

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. CS010354-09

September 16, 2020

The Alabama Department of Environmental Management has made \$9,100,200 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 provide improvements to its wastewater systems. The project includes upgrades and expansion of the WWTP in order to expand flow capacity and sewer collection system rehab. The project also includes the installation of approximately 3000 feet of new 24 inch gravity sewer. Improvements will increase treatment capacity and reduce overflows associated with rain inflow and infiltration.

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 Waid, 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 public 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.

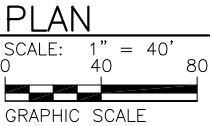
Lance R. LeFleur
Director

LRL/EJR/JMW/kmh


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 sewerer 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.

CITY OF PHENIX CITY- WASTEWATER
TREATMENT PLANT PER - PHASE 2

2414 AIRPORT RD. WEST
FORT PAYNE, AL. 35968

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DWG.	

USGS Topographical Map

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REUSE OF DOCUMENTS: THIS DOCUMENT AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF CONSTANTINE ENGINEERING. HOWEVER, THIS SHALL NOT PROHIBIT THE REUSE OF THIS DOCUMENT BY THE CLIENT AS PROVIDED FOR BY THE CONTRACT.
PHENIX CITY AS BUILT 5/31/2019 4:37 PM



COLUMBUS, GA-AL
2017

SPOTLIGHT STATION

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SPOTLIGHT STATION

- ROAD CLASSIFICATION
- Expressway
 - Major Road
 - Local Road
 - Interstate Route
 - US Route
 - State Route

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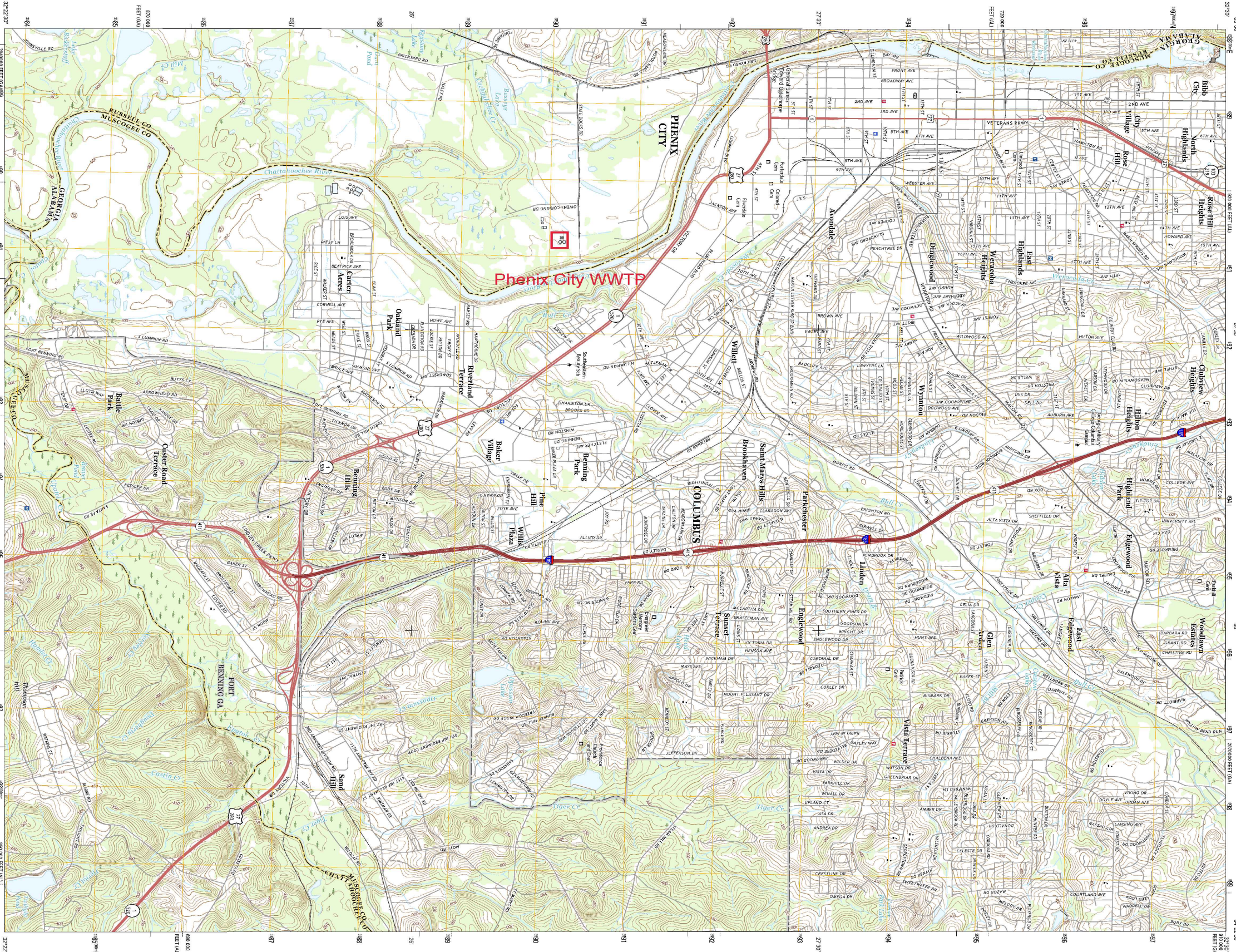
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USGS TOPOGRAPHIC MAP

U.S. GEOLOGICAL SURVEY

TOPOGRAPHIC MAP



COLUMBUS QUADRANGLE
GEORGIA-ALABAMA
7.5-MINUTE SERIES



U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



2414 AIRPORT RD. WEST
FORT PINE, AL 36003
PH. 256-897-5199

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VERIFY SCALE
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DATE JUNE 2019
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USGS TOPOGRAPHICAL MAP
CITY OF PHENIX CITY- WASTEWATER
TREATMENT PLANT PER - PHASE 1

File: I:Phenix City logo.pdf
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NO.	DATE	DESIGNED BY	DRAWN BY	REVISION	CHECKED BY	APPROVED BY
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ENGINEER SEAL



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

April 21, 2020

Stephen Smith
1119 Broad Street
Phenix City, AL 36867

Re: AHC 20-0698
Phenix City 2020 Clean Water SRF Improvements
Russell County

Dear Mr. Smith:

We will need additional information regarding the Bridgewater Drive and Saddlebrook Sewer locations. Please provide a description and map of the proposed work in these locations. Also include representative photographs of the area of potential effect. For all other locations, we concur with activities provided they are located in previously disturbed right-of-way.

Consultation with the State Historic Preservation Office does not constitute consultation with Tribal Historic Preservation Offices, other Native American tribes, local governments, or the public. If archaeological materials are encountered during construction, the procedures codified at 36 CFR 800.13(b) will apply. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal, and glass objects. The federal agency or the applicant receiving federal assistance should contact our office immediately. If human remains are encountered, the provisions of the Alabama Burial Act (*Code of Alabama* 1975, §13A-7-23.1, as amended; Alabama Historical Commission Administrative Code Chapter 460-X-10 Burials) should be followed. 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 Eric Sipes at 334.230.2667 or Eric.Sipes@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/EDS/law



ALABAMA HISTORICAL COMMISSION

468 South Perry Street
Montgomery, Alabama 36130-0900
334-242-3184 / Fax: 334-240-3477

Lisa D. Jones
Executive Director
State Historic Preservation Officer

September 10, 2020

Stephen Smith
1119 Broad Street
Phenix City, AL 36867

Re: AHC 20-0698
Phenix City 2020 Clean Water SRF Improvements
Russell County

Dear Mr. Smith:

Upon review of the additional information forwarded by your office, we have determined that project activities will have no effect on any cultural resources listed on or eligible for the National Register of Historic Places. Therefore, we concur with the proposed project activities.

Consultation with the State Historic Preservation Office does not constitute consultation with Tribal Historic Preservation Offices, other Native American tribes, local governments, or the public. If archaeological materials are encountered during construction, the procedures codified at 36 CFR 800.13(b) will apply. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal, and glass objects. The federal agency or the applicant receiving federal assistance should contact our office immediately. If human remains are encountered, the provisions of the Alabama Burial Act (*Code of Alabama* 1975, §13A-7-23.1, as amended; Alabama Historical Commission Administrative Code Chapter 460-X-10 Burials) should be followed. 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. 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/EDS/amh

TA/BBJ
2020-TA-0779

The
Constantine
Group

RECEIVED
APR 08 2020
BY: *cm*

March 30, 2020

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 Application
Constantine Project No. 100425.22

Dear Sirs:

At the request of the City of Phenix City Department of Public Utilities, Alabama, we are submitting the following information for your review and Environmental Concurrence. The attached location maps include the proposed locations for construction of improvements to the wastewater system to provide more treatment capacity and reduce overflows associated with rain inflow and infiltration.

Phenix City is proposing construction projects that include four (4) separate projects as follows:

1. WWTP Upgrades and Expansion to 7.75 MGD - this project follows a recent plant upgrade that addressed permit violations, including ammonia and e-coli. The proposed project continues to upgrade the treatment technology for the plant and expands capacity since maximum flows are approaching the existing capacity of the plant. This project will occur within the existing plant boundaries in previously disturbed locations.
2. Sewer Collection System Rehabilitation - this project will make repairs to the collection system to reduce I/I. Phenix City is still under ADEM Consent Order 14-104-CWP for sanitary sewer overflows (SSOs). Most of the collection system has been evaluated using flow monitoring and smoke testing, and defects have been identified. The project proposes to repair defects by completing work including manhole lining, sewer pipe lining, sewer pipe point repairs, sewer pipe replacement, and lateral repairs. This project will occur at existing infrastructure in previously disturbed locations.
3. Bridgewater Drive Sewer - this project proposes to install approximately 3000 feet of new 24-inch gravity sewer along Bridgewater Drive which will eliminate an existing bottleneck that causes SSOs during maximum rainfall. This is a greenfield project that will disturb areas in a new location.



207 S. 8th Street
Suite 220
Opelika, AL 36801



Office: 334.610.1299
Fax: 888.215.3836



www.tcgeng.com

RE: Phenix City Environmental Review
Page 2 of 2
March 30, 2020

4. Saddlebrook Sewer – this project proposes to install approximately 2000 feet of new 10-inch gravity sewer from Alpha Drive to Explorer Dive which will re-direct flows away from the existing undersized Saddlebrook Sewer Lift Station. This is a greenfield project that will disturb areas in a new location.

A State Revolving Fund (SRF) Loan Application has been submitted to the Alabama Department of Environmental Management (ADEM) for this project. As part of the Environmental Reports submitted to ADEM and EPA, we will include your comments and address any necessary issues.

Thank you for your cooperation.

Sincerely,
CONSTANTINE ENGINEERING, INC.



Joe Downey, P. E.
Project Manager

Enclosures

Cc: Stephen Smith, Phenix City Director of Utilities
John Spraggins, Phenix City Utilities Engineer



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, Field Supervisor

Date

3

North Branch
Regulatory Division

SUBJECT: Department of the Army Jurisdictional Determination, File Number SAM-2020-00400-JLB, Phenix City Wastewater System Improvements (Wastewater Treatment Plant)

Phenix City Utilities Department
c/o Constantine Engineering, Inc
Attention: Mr. Joe Downey
207 South 8th Street, Suite 220
Opelika, Alabama 36801

Transmitted electronically to jdowney@tcgeng.com

Dear Mr. Downey:

This is in response to your letter, on behalf of the Phenix City Utilities Department, dated March 30, 2020, requesting comments regarding proposed improvements to the existing Phenix wastewater treatment plant and upgrades to the sewage collection system throughout the community. This letter specifically addresses the proposed construction of a new clarifier, aeration basin, and pump station within the existing wastewater treatment plant in Phenix City, Russell County, Alabama (Latitude. 32.430981, Longitude -84.970615). This project has been assigned file number **SAM-2020-00400-JLB**, which should be referred to in all future correspondence regarding the project.

Based on our review of the information you provided and other publicly available mapping resources, we have determined the proposed improvements to the wastewater treatment plant will occur on non-jurisdictional dry land or upland areas that do not contain Federally-regulated wetlands or other “waters of the United States (U.S.)” Department of the Army (DA) jurisdiction over the proposed sewer line installation and replacement activities that have been proposed, is addressed in a separate letter, a copy of which is attached.

The proposed wastewater treatment plant improvements at the specific location identified above 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 U.S. Army Corps of Engineers (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 construction location as specified above. 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
Attention: Mr. Philip Shannin
Telephone: (404) 562-5137, Fax: (404) 562-5138
60 Forsyth Street Southwest, Room 10M15
Atlanta, Georgia 30303-8801

In order for an RFA to be accepted by the 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 **June 30, 2020**. 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 permit for the development has been applied for, issued or denied by the USACE, (Part 320.3(h) of Title 33 of the Code of Federal Regulations).

Based on our findings regarding the proposed work and construction activities at the wastewater treatment plant location specified herein, a DA permit pursuant to Section 404 of the Clean Water Act **will not be required** to implement the work proposed at this location.

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

You may contact Mr. Logan Brown at (205) 290-9096 or at 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. 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,

Leslie E. Turney
Chief, North Branch
Regulatory Division

Attachments

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Phenix City Utilities Dept.	File Number: SAM-2020-00400-JLB	Date: 05/01/2020
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
XX	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

**MR. LOGAN BROWN
CESAM-RD-N
U.S. ARMY CORPS OF ENGINEERS
218 SUMMIT PARKWAY, SUITE 222
HOMEWOOD, ALABAMA 35209**

If you only have questions regarding the appeal process you may also contact:

**MR. PHILIP SHANNIN
ADMINISTRATIVE APPEALS REVIEW OFFICER
60 FORSYTH STREET, SW (ROOM 9M10)
ATLANTA, GA 30303-8801
404-562-5137**

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:



LEE-RUSSELL
COUNCIL OF GOVERNMENTS

April 21, 2020

Mr. Joe Downey, P.E.
Constantine Engineering, Inc.
207 S. 8th Street
Suite 220
Opelika, AL 36801

Dear Mr. Downey:

This letter is to provide environmental concurrence for the Phenix City Clean Water State Revolving Fund Application for the following projects:

1. WWTP Upgrades and Expansion to 7.75 MGD
2. Sewer Collection System Rehabilitation
3. Bridgewater Drive Sewer
4. Saddlebrook Sewer

Let me know if you need any additional information. Thanks.

Lisa Sandt
Executive Director

Mayor Eddie Lowe, Chairman **Lisa Sandt**, Executive Director

2207 Gateway Drive • Opelika, Alabama 36801-6834 • 334.749.5264 • Fax 334.749.6582 • www.lrcog.com