

May 1, 2007

FINDING 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 Construction Project
proposed by the City of Las Cruces
for the East Mesa Water Reclamation Facility
located in Dona Ana County, New Mexico

EPA Project Number: XP-98683201-01

Estimated EPA Share: \$ 1,645,400
Estimated Local Share: \$ 4,013,184

The Fiscal Year 2001 Appropriations Act for the EPA included special Congressional funding for water and wastewater construction projects. The City of Las Cruces (City) was selected to receive funding support through these special appropriations for the construction of improvements to the City's wastewater collection and treatment systems. The City will construct a wastewater treatment and water reclamation facility on the East Mesa of the City for the purpose of collecting wastewater from sewer interceptors serving this general area of the City, and specifically the flows from the Las Colinas, Mars, High Range, and Sonoma Ranch subdivisions. The proposed facility and related collection and distribution lines will treat the wastewater flows from these areas to a high quality, and then sell the reclaimed water to customers with high landscape irrigation needs such as golf courses, parks, and other large irrigated areas. The intent of the proposed facility is to conserve potable water by reusing already treated wastewater for local irrigation. The reclamation facility will address local water issues connected with depletion of the local aquifer. Continued use of the aquifer for irrigation purposes threatens to become a public health and safety issue should the aquifer be unable to recharge, especially in drought years. The City will utilize special Congressional funding support in conjunction with local funds to finance the construction.

The environmental review process, which is documented by the enclosed Environmental Assessment, indicates 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 environmental review determination that there are not any predicted or cumulative significant adverse impacts expected with 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 enclosed Environmental Assessment, a careful review of the Environmental Information Document prepared for the project, the results of the public participation process, and other supporting data which are on file in the office listed below and available for public review upon request. Therefore, I am issuing this preliminary Finding of No Significant Impact pertaining to 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 Finding 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

Enclosure

cc: William Mattiace, Mayor
City of Las Cruces

Ron Curry, Secretary
New Mexico Environment Department

ENVIRONMENTAL ASSESSMENT
WASTEWATER CONSTRUCTION PROJECT
proposed by the CITY of LAS CRUCES

**for the EAST MESA WATER RECLAMATION FACILITY
located in DONA ANA COUNTY, NEW MEXICO**

BACKGROUND

The City of Las Cruces (City) is located in the south central portion of the state approximately 50 miles northwest of El Paso, Texas. The City has proposed the construction of improvements to the City's wastewater collection and treatment systems. The City will construct a wastewater treatment and water reclamation facility on the East Mesa of the City for the purpose of collecting wastewater from sewer interceptors serving this general area, and specifically the flows from the Las Colinas, Mars, High Range, and Sonoma Ranch subdivisions. The proposed water reclamation facility will treat the wastewater flows from these areas to a high quality, and then sell the reclaimed water to customers with high landscape irrigation needs such as golf course, parks, and other large irrigated areas. The proposed reclamation facility will be located east of the Las Cruces Flood Control Dam in a largely undeveloped area of the East Mesa, and is shown on the maps enclosed as Figure 1 and 2.

The water reclamation facility will address local water concerns associated with continued depletion of the local aquifer. This continued use of the aquifer for irrigation purposes threatens to become a public health and safety issue should the aquifer be unable to recharge and continue supplying water to the City, especially in drought years. The City currently uses potable water for the irrigation of landscape. This practice may be unsustainable as depletion of the aquifer continues due to an increasing population. By the year 2010, the City is expected to have a projected population of 95,000 people living in the area, and approximately 150,000 people by the year 2040. After completion of the reclamation facility, water currently withdrawn from the aquifer for purposes of irrigation will remain available for potable use by the citizens living in the area. The City will utilize special Congressional funding support in conjunction with local funds to finance the proposed project.

The proposed project is considered to be a Federal action requiring compliance with the National Environmental Policy Act (NEPA). In accordance with the environmental review requirements of the Council on Environmental Quality found at 40 Code of Federal Regulations (CFR) Part 1500, and with the use of the Environmental Protection Agency's (EPA) implementing regulations 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 is preparing this Environmental Assessment to assist in determining the environmental impacts of the proposed action, and in evaluating whether an Environmental Impact Statement or a Finding of No Significant Impact will be prepared for the proposed project.

PROJECT DESCRIPTION

_____The City has proposed the construction of a water reclamation facility with related collection and distribution lines to collect existing wastewater flows from the East Mesa area of

the City, treat the wastewater to a high quality effluent, and then transport the effluent for irrigation purposes on large tracts of land such as parks and golf courses. The existing collection system in this area will be modified to transport the wastewater to the new reclamation facility for treatment. The new facility will be a stand alone operation, and will consist of the following components:

1. Aeration basin, main lift station, head works, and an effluent filtration unit;
2. An ultraviolet system for disinfection followed by a chlorination unit to further reduce the bacterial count of the treated effluent;
3. Sewer main to connect the existing East Mesa interceptor to the new reclamation facility; and
4. Effluent distribution system to transport the treated wastewater to end users.

The improvements will provide a safe and dependable wastewater treatment system to reclaim the wastewater generated in the area rather than discharge the effluent into the local environment. The new facility is expected to reduce the impacts to the local aquifer by reducing the amount of water to be withdrawn by an increasing population. The proposed project will not require the purchase of new land or displace any existing citizen, home or business.

ALTERNATIVES TO THE PROPOSED PROJECT

The funding recipient evaluated and considered a range of various alternatives to address the infrastructure needs of the area. Important factors influencing the evaluation of the processes and their recommended solutions include environmental acceptability, overall costs, availability of land for the intended uses, maximum reuse of existing facilities when applicable, operation and maintenance costs, system reliability, accommodation of future expansion needs, and public acceptance. A complete description of the alternatives is provided in the Environmental Information Document developed and provided by the funding recipient for the project.

ENVIRONMENTAL SETTING

The City is located in the south central part of the state at relatively high elevations. The area has a continental climate characterized by light and variable precipitation, large diurnal and moderate annual temperature ranges, and low humidity with plenty of annual sunshine. The area averages 80 percent sunshine annually which allows for a growing season of approximately 220 days per year. The topography is characterized by gently sloping plains that are broken by mountain ranges, isolated mountain peaks, and the valley of the Rio Grande. The immediate valley in this vicinity is generally one to two miles in width. The mountains range from approximately 5,000 to more than 9,000 feet above mean sea level. The elevation within the project planning area, which encompasses approximately 52 acres, ranges from 4,100 to 4,300 feet above mean sea level. Soils in the area are generally interbedded fine sands, silts, and clays. Land use in the City is predominantly residential with some local agricultural and commercial activities. The Rio Grande approximately nine miles west of the site is the main surface water resource, and air quality is considered good even though local high winds often cause natural

airborne dust storms.

The average annual precipitation in the City is approximately 8 inches, with most of the rain occurring between the months of June and October. Summer is considered the rainy season when southeasterly circulation of moisture-laden air from the Gulf of Mexico enters southern New Mexico. Strong surface heating aided by the upwards flow of air causes brief, but often heavy showers. The annual evaporation averages 94 inches per year. Snowfall averages approximately 3 inches per year, and rarely stays on the ground longer than one day. The average daily ambient temperatures in winter range from the middle teens to the middle 70s, and the average daily temperatures in summer range from the low 40s to over 100. The overall average annual high temperature is 76 degrees and the average annual low temperature is 44 degrees.

IMPACTS OF THE PROPOSED PROJECT

The proposed project was analyzed to identify potential short-term, long-term, and cumulative impacts on the environment. There are no anticipated significant adverse environmental impacts associated with the proposed action that cannot be reduced to acceptable levels as identified and discussed below.

1. **Biological Resources Including Threatened and Endangered Species:** Based upon coordination with the United States Fish and Wildlife Service and the New Mexico Department of Game and Fish, construction of the proposed project should not have significant adverse impacts to biological resources.
2. **Cultural/Historic Resources:** Based upon coordination with the State Historic Preservation Officer (SHPO), construction of the proposed project should not have significant adverse impacts to archaeological, historical, architectural, or cultural resources. If cultural materials are encountered during construction, work will stop immediately in the general area of the discovery, and the funding recipient will immediately notify the SHPO of the discovery.
3. **Floodplain:** Based upon coordination with the local Floodplain Administrator (FA), construction of the proposed project should not have significant adverse impacts to the floodplain. The funding recipient is responsible for continued coordination with the FA, and must complete any subsequent permitting process prior to the initiation of actual construction activities.
4. **Wetlands:** Based upon coordination with the United States Army Corps of Engineers (COE), construction of the proposed project should not have significant adverse impacts to wetlands. The funding recipient is responsible for continued coordination with the COE and the New Mexico Environment Department, and must complete any subsequent permitting process prior to the initiation of actual construction activities.

In order to further protect the natural beneficial functions of the floodplain and wetlands,

and to minimize the potential flood hazards to life and property, the construction funding is conditioned to read:

a. The recipient agrees not to collect or treat wastewater generated by new development in the floodplain or wetlands by the project facilities for a period of 50 years from the date of the environmental assessment related to this project. This restriction does not apply to development in the floodplain or wetlands which existed prior to that date;

b. The recipient agrees to adopt and enforce suitable ordinances and implementing procedures for effective local administration of this floodplain and wetlands service area restriction. On application of the recipient's governing body and after considering all relevant information on a proposed development's effects on the natural functions and values of the affected floodplain and wetlands, the EPA Regional Administrator may waive the service area restriction in individual cases; and

c. EPA and the recipient intend that this floodplain and wetlands service area restriction shall benefit any person, organization, or entity possessing an interest in preservation of the natural environment in the 100-year floodplain and wetlands subject to this restriction. Any such beneficiary may seek enforcement of the restriction against the recipient or its successor in a court of competent jurisdiction, if notice of the intent to seek enforcement is first given to the recipient and the EPA Region 6, and neither entity initiates corrective action within 90 days of receiving such notice.

5. Surface Water Resources: Based upon coordination with the Surface Water Quality Bureau of the New Mexico Environment Department, construction of the proposed project should not have significant adverse impacts to surface water resources. The funding recipient is responsible for continued coordination with the New Mexico Environment Department, and must complete any subsequent permitting process prior to the initiation of actual construction activities.

6. Ground Water Resources: Based upon coordination with the Ground Water Quality Bureau of the New Mexico Environment Department, construction of the proposed project should not have significant adverse impacts to ground water resources. The funding recipient is responsible for continued coordination with the New Mexico Environment Department, and must complete any subsequent permitting process prior to the initiation of actual construction activities.

7. Prime and Unique Farmlands: Based upon coordination with the Natural Resource Conservation Service, construction of the proposed project should not have significant adverse impacts to prime or unique farmlands.

8. Air Quality: Based upon coordination with the Air Quality Bureau of the New Mexico Environment Department, construction of the proposed project should not have significant adverse impacts to air quality. The funding recipient is responsible for continued coordination with the New Mexico Environment Department, and must complete any subsequent permitting

process prior to the initiation of actual construction activities.

9. Environmental Justice: The project was reviewed to ensure that construction will be conducted in an appropriate manner so that all persons and populations are served equally by the infrastructure improvements. Based upon the results of an evaluation to rank the potential environmental impacts to local communities using a computer-assisted mathematical formula, including Geographical Information System maps and census demographic data, no persons or populations will be discriminated against or denied the benefits of the proposed project. Since all persons and populations will be served equally by the project, there will be no adverse impacts that are considered disproportionate to any particular portion of the population.

10. Coastal and Barrier Resources: Since the entire state is inland and not adjacent to any coastal location, construction of the proposed project should not have significant adverse impacts to coastal and barrier resources.

11. Cumulative Impacts: Potential cumulative impacts would be those impacts to the local environment that would result from the proposed project in combination with other ongoing actions, and those reasonably foreseeable future actions. No other major construction activity is being conducted presently or planned for the immediate future. The proposed project will not individually nor cumulatively over time have a negative impact on the quality of the human or natural environment.

DOCUMENTATION, COORDINATION, AND PUBLIC PARTICIPATION

A public hearing for the proposed project was held on June 15, 2005, at the Desert Hills Elementary School in Las Cruces. The purpose of the meeting was to inform the public of the proposed project, to identify any concerns, and to request public participation in the development of the project. Several members from the general public provided comments during the hearing and asked questions, but no specific adverse public comments or concerns were received.

During the process of conducting the environmental review and preparing this Environmental Assessment for the project, coordination has been conducted with all required resource protection agencies and offices to solicit and incorporate their initial review and comments. Copies of this Environmental Assessment will be provided to those agencies and offices for their final review and comments. Other interested parties may request a copy of the Environmental Assessment in writing from the EPA, Office of Planning and Coordination (6EN-XP), 1445 Ross Avenue, Dallas, Texas 75202-2733.

References

1. Final Environmental Information Document, Proposed City of Las Cruces East Mesa Water Reclamation Project, City of Las Cruces, December 2005.

2. Final Preliminary Engineering Report, East Mesa Water Reclamation Facility, City of Las Cruces, November 2005.

RECOMMENDATION

Based upon completion of this Environmental Assessment, and a detailed review of the Environmental Information Document for the project, it has been determined that construction activities are considered to be environmentally sound. Therefore, it is recommended that a Finding of No Significant Impact be issued for this project.