

## **CATEGORICAL EXCLUSION / DETERMINATION OF NO EFFECT REQUEST FORM**

### **What is a Categorical Exclusion?**

Categories of actions which do not individually, cumulatively over time, or in conjunction with other Federal, State, local or private actions have a significant adverse effect on the quality of the human environment may qualify for a categorical exclusion from a full environmental review. For a project to be eligible, it generally relates to existing infrastructure which is either: (1) a sewer collection network and treatment system; (2) a system to collect, treat, store and distribute drinking water; or (3) a stormwater system (including combined sewer overflow system). The requirements for a federal Categorical Exclusion (CE) (funded by one of the federal State Revolving Funds) must meet the standards of the National Environmental Policy Act (NEPA). A Determination of No Effect (DNE) is the state equivalent of a CE. A DNE is issued by the Texas Water Development Board (TWDB) when a project funded through a state funding program (e.g., WDF/DFund, SWIFT, EDAP) qualifies for a categorical exclusion under State funding requirements.

### **What is the purpose of this form?**

The information in this form will be used by TWDB Environmental Reviewers to determine: (1) if a project fits into one of the categories of actions that are exempt from a full environmental review, and (2) if an extraordinary circumstance associated with an individual project would disqualify the project for this type of exemption because of a significant adverse effect on the quality of the human environment.

### **Timing: When should this form be submitted?**

This form may be submitted with the application, or during the TWDB technical review of the application (TWDB Environmental Reviewer may request this form during the application review if the project appears to be the kind that may qualify for a categorical exclusion), or during the planning phase of the project after a loan commitment has been secured. The timing will depend on how clearly defined the project is at the application phase and how quickly the project proponent would like to progress to engineering design and construction. Please note that the issuance of an environmental determination is required prior to approval of the Engineering Feasibility Report and release of design and/or construction funds.

### **General Notes**

Please be aware, once issued, the CE/DNE will cover specific work at a specific location. Deviations in the proposed construction area will not be covered (there are limited exceptions to this rule for trivial deviations). It is not uncommon for pipeline replacement projects to have a surplus of unused funds left over at the end of the project. The TWDB encourages clients to identify contingent pipeline replacements in the enclosed form in case this situation arises.

**CE/DNE Request Form for \_\_\_\_\_**  
**Project # \_\_\_\_\_ (if known)**

Please contact the TWDB Environmental Reviewer to discuss the project prior to preparing or submitting the CATEGORICAL EXCLUSION / DETERMINATION OF NO EFFECT REQUEST FORM. For assistance with any questions, please [contact your Regional Team Manager](#).

<b>Table 1. General Categories of Projects That Qualify for a CE/DNE</b>	
Minor actions relating to an existing infrastructure system (a sewer collection network and treatment system; a system to collect, treat, store and distribute drinking water; or a stormwater or combined sewer system) may qualify for a CE/DNE. Answer 1 to 3.	
<b>1. Is the project for minor upgrade or minor expansion of system capacity?</b> This may include, but is not limited to: <u>minor</u> extensions of sanitary sewers, force mains and drinking water extensions of the existing system to primarily serve existing development; stormwater detention pond and retention pond cleaning and dredging or minor storage increase or culvert upgrades.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>2. Is the project for rehabilitation of existing facilities?</b> This includes, but is not limited to: infiltration and inflow corrections in the existing wastewater collection system or equipment rehabilitation at the existing wastewater plant, pumping, or storage facilities; drinking water system equipment replacement or modifications at an existing water plant, or pumping and storage facilities; stormwater culvert rehabilitation and repair, rip-rap renewal or other flow dissipation structure rehabilitation, or storm sewer to grass swale conversions.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>3. Is the project for new minor ancillary facilities adjacent to or on the same property as existing facilities?</b> This includes, but is not limited to: new wastewater facilities and equipment for sludge handling, odor control, screening, flow equalization, disinfection, or laboratory facilities; new drinking water facilities such as alum sludge handling, filtration, flow equalization, chemical storage, chlorination, or laboratory facilities; innovative facilities at stormwater control locations, such as sedimentation basins, infiltration trenches, detention pond to retention pond retrofits, or oil and grit separators.	<input type="checkbox"/> Yes <input type="checkbox"/> No
If the answer to all of the above is No, then the project does not qualify for a CE/DNE. If any answer is Yes, proceed to Table 2.	

<b>Table 2. Excluding Factors</b>	
1. Project will involve new or relocated discharges to surface or ground water	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Project will result in substantial increases in the volume of discharge or the loadings of pollutant to the receiving water	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. The project will increase the capacity of the system (e.g., treatment, production, storage, delivery capacity), AND the capacity increase will be designed to provide service to a population 30 percent or greater than the existing system is capable of providing. NOTE: If there is no actual change in capacity, check 'No'*	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Project will be in conflict with state or other regional growth plan or strategy	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Project will directly or indirectly relate to upgrading or extending infrastructure systems primarily for the purposes of future development	<input type="checkbox"/> Yes <input type="checkbox"/> No
If any answer (1-5) is Yes, then project does not qualify for a CE, but may still qualify for a DNE. If all answers (1-5) are No, proceed to Table 3. (*Question #3 about capacity change does not disqualify a State-funded project from a DNE. For federal funds, an EID will be required, but discuss with the TWDB environmental reviewer to determine the level of detail required)	

**CE/DNE Request Form for** \_\_\_\_\_  
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**Table 3. Extraordinary Circumstances That Disallow a CE**

1. The action is known or expected to have a significant effect on the quality of the human environment, either individually or cumulatively over time.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. The action is 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.	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. The action is known or expected to significantly affect federally listed threatened or endangered species or their critical habitat.	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. The action is 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.	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. The action is 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.	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. The action is known or expected to cause significant adverse air quality effects.	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. The action is 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 of local government, or federally-recognized Indian tribe approved land use plans or federal land management plans.	<input type="checkbox"/> Yes <input type="checkbox"/> No
8. The proposed action is known or expected to cause significant public controversy about a potential environmental impact of the proposed action.	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. The proposed action is 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.	<input type="checkbox"/> Yes <input type="checkbox"/> No

If all of the answers (1-9) are No, then the project **may** be eligible for a CE/DNE.

If any of the answers to the questions in Table 3 is Yes, then project does not qualify for a CE/DNE.

**1. Please include a brief project description (bulleted list of project components preferred).**

**2. For Pipeline Replacement/Rehabilitation Project Components (including minor extensions or additional looping lines if linear footage is less than 5 percent of the total water distribution system), please include the following information in addition to the above table:**

- a. Please provide a USGS topographic map with all pipeline work overlain. In most cases, you do not need to include yard piping on an existing facility site, but please confirm this with the TWDB environmental reviewer. Make sure that street names can be read so that it is easy to determine the exact route of the linework. If there are any lines that are not replacing existing lines (e.g., extensions or new segments), distinguish/label these clearly.

Example project maps are provided online at:

<http://www.twdb.texas.gov/financial/instructions/doc/TWDB-1800.pdf>

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In addition to the map, a GoogleEarth file (kmz) that identifies the pipeline route would be greatly appreciated, however, it is not required. The file can be submitted via email.

- b. FEMA floodplain map with the pipeline replacements overlain (not required if GoogleEarth kmz file is submitted).
- c. Provide a table listing: (a) approximately how many linear feet of pipeline will be replaced and, (b) the existing versus proposed diameter for each pipeline segment. This can be estimates of ranges for numerous pipelines.
- d. Is the project limited to the replacement of existing water pipelines? Will the City be installing any pipeline extensions to connect existing dead end pipelines (looping)? If so, clearly label these segments on the map.
- e. Approximate dimensions of the affected areas for the existing and proposed pipelines, including excavation depths.
- f. Method of installation. For example, open trenching, boring, pipe bursting, and other methodology used for special circumstances such as water or highway crossings.
- g. Specific location conditions (under pavement, under cleared roadside right of way).
- h. Approximate distances from existing lines. For example, within 3 ft., within 20ft., etc.
- i. What does the City plan to do with the old lines? Abandon in place, removal, removal and reuse?
- j. **Crossing creeks:** Please provide a discussion about the permit requirements for any potential creek crossings (e.g., explain why the work should be authorized by a USACE general permit such as Nationwide or Regional General permit without pre-construction notification).