolving the Twining Water and Sanitation District. The existing WWTF is permitted to discharge 0.167 MGD of treated effluent to the Rio Hondo, under National Pollution Discharge Elimination System (NPDES) Permit Number NM0022101, located in the Rio Grande Basin (Waterbody Segment Code No 20.6.4.129). This segment of the Rio Hondo is classified as Category 2 and the designated uses of this receiving water are domestic water supply, high quality cold water aquatic life, irrigation and wildlife habitat. The Rio Hondo Basin is a sub-basin of the Upper Rio Grande.

The two primary purposes of the project are to:

1. Replace and upgrade the existing WWTF equipment and processes to allow for continued compliance with the facility discharge permit during periods of peak flows and loading; and
2. Provide a 0.16 MGD increase in the Village WWTF capacity sufficient to address current challenges maintaining the quality of effluent. Despite the proposed increase in design flow, there will be no significant change in the design loading in lbs/day on the permit.

Authorized Representative (please print)

Mark Fratrack

Authorized Representative (signature and date) _____

Authorized Representative (title)

March X, 2016

State Use Only

Reviewed by: _____

Review Date: _____

Approved: _____ Denied: _____

Categorical Exclusions (CEs): A proposed action may be categorically excluded if the action fits within a category of action that is eligible for exclusion and the proposed action does not involve any extraordinary circumstances. Certain actions eligible for categorical exclusion require the Responsible Official to document a determination that a categorical exclusion applies. The documentation must include: A brief description of the proposed action; a statement identifying the categorical exclusion that applies to the action; and a statement explaining why no extraordinary circumstances apply to the proposed action. The Responsible Official must make a copy of the determination document available to the public upon request. The categorical exclusions requiring this documentation are listed in Table 1. For a project to be eligible for a CE, it must meet the categories/criteria of both Tables 1 and 2 below.

Table 1. General Categories of Projects That Qualify for a CE

A.	The proposed project is directed solely toward 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.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
B.	The proposed project is unsewered communities involving the replacement of existing onsite systems.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C.	Actions involving re-issuance of a NPDES permit for a new source providing the conclusions of the original NEPA document are still valid (including the appropriate mitigation), there will be no degradation of the receiving waters, and the permit conditions do not change or are more environmentally protective.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
D.	The proposed project is for award of grants authorized by Congress under EPA's annual Appropriations Act that are solely for reimbursement of the costs of a project that was completed prior to the date the appropriation was enacted.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

If all four categories are No then a CE cannot be granted, and an EID must be prepared. Please contact the NMED-CPB or refer to NMED-CPB guidance documents regarding preparation of an EID.

If Category A or B is Yes then Proceed to Table 2A

If Category C or D is Yes, Then Proceed to Table 2B

Table 2A. Criteria That Prevent Granting a CE

The following questions are not likely to require direct consultation with a federal agency or with an environmental professional.

		Basis for Determination and Documentation
The project, relating to an existing infrastructure system, involves new or relocated discharges to surface or ground water.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	There are no new or relocated discharges associated with the proposed project. There will be no relocation of discharge as all treated effluent will continue to be released into the Rio Hondo as is currently permitted.
The project, relating to an existing infrastructure system, will likely result in the substantial increase in the volume or the loading of pollutant to the receiving water.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Despite the proposed increase in design flow, there will be no significant change in the design loading in lbs/day on the permit, but rather a change in the concentration quality in mg/l will be anticipated. The proposed improvement will provide enhanced BOD5 and TSS removal, and Total Nitrogen (TN) and phosphorus control to comply with the facility's current and pending discharge permits. Design parameters for nutrient concentrations will be lowered to meet loading requirements that will ensure high quality effluent discharge.
The project, relating to an existing infrastructure system, will provide capacity to serve a population 30% greater than the existing population.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Additional capacity proposed in this upgrade is necessary to handle the current village service area peak flows. Without increased capacity it will be harder for Village to treat water to the same stringent standards that have occasionally resulted in permit violations. The plant is already stressed during peak flows and unless capacity is increased, there would likely be adverse effects in the quality of discharge that would result in further violations.
The project, relating to an existing infrastructure system, is not supported by the state, or other regional growth plan or strategy.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The Village WWTF is not supported by the state, or other regional growth plans or strategy.
The project, relating to an existing infrastructure system, will directly or indirectly involve or relate to upgrading or extending infrastructure systems primarily for the purposes of future development.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project is necessary primarily due to existing conditions that have placed additional stress on the WWTF during peak flows. The existing facility has a design capacity of 0.167 however, plant operations data indicate that the facility's capability becomes challenged at peak flows of approximately 0.120 MGD. Based on information regarding these capacity limitations, the permitted capacity was reduced to 0.167 MGD in the 2011 permit renewal. The existing secondary clarifier process is performance-limited at high flow rates with periodic solids carry-over caused by the high clarifier solids loading at high flow rates and biomass concentrations. The existing peak flows at their current levels has resulted in some permit violations over the past several years because of the plants limited hydraulic capacity to treat peak flows to permitted standards.
The project, relating to the replacement of an existing on site system, results in substantial increases in the volume of discharge or the loadings of pollutants from existing sources, or relocates existing discharge.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The proposed upgrade would increase the capacity of the WWTF from 0.167 million gallons per day (MGD) to 0.31 MGD. Despite the proposed increase in design flow, there will be no significant increase in the volume of discharge as the upgrades will allow the plant to continue removing greater than 90 percent of the impurities from the wastewater. As mentioned above, no increases in the design loading in lbs/day are proposed on the permit, but rather a change in the concentration quality in mg/l is anticipated. This will be achieved by replacing the existing biologic treatment system and clarifiers with a membrane bioreactor (MBR) system. With the cold water, wide range of flows/loading, and very stringent TN and TP effluent limits, the ability of the MBR process to consistently and reliably produce effluent meeting the standards (without the need for either a separate clarifier or tertiary filtration step) is unparalleled. All treated effluent will continue to be discharged in the Rio Hondo. Furthermore, the effectiveness of past treatments has been proven in the upper part of the Rio Hondo, which after years of being

		listed as “impaired” by the EPA, was recently removed from this listing due to improved water quality of the river. The increased capacity and installation of the MBR system is anticipated to continue the trend of improved water quality on the Rio Hondo.
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If all of the answers to the questions in Table 2A are “no”, then go to Table 2B.

If any of the answers to the questions in Table 2A are “yes”, then a CE cannot be granted, and an EID must be prepared. Please contact the NMED-CPB or refer to NMED-CPB guidance documents regarding preparation of an EID.

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Table 2B. Extraordinary Circumstances That Prevent Granting a CE

The following questions are likely to require direct consultation with a federal agency or with an environmental professional.

		Basis for Determination & Documentation*
The proposed action is 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"/> Yes <input checked="" type="checkbox"/> No	The site currently accommodates the existing WWTF. The entire site is previously disturbed; therefore, 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.
The proposed action is 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"/> Yes <input checked="" type="checkbox"/> No	<p>The proposed action is anticipated to ensure that high quality discharge can be maintained and permitted standards can be reached.</p> <p>Further, no minority communities, low-income communities, or federally-recognized Indian tribal communities would be adversely affected by the project.</p>
The proposed action is known or expected to significantly affect federally listed threatened or endangered species or their critical habitat.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>The USFWS IPAC species list was verified to ensure that all federally-listed species in the subject tract were considered. No habitat for Federal Endangered, Threatened or Species Proposed for Listing is located within the project tract.</p> <p>The site currently accommodates the existing WWTF. The entire site is previously disturbed; therefore, the proposed action is not known or expected to have potentially significant environmental impacts on habitat or individuals.</p> <p>Further, the proposed action is anticipated to ensure that high quality discharge can be maintained and permitted standards can be reached (the purpose of the project is to allow compliance with the facility discharge permit during peak flow and loading time periods).</p>
The proposed action is known or expected to significantly affect national natural landmarks or any property with nationally significant historic, architectural, prehistoric, archeological, or cultural value, including but not limited to, property listed on or eligible for the National Register of Historic Places.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Entire site previously disturbed, no affect to national natural landmarks or any property with nationally significant historic, architectural, prehistoric, archeological, or cultural value, including property listed on or eligible for the National Register of Historic Places. The site was surveyed and no cultural material older than 30 years was observed.
The proposed action is 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"/> Yes <input checked="" type="checkbox"/> No	<p>The proposed action would occur in an area highly disturbed through past development of the area. Alteration of the existing soil profile has occurred over time through removal of native forest vegetation, grading, compaction, and mixing of surface and sub-surface soil layers. Thus, native forest vegetation has been converted to an early seral condition.</p> <p>The floodplain has already been highly disturbed from past development activities.</p> <p>The stream segment and floodplain of the Rio Hondo located within the project area have been modified over time by commercial development, and from construction of the roadway</p>

		<p>throughout the tract. Moreover, the proposed action will not alter floodplain function and affect flood flows.</p> <p>Wetlands are present near the bank lines of the Rio Hondo. However the proposed project is not anticipated to alter water flows beyond their natural fluctuations.</p>
The proposed action is known or expected to cause significant adverse air quality effects.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Only minor impacts to air quality would occur during construction and would be short-term. Significant adverse air quality effects would not occur as a result of the proposed project.
The proposed action is 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"/> Yes <input checked="" type="checkbox"/> No	There is no significant effect on land use or growth and distribution of population as the surrounding area is highly developed and would not alter industrial, commercial, or residential land use. Additionally, the area would continue to be fully supporting of agricultural land use. There are no inconsistencies with state or local government, or federally-recognized Indian tribe approved land use plans or federal land management plans.
The proposed action is known or expected to cause significant public controversy about a potential environmental impact of the proposed action.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	There is no significant public controversy anticipated in regards to potential environmental impacts associated with the proposed action. Additionally, 95 percent of the service area has been incorporated into the water treatment system, which has had a positive environmental impact on the quality of the Rio Hondo.
The proposed action is 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"/> Yes <input checked="" type="checkbox"/> No	The proposed action has no known or expected associations 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 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.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The proposed action has no known or expected conflicts with federal, state or local government, or federally-recognized Indian tribe environmental, resource-protection, or land-use laws or regulations.

If all of the answers to the questions in Table 2B are “no”, then the project is eligible for a CE.

If any of the answers to the questions in Table 2B are “yes”, then a CE cannot be granted, and an EID must be prepared. Please contact the NMED-CPB or refer to NMED-CPB guidance documents regarding preparation of an EID.

*** Basis for Determination and Documentation**

The basis for determination and documentation information must be traceable and establish the factual data to support the response to each question. Types of information to be included in this column are outlined below.

1. **FIELD OBSERVATION** (Abbreviated as **FIELD**) A site visit that does not usually involve any testing or measurements. **FIELD** is an important method for initial screening of the issues, but for some of the categories it may be inadequate for final evaluation. Support documentation should include date of the site visit and by whom.
2. **PERSONAL CONTACT** (Abbreviated as **CONTACT**) Personal contacts are useful when the individual contacted is an accepted authority on the subject(s) and the interview is documented. Supporting documentation should include the name, organization, and title of person contacted and the date of the conversation. Copies of written site inspection reports and determination by regulatory agencies on applicability of regulations and permit requirements should be attached.
3. **PRINTED MATERIALS** (Abbreviated as **PRINTED**). Printed materials may include comprehensive land use plans, maps, statistical surveys, and studies. Internet resources may also be applicable. Information must be current, i.e., not so old that changing conditions make them irrelevant and must represent accepted methodologies. Citation for the material should include enough information so that an outside reviewer can locate the specific reference.
4. **REVIEWER'S EXPERIENCE** (Abbreviated as **EXPERIENCE**) The professional judgment of the person performing the review can be useful provided their expertise is relevant. The reviewer may have a previous knowledge from familiarity with the area, or may have professional background to make judgments about a specific factor. Provide information of the person's qualification in addition to name, organization, and position.
5. **SPECIAL STUDY** (Abbreviated as **STUDY**) This is a study conducted for an individual factor and should be performed by a qualified person using accepted methodologies. Some tests are relatively simple to perform but others may require elaborate equipment or personnel with additional expertise. For example, the biological and cultural resource studies/investigations need to be conducted by qualified individuals. The reviewer is responsible for obtaining assistance from others in order to have the appropriate test or studies conducted. Copy of the study must be appended or references as for Printed Materials.