



**US Army Corps
of Engineers®**

Pittsburgh District

Planning and Environmental Branch
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Pittsburgh, Pennsylvania 15222

Public Notice Date: 8 June 2017

Expiration Date: 23 June 2017

NOTICE OF AVAILABILITY

Draft Environmental Assessment

Section 408 Request to Alter the Brookville Local Protection Project for Wastewater Treatment Facility Improvements in Jefferson County, PA

The U.S. Army Corps of Engineers, Pittsburgh District (USACE) is evaluating a proposed alteration to the Brookville Local Protection Project.

The USACE invites submission of comments on the environmental impact of the approval the Section 408 request. The USACE will consider all submissions received before the expiration date of the public comment period. The nature or scope of the proposal may be changed upon consideration of the comments received.

The draft Environmental Assessment and draft Finding of No Significant Impact are available electronically at:

<http://www.lrp.usace.army.mil/Missions/Planning-Programs-Project-Management/>

Comments can be submitted to the address posted at the top of this notice or to bobbi.j.mcclain@usace.army.mil. Comments must be received **by 23 June 2017 to ensure consideration.**

Draft ENVIRONMENTAL ASSESSMENT
Section 408 Request to Alter the Brookville Local Protection Project
for Wastewater Treatment Facility Improvements
in Jefferson County, PA
June 8, 2017

Prepared By: Environmental and Cultural Resources Section, Planning and Environmental Branch,
U.S. Army Corps of Engineers, Pittsburgh District

- 1. Name of Requestor:** Brookville Borough Municipal Authority

- 2. Authority:** Proposed alterations to U.S. Army Corps of Engineers (USACE) federally-authorized civil works projects require USACE permission. USACE authority to grant permission for temporary or permanent alterations is contained in Section 14 of the Rivers and Harbors Act of 1899, (Taking possession of, use of, or injury to harbor or river improvements) which states: *“It shall not be lawful for any person or persons to take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct by fastening vessels thereto or otherwise, or in any manner whatever impair the usefulness of any sea wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States, or any piece of plant, floating or otherwise, used in the construction of such work under the control of the United States, in whole or in part, for the preservation and improvement of any of its navigable waters or to prevent floods, or as boundary marks, tide gauges, surveying stations, buoys, or other established marks, nor remove for ballast or other purposes any stone or other material composing such works: Provided, That the Secretary of the Army may, on the recommendation of the Chief of Engineers, grant permission for the temporary occupation or use of any of the aforementioned public works when in his judgment such occupation or use will not be injurious to the public interest: Provided further, That the Secretary may, on the recommendation of the Chief of Engineers, grant permission for the alteration or permanent occupation or use of any of the aforementioned public works when in the judgment of the Secretary such occupation or use will not be injurious to the public interest and will not impair the usefulness of such work.”* 33 USC 408.

- 3. Location of Proposed Alteration:** near 30 Darrah Street in Brookville, PA.

- 4. Federal Project Proposed to be Altered:** The Brookville Local Protection Project (LPP) was authorized by Section 203 of the Flood Control Act of 1958, as amended. It was constructed by USACE between 1960 and 1962 and turned over to the local sponsor, the Borough of Brookville, for operation and maintenance in October 1962. The LPP includes major channel improvements (deepening, widening, and straightening) on North Fork, Sandy Lick, and Redbank creeks with a long pilot channel on Redbank Creek.

Within the area of the proposed alteration, the LPP included deepening and widening the creek channel, resloping and seeding the banks, and placement of two rock gutters (Figure 1).

- 5. Requested Alteration:** The Brookville Borough Municipal Authority is currently under an order by the Pennsylvania Department of Environmental Protection (PA DEP) to correct hydraulic overloads to its wastewater treatment system and eliminate sanitary sewer overflows. To address PA DEP’s compliance order, the Brookville Borough Municipal Authority is improving their wastewater conveyance system

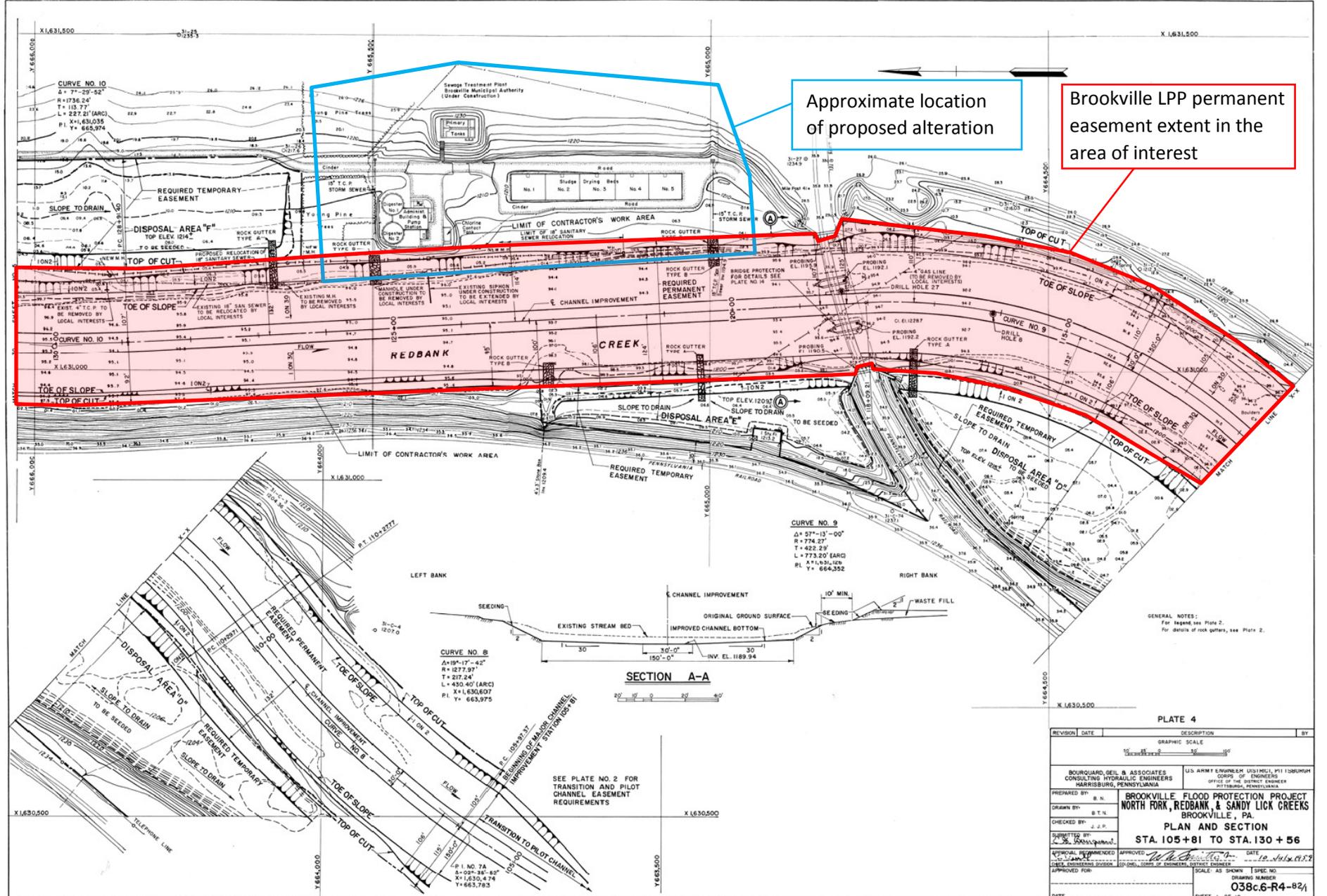


Figure 1. As-built plan for the LPP at the proposed alteration existing site.

and treatment facilities (Project). A portion of these improvements require alteration of the Brookville LPP (Figure 2). The primary improvements proposed to impact the LPP are three new outfalls and their associated piping, which will be situated within the LPP footprint. These include two Cast In Place (CIP)

concrete storm drain outfalls in the Red Bank Creek, one CIP Concrete effluent outfall in the Red Bank Creek, and several 18- to 30-inch stormwater, influent, and effluent pipes.

Facilities improvements beyond those in the LPP footprint include installation of multiple new treatment units, the retention of some existing facilities, and demolition of other units. Initiation of flow in the new units will enable the Brookville Borough Municipal Authority to meet the requirements of its National Pollution Discharge Elimination System (NPDES) permit. Project construction is scheduled for completion in February 2019 with new operations to begin March 2019.

6. Alternatives:

- a. Alternative 1 - No Action: The No Action Alternative would be the denial of the Section 408 request. Denial of the request would most likely preclude construction of the new outfall structures, associated underground utilities, and improvements to the wastewater treatment facility.
- b. Alternative 2 - Action Alternative, Requestor's Preferred Alternative: The Action Alternative would approve the Section 408 request and permit the alteration of the LPP consistent with the requestor's proposal, provided USACE determines that the alteration would not be injurious to the public interest and will not impair the usefulness of the LPP.

7. Environmental Setting: The Brookville LPP within the requested alteration is located along Redbank Creek within Jefferson County, Pennsylvania. The proposed alteration area includes an existing wastewater treatment facility. This facility was originally constructed in 1958, with several upgrades since then. Treated effluent from the existing facility is discharged to the Redbank Creek under conditions of the NPDES Permit No PA 0020141, issued on 1 May 2012, effective through 30 April 2017.

The existing facility is very dated, equipment is failing and parts are no longer available to conduct repairs. The facility can no longer service the increasing amount of wastewater from the service communities. Hydraulic overloading of interceptor sewers, siphons, pump stations, and the treatment facility regularly occur during wet weather events causing sewer overflow and surcharged conditions. Portions of the conveyance and collection system are in poor physical condition. The collection system is capable of producing peak flows in excess of 12 million gallons per day, which is 10 times higher than average daily flow conditions and far in excess of system capacity.

As the proposed alteration area is industrial and the banks are maintained for the continued utility of the LPP, little vegetation diversity exists (Figure 3) and limited ecological function is provided. No wetlands exist within the area of the proposed alteration. Redbank Creek is a trout-stocked stream. Spawning and rearing are unlikely in the affected area.



Figure 3. Photographs of the proposed alteration location.

8. Environmental Effects of the Proposed Action: Per EC 1165-2-216, *Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects*, the U.S. Army Corps of Engineers (USACE) has jurisdiction under Section 408 only over the specific activities or portions of activities that have the potential to alter the USACE project. Therefore, if a proposed alteration is part of a larger project (and/or its associated features) that extends beyond the USACE project boundaries, only those portions or features of the larger project over which USACE has sufficient control and responsibility over are to be included in the USACE environmental review. The scope of analysis for the NEPA and environmental compliance evaluations for the subject request are limited to the area of the alteration and those adjacent areas that are directly or indirectly affected by the alteration.

Brookville Borough Municipal Authority must acquire all other necessary permissions or authorizations required by federal, state, and local laws or regulations, including required permits from the USACE Regulatory Program (Section 10/404 permits). These permits will consider impacts beyond the LPP footprint commensurate with their scope. In addition, an approval under Section 408 does not grant any property rights or exclusive privileges.

Table 1. Anticipated effects of the proposed Section 408 activity.

Environmental Parameter	Alternative 1 – No Action	Alternative 2 – Requestor’s Preferred Alternative
Land Use & Socio Economic Conditions	Potentially Significant Effect. Denial of the request would most likely preclude the Requestor from upgrading its wastewater treatment facility. This could negatively affect the economic development of the community and would likely perpetuate water pollution violations/non-compliance with its NPDES permit.	Minor Effect. The current land use patterns would not be affected by this project. The local socioeconomic conditions may improve slightly as the facility upgrades are expected to facilitate economic development.
Vegetation and Wildlife Habitat	No Effect. Denial of the request would maintain the status quo.	Minor Effect. The site has limited vegetation and provides minimal wildlife habitat. Construction of new facilities would further reduce the amount of vegetation and increase impervious surface in the area.
Water Quality and Fisheries	Moderate Effect. Denial of the request would maintain the status quo. This includes the regular overflow of sewage into the creek during wet weather events in violation of the Clean Streams Law.	Moderate Effect. Permanent impacts to the river bank will occur where new outfalls will preclude riparian vegetation. This is expected to be minimal due to the small size of the outfalls. Overall benefits to water quality are anticipated with the facility improvements and restoring compliance with discharge permits.
Floodplains	No Effect. Denial of the request would maintain the status quo.	Minor Effect. The project is located within the floodplain. The USACE review of the 408 request and its ultimate determination will ensure that the proposed alteration will not impair the usefulness of the LPP. The areas to be disturbed have limited storm/flood water storage capabilities. The requester’s analysis shows that the work will have negligible impacts on the 100-year flood elevation, velocity, width, and flow area.
Noise	No Effect. Denial of the request would maintain the status quo.	Minor Effect. Construction of the pipes and outfalls within the LPP would temporarily increase noise to the area during construction.
Aesthetics	No Effect. Denial of the request would maintain the status quo.	Minor Effect. The presence of construction equipment and supplies during construction will have a temporary impact on aesthetics. The

		aesthetics of the new treatment equipment are expected to be similar to the existing structures.
Recreation	No Effect. Denial of the request would maintain the status quo.	No Effect. No impact to recreation would occur.
Endangered Species	No Effect. Denial of the request would maintain the status quo.	No Effect. A PNDI search (PNDI-606136) showed that there are no expected effects to threatened or endangered species. One conservation measure was suggested, which was to improve riparian buffer habitat where possible.
Historic and Archaeological Resources	No Effect. Denial of the request would maintain the status quo.	No Effect. The requester submitted information to the State Historic Preservation Office and no effect to cultural resources is anticipated.
Traffic	No Effect. Denial of the request would maintain the status quo.	Minor Effect. The facility upgrades would require transport of construction materials and crews to the site. No permanent impacts to traffic are expected.
Public Safety	No Effect. Denial of the request would not be expected to impact public safety.	No Effect. The Section 408 engineering review will ensure the continued stability of the LPP and no change to the level of protection of the LPP is anticipated.
Hazardous Wastes	No Effect. Denial of the request would maintain the status quo.	No Effect. Clean fill will be used and proper waste disposal is expected

9. Cumulative Effects: Routine operation and maintenance of the LPP by the Borough of Brookville is anticipated. The USACE 2015 inspection report of the LPP noted several maintenance and repair items, including some shoaling (sediment accumulation) on the bank opposite the wastewater treatment facility. This shoaling was recommended for removal so that the channel width is maintained, however it does not appear to have yet been addressed.

Cumulative impacts result from the incremental impacts of an action, when added to other past, present, and reasonably foreseeable future actions - regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Following review of the proposed Project’s scale, the resources considered in Table 1, and information made available to the agency, no cumulative effects of the proposed alteration within the Section 408 authority are anticipated. This is because of the short duration of any negative impacts from the proposed alteration and in light of the industrial setting of the action as well as the long-term benefit of the proposed upgrades. Temporary negative impacts, including noise and traffic increases and minor vegetation impacts would not be significant, even if they occur simultaneous to expected repairs/maintenance of the LPP.

10. Coordination: USACE will provide a copy of this report to the appropriate agencies during the public comment period. A 15-day public comment period will occur from 8 June 2017 to 23 June 2017.

The USACE invites submission of comments on the environmental impact of the approval the Section 408 request. The USACE will consider all submissions received before the expiration date of the public comment period. The nature or scope of the proposal may be changed upon consideration of the comments received.

11. Principal Environmental Laws and Executive Orders considered, as applicable, in conjunction with NEPA review.

Public Laws:

American Indian Religious Freedom Act, 42 U.S.C. 1996 et seq.
Archeological and Historic Preservation Act, 16 U.S.C. 469 et seq.
Archeological Resources Protection Act, 16 U.S.C. 470aa-11, et seq.
Bald and Golden Eagle Protection Act, 16 U.S.C. 668, et seq.
Clean Air Act, as amended, 42 U.S.C. 1857h-7, et seq.
Clean Water Act, 33 U.S.C 1251 et seq.
Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 – 9675.
Endangered Species Act, 16 U.S.C. 1531 et seq.
Farmland Protection Policy Act, 7 U.S.C. 4201, et seq.
Fish and Wildlife Conservation Act, 16 U.S.C. 2901-2911, et seq.
Fish and Wildlife Coordination Act, 16 U.S.C. 661, et seq.
Historic Sites Act, 16 U.S.C. 461-467, et seq.
Land and Water Conservation Fund Act, 16 U.S.C. 460/-460/-11, et seq.
National Environmental Policy Act, 42 U.S.C. 4321, et seq.
National Historic Preservation Act, 16 U.S.C. 470a, et seq.
Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 et seq.
Noise Control Act of 1972, 42 U.S.C. 4901-4918.
Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq.
Rivers and Harbors Act 33, U.S.C. 401 et seq.
Safe Drinking Water Act 42 U.S.C. 300 et seq.
Toxic Substances Control Act, 15 U.S.C. 2601 – 2671.
Wild and Scenic Rivers Act, 16 U.S.C. 1271, et seq.

Executive Orders (EO):

11514 Protection and Enhancement of Environmental Quality
11593 Protection and Enhancement of the Cultural Environment
11988 Floodplain Management
11990 Protection of Wetlands
12088 Federal Compliance with Pollution Control Standards
12114, Environmental Effects Abroad of Major Federal Actions
12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

Regulations:

Advisory Council on Historic Properties, Protection of Historic and Cultural Properties (36 CFR Part 800 et seq.).
Council on Environmental Quality, Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR Parts 1500-1508).
U.S. Army Corps of Engineers, ER 200-2-2, Procedures for Implementing NEPA (33 CFR 230).

U.S. Army Corps of Engineers, EC 1165-2-216, Water Resources Policies and Authorities, Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects, Pursuant to 33 USC 408.

U.S. Department of Agriculture, Regulations for Implementing the Farmland Protection Policy Act (7 CFR 658).

U.S. Environmental Protection Agency, Clean Air Act Implementing Regulations (40 CFR Part 50 et seq.).

U.S. Environmental Protection Agency, Criteria and Standards for the National Pollutant Discharge Elimination System (40 CFR Part 125).

12. Summary/Conclusion: Based on the above analysis, federal permission for the modification of the Brookville LPP by the Brookville Borough Municipal Authority in the manner described above is not a major Federal action that would significantly affect the quality of the human or natural environment, and therefore preparation of an environmental impact statement is not required.

DRAFT FINDING OF NO SIGNIFICANT IMPACT

Section 408 Request to Alter the Brookville Local Protection Project Jefferson County, Pennsylvania

In accordance with the National Environmental Policy Act (NEPA) and implementing regulations, a draft Environmental Assessment (EA) was prepared to evaluate potential impacts associated with a request to alter the Brookville Local Protection Project (LPP) along Redbank Creek in Brookville, Pennsylvania. The Brookville LPP was authorized by Section 203 of the Flood Control Act of 1958. It was constructed by the U.S. Army Corps of Engineers (Corps) between 1960 and 1962 and consisted of major channel improvements on North Fork, Sandy Lick, and Redbank creeks, with a long pilot channel on Redbank Creek to reduce the risk of flood damage to the local community.

The Brookville Borough Municipal Authority proposes to upgrade their wastewater conveyance system and treatment facilities, under order by the Pennsylvania Department of Environmental Protection, to correct hydraulic overloads to their system and eliminate sanitary sewer overflows. This upgrade requires alteration of the Brookville LPP, as proposed new outfalls and associated piping are within the LPP footprint. Section 14 of the Rivers & Harbors Act of 1899, codified at 33 USC 408, authorizes the Corps to grant permission for temporary and permanent alterations to a federal project. Corps reviews ensure that proposed alterations are neither injurious to the public interest nor would they affect the federal project's ability to meet its authorized purpose.

Per Corps guidance, the study analyzed two alternatives including a "no action" alternative (denial of the Section 408 request) and the Requester's Preferred Alternative (granting of the Section 408 request). Outside of the 408 process, Brookville Borough Municipal Authority must acquire any other necessary permissions or authorizations required by federal, state, and local laws or regulations, including any permits required by the Corps' Regulatory Program.

The EA determined that the proposed action will not result in significant impacts to the natural or human environment. Impacts will include, but are not limited to, water quality, noise, wetlands, wildlife, threatened and endangered species, and cultural resources. Anticipated impacts include temporary and permanent impacts to vegetation, construction-related increases in noise, emissions, and traffic, and negligible impacts to floodplains. Best management practices would be used to minimize effects, including temporary and permanent erosion control measures. No effects to public safety, or to threatened or endangered species are expected. Minor permanent benefits to water quality and local economic development would occur with the improved treatment of wastes. Overall, effects are expected to be non-significant.

A 15-day public comment period will occur from 8 June 2017 to 23 June 2017. The Corps will consider all submissions received on or before the expiration date of the public comment period. The nature or scope of the proposal may be changed upon consideration of the comments received. If significant effects on the quality of the human environment are identified during the public comment period, and

cannot be mitigated, the Corps will initiate an Environmental Impact Statement, and afford all of the appropriate public participation opportunities attendant to an EIS.

After having carefully evaluated and balanced all aspects of the Proposed Action, any input received from agencies, organizations, and the interested public, I have reasonably concluded that the proposed project does not constitute a major Federal action significantly affecting the quality of the human environment. Consequently, the preparation of an environmental impact statement under the National Environmental Policy Act for this action is not warranted. This Draft Finding of No Significant Impact (FONSI) precedes the Corps of Engineers' final decision on the proposed action.

John P. Lloyd
Colonel, Corps of Engineers
Pittsburgh District Commander

Date