



Vermont Department of Environmental Conservation

Agency of Natural Resources

WATER INVESTMENT DIVISION
National Life Building, DAVIS 3
1 National Life Drive
Montpelier, VT 05620-3510
FAX: (802)828-1552

Mr. James Rotundo, PE, City Engineer
Authorized Representative
City of Rutland
PO BOX 969
Rutland VT 05702

October 31, 2023
Expiration Date: October 31, 2028

**Re: Moon Brook Ponds Modification Project Project
Vermont/ USEPA Clean Water Revolving Loan Number RF1-277**

Notice of Intent to Issue a Finding of No Significant Impact

Dear Jim:

The Department of Environmental Conservation intends to issue a Finding of No Significant Impact (FONSI) for the Moon Brook Ponds Modification Project.

The project has positive environmental impacts consisting of abatement of thermal TMDL through plantings and maintenance of the existing wastewater infrastructure in the neighborhood.

This project additionally involves impacts to water impoundment, stream alterations, wetlands, and floodways.

Otherwise, this project may have been eligible for Categorical Exclusion from detailed environmental review. Additionally, the direct and indirect environmental effects of the project are still not significant enough to necessitate an Environmental Impact Statement (EIS)

Measures to mitigate the above-mentioned impacts will be addressed in permits issued by the Department.

The Department's environmental review procedures require a 30-day public comment period following the issuance of a Notice of Intent to Issue a Finding of No Significant Impact. If no public comments received during that period demonstrate that this Notice of Intent is in error, then the Finding of No Significant Impact will become effective.

James Rotundo, PE, Authorized Representative, City of Rutland
Moon Brook Ponds Modification Project
Finding of No Significant Impact
10/31/2024

Copies of documents supporting a Finding of No Significant Impact are enclosed. Please keep copies of the enclosed documents, along with any pertinent reports by your consulting engineers, available for public inspection during a public comment period of 30 days. A full listing of the documents that must be available for public inspection is attached. Please call, 802-490-6226, if you have any questions or concerns.

Sincerely,

DocuSigned by:

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Lynnette Claudon, PE
Chief Pollution Control Design Engineer
Water Investment Division

Enclosures

Documents Posted for Finding of No Significant Impact Public Comment Period (30 days)

1. Notice of Intent to Issue a Finding of No Significant Impact (Signed by Eric Blatt, P.E., Director I, Water Investment Division, enclosed.)
2. Evaluation of Eligibility for Finding of No Significant Impact (Approved by Eric Blatt, P.E., Director I, Water Investment Division, enclosed.)
3. State Environmental Review Procedures for Projects Funded Through the Vermont/ EPA Revolving Loan Program, <http://dec.vermont.gov/facilities-engineering/water-financing/srf/environmental-review>

Additional Documents Needed for Finding of No Significant Impact Public Comment Period (30 days)

1. Environmental Information Document titled "*Environmental Report and Environmental Information Document*", and dated May 23, 2023, by Roy Schiff, SLR Consulting.
<https://anrweb.vt.gov/DEC/IronPIG/DownloadFile.aspx?DID=204026&DVID=0>

James Rotundo, PE, Authorized Representative, City of Rutland
Moon Brook Ponds Modification Project
Finding of No Significant Impact
10/31/2024

COPY LIST

Amy Polaczyk and Aaron Krymkowski, Wastewater Program, VT-DEC
Katherine King & Angie Allen, Water Investment Division
Todd Menese, Stream Alteration Engineer
Zapata Courage, Wetland Biologist
David Swift, Terry Shearer, & Cristin Ashmankas, VT-DEC, DWGPD
Scott Dillon and Elizabeth Peebles, Division for Historic Preservation, ACCD
Robert Protvansky Jr, Chief Operator, City of Rutland
James Rotundo, PE, City Engineer
Roy Schiff, PE, SLR Consulting
Ben Green, PE, Chief Dam Safety Engineer



Vermont Department of Environmental Conservation

Agency of Natural Resources

Department of Environmental Conservation
Water Investment Division
1 National Life Drive, Davis 3
Montpelier, VT 05620

802-490-6226

Notice of Intent to Issue a Finding of No Significant Impact

**City of Rutland
Moon Brook Ponds Modification Project**

Vermont/ USEPA Clean Water Revolving Loan Number: RF1-277

In accordance with section VII of the Department's *"Environmental Review Procedures for Projects Funded Through the Vermont/EPA Revolving Loan Program"*, the Department of Environmental Conservation intends to issue a Finding of No Significant Impact (FNSI) for the proposed Moon Brook Ponds Modification Project. This project involves lowering the water levels in Combination Pond and Piedmont Pond 2 feet; planting riparian buffers to increase shading and reduce water temperatures; and dam improvements to: 1) Combination Pond Dam including the damaged outlet structure will be replaced and the water and sewer line that currently run through the embankment will be replaced with a dual containment liner; and 2) Piedmont Pond Dam including the concrete structure will be reformed and stabilized to prevent ongoing rapid deterioration.

Under the Procedure, the project is ineligible for Categorical Exclusion (CATEX) from detailed environmental review. The project involves impacts to Moon Brook, adjacent wetlands and floodplains, and impounds water and therefore exceeds the threshold for CATEX.

Also, the direct and indirect environmental effects of the project are not significant enough to necessitate an Environmental Impact Statement (EIS), under the Department's environmental review procedures. The project will not increase the current permitted flow capacity of the treatment plant, and the project will not include sewer extensions.

Consideration of the FNSI included a review of the following documents:

- **Environmental Information Document (EID)** signed May 23, 2023, by Roy Schiff, SLR Consulting, of Waterbury, VT.

City of Rutland
Moon Brook Ponds Modification Project
Notice of Intent to Issue a Finding of No Significant Impact
10/31/2024

Measures to mitigate the above-mentioned impacts will be addressed in permits issued by the Department.

Further information on the project and this Notice of Intent is available for inspection at the following locations:

James Rotundo, PE, City Engineer
City of Rutland
PO BOX 969
Rutland VT 05702

tel. 802-773-1800
jimr@rutlandcity.org

Lynnette Claudon, PE
Vermont Department of Environmental Conservation
Water Investment Division
1 National Life Drive, Davis 3
Montpelier, VT 05620-3510

tel. 802-490-6226
Lynnette.Claudon@Vermont.gov

(Note: Please make an appointment. Staff are not on site daily and National Life requires photo identification to obtain an access badge for entry.)

Roy Schiff, PE
SLR Consulting
1 South Main Street, Second Floor
Waterbury, VT 05676

tel. 802-882-8335
rschiff@slrconsulting.com

No significant administrative action will be taken on this project for thirty (30) days from issuance of this Notice of Determination to allow for public response.

DocuSigned by:

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Eric Blatt, P.E., Director I
Water Investment Division

10/31/2023

Date

Department of Environmental Conservation
Vermont Agency of Natural Resources



Vermont Department of Environmental Conservation

Agency of Natural Resources

TO: Eric Blatt, P.E., Director I, Water Investment Division ^{DS} 

FROM: Lynnette Claudon, PE,
Chief Pollution Control Design Engineer, Water Investment Division ^{DS} 

SUBJECT: City of Rutland
Moon Brook Ponds Modification Project Project
Environmental Assessment
evaluation of eligibility for Finding of No Significant Impact

DATE: 10/31/2024

A. Project Identification

Project Name: City of Rutland
Moon Brook Ponds Modification Project

Address: James Rotundo, PE, Authorized Representative
City of Rutland
PO BOX 969
Rutland VT 05702

Project Location: City of Rutland, Vermont
Combination Pond and Piedmont Pond on Moon Brook, a tributary to
Otter Creek.

Vermont/ USEPA Clean Water Revolving Loan Number: **RF1-277**

James Rotundo, PE, Authorized Representative, City of Rutland
Evaluation of Eligibility for Finding of No Significant Impact
Moon Brook Ponds Modification Project
Vermont/ USEPA Clean Water Loan Number RF1-277
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B. Summary of Environmental Review

The Department of Environmental Conservation, Water Investment Division, has reviewed this proposed project in accordance with the Department's State Environmental Review Procedures for Projects Funded Through the Vermont/ EPA Revolving Loan Program.

The Department has reviewed the following planning documents:

- Environmental Information Document titled “Environmental Report and Environmental Information Document”, and May 23, 2023, by Roy Schiff, SLR Consulting.

A Finding of No Significant Impact (FNSI) is the appropriate environmental review response for this project if the issues presented can be resolved with mitigation or permits. This project is not eligible for Categorical Exclusion from detailed environmental review due to potential impacts to wetlands, floodplains, water impoundment, and stream alteration. Also, the project’s direct and indirect environmental effects do not necessitate issuance of an Environmental Impact Statement (EIS), consistent with the criteria as described in section XI of the Department’s environmental review procedures.

1. Project Description

The City of Rutland is located in Rutland County, Vermont in the Otter Creek watershed and the Lake Champlain Basin major watershed.

Scope includes: 1) Combination Pond: Install a new dam outlet structure to lower the water 2 feet, remove accumulated fine sediment, plant a 15-meter riparian buffer, and install a stormwater treatment unit; and 2) Piedmont Pond: Perform concrete repairs of the small dam, lower the water level 2 feet, remove accumulated fine sediment, and plant a 5-meter riparian buffer.

The proposed project will refurbish existing natural and gray infrastructure in Combination Pond and Piedmont Pond areas in City of Rutland, Vermont. The goal of the project is to abate the Moon Brook thermal TMDL and to refurbish existing infrastructure. The project will result in water quality improvements.

This work is expected to be constructed with a Clean Water State Revolving Fund (CWSRF) loan, including Water Infrastructure Sponsorship Program Funding, a.k.a. WISPR.

Eligibility for clean water revolving loan (CWSRF) construction funding will be limited to the eligible clean water work as detailed in the Preliminary Engineering Report and to physical areas cleared through this environmental review process.

James Rotundo, PE, Authorized Representative, City of Rutland
Evaluation of Eligibility for Finding of No Significant Impact
Moon Brook Ponds Modification Project
Vermont/ USEPA Clean Water Loan Number RF1-277
10/31/2024

The contract documents will contain standard requirements to limit hours of construction and to control noise, dust and discharges of stormwater runoff or pollutants during construction.

2. Justification for Finding of No Significant Impact

We have determined that the proposed project meets the criteria for issuance of a Finding of No Significant Impact.

This project involves impacts to Moon Brook, adjacent wetlands, and floodplains, and impounds water but these impacts can be mitigated through normal permit processes.

Otherwise, this project may have been eligible for Categorical Exclusion from detailed environmental review. Additionally, the direct and indirect environmental effects of the project are still not significant enough to necessitate an Environmental Impact Statement (EIS).

Specifically, the project will not increase the design hydraulic capacity of a wastewater treatment plant by more than 20 percent, and it will not increase the design organic treatment capacity (equivalent population served) by more than 30 percent. The project does not include sewer extensions.

The project will not create a new permanent discharge of stormwater or treated wastewater to surface waters or groundwater, and there will be no increase of effluent pollutant loadings (pounds per day) permitted to be discharged from associated wastewater treatment plant.

A public hearing will be scheduled and warned as part of this FNSI process.