

Categorical Exclusion Instructions and Checklist

Categorical exclusions (CATEXs) are categories of actions that do not individually or cumulatively have a significant effect on the quality of the human environment. CATEXs applicable to EPA actions are listed at 40 C.F.R. § 6.204(a).

Determining a project's eligibility for a CATEX is the first step in the environmental review process. As part of the CATEX determination, EPA determines whether there are any extraordinary circumstances that would prevent the project from being eligible for a CATEX. If the proposed project is eligible for a CATEX and no extraordinary circumstances are involved, no further NEPA review is required.

Recipients who believe their project may qualify for a CATEX, should work with EPA—preferably early in the project design stage—to provide sufficient information for EPA to make that determination early in the NEPA environmental review process. EPA has developed a checklist to determine if a project qualifies for a CATEX. You may use this checklist as a tool to assess your project's potential eligibility for a CATEX and to understand what types of information are needed by EPA to support the CATEX determination.

The types of information that recipients should gather and submit to support the CATEX determination include, but may not be limited to, the following:

1. Detailed description of the project and/or preliminary engineering report along with any site plan showing the project location and its construction footprint (area of disturbance in acreage or square footage, etc.). Documents should clearly describe the project, including pipe sizes and lengths, pump specifications, etc.
2. City or regional maps that show the project in relation to the local area and help demonstrate the physical extent of the project.
3. Documentation of coordination or concurrence from the applicable federal cross-cutter environmental agencies. The grant applicant should coordinate with EPA to determine the applicability of federal cross-cutters since EPA may need to participate or take the lead in compliance with these cross-cutters as the federal action agency. For CATEXs, this potentially includes, but is not limited to, those listed below:
 - a. State's Historical Preservation Office (obtained through National Historic Preservation Act Section 106 consultation),
 - b. U.S. Fish and Wildlife Service or National Marine Fisheries Service (obtained through Endangered Species Act informal consultation),
 - c. U.S. Army Corps of Engineers (obtained through coordination with the appropriate District Office and through permit reviews),
 - d. other cross-cutter federal agencies as appropriate.
4. A description of the project need (including: the need the project will address; whether the project will address a local problem or emergency; whether the project is being pursued in response to a compliance order).
5. A description of the environmental impact(s) (both construction and operational impacts). Impacts may be both beneficial and adverse.
6. A description of associated measures to avoid, minimize or compensate for impacts including any Best Management Practices (BMPs) and/or Standard Operating Procedures (SOPs), etc. Provide adequate supporting references and citations.
7. Explain whether the project will be funded by other state or federal agencies. If environmental reviews are required by other state or federal agencies, explain whether they have been started or not. Briefly describe additional funding and applicable environmental reviews.
8. Explain whether project construction has begun. If yes, describe activities and percent of project completed.

EPA will independently review the information provided, including that within the following checklist, and will determine whether a project is eligible for a CATEX. If EPA finds that a project meets the qualifications for a CATEX, EPA will prepare a CATEX determination.

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

I. General Information

Project Name

Program / Funding Authority

Grant ID Number (if known)

Grant Applicant Organization

Project Location Description (street address/city/state/ZIP code; site characteristics)

Project Description (summary of project scope and project components)

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

Name/Title

Email

Phone Number

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

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?¹

Describe effects to any Community 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?

1. This extraordinary circumstance criterion may be modified pending further Administration guidance.

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).

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

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.