

June 2, 2021

CATEGORICAL EXCLUSION

TO ALL INTERESTED AGENCIES AND PUBLIC GROUPS:

Consistent with the environmental review process adopted by the Texas Water Development Board (TWDB) for projects funded through the Drinking Water State Revolving Fund (DWSRF) Program, specifically 31 Texas Administrative Code (TAC) Chapter 371, Subchapter E, and with the terms and conditions of the National Environmental Policy Act, 42 U.S. Code § 4321, *et seq.*, the Executive Administrator of the TWDB has determined the specific project elements identified below may be exempted from further pre-design environmental review:

City of Marlin, Falls County, Texas
TWDB DWSRF Project No. 62819
Water System Improvements Project
Total Financial Assistance: \$6,330,000 (L1000994, LF1000995)

The City of Marlin (City) is the county seat of Falls County, east-central Texas. The City provides potable water services throughout the community, currently serving a population of 5,671. The population is projected to grow to 6,883 by 2040, a 21.4 percent increase. Parts of the City's water treatment and distribution systems are badly deteriorated and undersized with respect to current peak demand and projected need. With a reported water loss of 62 percent, the system cannot maintain adequate concentrations residual disinfectant.

To address these issues, the City applied to the TWDB for financial assistance through the Drinking Water State Revolving Fund, in the amount of \$6,330,000. On October 3, 2019, the TWDB committed funds for project For project planning, design, and construction, and the City closed the loans on December 19, 2019.

The City plans to rehabilitate its water treatment plant (including the clarifier, pumps, piping, and electrical system) and remove an abandoned clear well. In addition, the City intends to replace approximately 37,500 linear feet of deteriorated and undersized water lines to: reduce unaccounted water losses; provide fire protection; and/or meet requirements of the Texas Commission on Environmental Quality (TCEQ) for minimum line size, sufficient disinfectant residuals, and waterline burial depth (beneath the frost line). After submitting its funding application, the City learned that a TCEQ inspection had disclosed that part of the disinfectant residual issue could be corrected by establishing a separate pressure plane for the City's Depot elevated storage tank (EST) to enable more efficient connection to the distribution system. Therefore, this project component was added to the list of water system improvements needed to meet TCEQ requirements. On May 27, 2021, a scope of work (SOW) "swap" request was approved by TWDB to replace two failing racks of Koch Targa II membrane filtration modules with two new racks of ceramic retrofit modules (20-year warranty) in exchange for the replacement of a portion

of the distribution pipeline not required by the TCEQ. A TCEQ-required pilot study for the new filtration system must occur prior to purchase and installation of the ceramic membrane filtration modules.

The City used some of its planning funds to assess the potential environmental impact of construction and has offered assurance the project would have no adverse or socially disproportionate effects on the human environment or communities, threatened or endangered species, cultural resources, Waters of the United States including wetlands, or floodplains. All water lines would be constructed in previously disturbed areas within utility easements approximately 5 feet from existing lines, which will be abandoned in place. Based on the information provided by the City, TWDB staff concluded the project was eligible for categorical exclusion from a full environmental review. Documentation supporting this determination is on file at the TWDB.

This determination shall be revoked if it is found that:

- (1) the project no longer meets the requirements for a Categorical Exclusion as a result of changes in scope, design, or location;
- (2) the project involves extraordinary circumstances as described in 31 TAC § 371.42; or
- (3) the project may violate or has violated federal, state, local, or tribal laws.

In addition, the project must comply with the following standard and special environmental conditions.

- Consistent with Section 404 of the Clean Water Act, the proposed project must comply with United States Army Corps of Engineers Nationwide Permit 58 for Utility Line Activities for Water and Other Substances.
- Consistent with the Endangered Species Act of 1973 as amended, the Migratory Bird Treaty Act, and Texas Parks and Wildlife Code Chapter 64, vegetation clearing must be excluded during the general bird nesting season, March 1 through August 30; or if clearing at these times is unavoidable, the area proposed for disturbance must be surveyed, during the nesting period, to identify occupied nests. If occupied nests are found, the area around each nest should remain undisturbed until the eggs have hatched and the young have fledged. State and federal regulations as currently interpreted do not permit incidental take.
- Consistent with the Texas Parks and Wildlife Code Section 68.015, if state listed species are encountered, the animals must be allowed to leave the area safely. State listed species may be handled only by persons with authorization obtained through the Texas Parks and Wildlife Department. Disturbed areas should be reseeded with native grasses by hydromulching, hydroseeding, or seed broadcasting techniques. If erosion control blankets or mats are used, the District must avoid the use of plastic mesh matting or netting. In addition, the District must develop a Storm Water

Pollution Prevention Plan and employ Best Management Practices to eliminate sediment in runoff from construction areas.

- Consistent with federal Executive Orders 11988 and 11990 regarding protection of floodplains and wetlands, the District must comply with the terms and conditions defined in these orders.
- Consistent with local floodplain development ordinances, the City must obtain a floodplain development permit prior to construction in Special Flood Hazard Areas.
- Standard emergency condition for the discovery of cultural resources.
- Standard emergency condition for the discovery of threatened and endangered species.

Comments regarding this determination may be submitted to Director, Regional Water Project Development, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231; or via email to RWPD-Environmental@twdb.texas.gov.

Sincerely,

T. Clay Schultz, Ph.D., Director
Regional Water Project Development