

EVALUATION AND ACCEPTANCE OF APPLICANT PREPARED ENVIRONMENTAL ASSESSMENT (EA) AND FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Council Wastewater Improvement Project

**City of Council
Adams County, Idaho**

July 1, 2019

I. Introduction and Background Information

The U.S. Army Corps of Engineers, Walla Walla District (Corps) proposes to assist the City of Council, Idaho (City) with a wastewater treatment facility (WWTF) improvement project under the authority of Section 595 of the Water Resources Development Act (WRDA) of 1999 [Public Law (PL) 106-53], as amended in 2003 by PL 108-7, Section 126 to include Idaho. The City's WWTF is a gravity collection, lagoon treatment, and surface water disposal system. The City has had two NPDES violations from the US Environmental Protection Agency (EPA) in the last five years resulting in fines or compensatory action cost. The city was operating under an Administrative Order to make necessary improvements to come into compliance with the NPDES permit. The EPA transferred authority to administer and enforce permits to the State of Idaho in July 2018 and the City is now under a Compliance Agreement Schedule with the Idaho Department of Environmental Quality (IDEQ) due to leaking lagoon cells. In order to comply with existing and future permits, the City must make significant upgrades to the existing wastewater system.

The City of Council, Idaho is a small, rural community located approximately 125 miles north of Boise along US Highway 95. Council is the County Seat for Adams County. The WWTF is located in a shallow basin that encompasses approximately one square mile. The basin is surrounded by forested mountains. The Weiser River runs north to south along the area's western edge.

The operator in Council has done a good job in operating and maintaining the WWTF serving the community. Several improvements have been made to the collection system in recent years and the treatment lagoons have been managed to optimize effluent quality to the best of their ability. However, age of the collection system and some treatment components and limitations of the lagoon technology have created a significant need for improvements in the system in order to meet regulatory requirements as well as protect public health and safety in the community.

The wastewater system was evaluated to determine where it may be inadequate or inefficient at this time and to determine the future needs to meet project NPDES permit limits (Great West Engineering 2018). Numerous wastewater system improvement alternatives were considered to correct the current inadequacies and inefficient operations and to provide additional capacity for the future.

The WWTF improvement project would be designed to meet a minimum 40-year lifespan to ensure the City has a sustainable collection system for the future. The City would repair

and/or replace approximately 38% of the collection system pipes and manholes, and install complete mix/partial mix aerated lagoons. The wastewater system was evaluated to determine where it may be inadequate or inefficient at this time and to determine the future needs to meet project NPDES permit limits. Numerous wastewater system improvement alternatives were considered to correct the current inadequacies and inefficient operations and to provide additional capacity for the future. Those alternatives were narrowed down to a preferred alternative to present to the citizens and for the City to focus their resources. All facilities would be within the existing treatment plant footprint. The treatment system alternatives considered for this report would provide a more reliable effluent quality than the existing facultative lagoon system. The all construction would occur within existing property rights of way and within the existing treatment plant footprint.

The Corps would provide design assistance under the Section 595 Program for only a portion of the total project being undertaken by the City. The Corps and the City have agreed the Corps would provide \$400,000 in funding for design assistance for the following project features: preliminary engineering design for the City's entire wastewater improvements project and final engineering design of the wastewater collection system improvements. The Corps would also perform an engineering review on the final 90% submittal of the wastewater collection system prior to project closeout, collectively referred to as the "Corps Project" hereafter. Corps funds would also cover Project Partnership Agreement package preparation, process reimbursements, design review, the Corps National Environmental Policy Act (NEPA) compliance, and project management, travel, and contingency costs.

II. Applicant Prepared Environmental Assessment

In accordance with 40 Code of Federal Regulations (C.F.R.) 1506.5(b), the Corps is authorized to permit applicants to prepare an environmental assessment as long as the Corps performs its own evaluation of the environmental issues and makes its own findings on potential impacts. The City submitted the *City of Council Wastewater Improvement Project, Environmental Assessment (EA)* prepared by Great West Engineering. The Corps had no role in the preparation of the EA, but did undertake an independent review of the document and determined the information contained therein is accurate and satisfies the requirements of NEPA, except as supplemented or explained below in Section V. The EA is, therefore, incorporated (in its entirety) herein by reference and made a part hereof, as Attachment A.

III. Purpose and Need

The purpose of the Corps Project is to provide funding assistance under the Section 595 Program for the design of necessary wastewater collection system improvements. The Corps project is needed to help address the degraded nature of the system due to its age and use, etc., ensure its continued functioning to serve the city, and avoid future violations.

IV. Project Alternatives

The Wastewater Facility Planning Study (Great West Engineering 2018) evaluated three collection alternatives: The No Action Alternative is Existing Aerated Lagoon System with Existing Weiser River Discharge. Alternative one is included only as a baseline alternative

and was not selected because, of eminent fines due to continued Clean Water Act and IPDES permit violations.

(1) Replacement of the gravity sewer pipes known to have inflow and infiltration (I&I) issues.

(2) Replacement of the gravity sewer pipes known to have I&I and maintenance concerns, and the replacement of gravity sewer mainlines that are made of concrete or asbestos cement pipe.

Alternative 2 was selected to reduce I&I known issues and remove all asbestos concrete and concrete pipe.

The study also evaluated seven treatment/disposal alternatives:

(1) Non-Discharging Treatment Lagoons (Total Retention). Alternative 2 would require 230 acres of lined ponds and have the largest footprint.

(2) Facultative Lagoons with Discharge to the Weiser River. Alternative 3 would require deepening of lagoons and the addition of lift station and still risk of not meeting permit requirements.

(3) Aerated (Partial Mix) Lagoons with Storage and Irrigation. Alternative 4 would require a reuse permit from the state of Idaho, deepening the lagoons, and adding a lift station.

(4) Aerated (Partial Mix) Lagoons with Discharge to the Weiser River. Alternative 4, like alternative 3, would require deepening of lagoons and the addition of lift station and still risk of not meeting permit requirements.

(5) Existing Lagoons with Additional Aeration with Discharge to the Weiser River. Difficulty meeting permit limits during turnover, does not address IDEQ compliance agreement schedule.

(6) Complete Mix/Partial Mix Aerated Lagoons with Discharge to the Weiser River. Alternative 6 includes prescreening, a complete mix lagoon followed by two partial mix lagoons where settling occurs. This treatment alternative includes construction of new lagoons within the footprint of the existing ponds. The new lagoons would be deeper to provide additional depth for aeration equipment for adequate treatment. It would provide an effluent that can meet the City's anticipated NPDES permit limits year-round without the need for controlled discharge required by the other reviewed alternatives. One cell of the former lagoon may be retained for water storage. New blowers, a polishing reactor, lift station, and UV disinfection would also accompany this alternative. All construction equipment would access the site through a gate along the northern side of the treatment plant property off of South Hornet Creek Street. No new roads or rights-of-way are required for construction.

(7) Lagoons (Partial Mix) with Submerged Attached Growth Reactor with Discharge to the Weiser River. Alternative 7 would require additional land outside of the existing project footprint.

Alternatives 4, 6 and 7 were carried forward as viable alternatives for screening. A life cycle cost analysis was performed at a 20-year horizon, assuming a 3% annual discount rate, estimated increase in annual operation and maintenance costs and the 20-year salvage value of the equipment. Alternative 6 was selected because it has the lowest life cycle costs of the final viable alternatives.

V. Environmental Effects

The EA focused on the potential environmental impacts within that boundary as shown in Appendix E of the EA (Attachment A). The affected environment and environmental consequences to the resources listed below are evaluated and discussed in the attached EA (Section 4).

- Land Use
- Floodplains
- Wetlands
- Ground and Surface Water
- Biological Resources
- Cultural Resources and Historic Properties
- Aesthetics
- Air Quality
- Social Impacts and Environmental Justice
- Noise
- Transportation
- Human Health and Safety

The environmental impacts of the proposed action range from direct short-term negative effects caused by construction to direct long-term positive effects. Negative effects would be mitigated during construction using erosion control best management practices while working near the Weiser River and a stop work in the event articles of interest are found. A complete list of mitigation measures is included in Section 5 of the attached EA. The proposed wastewater treatment upgrades are not projected to significantly impact the assessed resources located in the proposed action area.

Endangered Species Act (ESA). An Endangered Species Act (ESA) species list from the U.S. Fish and Wildlife Service (USFWS) for the proposed action encompassing Council was obtained on December 18, 2018 (01EIFW00-2019-SLI-0357). There are five species on the USFWS list: Canada lynx (*Lynx canadensis*), North American wolverine (*Gulo gulo luscus*), northern Idaho ground squirrel (*Urocitellus brunneus*), Spalding's catchfly (*Silene spaldingii*), and bull trout (*Salvelinus confluentus*).

The Weiser River which flows by the City is not designated bull trout critical habitat (CH). The East Fork Weiser River which flows into the Weiser River is designated bull trout CH; the East Fork Weiser River confluence is approximately seven miles upstream of the City. The Weiser River empties into the Snake River. Bull Trout CH in the Snake River begins at Brownlee Dam approximately 60 miles downstream of the Weiser River confluence. There is no bull trout critical habitat in the proposed action area and there would be no negative effect to bull trout CH by the proposed action. The proposed action could improve effluent

quality which could improve water quality for bull trout CH located downstream in the Snake River.

The project area is located upstream of Hells Canyon Dam which is located on the Snake River. National Marine Fisheries Service (NMFS) considers Hells Canyon Dam a longstanding, naturally impassable barrier. There are no ESA listed species under NMFS jurisdiction occurring in the vicinity of the project area. There is also no designated CH for any ESA-listed species under NMFS jurisdiction in the project area.

Table 1. Endangered Species Act Species List and Effect Determinations.

Species	Listing Status	Species Effect	Critical Habitat Effect
USFWS			
Canada lynx	Threatened	No Effect	No Effect
N.A. wolverine	Proposed Threatened	No Effect	Not Applicable
Spalding's catchfly	Threatened	No Effect	Not Applicable
Bull trout	Threatened	No Effect	No Effect
N. Idaho ground squirrel	Threatened	No Effect	Not Applicable

Bald and Golden Eagle Protection Act (BGEPA). Bald eagles (*Haliaeetus leucocephalus*) are protected by the BGEPA. Bald eagles sometimes inhabit the Weiser River corridor near Council. No trees or other bald eagle roosting habitat would be affected by the proposed wastewater treatment improvements. The proposed project improvements would not affect bald eagles.

Migratory Bird Treaty Act (MBTA). Construction would take place outside migratory bird nesting season (April 1 through August 15) to avoid "take" of migratory birds. The proposed project improvements would not take migratory birds or their nests that are protected by the MBTA.

National Historic Preservation Act (NHPA). The Corps reviewed the cultural resources work performed in association with the proposed action and made a determination of "No Adverse Effect to Historic Properties" (Attachment C). The determination was based on the fact that the Idaho State Historic Preservation Office (SHPO) determined that the project would result in no adverse effects to historic properties. Additionally, efforts made by the Idaho Department of Environmental Quality to consult with the Nez Perce Tribe, the Shoshone-Bannock Tribes, and the Shoshone-Paiute Tribes are sufficient to meet the requirements of Section 106 of the NHPA and its implementing regulations 36 CFR Part 800.

Clean Water Act (CWA). Section 404 of the Clean Water Act (33 U.S.C. 1344) requires a Department of the Army permit be obtained for the discharge of dredged or fill material into waters of the United States. By e-mail dated January 17, 2019 (Attachment D), the Corps Boise Regulatory Office determined that no 404 permit would be needed for the project. This determination was based on the collection and treatment alternatives selected, which would not move the discharge point to areas containing potential wetlands or existing sloughs. Additionally, the proposed work to the existing lagoons would not require a 404 permit.

The lagoons would be dewatered and all work would be within the inside of existing lagoons. There would not be potential for stormwater runoff into surface water from within the lagoon. If a lagoon wall is found to be compromised and needs to be rebuilt, Great West Engineering would consult with IDEQ to obtain a Section 402 permit and prepare a Stormwater Pollution Prevention Plan (SWPPP), otherwise no 402 permit is needed. Best management practices (BMPs), such as silt fencing, would inhibit runoff potential to the Weiser River.

Executive Order 11988: Floodplain Management. This EO requires Federal agencies to avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative.

The State National Floodplain Insurance Program Coordinator with the Idaho Department of Water Resources recommends protecting structures built near the Weiser River from flooding. The floodplain is isolated to the western side of the proposed project area and no other floodplain is identified within or near the area. All proposed improvements within the floodplain would be designed to be protected from flood damage and to minimize infiltration of flood waters into the system. Improvements would meet City ordinances regulating development in the Special Flood Hazard Area. Any potential short term impacts identified during final design or construction would be mitigated via BMPs and any necessary permits would be obtained. No long term impacts to floodplains are expected.

VI. Coordination

The Corps distributed this FONSI for a 30-day public comment period between May 20 and June 20, 2019. Project notification letters went to the following agencies, organizations, and tribes: the Walla Walla District Corps of Engineers Boise Regulatory Office, Idaho Department of Environmental Quality, Environmental Protection Agency, Idaho Department of Water Resources, Idaho State Historic Office, Idaho Department of Fish and Game, Idaho Department of Agriculture, U.S. Forest Service – Payette National Forest, Bureau of Land Management, U.S. Department of Agriculture Natural Resource Conservation Service, Idaho Department of Commerce, Clearwater Economic Development Association, Adams County, Shoshone-Bannock Tribe, Shoshone-Paiute Tribe, Nez Perce Tribe, and the City of Council Community Library.

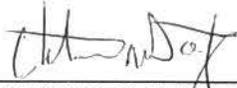
One comment was received during the comment period from the Clearwater Economic Development Association stating they saw no adverse effect from the proposed action.

VII. Finding

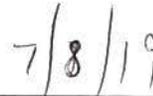
Having reviewed the EA, I find that the actions covered by the EA are substantially the same actions that the Corps is authorized and committed to participate in pursuant to Section 595 of the Water Resources Development Act 1999, as amended, with the City. Further, the EA provides sufficient discussions on the need for the proposal, alternatives to the proposal, the environmental impacts of the proposed action and the alternatives, and a listing of agencies and persons consulted. Finally, after an independent review of the EA,

the Corps has determined the document provides both sufficient evidence and analysis to meet its requirements pursuant to NEPA, except as supplemented or explained above.

I have taken into consideration the technical aspects of the project, best scientific information available, and information contained in the EA. Based on this information, I have determined that the Corps Project would not significantly affect the quality of the human environment, and therefore an environmental impact statement is not required. The Corps will proceed to fund the Corps Project under the authority of Section 595 of the Water Resources Development Act of 1999, when funds are made available for that purpose.



CHRISTIAN N. DIETZ
Lieutenant Colonel, EN
Commanding



Date

Attachment A: Wastewater Improvement Project Environmental Assessment, City of Council

Attachment B: U.S. Fish and Wildlife Service Species List dated December 18, 2018

Attachment C: Cultural Resources Record of Internal Review

Attachment D: U.S. Army Corps of Engineers Regulatory Office Correspondence

