



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 24 2009

CATEGORICAL EXCLUSION DETERMINATION
Wastewater System Improvements
Town of Murphy
Cherokee County, North Carolina

Environmental Protection Agency (EPA) actions subject to review under the National Environmental Policy Act (NEPA) include the award of certain grants for projects authorized by Congress through the Agency's annual Appropriations Acts. EPA has reviewed the above authorized project in accordance with NEPA implementation procedures (40 CFR Part 6) and determined that it is eligible for a categorical exclusion and is thereby exempting it from further substantive environmental review.

The Consolidated Appropriations Act, 2008 (P.L. 110-161), authorized EPA funds in the amount of \$477,000 to the Town of Murphy, Cherokee County, North Carolina, for the U.S. Highway 74-19/129 Sewer Project. The proposed project is to eliminate deficiencies in the wastewater collection and treatment system due to wet weather related infiltration and inflow. The estimated cost of the proposed project is \$1,337,500. The remaining \$860,500 match will be provided by a loan and grant from the North Carolina Rural Center.

This project consists of several improvements to the Town of Murphy's wastewater collection and treatment system. Sewer line improvements along the U.S. Highway 74-19/129 corridor consist of the replacement or slip-lining of broken sections of sewer line, the rehabilitation or replacement of manholes, and the upgrade of a 4-inch force main to a 6-inch force main. A 10-inch sewer line on Conaheeta Street that is overloaded during rainfall events will be replaced by an 18-inch sewer line. During significant rainfall, excessive flows to the wastewater treatment plant exceed the design capacity of the chlorine contact basin. Upgrades to the wastewater treatment plant include the conversion of an existing digester basin into an additional chlorine contact basin; construction of a new chlorination building; and the conversion of an abandoned tank into a sludge digester to replace the digester being converted into a chlorine contact basin. Associated equipment including pumps, blowers, and walkways will be upgraded. The area is located in the Hiwassee River watershed, Hydrologic Unit Code 06020002.

The proposed project relates to an existing infrastructure system that collects and/or treats wastewater and is eligible for a categorical exclusion consistent with the category of actions listed under 40 CFR 6.204(a)(1)(ii) involving minor upgrading, or minor expansion of system capacity or rehabilitation, including functional replacement, of the existing system and system components. The facilities to be provided under 40 CFR 6.204(a)(1)(ii) **will not** create a new or relocate an existing discharge to surface or ground water; result in substantial increases in the volume of discharge or the loadings of pollutant to the receiving water; provide capacity to serve a population 30 percent greater than the existing population; be in conflict with state or other regional growth

plans or strategies; or directly or indirectly relate to upgrading or extending infrastructure systems primarily for the purposes of future development.

This project does not involve any of the exceptional circumstances listed in 40 CFR 6.204(b)(1) through (10) that would make the project ineligible for a categorical exclusion. EPA has determined that:

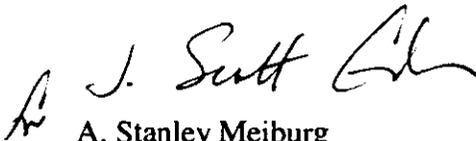
1. The action is not known or expected to have a potentially significant environmental impact on the quality of the human environment, either individually or cumulatively over time.
2. The action is not known or expected to have disproportionately high and adverse human health or environmental effects on any community, including minority communities, low-income communities, or federally-recognized Indian tribal communities.
3. The action is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat.
4. The action is not known or expected to significantly affect national natural landmarks or any property with nationally significant historic, architectural, prehistoric, archeological, or cultural value, including but not limited to, property listed on or eligible for the National Register of Historic Places.
5. The action is not 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.
6. The action is not known or expected to cause significant adverse air quality effects.
7. The action is not known or expected to have a significant effect on the pattern and type of land use or growth and distribution of population including altering the character of existing residential area, or be inconsistent with state or local government, or federally-recognized Indian tribe approved land use plans or federal land management plans.
8. The proposed action is not known or expected to cause significant public controversy about a potential environmental impact of the proposed action.
9. The proposed action is not known or expected to be associated with providing financial assistance through an interagency agreement for a project that is known or expected to have potentially significant environmental impacts.
10. The proposed action is not known or expected to conflict with federal, state, or local government, or federally-recognized Indian tribe environmental resource-protection, or land-use laws or regulations.

The North Carolina Historic Preservation Office correspondence of November 6, 2008, stated that no known historical, archaeological, or cultural resources will be adversely affected by the project (ER 08-2238). The U.S. Fish and Wildlife Service review of the project found no reasonably foreseeable adverse effects on listed, proposed or candidate species as stated in its correspondence of September 30, 2008 (Log No. 4-2-08-288). The U.S. Army Corps of Engineers in its letter of January 9, 2009, found no indication of adverse impacts to wetlands or other natural resource areas based on the project information provided to them.

The documentation to support this decision is on file at the Division of Water Quality, Construction Grants and Loan Section, NCDENR, Raleigh, North Carolina, and is available for public viewing upon request by contacting Susan Kubacki at (919) 715-6203. If new information indicates that at least one of the extraordinary circumstances applies or that the action does not meet the qualifying criteria for a categorical exclusion, EPA will withdraw the categorical exclusion and proceed with further environmental review.

Any new information in this regard may be addressed to: Jim Adcock, Infrastructure Section, Water Protection Division, EPA Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960, fax number: (404) 562-9729.

Sincerely,


A. Stanley Meiburg
Acting Regional Administrator

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

**Water Management Division
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960**

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**Mr. Dan Blaisdell, Chief
Construction Grants and Loans Section
DENR - Division of Water Quality
1633 Main Service Center
Raleigh, NC 27699-1633**



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