



**Alabama Department of Environmental Management**  
[adem.alabama.gov](http://adem.alabama.gov)

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463  
Montgomery, Alabama 36130-1463  
(334) 271-7700 ■ FAX (334) 271-7950

## **CATEGORICAL EXCLUSION FROM ENVIRONMENTAL REVIEW**

Phenix City Department of Public Utilities  
Russell County

SRF Project No. CS010324-08

March 5, 2020

The Alabama Department of Environmental Management has made \$1,200,000 in financial assistance available to the Phenix City Department of Public Utilities using funds from the Clean Water State Revolving Fund (CWSRF) loan program. In accordance with State and Federal regulations that govern the program, the Alabama Department of Environmental Management has conducted a review to assess the potential impacts upon the environment that may result from implementation of this project.

The Phenix City Department of Public Utilities proposes a project to construct a sanitary sewer lift station and approximately 9,100 feet of 6-inch force main through existing right-of-way in the Glenwood School region of Summerville Road. Execution of this project will allow the system to begin accepting wastewater from Glenwood School which is currently undergoing expansion.

The Alabama Department of Environmental Management has determined that the project qualifies for a Categorical Exclusion (CE) from further environmental study under the guidelines specified by the State Environmental Review Process (SERP) which specifically include actions which are solely directed toward minor rehabilitation of existing facilities, functional replacement of equipment, or towards the construction of new ancillary facilities adjacent or appurtenant to existing facilities. However, this decision may be reconsidered if significant adverse information concerning the potential environmental impacts of the project is discovered.

Comments relative to this project should be submitted in writing to Juliette Cox, SRF Section, Permits & Services Division, Alabama Department of Environmental Management, P.O. Box 301463, Montgomery, Alabama 36130-1463, no later than 30 days after the date of notice. The Alabama Department of Environmental Management will not take formal action to proceed with the project without carefully evaluating any public comments opposing the project.

Sincerely,

Lance R. LeFleur  
Director

LRL/DKB/JMC

Attachment



The Categorical Exclusion is promulgated in the State Environmental Review Process (SERP) in Part IV, Section B: Categorical Exclusions for Clean Water State Revolving Fund Projects: (Italicized sections apply.)

1. The following clean water projects are eligible for categorical exclusions.
  - a. Actions which are solely directed toward minor rehabilitation of existing facilities, functional replacement of equipment, or towards the construction of new ancillary facilities adjacent or appurtenant to existing facilities;
  - b. *Actions which do not affect the degree of treatment or capacity of the existing facility including, but not limited to, infiltration and inflow corrections, replacement of existing mechanical equipment or structures, and the construction of small structures on existing sites;*
  - c. Actions which are for minor upgrading and minor expansion of existing treatment works in sewerred communities with a population less than 10,000;
  - d. Actions where on-site technologies are proposed in unsewered communities of less than 10,000;
  - e. Construction of new wastewater collection systems for existing communities, only if ancillary or appurtenant to existing facilities;
  - f. Projects where funding is being provided for planning and/or engineering costs only (in which case the requirements of IV.B.1 a-f do not apply)
2. In order to determine if a clean water project is eligible for a CE, all of the following conditions must not apply:
  - a. The action is known or expected to have a significant effect on the quality of the human environment, either individually, cumulatively over time, or in conjunction with other federal, State, local, tribal or private actions.
  - b. The action is known or expected to adversely impact:
    - 1) Cultural resources areas such as archaeological and historical sites,
    - 2) Endangered or threatened species and their critical habitats,
    - 3) Environmentally important natural resources areas such as floodplains, wetlands, important farmlands, or aquifer recharging zones.
  - c. This action is known or expected not to be cost-effective or to cause significant public controversy.
  - d. The facilities to be provided will
    - 1) Create a new, or
    - 2) Significantly relocate an existing discharge to surface or ground waters.
  - e. The facilities will result in more than 30% increases in the volume of discharge or the loading of pollutants from an existing source or from new facilities to receiving waters.
  - f. The facilities would provide capacity to serve a population 30% higher than the anticipated design population.



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, MOBILE DISTRICT  
218 SUMMIT PARKWAY, SUITE 222  
HOMEWOOD, ALABAMA 35209

August 22, 2019

North Branch  
Regulatory Division

SUBJECT: Department of the Army Jurisdictional Determination, Number SAM-2019-00530-JLB, Phenix City Department of Public Utilities, Lee County

Phenix City Department of Public Utilities  
% Constantine Engineering, Inc.  
Attention: Mr. Joe Downey  
2414 Airport Road West  
Fort Payne, Alabama 35968

Transmitted electronically to JDowney@tcgeng.com

Dear Mr. Downey:

Reference is made to your request, submitted on behalf of the Phenix City Department of Public Utilities, for a Department of the Army (DA), U.S. Army Corps of Engineers (USACE) review of the proposed construction of a new segment of sanitary sewer system including installation of approximately 9,000 linear feet of sewer force main and construction of a new sewer lift station. This work would occur along Lee County Road 248 (also known as Summerville Road) in Phenix City, Lee County, Alabama (between Latitude N32.538066, Longitude W85.049143 and Latitude N32.5218, Longitude W85.0301). This project has been assigned file number **SAM-2019-00530-JLB**, which should be referred to in all future correspondence regarding this site.

Based on our review of the project information submitted and mapping resources available to our office, we have determined that the proposed sanitary sewer line installation and sewer lift station construction activities along Summerville Road will occur on non-jurisdictional upland or dry land areas. Be advised, this determination is based primarily on information provided by you regarding the specific project location, scope of work, and environmental setting.

The proposed project was reviewed pursuant to Section 404 of the Clean Water Act, which requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into "waters of the United States", including wetlands,

prior to conducting the work (33 U.S.C. 1344). For regulatory purposes, the USACE defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

This letter contains an approved jurisdictional determination (JD) for the proposed sanitary sewer replacement area beneath Newburg Road. If you object to this determination, you may request an administrative appeal under USACE Regulations at 33 CFR Part 331. Attached you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the USACE, South Atlantic Division Office at the following address:

Administrative Appeals Review Officer  
60 Forsyth Street Southwest, Room 9M15  
Atlanta, Georgia 30303-8801  
Telephone: (404) 562-5137, Fax: (404) 562-5138

In order for an RFA to be accepted by the U.S Army Corps of Engineers (USACE), the USACE must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by October 21, 2019. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

This approved JD is based on current policy and regulation and is valid for a period of five years from the date of this letter. If by the end of the five-year period the proposed work has not been implemented and this JD has not been specifically revalidated by the USACE, it shall automatically expire.

The statements contained herein do not convey any property rights or any exclusive privileges, and do not authorize any injury to property nor shall it be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations that may affect proposed work at this site. Furthermore, this determination has been conducted to identify the limits of the USACE Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the FSA of 1985, as amended. If you are a U.S. Department of Agriculture (USDA) program participant, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

If you intend to sell property that is part of a project that requires DA authorization, it may be subject to the Interstate Land Sales Full Disclosure Act. The Property Report, required by Housing and Urban Development Regulation, must state whether or not a



- 3 -

permit for the development has been applied for, issued or denied by the U.S. Army Corps of Engineers (USACE), (Part 320.3(h) of Title 33 of the Code of Federal Regulations).

Based on our findings regarding the proposed activities, a DA permit pursuant to Section 404 of the Clean Water Act **will not be required** to implement the project as proposed.

We appreciate your cooperation with the USACE Regulatory Program. If the project location or scope of work changes, you are urged to contact this office for a verification of this determination.

You may contact me at (205) 290-9096 or at [jacob.l.brown@usace.army.mil](mailto:jacob.l.brown@usace.army.mil), if you have questions concerning this matter. For additional information about our Regulatory Program, visit our website at [www.sam.usace.army.mil/Missions/Regulatory.aspx](http://www.sam.usace.army.mil/Missions/Regulatory.aspx). Also, while you are there please take a moment to complete our regulatory customer survey located near the bottom of the webpage. Your responses are appreciated and will help us improve our services.

Sincerely,

BROWN.JACOB  
.L.1555530524

Digitally signed by  
BROWN.JACOB.L.1555530524  
Date: 2019.08.22 15:37:31  
-05'00'

Logan Brown  
Regulatory Specialist  
North Branch  
Regulatory Division

Attachments



**LEE-RUSSELL**  
COUNCIL OF GOVERNMENTS

July 25, 2019

Mr. Joe Downey  
Constantine Engineering, Inc.  
2414 Airport Road  
Fort Payne, AL 35968

Dear Mr. Downey,

The Lee-Russell Council of Governments provides a letter of concurrence for the proposed construction of the Summerville Road Sanitary Sewer Project through the ADEM Clean Water State Revolving Fund Application. We do not have any findings or issues to address with this proposed project.

Sincerely,

Lisa Sandt  
Executive Director

**Mayor Gary Fuller, Chairman Lisa Sandt, Executive Director**

2207 Gateway Drive • Opelika, Alabama 36801-6834 • 334.749.5264 • Fax 334.749.6582 • [www.lrcog.com](http://www.lrcog.com)



# ALABAMA HISTORICAL COMMISSION

468 South Perry Street  
P.O. Box 300900  
Montgomery, Alabama 36130-0900  
334-242-3184 / Fax: 334-240-3477

Lisa D. Jones  
Executive Director  
State Historic Preservation Officer

August 21, 2019

Stephen Smith, Utilities Director  
City of Phenix City Dept. of Public Utilities  
1119 Broad Street  
Phenix City, AL 36867

Re: AHC 19-1179  
Phenix City Summerville Road Sewer Improvements  
Russell County

Dear Mr. Smith:

We concur with the above referenced project provided all construction activities will occur within either the highway right-of-way or in previously disturbed areas. Any area that is to be involved and does not fall into one of the above categories will require a cultural resource assessment by a professional archaeologist. Submit the resulting report to our office for review and determination prior to project initiation.

However, should artifacts or archaeological features be encountered during project activities, work shall cease and our office shall be consulted immediately. Artifacts are objects made, used or modified by humans. They include but are not excluded to arrowheads, broken pieces of pottery or glass, stone implements, metal fasteners or tools, etc. Archaeological features are stains in the soil that indicate disturbance by human activity. Some examples are post holes, building foundations, trash pits and even human burials. This stipulation shall be placed on the construction plans to insure contractors are aware of it.

We appreciate your commitment to helping us preserve Alabama's historic archaeological and architectural resources. Should you have any questions, please contact Amanda McBride at 334.230.2692 or [Amanda.McBride@ahc.alabama.gov](mailto:Amanda.McBride@ahc.alabama.gov). Have the AHC tracking number referenced above available and include it with any future correspondence.

Sincerely,

Lee Anne Wofford  
Deputy State Historic Preservation Officer

LAW/AMH/nw

TA/EC  
2019-TA-0905

**Constantine**  
Engineering

WJ

May 14, 2019

RECEIVED  
MAY 17 2019  
BY: WJ

U.S. Fish and Wildlife Service  
1208-B Main Street  
Daphne, Alabama 36526-4419  
Attn: Field Supervisor

RE: Environmental Review - Phenix City Clean Water State Revolving Fund  
(CWSRF) Application  
Constantine Project No. 100425.17

Dear Sirs:

At the request of the City of Phenix City Department of Public Utilities Alabama, we are submitting for Environmental Concurrence. The attached location map include the proposed locations for construction of the Summerville Road Sanitary Sewer Project.

Phenix City is proposing a construction project that includes a new sewer lift station and approximately 9000 LF of PVC force main piping. All construction will be located at existing facilities that have been previously disturbed.

An ADEM SRF Loan is being obtained for this project. As part of the Environmental Reports submitted to ADEM and EPA, we will include your findings and address any necessary issues.

Thank you for your cooperation.

Sincerely,  
CONSTANTINE ENGINEERING, INC.

*Evan Morgan*  
Evan Morgan, P. E.  
Attachments



U.S. Fish and Wildlife Service  
1208-B Main Street - Daphne, Alabama 36526  
Phone: 251-441-5181 Fax: 251-441-6222

No federally listed species/critical habitat are known to occur in the project area. As described, the project will have no significant impact on fish and wildlife resources. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT NEW PLANS FOR REVIEW. We recommend use of best management practices specific to your project (See <http://www.fws.gov/daphne/section7/bmp.html>).

*William J. Pearson*  
William J. Pearson, Field Supervisor

JUN 11 2019

Date

#3

2414 Airport Road, West  
Fort Payne, AL 35968

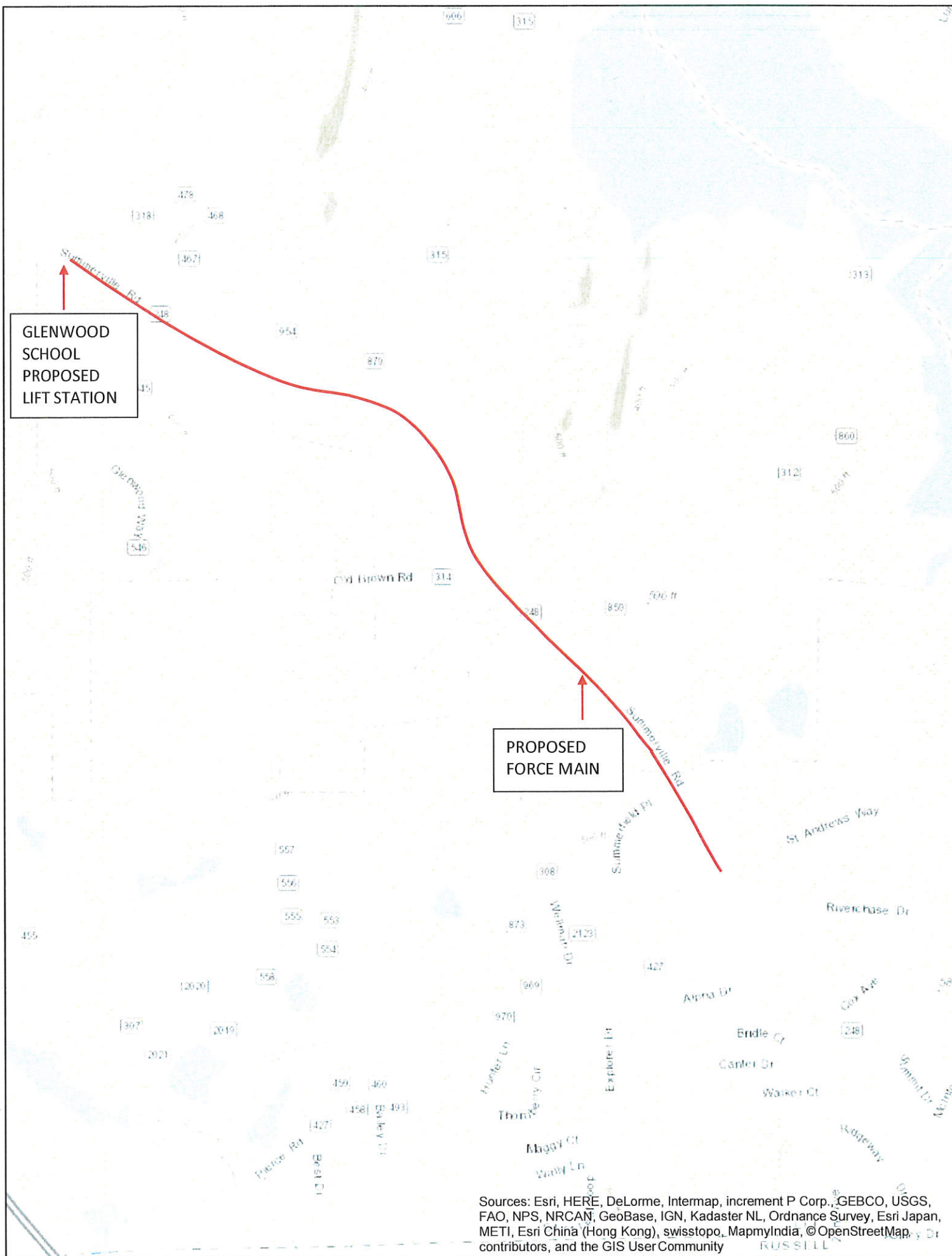
Office: 256-997-9199  
Fax: 256-997-9887

www.tceng.com

FAX LABEL

To: Evan Morgan  
From: Bill Pearson  
Fax: 256-997-9887  
Phone: 256-997-9887  
Date: JUN 11 2019  
Pages: 1





Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBICO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, ©OpenStreetMap contributors, and the GIS User Community