

Categorical Exclusion and Extraordinary Circumstances Review Form
United States Environmental Protection Agency
Region 1

I. General Information

Project Name	Program / Funding Authority	Grant ID Number (if known)
North Avenue Co-op Infrastructure Upgrade	EPA Community Grants	
Grant Applicant Organization		
Cooperative Development Institute		
Project Location Description (street address/city/state/ZIP code; site characteristics)		
SPAN # 114-035-12886, Burlington, VT, 05408		
Project Description (summary of project scope and project components)		
The Project would provide critical upgrades to the aging potable water, wastewater, and stormwater infrastructure for the North Avenue Cooperative (NAC) in Burlington, VT. See Attachment 1 for more information on the Project.		

II. EPA Contact for Environmental Review on this Project (If different from Responsible Official, EPA Use Only)

Name/Title	Email	Phone Number
Mark Spinale	spinale.mark@epa.gov	617-918-1547

Complete Section III on Categorical Exclusion Eligibility.

III. A. Categorical Exclusion Eligibility (Check YES or NO) Complete the following questions in their entirety to determine if the project is eligible for a Categorical Exclusion (CATEX) pursuant to 40 CFR § 6.204(a)(1)(ii). Additionally, supporting statements and documentation must be included in Attachment 1.

40 CFR § 6.204(a)(1)(ii)

Question 1a: Does the project involve actions relating to existing infrastructure systems (e.g., sewer systems; drinking water supply systems; and stormwater systems, including combined sewer overflow systems) and involve:

If yes to any, proceed to Question 1b.

- | Yes | No | |
|-------------------------------------|-------------------------------------|---|
| ☒ | ☐ | Minor upgrading |
| ☒ | ☐ | Minor expansion of system capacity or rehabilitation (including functional replacement) of the existing system and its 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) |
| ☐ | ☒ | Construction of new minor ancillary facilities next to or on the same property as existing facilities |

Question 1b: Will the project include actions that:

If yes to any, STOP. CATEX does not apply.

- | Yes | No | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | Involve new or relocated discharges to surface or ground water |
| ☐ | ☒ | Will likely result in the substantial increase in the volume or the loading of pollutant to the receiving water |
| ☐ | ☒ | Will provide capacity to serve a population 30% greater than the existing population |
| ☐ | ☒ | Are not supported by the state, or other regional growth plan or strategy |
| ☐ | ☒ | Directly or indirectly involve or relate to upgrading or extending infrastructure systems primarily for the purpose of future development |

III. B. Categorical Exclusion Eligibility (Check YES or NO) Complete the following questions in their entirety to determine if the project is eligible for a Categorical Exclusion (CATEX) pursuant to 40 CFR § 6.204(a)(1)(iii). Additionally, supporting statements and documentation must be included in Attachment 1.

40 CFR § 6.204(a)(1)(iii)

Question 2a: Does the project involve actions in unsewered communities involving:

If yes, proceed to Question 2b

- | Yes | No | |
|--------------------------|-------------------------------------|--|
| ☐ | ☒ | Replacement of existing onsite systems |

Question 2b: Will the project include actions that:

If yes to any, STOP. CATEX does not apply. Complete Section III on Categorical Exclusion Eligibility.

- | Yes | No | |
|--------------------------|--------------------------|---|
| ☐ | ☐ | Involve relocated discharges |
| ☐ | ☐ | Will likely result in the substantial increase in the volume or the loading of pollutants from existing sources |

Sections IV.A. and IV.B. on Extraordinary Circumstances. Attach Supporting Statements and Documentation

IV. A. Extraordinary Circumstances (Check YES or NO) Complete the following questions in their entirety to determine if the project involves any of the following extraordinary circumstances which would make it ineligible for a CATEX pursuant to 40 CFR § 6.204(b)(1) through (b)(10). Additionally, supporting statements and documentation must be included in Attachment 1

Yes No

☐ ☒ 1. Is the action known or expected to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time?

☐ ☒ 2. Is the action 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?

Communities Present: ☐ YES ☒ NO [If yes, describe in Attachment 1]

☐ ☒ 3. Is the action known or expected to significantly affect federally listed threatened or endangered species or their critical habitat?

Resources Present: ☒ YES ☐ NO [If yes, describe in Attachment 1]

☐ ☒ 4. Is the action known or expected to significantly affect national natural landmarks or any property with naturally significant historic, architectural, prehistoric, archaeological, or cultural value, including but not limited to, property listed on or eligible for the National Register of Historic Places?

Resources Present: ☐ YES ☒ NO [If yes, describe in Attachment 1]

☐ ☒ 5. Is the action 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?

Resources Present: ☐ YES ☒ NO [If yes, describe in Attachment 1]

☐ ☒ 6. Is the action known or expected to cause significant adverse air quality effects?

Describe Air Quality and Resources in Attachment 1

☐ ☒ 7. Is the action 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?

Describe Land Use in Attachment 1

☐ ☒ 8. Is the action known or expected to cause significant public controversy about potential environmental impacts of the proposed action?

☐ ☒ 9. Is the action 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?

☐ ☒ 10. Is the action known or expected to conflict with federal, state, local government, or federally-recognized Indian tribe environmental resource-protection, or land-use laws or regulations?

IV. B. Extraordinary Circumstances Statement (*Check ONLY ONE box*) If the responses to Section III.A. or III.B. indicate the project is CATEX eligible, and if a NO response was recorded for each of the questions in Section IV.A, then no Extraordinary Circumstances are present pursuant to 40 CFR § 6.204(b) and one of the following statements should be selected.

- ☐ 1. **No extraordinary circumstances apply** to the proposed action pursuant to 40 CFR §§ 6.204(a)(1) and 6.204(b). This statement is based on either (1) past experience with similar actions **at the proposed action site** resulting in a CATEX and/or (2) information gathered as part of a **previous** NEPA review or environmental due diligence review conducted **at the proposed action site**.
A statement and supporting documentation is attached (e.g., SERP, prior CATEX determination, or other NEPA review and environmental documentation).
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- ☒ 2. **No extraordinary circumstances apply** to the proposed action pursuant to 40 CFR §§ 6.204(a)(1) and 6.204(b). This statement is based on information gathered as part of this NEPA evaluation.
A statement and supporting documentation is attached explaining why no extraordinary circumstances exist or apply to the proposed action pursuant to 40 CFR §§ 6.204(a)(1) and 6.204(b).

EPA Use Only:

V. NEPA Review Determination and Responsible Official Signature (EPA Use Only)

Sections I through IV must be completed to satisfy EPA's documentation requirements for CATEX eligibility. If completion of this form indicates that a CATEX *does apply*, the Responsible Official must sign below.

Categorical Exclusion Determination. EPA finds that the proposed action is eligible for exclusion from detailed environmental review under 40 CFR § 6.204(a)(1), and will not involve any of the extraordinary circumstances delineated under 40 CFR § 6.204(b)(1) through (b)(10). Consequently, EPA will not prepare an environmental impact statement or an environmental assessment for the proposed project. EPA may revoke this categorical exclusion if changes in the proposed action render it ineligible for exclusion or if new evidence emerges which indicates that serious local or environmental issues exist or federal, state, or local laws would be violated.

As the Responsible Official, I have determined that **this action is eligible for a Categorical Exclusion** per the substantive environmental review requirements under EPA regulations at 40 CFR § 6.204. Section III.C of this form has been completed providing the required Extraordinary Circumstances Statement.

Signature of Responsible Official

Title

Date

NOTE: Signed Categorical Exclusion Determinations should be uploaded to the EPA NEPA Compliance Database (through Central Data Exchange (CDX)).

Use Attachment 1 to provide Statements and Supporting Documentation.

Project Name

Grant ID Number

North Avenue Co-op Infrastructure Upgrades

Attachment 1. CATEX Eligibility and/or Extraordinary Circumstances Statement(s)

The space below may be used for a statement and supporting documentation explaining CATEX eligibility and why no extraordinary circumstances exist or apply to the proposed action pursuant to 40 CFR §§ 6.204(a)(1) and 6.204(b). Attach additional pages as needed. Material incorporated by reference should briefly describe its content. Provide hyperlinks to the incorporated material, or attached incorporated material to this CATEX, or otherwise indicate how the public can access the material for inspection.

Please see Attachment 1 for a statement explaining CATEX eligibility and why no extraordinary circumstances apply.