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March 21, 2024

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) § 371.42, 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:

Smyer, Hockley County, Texas
TWDB DWSRF Project Number 62579
Water System Improvements Project
Total Financial Assistance: \$369,767 (L1000113, LF1000112)

Pursuant to the environmental review requirements of 31 TAC Chapter 371, Subchapter E, the staff of the TWDB has conducted an initial review of the water system improvement project proposed by the City of Smyer (City), Hockley County, northwestern Texas. The City provides potable water to customers throughout its service area, including residents, institutions, and commercial interests. The City's population is 474 and is projected to grow to 526 by 2050, an eleven percent increase.

To meet current and anticipated water demands, the City relies on groundwater production from existing wells completed in the Ogallala Aquifer. Raw water from this aquifer contains naturally high concentrations of contaminants, and the City has a long and ongoing record of violating quality standards for arsenic, fluoride, lead, and copper in its public drinking water. In addition, the City reports high losses from its existing treated water distribution network.

To address these deficiencies, the City intended to construct a new water treatment plant and replace major segments of its transmission lines. The City applied to the TWDB for project funding through the Drinking Water State Revolving Fund in the amount of \$369,767. On January 31, 2013, the Board committed funds for the project and the City closed a loan and loan with principal forgiveness in the requested amount on August 13, 2013. The City used some of the funds to assess the potential environmental impact of the project, and on June 18,

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2013, the TWDB issued a Finding of No Significant Impact for the project as then defined. That finding expired in 2018.

The funds available to the City through these loans was less than the amount needed to complete the project, so the City applied for additional funds, then withdrew its application, with the intention to resubmit during the next DWSRF funding cycle; however, some funds from its original loans remain. The City plans to use these funds to complete a portion of the project as follows: install 4,860 feet of 6-inch diameter transmission line from the site of the proposed water treatment plant to an intact portion of the distribution system, replacing an existing 4-inch diameter pipeline in the same easement; add isolation valves at 500-foot intervals, and fire hydrants at 1,000-foot intervals. The present Categorical Exclusion applies to this project description and the attached project-area maps, provided to TWDB in December 2023 and January 2024. Because the estimated cost of even the reduced project scope exceeds the City's current budget, construction of only 2,500 feet of 6-inch line is anticipated at this time.

After reviewing the information provided by the City and other pertinent records, the staff of the TWDB concurred with the City's conclusions and recommended issuance of a Categorical Exclusion for the project elements described here. The Director of Regional Water Project Development of the TWDB hereby issues a finding of Categorical Exclusion, which 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.

The project also must comply with the following environmental conditions.

Standard Emergency Condition for Discovery of Cultural Resources

- No activity that may affect properties listed or eligible for listing in the National Register of Historic Places or that are designated or eligible for designation as a State Archeological Landmark is authorized until the City has complied with the provisions of the National Historic Preservation Act (NHPA) and the Antiquities Code of Texas (ACT).

If archeological sites or historic structures that may qualify for designation as a State Archeological Landmark according to the criteria in 13 TAC Chapter 26, or that may be eligible for listing on the National Register of Historic Places in accordance with 36 CFR Part 800, are encountered during construction, on-site personnel must immediately cease operations in the area of the encounter, avoid disturbance of the cultural resources, and notify the City, the project engineer, and the TWDB. The on-site personnel must take reasonable steps to protect and preserve the discoveries

until they have been inspected by the City's representative and the TWDB, or as directed by other appropriate authorities. The City must immediately implement actions in accordance with the NHPA, ACT, and other applicable State statutes and report the encounter to the State Historic Preservation Officer (SHPO), the Texas Historical Commission (THC), and any other appropriate authorities. The City must promptly coordinate with the SHPO, THC, and any other appropriate authorities to obtain all necessary approvals or permits to enable the work to continue. Unless otherwise directed by appropriate authorities, work in the area of the encounter may be suspended, wholly or in part, during the impact assessment, for which the City will be responsible. The City must not resume activities in the area of the encounter until authorized to do so by the appropriate authorities and the TWDB, implementing mitigation measures as directed.

Standard Emergency Condition for Discovery of Threatened or Endangered Species

- No activity is authorized that is likely to jeopardize the continued existence of a threatened or endangered species as listed or proposed for listing under the Federal Endangered Species Act (ESA), or a threatened, endangered, or state-listed species under the State of Texas Parks and Wildlife Code (PWC), or to destroy or adversely modify the habitat of such species.

If a threatened, endangered, or state-listed species is encountered during construction, on-site personnel must immediately cease operations in the area of the encounter, avoid disturbance of the animal or plant, and notify the City, the project engineer, and the TWDB. The on-site personnel must take reasonable steps to protect and preserve the discoveries until they have been inspected by the City's representative and the TWDB, or as directed by other appropriate authorities. The City must immediately implement actions in accordance with the ESA, PWC, and other applicable State statutes and report the encounter to the U.S. Fish and Wildlife Service (USFWS), the Texas Parks and Wildlife Department (TPWD), and any other appropriate authorities. The City must promptly coordinate with the USFWS, the TPWD, and any other appropriate authorities to obtain all necessary approvals or permits to enable the work to continue. Unless otherwise directed by appropriate authorities, work in the area of the encounter may be suspended, wholly or in part, during the impact assessment, for which the City will be responsible. The City must not resume activities in the area of the encounter until authorized to do so by the appropriate authorities and the TWDB, implementing mitigation measures as directed.

Standard Emergency Condition for Discovery of Hazardous Materials

- Construction materials and equipment utilized for the project must be free of hazardous materials, except as may be stipulated in the specifications.

Categorical Exclusion
Smyer, Hockley County, Texas
TWDB DWSRF Project Number 62579
Water System Improvements Project
March 21, 2024
Page 4

If existing hazardous materials, or material sources suspected by visual observation or smell to contain hazardous materials, are encountered during construction on sites owned or controlled by the City, on-site personnel must immediately cease work in the area of the encounter, take steps needed to prevent contact with the materials, and notify the City, the project engineer, the TWDB, and other appropriate authorities, depending on the circumstances, such as local emergency responders, the Texas Commission on Environmental Quality (TCEQ), and the U.S. Environmental Protection Agency (EPA). The on-site personnel must take reasonable steps to restrict access to the area of the encounter until it has been inspected by the City's representative and the TWDB, or as directed by other appropriate authorities. The City must immediately implement actions in accordance with applicable statutes, regulations, and ordinances and report the encounter to the TCEQ, the EPA, and any other appropriate authorities. The City must promptly coordinate with the TCEQ, the EPA, and any other appropriate authorities to obtain all necessary approvals or permits to enable the work to continue. Unless otherwise directed by appropriate authorities, work in the area of the encounter may be suspended, wholly or in part, during the testing, removal, or disposal of the hazardous materials, for which the City will be responsible. The City must not resume activities in the area of the encounter until authorized to do so by the appropriate authorities and the TWDB, implementing mitigation measures as directed. The TWDB does not fund the testing, remediation, removal, disposal, or related work for contaminated or potentially contaminated material.

Records supporting this finding are on file in the offices of the TWDB and are available for public examination upon request. 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

Enclosure



 **VICINITY MAP**
NO SCALE



 **LOCATION MAP**
SCALE: 1" = 500'



0 50 100

SCALE IN FEET