



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. Protivansky, Commissioner of Public Works
Authorized Representative
City of Rutland
1 Strongs Avenue
Rutland, VT 05702

3/28/2024

Expiration Date: 3/27/2029

**Re: Rutland CSO Check Valve Project
Vermont/ USEPA Clean Water Revolving Loan Number RF1-338**

Notice of Intent to Issue a Finding of No Significant Impact

Dear Bob Protivansky:

The Department of Environmental Conservation intends to issue a Finding of No Significant Impact (FNSI) for the Combined Sewer Overflow (CSO) Check Valve Project.

The project has positive environmental impacts consisting of eliminating the inflow of water from the East Creek and Otter Creek at these CSO locations. This reduction will both reduce the amount of additional water treated at the Wastewater Treatment Facility as well as reduce instances of CSO overflow events.

This project additionally involves impacts to the 100-year floodplain these will be mitigated by the post-construction ground elevation and condition returning to pre-construction conditions. Additionally, erosion control measures, and staging and storage outside of the floodway will be implemented during construction to reduce risk during excavation and installation of the check valves.


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).

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.

Ben Protivansky, Authorized Representative, City of Rutland
Rutland CSO Check Valve Project
Finding of No Significant Impact
3/27/2024

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) 490-8019, if you have any questions or concerns.

Sincerely,



Winn Wilson
Environmental 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)

4. Environmental Information Document titled "*Environmental Report and Environmental Information Document*", dated 10/26/2023, by Shane Mullen, PE, Weston & Sampson.
<https://anrweb.vt.gov/DEC/IronPIG/DownloadFile.aspx?DID=204269&DVID=0>
5. Preliminary Engineering Report entitled "*CSO Long Term Control Plan*", dated 07/19/2022, by Michael Smith, PE, Weston & Sampson.
<https://anrweb.vt.gov/DEC/IronPIG/DownloadFile.aspx?DID=197028&DVID=0>
6. Project Review Sheet dated (see EID package above).

Ben Protivansky, Authorized Representative, City of Rutland
Rutland CSO Check Valve Project
Finding of No Significant Impact
3/27/2024

COPY LIST

Amy Polaczyk and John Merrifield, Wastewater Program, VT-DEC
Kyle Medash, Stream Alternation Engineer, VT-DEC
Scott Dillon and Elizabeth Peebles, Division for Historic Preservation, ACCD
Ted Gillen, City Engineer, City of Rutland
Shane Mullen, Weston & Sampson



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

802-490-8019

Notice of Intent to Issue a Finding of No Significant Impact

**City of Rutland
CSO Check Valve Project**

Vermont/ USEPA Clean Water Revolving Loan Number: RF1-338

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 CSO Check Valve Project. This project involves installing check valves on the Calvary Cemetery (CSO 001) and Connor Park (Ballfield) (CSO 002) discharge conduits to prevent inflow during periods of high stream surface water elevation.

Under the Procedure, the project is ineligible for Categorical Exclusion (CATEX) from detailed environmental review. The project involves impacts to the 100-year floodplain 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)** dated 10/26/2023, by Shane Mullen, PE, Weston & Sampson of Waterbury, VT.

**Ben Protivansky, Authorized Representative, City of Rutland
Rutland CSO Check Valve Project
Finding of No Significant Impact
3/27/2024**

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

Bob Protivansky, Commisioner of Public Works
City of Rutland
1 Strongs Avenue
Rutland, VT 05702

tel. (802) 773-1813
bobp@rutlandcity.org

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

tel. (802) 490-8019
william.wilson@vermont.gov

(Note: National Life requires photo identification to obtain an access badge for entry.)

Shane Mullen
Weston & Sampson
98 South Main St., Suite 2
Waterbury, VT 05676

tel. (802) 882-7030
MullenS@wseinc.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
Water Investment Division

3/28/2024

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, Water Investment Division

FROM: Winn Wilson,
Environmental Engineer, Water Investment Division

SUBJECT: City of Rutland
CSO Check Valve Project
Environmental Assessment
evaluation of eligibility for Finding of No Significant Impact

DATE: 3/27/2024

A. Project Identification

Project Name: City of Rutland
CSO Check Valve Project

Address: Bob Protivansky, Authorized Representative
City of Rutland
1 Strongs Avenue
Rutland, VT 05702

Project Location: Rutland, Vermont
This project will install check valves at the combined sewer overflow diversion structures at Calvary Cemetery which outlets to Otter Creek and at Connor Park which outlets to East Creek.

Vermont/ USEPA Clean Water Revolving Loan Number: **RF1-338**

Bob Protivansky, Authorized Representative, City of Rutland
Evaluation of Eligibility for Finding of No Significant Impact
CSO Check Valve Project
Vermont/ USEPA Clean Water Loan Number RF1-338
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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 10/26/2023, by Shane Mullen, Weston & Sampson.
- Preliminary Engineering Report entitled “Rutland CSO – Long Term Control Plan”, and dated July 2022 by Shane Mullen, Weston & Sampson.

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 the 100-year floodplain. 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 is located in Rutland County, Vermont in the OtterCreek watershed.

The proposed project will install check valves at the combined sewer overflow diversion structures to prevent surface water inflow from the East Creek and Otter Creek at Connor Park and Calvary Cemetery in Rutland, Vermont. By preventing flow into the sewer collection system this project will reduce the incidence of overwhelming the collection system and unnecessarily treating surface water at the wastewater treatment facility.

This work is expected to be constructed with Clean Water State Revolving Fund (CWSRF) loan and/or CSO American Rescue Plan Act Grant.

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.

Bob Protivansky, Authorized Representative, City of Rutland
Evaluation of Eligibility for Finding of No Significant Impact
CSO Check Valve Project
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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. The impacts to the 100-year floodplain will be mitigated through returning the surface to pre-construction conditions.

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 excavation in the 100-year floodplain. These impacts will be managed by returning the post-construction area to the existing condition with the addition of an in-ground chamber to house the check valve. Additionally, erosion control measures, and staging and storage outside of the floodway will be implemented during construction to reduce risk during excavation and installation of the check valves.

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 the 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 held on 4/1/2024 at 6:30 pm at Rutland City Hall as part of this FNSI process.