

June 5, 2007

REAFFIRMATION OF NO SIGNIFICANT IMPACT

TO ALL INTERESTED GOVERNMENT AGENCIES AND PUBLIC GROUPS:

In accordance with the environmental review guidelines of the Council on Environmental Quality found at 40 Code of Federal Regulations (CFR) Part 1500, and with the use of the implementing environmental review procedures of the United States Environmental Protection Agency (EPA) found at 40 CFR Part 6 entitled "Procedures for Implementing the Requirements of the Council on Environmental Quality on the National Environmental Policy Act" as guidance, the EPA has performed an environmental review of the following proposed action:

Wastewater Infrastructure Construction Project
proposed by the City of Belen
located in Valencia County, New Mexico

EPA Project Number: XP-986690-01

Estimated EPA Share: \$ 1,425,350

Estimated Local Share: \$ 1,166,195

BACKGROUND

The Fiscal Year 2000 Appropriations Act for the EPA included special Congressional funding for water and wastewater construction projects. The City of Belen (City) was selected to receive funding support through these special appropriations for the construction of improvements to upgrade the City's existing wastewater collection system, pumping stations, wastewater treatment facilities, and sludge handling facilities. The City is located in the central portion of the state approximately 35 miles south of Albuquerque. The majority of the City's wastewater collection and treatment system was constructed in the 1950s and upgraded in the 1980s, and has surpassed its useful life expectancy. Deterioration of the City's wastewater collection and treatment systems has resulted in raw sewerage overflows into homes, yards and streets creating continued environmental contamination and a public health hazard for the citizens living in the area. The City will utilize special Congressional funding support in conjunction with local funds to finance the construction of the project.

The original project was reviewed by both the New Mexico Environment Department and the EPA for compliance with the environmental review requirements of the National Environmental Policy Act (NEPA). This review was based upon information contained in documents prepared for the City entitled Wastewater Facilities Master Plan and Environmental Information Document, both dated August 1998. The City conducted a formal public hearing on

October 5, 1998, to inform the public of the proposed project, to identify any public concerns with the project, and to request public participation in development and implementation of the project. The City received no adverse public comments concerning any aspect of the project within the open comment period. The results of the Environmental Assessment completed by the EPA determined that significant environmental impacts should not result from the construction activities involved with this project. The original environmental determination was issued for public review and comment on October 20, 2001, in a NEPA decision document entitled Finding of No Significant Impact, which was supported by the Environmental Assessment. The EPA also received no adverse public comments concerning the project during the open formal 30-day comment period associated with issuance of the NEPA decision document, and has decided to proceed with the construction of the proposed project.

PROJECT DESCRIPTION

_____The City has proposed the construction of improvements to rehabilitate the wastewater collection and treatment systems in order to meet current and future wastewater needs. The project will involve improvements to the collection system, the wastewater treatment facilities, and the sludge handling facilities. The improvements to the collection system will eliminate sources of ground water infiltration and surface water inflow into the system. The improvements to the treatment facilities will allow the City to plan for and accommodate the wastewater needs for both current and future citizens in the area. The improvements to the sludge handling facilities should allow the City to produce sludge at an acceptable level so that it can be applied as a soil conditioner without restriction to area parks and other recreational spaces. All construction will occur within the corporate limits of the City, and will not require the purchase of new land or displace any existing citizen, home or business.

REAFFIRMATION DETERMINATION

_____In accordance with EPA's environmental review regulations, NEPA decisions are considered to be valid for 5 years after issuance. After that time, a determination must be made to insure that the environmental baseline has not changed significantly. Based on provisions in the Appropriations Act for the EPA, the New Mexico Environment Department has agreed to perform most of the routine management functions for EPA Region 6. The management functions related to environmental assessment include the review of environmental documentation, recommendations of preliminary environmental decisions, and preparation of draft NEPA decision documents. The EPA has received a supporting letter dated March 16, 2007, from the New Mexico Environment Department on behalf of the City stating that the original scope of the project, the environmental conditions within the project area, and the public views concerning the project "remain unchanged for the wastewater collection and treatment system improvements". The letter further stated that the New Mexico Environment Department has thoroughly reviewed the City's request, and recommends approval of the City's request.

Based upon this information and recommendations by the New Mexico Environment Department, the EPA has determined that no potential significant adverse environmental impacts

are anticipated from the proposed action. The project individually, cumulatively over time, or in conjunction with other actions is not expected to have a significant adverse effect on the quality of the environment. On the basis of the original environmental review determination that there are no predicted or cumulative significant adverse impacts expected from the project, I have determined that the project is not a major Federal action significantly affecting the quality of the human environment, and that preparation of an Environmental Impact Statement is not necessary.

My preliminary decision is based upon the original Environmental Assessment, a careful review of the original Environmental Information Document prepared for the project, the results of the public participation process, supporting data which are on file in the office listed below and available for public review upon request, and the New Mexico Environment Department's supporting recommendations concerning the project. Therefore, I am reaffirming the results of the original Environmental Assessment and Finding of No Significant Impact, and issuing this preliminary Reaffirmation of No Significant Impact in accordance with the provisions of EPA's environmental assessment regulations found at 40 CFR Part 6. Any and all environmental and funding conditions remain in full force and effect.

APPROVAL

_____The request by the City for the issuance of this Reaffirmation of No Significant Impact is approved without the need for additional environmental review at this time. This approval will be revoked if at any time the project no longer meets the eligibility for the Reaffirmation of No Significant Impact, new evidence determines that significant local or environmental issues exist, or that Federal, state, local or tribal laws are being or may be violated by implementation of the project. Comments supporting or disagreeing with my preliminary decision may be submitted for consideration to the attention of the Office of Planning and Coordination (6EN-XP), Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202-2733. After evaluating any comments received, the EPA will make a final decision. No administrative action will be taken on this preliminary decision for at least 30 calendar days after release of this Reaffirmation of No Significant Impact. The preliminary decision and finding will then become final after the 30-day comment period expires if no new significant information is provided to alter this finding.

Responsible Official,

John Blevins
 Director
 Compliance Assurance and
 Enforcement Division

cc: Ronnie Torres, Mayor
 City of Belen

Ron Curry, Secretary
 New Mexico Environment Department