

FINDING OF NO SIGNIFICANT IMPACT

Section 531 – Sewer Line Replacement and Pump Station Rehabilitations Cities of Harlan and Loyall, and the Rio Vista Community Harlan County, Kentucky

1. Under authority of Section 531 of the Water Resources Development Act of 1996, the City of Harlan and the U.S. Army Corps of Engineers, Nashville District (USACE), have performed an evaluation of the Force Main Replacement and Pump Station Rehabilitations Project Alternatives. The sewer infrastructure is located within the Rio Vista community, and Cities of Loyall and Harlan, in Harlan County, Kentucky. The USACE Federal action is the 75% funding of the project construction under the Section 531 program. The local sponsor, City of Harlan would provide the remaining 25% funding. The Preferred Action Alternative consists of replacing 2,000 linear feet of 16-inch iron ductile force main piping with 16-inch polyvinyl chloride piping and rehabilitating three existing pump stations at their existing locations.

2. The purpose of the proposed project is to replace and rehabilitate aging and obsolete sewer infrastructure to ensure a reliable collection system and reduce the risk of line and pump station failures. The need for the proposed project is to protect the health and safety of the public, land, and water resources. The possible consequences of the Preferred Action Alternative have been studied for environmental, cultural, and social well-being effects.

3. The Preferred Action and the No Action Alternatives were the only alternatives carried forward for detailed evaluation. A third alternative involved abandonment of the existing force main line and pump stations and construction of a new force main and pump stations. This alternative was not considered in detail because it would have been more costly and would have disturbed new ground that would have greater impacts to the public and natural environment.

4. The No Action Alternative would result in an unreliable sewer collection system with increased risks for system failures that could endanger the health and safety of the public and contaminate water and land resources. Maintaining aging and obsolete infrastructure would become more costly and time consuming and substantially increase the risk of system failures and raw sewerage spills. Furthermore, this alternative would seriously hinder the City of Harlan from upgrading and correcting other portions of their system in future years. This alternative would likely prevent future expansion to non-served areas of all the inhabitants including low-income and minority residents in need of public sewer service because funding, materials, and time would be focused on maintaining aging and outdated infrastructure.

5. The short term impacts from the Preferred Action Alternative are the effects of construction (noise, dust, and erosion control), on the floodplain which are considered to be minor and temporary, due to the limited nature of the construction design and with utilization of best management practices. The long term impacts include a cleaner environment, the ability to support the health and welfare of the population, and continued economic growth. The Preferred Action Alternative would protect the land and water resources, and the human and social environment.

6. An evaluation of the Preferred Action Alternative produced the following pertinent conclusions:

- a. Environmental Considerations. USACE has taken reasonable measures to assemble and present the known or foreseeable impacts of the No Action and Preferred Action Alternatives to the human and natural environment in the Environmental Assessment. A Phase Ia Environmental Site Assessment (ESA) to identify hazardous, toxic, radioactive waste (HTRW) was completed on December 31, 2014. The ESA did not identify a recognizable environmental condition regarding HTRW at the force main line replacement location that could pose a liability to the government as a result of acquisition, easement or cost share. No wetlands, or water resources would be negatively impacted by the Preferred Action Alternative. Potential adverse impacts of the proposed Preferred Action Alternative are insignificant and short-term in duration.
- b. Social and Economic Considerations. No significant social or economic impacts that are both adverse and/or unavoidable are foreseen as a result of the Preferred Action Alternative. No minority, low-income populations, or children's health would be negatively impacted by the Preferred Action Alternative. The human community and natural environment would benefit from having a reliable collection system with reduced risks of system failures.
- c. Coordination with Natural Resources Agencies. Pursuant to the Fish and Wildlife Coordination Act of 1958 as amended, coordination with the following agencies has been performed: the U.S. Fish and Wildlife Service (USFWS) and the Kentucky Department of Fish and Wildlife Resources. In accordance with the Endangered Species Act of 1970 as amended, the USFWS noted by correspondence dated January 5, 2015, that the Preferred Action Alternative would not have any adverse impacts on wetlands or federally listed species.
- d. Coordination with Cultural Resources Agencies. Pursuant to Section 106 of the National Historic Preservation Act of 1966 as implemented by regulations at 36 CFR 800, the Kentucky Heritage Council (KHC) and federally recognized tribes were consulted. In correspondence dated January 12, 2015, the KHC concurred with USACE findings that no historic properties would be affected by the Preferred Action Alternative. The United Keetoowah Band of Cherokee

responded by email on January 6, 2015, stating no objection to the proposed project, but requested contact in the event remains or artifacts or other items of cultural significance are inadvertently discovered.

- e. Coordination with State and Regional Agencies: The Cumberland Valley Area Development District submitted an application for, and received funding from the Kentucky Infrastructure Authority loan program for this project. The Appalachian Regional Commission also provided funds for this project. The Kentucky Division of Water, Water Infrastructure Branch approved this project via correspondence dated June 24, 2014.
- f. Other Public Interest Considerations. There has been no opposition to the Preferred Action Alternative expressed by the state or local governments, or organized environmental groups, and there are no unresolved issues regarding the implementation of the project.

7. In light of the general public interest, I have determined that the work would not constitute a major Federal action significantly affecting the quality of the human or natural environments within the meaning of the National Environmental Policy Act of 1969. Accordingly, I have concluded that an Environmental Impact Statement covering the proposed work is not required. Further, having weighed the potential benefits that may be accrued as a result of implementing the proposed Preferred Action Alternative against the reasonably-foreseeable detrimental effects, I conclude that the force main line replacements and pump station rehabilitations, Section 531 project in Harlan, Harlan County, Kentucky, would be in the public interest.

Date

John L. Hudson, P.E.
Lieutenant Colonel
Corps of Engineers
District Engineer