

DUANE A. SMITH  
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BRAD HENRY  
GOVERNOR

STATE OF OKLAHOMA  
WATER RESOURCES BOARD  
www.owrb.ok.gov

November 13, 2009

**FINDING OF NO SIGNIFICANT IMPACT**

TO ALL INTERESTED AGENCIES AND PUBLIC GROUPS

Pursuant to the Oklahoma Water Resources Board (OWRB) Regulations governing the use of the Clean Water State Revolving Fund (CWSRF), as amended through July 1, 2009, an environmental review has been performed on the project below:

Sulphur Municipal Authority  
Murray County, Oklahoma  
CWSRF Wastewater Project No. ORF-09-0030-CW  
Estimated OWRB CWSRF Loan: \$7,000,000

The City of Sulphur (City) is located in Murray County in the south-central area of Oklahoma. The City's 2000 Census population was 4,794 residents. Oklahoma Department of Commerce estimates predict a year 2010 and year 2030 population of 5,240 and 6,230 residents, respectively.

The City's existing wastewater treatment plant is located southwest of the City on City-owned property within the Chickasaw National Recreation Area (CNRA). The treatment plant is a 0.85 million gallon per day (MGD) Sequential Batch Reactor (SBR) type facility, with the SBR units constructed in 1989. Original treatment plant construction occurred in the 1960s. Treated effluent transported to the west of the treatment facilities, through approximately four miles of existing effluent force-main, and discharged into Dry Sandy Creek.

The City is currently under the enforceable requirements of an Oklahoma Department of Environmental Quality (ODEQ) Consent Order for wastewater treatment system deficiencies, including inadequate treatment capacity at the wastewater treatment plant. To provide adequate treatment capacity and efficiency, and to meet the requirements of the ODEQ Consent Order, the City is proposing improvements to its existing wastewater treatment plant, including the construction of a new three-basin SBR system, new flow equalization basin within the existing treatment plant confines, new pre-aeration basin, refitting the existing blower building with new blowers, head works rehabilitation, new aerobic digester, new primary lift station, gravity belt thickener with filter press, and all other related appurtenances. As part of the proposed project, approximately three miles of the existing antiquated effluent force-main, constructed in 1963, will be replaced within existing right-of-way, and the existing discharge location moved west to a new location on Dry Sandy Creek,



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Mark Nichols, Chairman • Rudy Herrmann, Vice Chairman • F. Ford Drummond, Secretary  
Lonnie L. Farmer • Linda Lambert • Richard C. Sevenoaks • Jack Keeley • Ed Fite • Kenneth K. Knowles



closer to the Washita River. Proposed treatment plant capacity and effluent Waste Load Allocations will be in accordance with the City's pending 208 Water Quality Management Plan revisions.

The total estimated project cost of \$7,000,000.00 is expected to be financed through a loan from the CWSRF program. It is anticipated that the loan will be retired through traditional methods such as pledging municipal water, wastewater, sanitation, or other City revenues. Prior to any loan approval, the OWRB will perform a financial analysis to determine the City's capability to repay the loan.

The Environmental Assessment (EA), enclosed, indicates the proposed project should not result in any significant adverse impacts to the area's environmental quality. After a review of the project by state and federal agencies, as described in the EA, any CWSRF loan funding for this project shall be conditioned to read as follows:

If any threatened or endangered plant or animal species or archeological materials are discovered during construction, work will cease immediately and the OWRB will be notified so that they may proceed in accordance with the Endangered Species Act of 1973, as amended, and the regulations of the Advisory Council on Historic Preservation (36 CFR, Part 800).

The five National Park Service conditions contained in the accompanying Environmental Assessment shall be fulfilled by the City of Sulphur (Sulphur MA) as part of the proposed project.

No significant public controversy was revealed during the public hearing, held on April 9, 2009, to discuss project alternatives, costs, environmental impacts, and coordination of review by federal and state agencies (see the Public Participation section of the enclosed Assessment).

A decision has been made not to conduct further impact analysis or prepare an Environmental Impact Statement. This decision is subject to conditions described in the EA, and to possible revocation or amendment, if subsequent information is presented which shows the project will result in serious adverse environmental impacts or will create significant public controversy. No action regarding approval of the facilities plan or the provision of financial assistance will be taken by the Board for at least thirty (30) days after the issuance of this Finding of No Significant Impact.

Comments supporting or contesting this decision may be submitted for consideration to the Financial Assistance Division, Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118.

Issued by,



Jennifer Wasinger  
Assistant Chief  
Financial Assistance Division

**November 13, 2009**

**Environmental Assessment  
for the  
Sulphur Municipal Authority  
Murray County, Oklahoma**

**CWSRF Wastewater Project No. ORF-09-0030-CW**

**BACKGROUND AND EXISTING CONDITIONS**

The City of Sulphur (City) is located in Murray County in the south-central area of Oklahoma. The City's 2000 Census population was 4,794 residents. Oklahoma Department of Commerce estimates predict a year 2010 and year 2030 population of 5,240 and 6,230 residents, respectively.

The City's existing wastewater treatment plant is located southwest of the City on a City-owned four-acre site within the Chickasaw National Recreation Area (CNRA). The CNRA is a 9,900-acre federally owned and managed national park land established in 1970s, formed from the merger of the previous Arbuckle Recreation Area and Platt National Park.

The existing wastewater treatment plant is a 0.85 million gallon per day (MGD) Sequential Batch Reactor (SBR) type facility, with the SBR units constructed in 1989. Original treatment plant construction occurred in the 1960s. Existing units at the plant include a 3.00 MGD Flow Equalization Basin (FEB), headworks, primary lift station consisting of two self-priming centrifugal pumps, SBRs, sludge handling facilities, and a chlorination/de-chlorination unit. Additional interim plant modifications were constructed in 2006, including effluent pumping, flow monitoring, and disinfection unit improvements. Treated effluent is currently discharged through an 18-inch diameter force-main line, approximately four miles to the west of the wastewater treatment plant into Dry Sandy Creek, and eventually flowing to the Washita River, in accordance with the City's previous National Pollutant Discharge Elimination System (NPDES) permit. The effluent line is concrete pipe and was originally constructed in 1963. A three mile portion of this line from Cooper Memorial Road to the existing discharge point on near Dry Sandy Creek has not been replaced since original construction and is considered antiquated.

Legal description of the City's wastewater treatment plant is in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 9, Township 1 S, Range 3 E, Murray County. The existing discharge location is located in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 1, Township 1 S, Range 2 E, Murray County.

The City is currently under an Oklahoma Department of Environmental Quality (ODEQ) Consent Order requiring construction of necessary improvements to the wastewater treatment system. Existing treatment capacity of the wastewater treatment plant is inadequate and the plant is overloaded. Information presented by the City's engineering consultant indicates that peak flows to the plant are at times as high as 4.30 MGD, compared to the existing design peak flow capacity of

only 2.14 MGD. In order to provide sufficient wastewater system treatment capacity for an existing and future population and to comply with the conditions of the current ODEQ Consent Order, the City is proposing to construct improvements to the existing wastewater treatment plant and to replace a portion of the existing effluent force main, with an additional point-of-discharge relocation as part of the project. The proposed new discharge point would be located on Dry Sandy Creek, nearer to the Washita River, and located approximately 0.25 miles further west of the existing discharge location, approximately located in the NW ¼ of the SW ¼ of the SW ¼ of Section 1, Township 1 S, Range 2 E, Murray County. The new discharge location is included in the City's 208 Water Quality Management Plan (WQMP) revision that is pending approval by ODEQ and EPA. Revisions are summarized below.

| Parameter                       | Existing WLA<br>(Pending ODEQ & EPA Approval) |         |         | Previous WLA |         |           |
|---------------------------------|-----------------------------------------------|---------|---------|--------------|---------|-----------|
|                                 | Jun-Oct                                       | Nov-Mar | Apr-May | Apr-May      | Jun-Oct | Nov-Mar   |
| CBOD <sub>5</sub> (mg/L)        | 11                                            | 20      | 14      | secondary    | 20      | secondary |
| TSS (mg/L)                      | 15                                            | 30      | 20      | secondary    | 30      | secondary |
| NH <sub>3</sub> -N (mg/L)       | 2                                             | -       | 2       | secondary    | 9       | secondary |
| DO (mg/L) [minimum]             | 5                                             | 6       | 6       | secondary    | 5       | secondary |
| Design Average Daily Flow (mgd) | 1.50                                          | 1.50    | 1.50    | 0.83         | 0.83    | 0.83      |

The 208 WQMP revisions shown above include the reduction of permitted Waste Load Allocation (WLA) concentrations for much of the year and an increase in permitted discharge from 0.83 to 1.50 MGD.

**PROJECT DESCRIPTION**

The proposed project will include the upgrade and expansion of the existing wastewater treatment plant, within the existing treatment plant site. The existing effluent force main will be replaced by constructing a new line adjacent and parallel to the existing line, within existing city easement or right-of-way, from Cooper Memorial Road To the new discharge location, approximately 16,800 linear feet. The old concrete line will be abandoned. The proposed project includes the construction of a new three-basin SBR system, new FEB within the existing treatment plant confines, new pre-aeration basin, refitting the existing blower building with new blowers, head works rehabilitation, new aerobic digester, new primary lift station, gravity belt thickener with filter press, and all other related appurtenances, and the construction of the new 18-inch diameter PVC effluent force-main, paralleling the existing concrete force-main. The existing wastewater treatment plant FEB lies outside of the existing treatment units area on CNRA land by agreement of right-of-way between the City and the National Park Service. As part of the project, the City is proposing to abandon the existing FEB and returning the site to pre-existing conditions. If the existing FEB is abandoned as part of the proposed project, as a condition of the attached "Finding of No Significant Impact," the FEB closure and area reclamation will be done in accordance with ODEQ and National Park Service standards.

The proposed project will increase existing wastewater treatment plant capacity to an average daily design flow of 1.50 MGD, a peak flow capacity of 4.50 MGD, and provide treatment capability to meet the WLA in the City's recent 208 WQMP revisions. Plant design capacity is anticipated to meet the treatment requirements for a year 2030 population, or beyond.

Locations of the proposed improvements are illustrated in Figures 1 and 2.

## **AFFORDABILITY**

To fund the proposed wastewater treatment plant improvements, it is anticipated that the City of Sulphur, through the Sulphur Municipal Authority, will apply for a low-interest loan from the Clean Water State Revolving Fund (CWSRF) for a total estimated project cost of \$7,000,000. Total project cost includes construction, legal, closing costs, and contingency.

The loan will likely be retired through traditional methods such as pledging municipal water, wastewater, sanitation, or other City revenues. Prior to any loan approval, the OWRB will perform a financial analysis to determine the City's capability to repay the loan.

## **ALTERNATIVES**

Alternatives to the proposed improvements were reviewed and cost effective analysis was considered for the following options. Monetary costs for alternatives are generally compared using their present worth that includes the sum of up-front capital costs and 20 years of annual operation and maintenance costs.

### **Alternative No. 1 – No Action**

Under the 'No Action' alternative, the City would continue to operate the wastewater collection and treatment system in its present state. The City would not be able to comply with the ODEQ Consent Order requiring wastewater system improvements. Eventual worsening of treatment efficiency and inadequate treatment capacity would result in regulatory violations as residential growth and increasing treatment demand continued, while increasing the possibility of contamination of the local environment with inadequately treated wastewater effluent.

Since this alternative would not meet ODEQ Consent Order requirements or solve existing and future capacity and operation problems, the 'No Action' alternative **was rejected**.

### **Alternative No. 2 – Construct a New Wastewater Treatment Plant in a New Location**

Under Alternative No. 2, a new wastewater treatment plant would be constructed on a 20-acre site at a new location west of Cooper Memorial Road and just south of the existing effluent force-main line. The new treatment plant would include an SBR, lab building, headworks with bar screen, grit removal, and Parshall Flume, aerobic digesters, sludge holding basin, sludge handling facility with

gravity belt thickener and filter press, and chlorination/de-chlorination facility. The plant would also include an effluent pump station and a force main connection. A new Primary Lift Station would be constructed at the site of the existing treatment plant and the existing effluent force-main would be replaced along its length to the new discharge location, same as the new point-of-discharge on Dry Sandy Creek described in the "Project Description" section of this Assessment. Additionally, a new force-main would need to be constructed from the Primary Lift Station at the existing treatment plant to the new treatment plant. Alternative No. 2 has no distinct advantages compared to Alternative No. 3. The present worth of Alternative No. 2 is estimated at \$8,938,215.26, with an up-front capital cost and engineering construction and design cost for the effluent force-main estimated at \$1,489,643.

Since Alternative No. 2 would have no distinct advantages and would have a higher overall cost compared to Alternative No. 3, Alternative No. 2 **was rejected**.

#### Alternative No. 3 – Retrofit and Expand Existing Wastewater Treatment Plant

Alternative No. 3 would involve constructing improvements to the existing wastewater treatment plant to increase efficiency and capacity. The existing effluent force-main would be replaced from Cooper Memorial Road to the new point-of-discharge on Dry Sand Creek. This alternative is described in the "Project Description" section of this Assessment. The present worth of Alternative No. 3 is estimated at \$7,013,243.09, with an up-front capital cost and engineering construction and design cost for the effluent force-main estimated at \$1,489,643. Advantages of this alternative include reuse of the existing site, thereby negating the need for additional land at a new treatment plant site, and lower overall cost compared to Alternative No. 2.

Since Alternative No. 3 would utilize the existing treatment plant site and with lower costs compared to Alternative No. 2, Alternative No. 3 **was the preferred alternative**.

### ENVIRONMENTAL SETTING AND PROJECT IMPACTS

According to the environmental information documentation provided for this project (summarized below), the following environmental conditions exist and outlined mitigative procedures will be followed to ensure protection of human health and environmental resources potentially affected by the project.

The proposed project area occurs in Murray County, Oklahoma as described in the "Background and Existing Conditions" and "Project Description" sections of this Assessment. A map of the proposed replacement effluent force-main and the proposed wastewater treatment plant improvements at the existing treatment plant site is given as Figures 1 and 2. Project improvements will occur within existing easements or City-owned land. A new Right-of-Way permit will be required for the existing FEB site as described in the NPS's response summarized in this section of the Assessment.

The proposed project area is fairly flat. Land uses in the vicinity of the existing effluent force-main are mainly pasture and cattle grazing. Vegetation includes Buffalo and Bermuda grasses as well as



Black Jack Oak trees and scrub oak. The Arbuckle-Simpson aquifer is a sole-source aquifer located within a few miles of the project area; however, the proposed project improvements would not lie within the designated aquifer boundaries and should not result in significant adverse effects to the aquifer. The EPA defines a sole or principal source aquifer as one which supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer.

According to the Natural Resources Conservation Service (NRCS), District Conservationist, the proposed project should not result in the conversion of prime farmland soils, since the proposed project improvements would occur within the existing disturbed wastewater treatment plant site. Although construction activities will cause short-term disruptions, no changes to the surrounding area's current land uses are anticipated. Existing land use along the effluent force-main right-of-way should not change, as the proposed replacement line will be buried below ground level.

The City has stated that the construction of the proposed force main will be conducted with boring under roadway and creek crossings and open-trench methods will be utilized for the remainder of the line. According to the U.S. Army Corp of Engineers (USACE), Regulatory Branch, the project is not subject to Section 404 of the Clean Water Act, since construction will not necessitate placement of dredged or fill material permanently or temporarily into Waters of the United States. The Sulphur Floodplain Administrator has stated that the proposed project should not have a significant adverse impact on the floodplain. The proposed replacement effluent line will be constructed below the ground surface. According to base flood elevation interpolation from existing topographic maps and adjacent floodplain data, the existing wastewater treatment plant and proposed plant improvements are located outside of any 1% (100-year) floodplains.

According to U.S. Fish and Wildlife Service (USFWS) reference documentation for the proposed project areas, no threatened or endangered species or critical habitat are anticipated to be adversely impacted. The Interior Least Tern, Whooping Crane, and the Piping Plover, are endangered species that may be present in Murray County, OK. The proposed project is not anticipated to have an adverse impact on any of these species, since the project area does not contain typical nesting or migratory habitat necessary for support of these species; however, as a condition of the accompanying Finding of No Significant Impact, if any threatened or endangered plant or animal species are discovered during construction, work will cease immediately and the OWRB will be notified so that they may proceed in accordance with the Endangered Species Act of 1973.

A Cultural Resource Survey of the project area was previously conducted and found that no significant adverse impact should occur to culturally significant or archeological items. The Oklahoma Archeological Survey (OAS) and the Oklahoma Historical Society (OHS) indicated that no historic properties or properties eligible for inclusion in the National Register of Historic Places would be affected by the proposed project if construction proceeds as presented during the agencies' project review.

The National Park Service (NPS), Chickasaw National Recreation Area (CNRA), issued approval of the proposed project if certain conditions are met. Final National Environmental Policy Act (NEPA) concurrence by the NPS will depend on adherence to these requirements. Requirements are found in

No. (14) of the "Coordination of Review" section of this Assessment. In summary, NPS requested renewal of the City's expired Right-of-Way permit for the existing FEB on NPS land and adherence to DEQ and NPS standards during any abandonment measures for the existing FEB site. The basin is proposed for abandonment as part of the proposed project. NPS also requested a fence be constructed around the existing or any future FEB. As of the time of this Assessment, NPS' review of an existing Cultural Resource Survey was still ongoing for a portion of the proposed replacement effluent force-main that lies within CNRA boundaries. NPS concurrence is dependent upon the final findings of this review.

According to the City and various "reviewing agencies," no wetlands, scenic rivers, wilderness areas, Tribal or Individual Indian trust lands, sole-source aquifers, or areas of geologic hazard exist within the project area.

The proposed project is in compliance with State Water Quality Implementation Plans and Areawide Waste Management Plans as found in Sections 208 and 303(e) of the Clean Water Act. The proposed wastewater treatment plant is designed to meet the requirement of the City's most recent 208 WQMP WLAs, as previously described in this Assessment.

As with any construction project, certain disruptions and inconveniences will result from the proposed action. Equipment needed for project construction will likely be conventional such as backhoes, loaders, and etcetera. Construction related noise, dust, erosion, and traffic are expected to be minor and should cause no significant problems. Impacts will be minimized through the project specifications, which will require mitigative measures to reduce the overall effect of each impact, requiring the contractor to comply with all federal, state, and local ordinances and regulations that affect the conduct of work. The project will require compliance with an OPDES stormwater permit for industrial activities. Stormwater permit requirements include implementation of Best Management Practices (BMPs) during construction to minimize runoff contamination into nearby receiving streams. Recommended BMPs include erosion control measures such as silt fences, hay bales, etc.

The proposed action to construct the aforementioned wastewater treatment system improvements will provide the additional treatment capacity necessary to accommodate an existing and future population, meet the existing ODEQ Consent Order, and reduce the possibility of future ODEQ enforcement actions, thereby protecting human health and safety.

## **SOCIOECONOMIC AND 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 information presented in the Environmental Information Document and 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.

A description of the EJ analysis and results are shown in Figures 3 through 6.

## **COORDINATION OF REVIEW**

Coordination of review requirements were completed and responses from reviewing agencies are summarized below:

- (1) In a letter dated March 4, 2009, the **US Army Corps of Engineers (USACE), Planning Branch** stated, "The project itself as described would not create a significant affect on the flood plain. Any part of the facilities above ground should be protected from the base/one percent chance flood. Actual construction or ground disturbance should be done in a manner that does not create an increase in flooding. Local officials are responsible for issuing permits and regulating development in the base flood plain."
- (2) In an undated response letter, the **US Army Corps of Engineers (USACE), Regulatory Branch**, stated, "Please reference you letter dated February 24, 2009; and your later electronic message dated March 18, 2009; furnishing additional information." "The proposed project involves the construction of wastewater system improvements for the City of Sulphur, Murray County, Oklahoma; using horizontal directional drilling methods in all crossings of all Waters of the United States (WOUS). The provided information does not indicate that placement of dredged or fill material will be required, permanently or temporarily, into any 'waters of the United States,' including jurisdictional wetlands. Therefore, your proposal is not subject to regulation pursuant to Section 404 of the Clean Water Act, and a Department of the Army (DA) permit will not be required."
- (3) The **Federal Emergency Management Agency (FEMA)** was contacted concerning possible floodplain impacts. In a letter dated March 9, 2009, FEMA replied, "As you are aware, the City of Sulphur participates in the National Flood Insurance Program (NFIP). Therefore, any development that takes place within the City must be reviewed by the City Floodplain Administrator to ensure compliance with the adopted Flood Damage Prevention Ordinance and that applicable permits are issued. However, it appears that the project is located in unincorporated areas of Murray County. Murray County has not been mapped by this agency and does not participate in the NFIP. Therefore, this project does not fall under the purview of this office. The local Floodplain Administrator's response is given in No. (5) of this section of the Assessment.
- (4) In a letter dated March 11, 2009, the **Oklahoma Water Resources Board (OWRB), Planning & Management Division**, stated, "We recommend that you contact the local floodplain administrator for possible permit requirements for this project." "If this development would fall on state owned or operated property, a floodplain development

permit is required from OWRB." "If this project is proposed in a non-participating community, try to ensure that this project is completed so that it is reasonably safe from flooding and so that it does not flood adjacent property if at all possible. The local Floodplain Administrator's response is given in No. (5) below.

- (5) In a letter dated October 26, 2009, the **City of Sulphur, Floodplain Administrator** stated, "The City of Sulphur is in agreement with the actions to be taken by City Engineer, Bill Myers of Myers Engineering on the improvements to the Wastewater Treatment Plant. The City of Sulphur understands that the plant is located in the Floodplain, but feels the improvements are necessary." A summary of the City and its' consulting engineer's base flood elevation estimation is described in the "Environmental Setting and Project Impacts" section of this Assessment. Information presented by the City's consulting engineer shows the proposed wastewater treatment plant improvements to be located outside of the base/1% chance flood; though no detailed flood study exists for the area.
- (6) In a letter dated October 27, 2009, the **Oklahoma Historical Society (OHS)** stated, "We have received and reviewed the documentation submitted on the referenced project in Murray County. Additionally, we have examined the information contained in the Oklahoma Landmarks Inventory (OLI) files and other materials on historic resources available in our office. We find that there are no historic properties affected within the referenced project's area of potential effect." "The OAS may conclude that an on-site investigation of all or part of the project impact area is necessary to determine the presence of archeological resources. In the event that such an investigation reveals the presence of prehistoric archeological sites, we will defer to the judgment of the OAS concerning whether or not any of the resources should be considered 'historic properties' under the Section 106 review process. If sites dating from the historic period are identified during the survey or are encountered during implementation of the project, additional assessments by the State Historic Preservation Office will be necessary." OHS assigned the project file number 0927-09 for future reference. OHS's response is summarized in No. (7) below.
- (7) In a letter dated March 16, 2009, the **Oklahoma Archeological Survey (OAS)** commented, "The location of your project has been crosschecked with the state site files containing approximately 18,000 archaeological sites, which are currently recorded for the state of Oklahoma. Our records indicate that your project area has been previously surveyed for other projects, and that no significant cultural resource sites were located. Thus, an archaeological field inspection is not considered necessary. However, should construction activities expose buried archeological materials such as chipped stone tools, pottery, bone, historic crockery, glass, metal items or building materials, this agency should be contacted immediately.... A member of our staff will be sent to evaluate the significance of these remains." "In addition to these review comments, under 36CFR Part 800.3 you are reminded of your responsibility to consult with appropriate Native American tribe/groups to identify any concerns they may have pertaining to this undertaking and potential impacts to properties of traditional and/or ceremonial value." The Bureau of Indian Affairs, Eastern Oklahoma Regional Office, response is noted in No. (12) below.

- (8) At the time of this Assessment, no response was received from the **US Fish and Wildlife Service (USFWS)**. The City's consultant issued a "finding" letter to USFWS on March 26, 2009. The letter requesting concurrence indicated no anticipated adverse impacts to threatened or endangered species or fish and wildlife resources in the project area, as discussed in the "ENVIRONMENTAL SETTING AND PROJECT IMPACTS" section of this Assessment. The USFWS is being notified of these findings by way of this Assessment and the accompanying Finding of No Significant Impact.
- (9) In an e-mail dated November 6, 2009, the **Natural Resources Conservation Service (NRCS)** stated, "Thank you Mike [consulting engineer representative] for the drawings and thus the clarification on Sulphur's proposal to improve and retrofit the wastewater plant. Because the flow equalization basin is being placed where previous structures were cleaned and removed, there is no conversion of prime farmland."
- (10) In an e-mail dated February 27, 2009, the **Southern Oklahoma Development Association (SODA)**, stated, "We have reviewed the above request and have no environmental concerns regarding the proposed improvements to either the wastewater treatment facility or the force main and discharge point."
- (11) In a letter dated March 17, 2009, the **Oklahoma Department of Environmental Quality (ODEQ)** provided comments to the proposed wastewater project as they pertained to water quality, air quality, solid-waste and man-made hazards, stating: (1) The proposed project will not result in any adverse effects to the water quality or environment if the design and construction of all of the new components are in accordance with State design guidelines or standards, (2) Plans for the changes or constructions to be made must be submitted to the Water Quality Programs for approval prior to construction, (3) a determination should be made as to whether an OPDES permit for stormwater runoff is required during construction, and (4) Oklahoma is currently in attainment with Federal Air Quality Regulations therefore, during any construction, reasonable precautions should be taken to protect air quality by minimizing fugitive dust emissions.
- (12) At the time of this Assessment, no response was received from the **Bureau of Indian Affairs**, Eastern Oklahoma Regional Office. A previous BIA response dated July 8, 2008, that included only comments on the proposed wastewater treatment plant and did not include the proposed effluent force-main replacement, stated, "The EORO has no comments regarding the project. The Chickasaw Nation, a Federally recognized Tribe, has been provided the notice by copy of this letter. As the Tribe may have environmental and/or cultural resources concerns relating to this action, it is recommended that Myers Engineering coordinate directly with the Tribe on any of its concerns." Information presented by the City indicates that at the time of this Assessment, no response has been received from the Chickasaw Nation.

- (13) In a letter dated, July 28, 2009, the **Bureau of Indian Affairs**, Southern Plains Region, stated, "A review of Indian Affairs (BIA) maps of the project location indicates that there are no tribal or Individual Indian trust lands within the project area. The BIA has jurisdiction within the project area and there are no concerns that the proposed projects will impact Indian trust lands within the Southern Plains Region jurisdiction. It is recommended that you contact the Bureau of Indian Affairs, Muskogee Regional Office, the Chickasaw Nation, and the Wichita and Affiliated Tribes as they have historic ties to the area and should be consulted to determine if they have some concern that the project has a potential to impact sites of importance in their respective histories or cultural traditions."
- (14) In a letter dated November 4, 2009, the **National Park Service**, Chickasaw National Recreation Area, stated, "The Chickasaw National Recreation (CNRA) is submitting this letter to show support for the proposed City of Sulphur Wastewater Treatment Plant expansion. Our support for this project is based on our desire to see this project completed for the benefit of the community of Sulphur. We understand that the project is also necessary in order to meet DEQ and EPA standards and regulations for operation a wastewater treatment plant in Oklahoma. However, the CNRA does have some conditions to be met before we can grant final concurrence to the National Environmental Policy Act (NEPA) compliance being conducted in connection with this project. These conditions are as follows: NEPA will be completed with CNRA included as a consulting party; CNRA will require a new Right-of-Way (ROW) permit to be issued for the storm water retention lagoon and drainage easement that is substantially similar to the ROW permit originally issued in 1990; CNRA expects the present lagoon to be fenced and any future lagoon which may be constructed will also be fenced; If the existing lagoon is abandoned, we expect the reclamation of the original lagoon to meet both Oklahoma DEQ and National Park Service standards; And the archeological survey issues connected with the effluent line will be properly addressed." The previous NPS comments/requests will be made conditions of CWSRF Loan assistance in the accompanying Finding of No Significant Impact and the CWSRF Loan Agreement.
- (15) In an undated response, the **Oklahoma Tourism and Recreation Department**, stated, "This proposed project will have no adverse impact on any federally funded park or recreation area or state park."
- (16) In a letter dated March 5, 2009, the **Oklahoma Scenic Rivers Commission**, stated, "This proposed project will have no adverse impact on any of Oklahoma's Scenic River Areas."

#### **PUBLIC PARTICIPATION DOCUMENTATION AND RESPONSIVENESS SUMMARY**

A Notice of Public Hearing was published on April 9, 2009, in the *Sulphur Times Democrat* and the hearing was held at 6:00 pm on May 11, 2009, at the Sulphur City Complex. The purpose of the hearing was to discuss the proposed improvements, alternatives to the proposed improvements, their associated costs, and potential environmental impacts. According to hearing records and an audio recording of the hearing, several City council members, the City's engineering consultant, and

several members of the public were present for the hearing. No significant adverse comments concerning the proposed project were received from any of the attendees during the hearing.

The Sulphur Public Works Authority passed a resolution adopting the Planning and Environmental Information Documents for the wastewater system improvements on July 13, 2009.

## **RECOMMENDATIONS**

Based on information presented in the referenced documents, and the discussions recorded at the public hearing, it is recommended that Finding of No Significant Impact (FNSI) be issued, subject to revocation or amendment if subsequent information is presented which shows these actions: (a) are not cost effective; (b) no longer meet CWSRF program regulations; (c) will not meet construction permit standards; or, (d) will result in significant public controversy.

## **REFERENCES**

Myers Engineering. November 2009. Environmental Information Document, Wastewater Treatment Improvements for the City of Sulphur and Sulphur Public Works Authority, Murray County, Oklahoma.

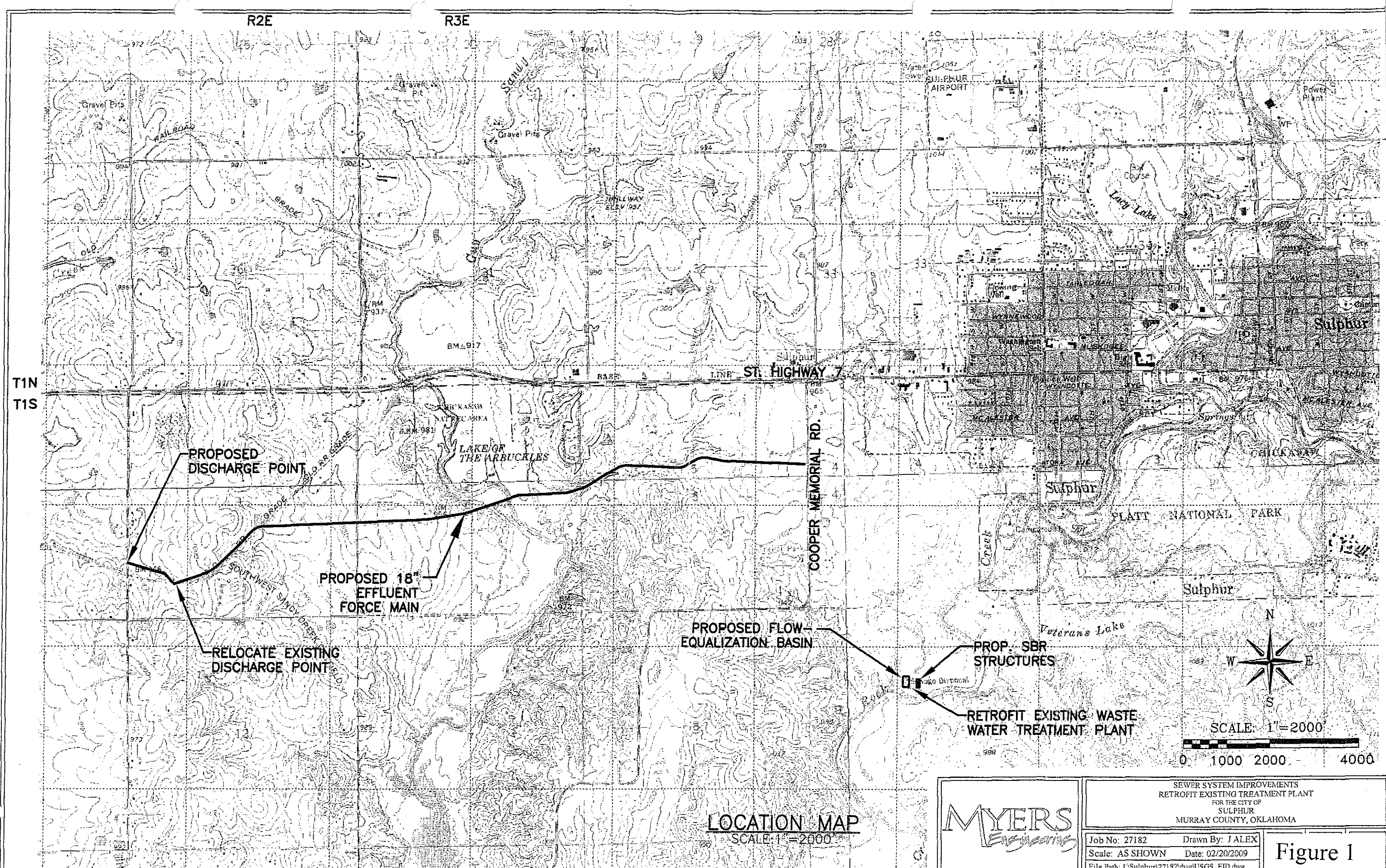
Myers Engineering. August 2008 - Revised June 17, 2009. Engineering Report, Wastewater Treatment Facility Improvements for the City of Sulphur, Murray County, Oklahoma.

US Bureau of the Census. Census 2000.

Oklahoma Department of Commerce. Online Population Data. <http://www.okcommerce.gov>.







LOCATION MAP  
SCALE: 1"=2000'

|                                                                                       |                                                                                                                         |                  |
|---------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|------------------|
|  | SEWER SYSTEM IMPROVEMENTS<br>RETROFIT EXISTING TREATMENT PLANT<br>FOR THE CITY OF<br>SULPHUR<br>MURRAY COUNTY, OKLAHOMA |                  |
|                                                                                       | Job No: 27182                                                                                                           | Drawn By: J ALEX |
|                                                                                       | Scale: AS SHOWN                                                                                                         | Date: 02/20/2009 |
|                                                                                       | File Path: J:\Sulphur\27182\dwg\USGS_EID.dwg                                                                            |                  |

Figure 1





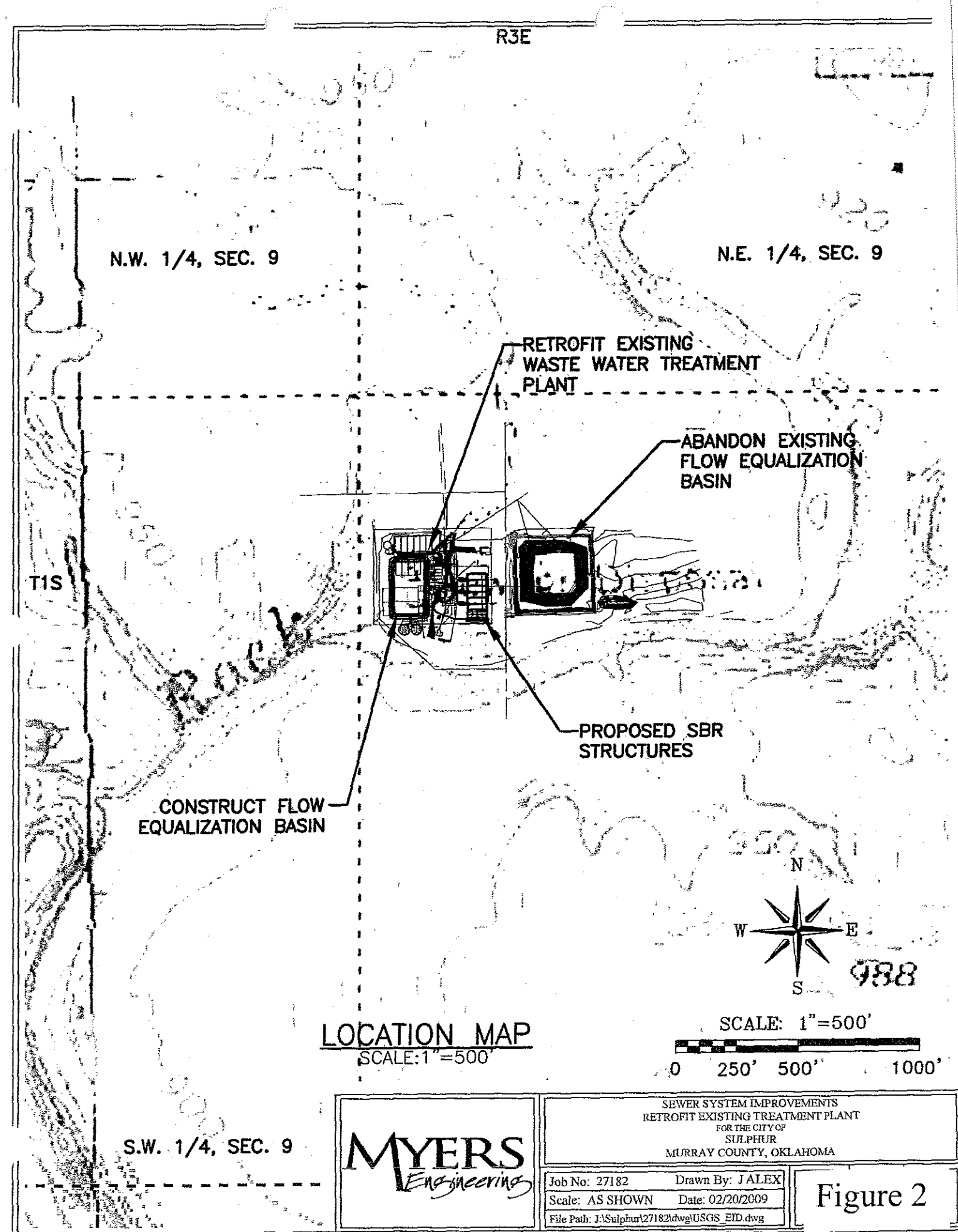
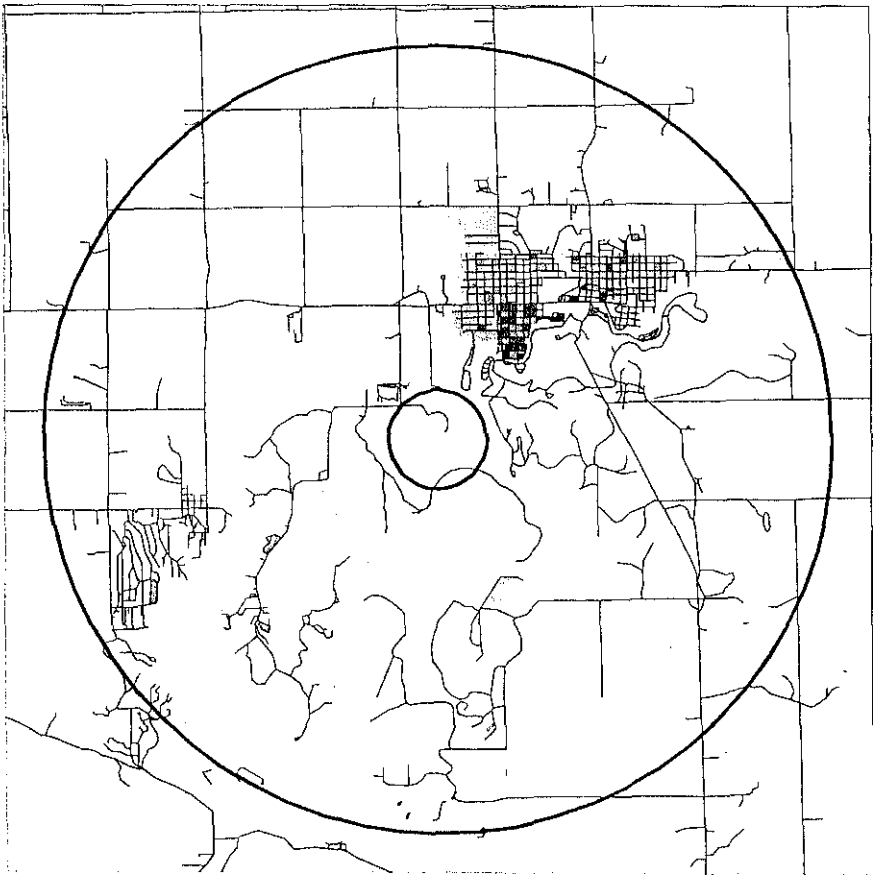


Figure 2

WWTP Improvements Sulphur, Sulphur, OK  
Potential Environmental Justice Index (EJ)



Longitude: -96 59 46.7 Latitude: 34 29 11.73  
0 .5 1 1.5 miles

| Criteria Ranked by Census Block (DVECO * PF) |           |  |
|----------------------------------------------|-----------|--|
|                                              | 1 to 12   |  |
|                                              | 13 to 25  |  |
|                                              | 26 to 37  |  |
|                                              | 38 to 50  |  |
|                                              | 51 to 100 |  |

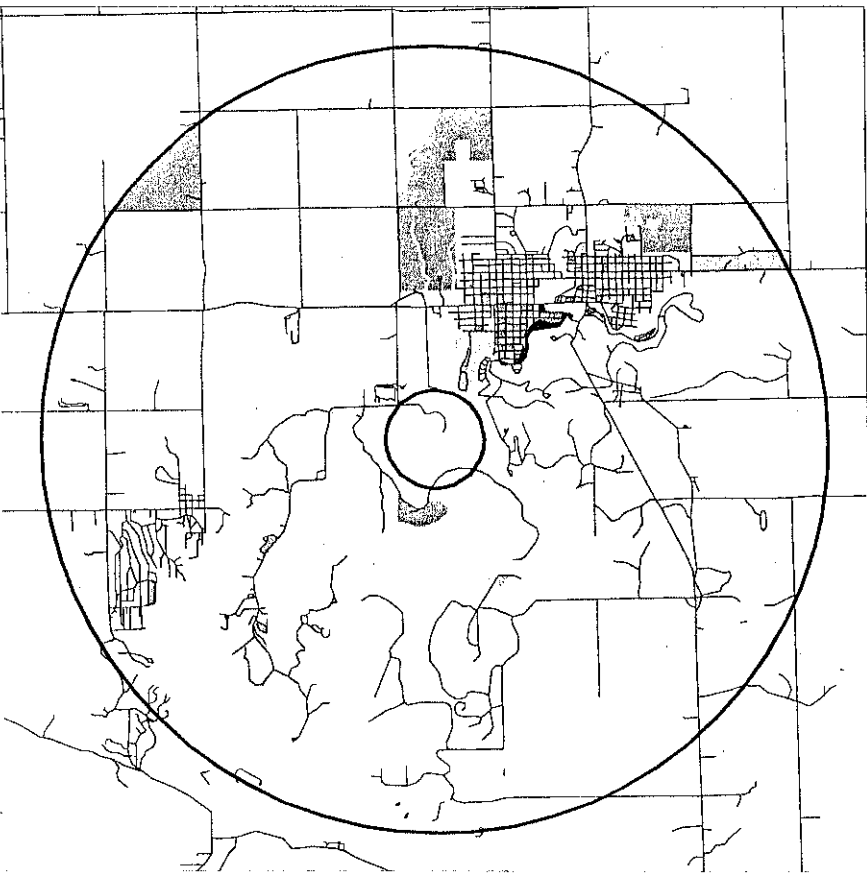
| Potential Environmental Justice Index for Two Study Areas |            |             |
|-----------------------------------------------------------|------------|-------------|
|                                                           | 1 Sq. Mile | 50 Sq. Mile |
| Total Population                                          | 12         | 6373        |
| Population Ranking (PF)                                   | 1          | 1           |
| Percent Minority                                          | 25%        | 21.1%       |
| Minority Status (DVMAV)                                   | 1          | 1           |
| Percent Economically Stressed                             | 33.3%      | 28.6%       |
| Economic Status (DVECO)                                   | 2          | 1           |
| Environmental Justice Index                               | 2          | 1           |

Data Sources and References: US Bureau of the Census, 2000 PL94-171, SF3 Data, and TIGER Files  
US EPA Region 6, 1992. Computer Assisted Environmental Assessment Methodologies, Chapter V. Special Applications,  
Environmental Equity. Planning and Analysis Section, Management Division, Region 6 EPA, Dallas, Texas



Figure 3

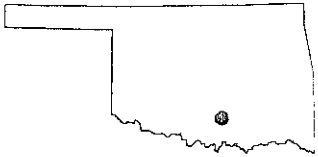
WWTP Improvements Sulphur, Sulphur, OK  
Economic Status - Degree of Vulnerability (DVECO)



Longitude: -96 59 46.7 Latitude: 34 29 11.73  
0 .5 1 1.5 miles

Percent Economically Stressed  
by Census Block Group  
State Percentage = 28.9

- ≤ the State Percentage
- > the State Percentage,  
≤ 1.33 times the State Percentage
- > 1.33 times the State Percentage,  
≤ 1.66 times the State Percentage
- > 1.66 times the State Percentage,  
≤ 2 times the State Percentage
- > 2 times the State Percentage



Potential Environmental  
Justice Index for  
Two Study Areas

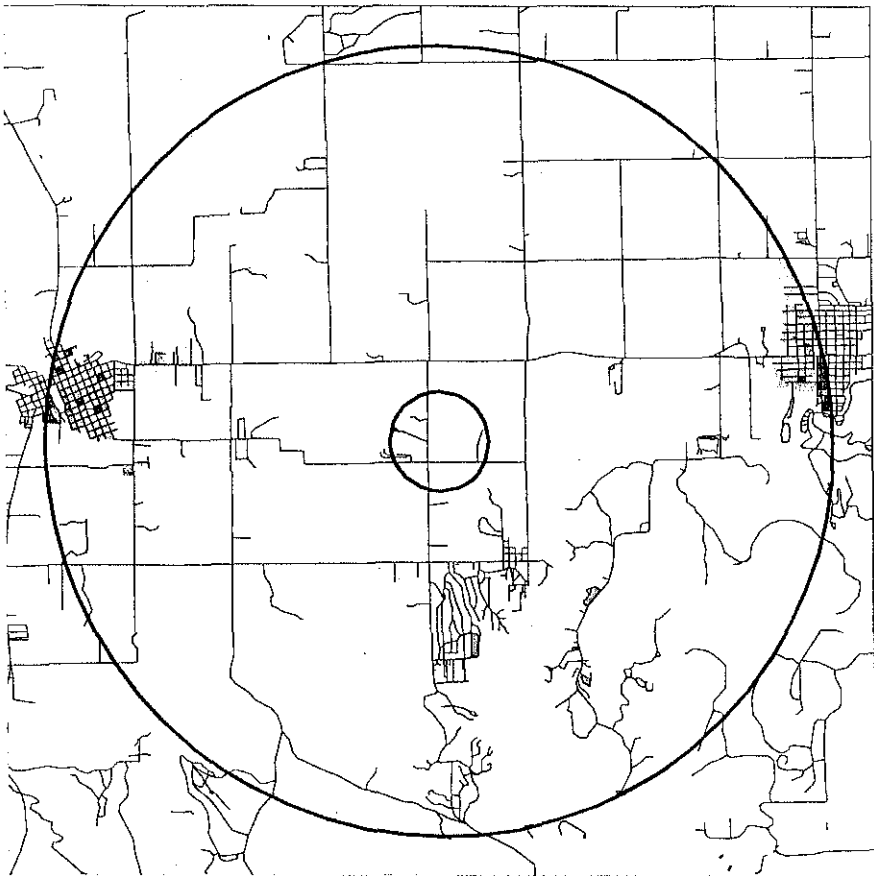
|                               | 1 Sq. Mile | 50 Sq. Mile |
|-------------------------------|------------|-------------|
| Total Population              | 12         | 6373        |
| Population Ranking (PF)       | 1          | 1           |
| Percent Minority              | 25%        | 21.1%       |
| Minority Status (DVMAV)       | 1          | 1           |
| Percent Economically Stressed | 33.3%      | 28.6%       |
| Economic Status (DVECO)       | 2          | 1           |
| Environmental Justice Index   | 2          | 1           |

Data Sources and References: US Bureau of the Census, 2000 PL94-171, SF3 Data, and TIGER Files  
US EPA Region 6, 1992. Computer Assisted Environmental Assessment Methodologies, Chapter V. Special Applications,  
Environmental Equity. Planning and Analysis Section, Management Division, Region 6 EPA, Dallas, Texas



Figure 4

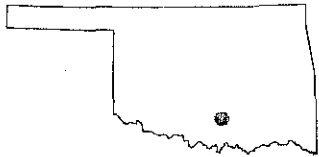
POD Relocation Sulphur, Sulphur, OK  
Potential Environmental Justice Index (EJ)



Longitude: -97 3 10.5 Latitude: 34 29 40.5

Criteria Ranked by Census Block  
(DVECO \* PF)

- 1 to 12
- 13 to 25
- 26 to 37
- 38 to 50
- 51 to 100



Potential Environmental  
Justice Index for  
Two Study Areas

|                               | 1 Sq. Mile | 50 Sq. Mile |
|-------------------------------|------------|-------------|
| Total Population              | 40         | 4681        |
| Population Ranking (PF)       | 1          | 1           |
| Percent Minority              | 5%         | 20.4%       |
| Minority Status (DVMAV)       | 1          | 1           |
| Percent Economically Stressed | 26.7%      | 30.9%       |
| Economic Status (DVECO)       | 1          | 2           |
| Environmental Justice Index   | 1          | 2           |

Data Sources and References: US Bureau of the Census, 2000 PL94-171, SF3 Data, and TIGER Files  
US EPA Region 6, 1992. Computer Assisted Environmental Assessment Methodologies, Chapter V. Special Applications,  
Environmental Equity. Planning and Analysis Section, Management Division, Region 6 EPA, Dallas, Texas



Figure 5

POD Relocation Sulphur, Sulphur, OK  
Economic Status - Degree of Vulnerability (DVECO)

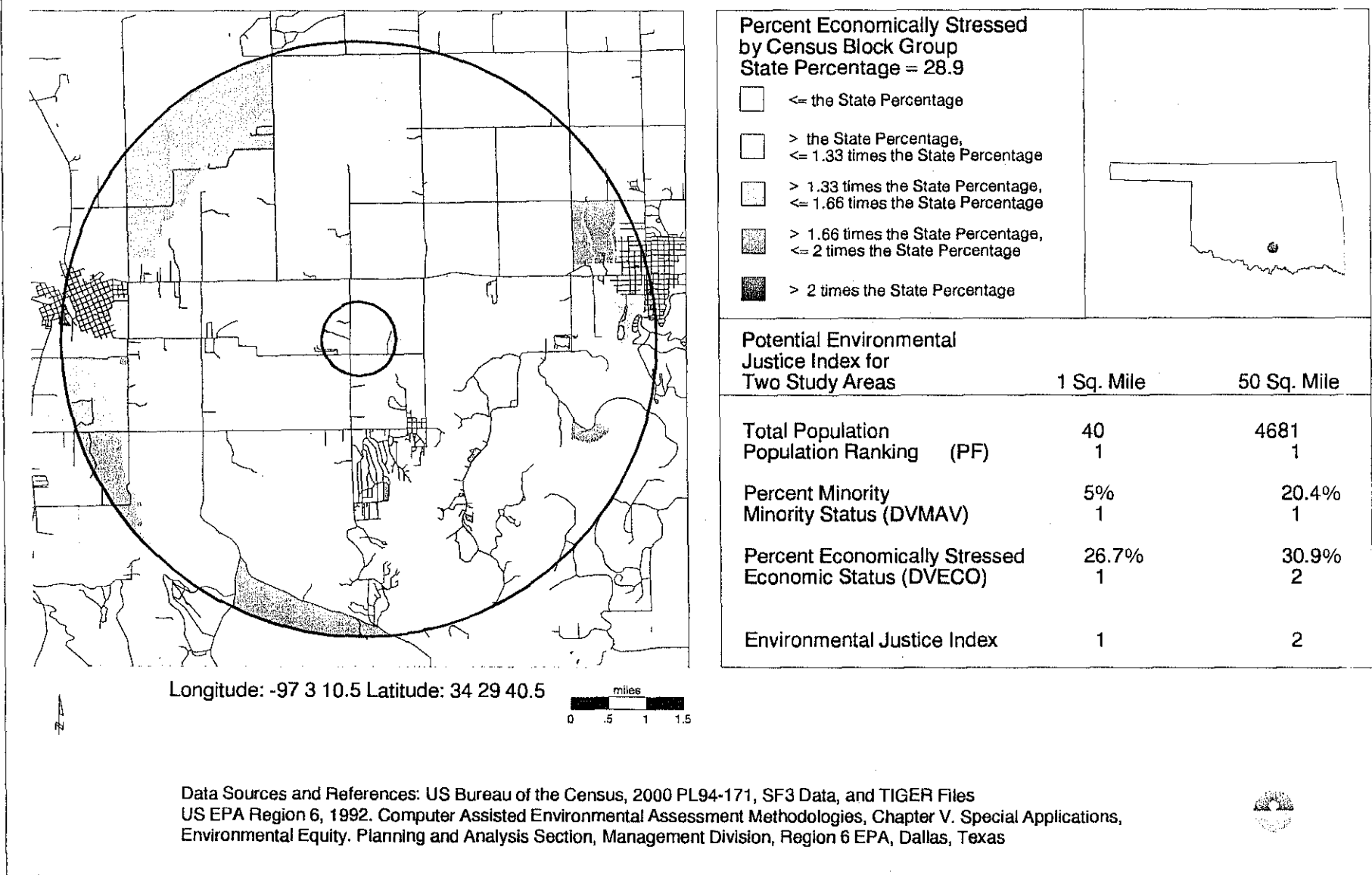


Figure 6

