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**RESPONSIVENESS SUMMARY
FINDING OF NO SIGNIFICANT IMPACT
POCAHONTAS COUNTY PUBLIC SERVICE DISTRICT
FNSI-WV-234**

May 26, 2006

The Department of Environmental Protection's (DEP) would like to take this opportunity to thank those who submitted written comments on the Finding of No Significant Impact for Pocahontas County Public Service District.

DEP issued a Finding of No Significant Impact on March 13, 2006 for a proposed project to serve Pocahontas County Public Service District. Comments were accepted for a 30-day comment period, which expired on April 12, 2006. Multiple written comments were received.

A responsiveness summary has been prepared in lieu of individual responses. The responsiveness summary highlights the issues and concerns that were identified in the written comments received during the comment period. In many cases multiple comments were provided on specific sections or issues, and both the comments and the responses have been summarized to the extent possible.

Comments will appear first, with the agency's response appearing in bold type following.

1. Comments were received questioning compliance with NEPA/environmental review guidelines and the lack of a full environmental impact statement being prepared.

The environmental review process used by DEP and approved by EPA is outlined in Section 6 of Title 47, Series 31 of the Legislative Rule (47CSR31) entitled State Water Pollution Control Revolving Fund (SRF) program. Section 6.2 of 47CSR31 does adopt the provisions contained in 40 C.F.R. Part 6, Subparts A through E only with modifications described in Sections 6.2.a., 6.2.b., 6.2.c., 6.2.d., 6.2.e., and 6.2.f. Section 7.1 of 47CSR31 requires a facilities plan establishing the need for the project and the selection of a cost-effective, environmentally sound project. Section 7.2.b of 47CSR31 further states the director shall approve a facilities plan only after the applicant has satisfied all requirements contained in section 7 of the rule and an environmental

review has been conducted in accordance with provisions of section 6 of 47CSR31. An environmental information document (EID) was prepared and submitted as a part of the facilities plan, amendments, reports, investigations and supplemental information provided. An environmental assessment (EA) or review of this information was performed by DEP. Changes to the project were requested by DEP in response to comments received and made by the PSD's consultant to address issues determined to have adverse environmental impacts. Upon completion of an environmental assessment (EA) a determination must be made as to whether an environmental impact statement (EIS) must be issued or whether a finding of no significant impact (FONSI) is issued depending upon whether the project is determined to have significant impact on the quality of the human environment. DEP is not required to perform a detailed EIS unless a significant impact on the quality of the human environment is expected to occur as a result of the construction of the project.

2. Comments were received stating the FONSI relied solely on cost factors.

According to 47CSR31 Appendix A Section IV.A. "Alternatives for the type of treatment, type of collection system, and location of treatment works shall be evaluated in this section of the plan. This evaluation shall include both a present-worth cost analysis and a discussion of other, non-monetary factors (e.g., maintenance requirements, flexibility, public acceptance) for each alternative..." Note: "In general, only the most cost-effective alternative will be considered for State Revolving Fund (SRF) loan assistance in accordance with CWA Section 218..."

40 CFR Part 6 Subpart E 6.506 (b) (5) "*Analysis of alternatives.* This discussion shall include a comparative analysis of feasible alternatives, including the no action alternative, throughout the study area. The alternatives shall be screened with respect to capital and operating costs; direct, indirect, and cumulative environmental effects; physical, legal, or institutional constraints; and compliance with regulatory requirements..."

In compliance with the above referenced sections of code that govern the SRF, the FONSI took into account cost factors when making its decision along with other non-monetary factors. In an effort to work with all concerned citizens, the engineering firm evaluated a total of eleven sites. Originally three potential treatment plant sites were evaluated in the planning stage and an additional eight sites identified by interested parties at PSD board meetings, the Public Service Commission (PSC) hearing and recommendations by Region 4 Planning and Development Council were considered. After evaluating the additional eight sites, four sites were dismissed because of not meeting flood plain or buffer zone requirements. One site was fully evaluated environmentally and geologically, but was dismissed because of large shallow voids on the site. Three other sites were found to be buildable on the basis of flood plain and buffer zone requirements. Estimated additional costs for the three sites ranged from \$1,517,530 to \$3,197,270. In consideration of the fact that the proposed rates for construction at the originally chosen treatment plant site are in excess of 2% of the median household income, it was determined that these options were not feasible. In

accordance with the regulations, the most cost-effective alternative was chosen.

3. Comments were received expressing concern for the interbasin transfer of water.

The current wastewater system treats water obtained from the Shaver Fork drainage and discharges to the Elk River drainage. The proposed project would transfer additional flow from the Shaver Fork drainage. The Snowshoe Utility is required by a Corp of Engineers permit to maintain a minimum flow to the Shaver Fork as a result of the construction of the lake in the Shaver Fork drainage, which serves as the water supply for Showshoe. This project will not change the requirements for maintaining the minimum flow in the Shaver Fork drainage.

4. Comments stated no consideration was given for species of concern and endangered species are being threatened.

Under the Endangered Species Act the appropriate federal and state agencies were contacted and the final clearance letters were obtained and referenced in the Finding of No Significant Impact as required by 6.302(h) of 40CFR, Part G.

5. Comments were received concerned with construction within flood plain and the effect on the flood plain.

Adequate information has been provided to determine that the site is not located in the 100-year flood plain. The localized flooding caused by the immediate stream is being addressed by the construction of an engineered drainage channel and culvert as part of the wastewater treatment plant. Section 1.2.4 of Part B of Appendix B of 47CSR31 requires the treatment plant to be adequately protected against the 100-year flood and designed to remain fully operational during a 25-year flood. The design does comply with the requirements. Manholes that will be placed at elevations below the 100-year flood plain will have watertight covers.

6. Several commenters were concerned about potential contamination of groundwater.

In order to minimize the potential for groundwater contamination, pressure sewer pipe has been specified from above Split Rock to the main lift station. To provide protection of the sewer pipe at the stream crossings, the contractor will be required to bore and jack all stream crossings with a steel casing pipe in addition to the carrier pipe to serve as dual protection from leaks. A preventive maintenance plan will be required to monitor the main interceptor in the valley to check for cracks, leaks or other problems. It also should be noted that the entire sewer pipe would be tested in accordance with industry standards prior to the PSD accepting the sewer lines. Microgravity testing and borings were performed along the collection lines and at the treatment plant site. The treatment units are designed to spread the loading uniformly across the area of each treatment unit. In addition the Pocahontas County Health Department has expressed concern that drinking water wells and springs in the area could be contaminated due to

failing or inadequate individual septic systems. This project would eliminate the existing septic systems and also the need to install future septic systems in the project service area.

7. Comments were received concerned about destruction of the scenic beauty.

As part of the construction of the project, a visual dirt and tree barrier is being constructed on the treatment plant site to provide a view buffer from Route 219. In addition an architect and a landscape architect were contracted to design the proposed building to blend into the existing landscape.

8. Comments were received concerned about a sufficient operation and maintenance budget.

A detailed operation and maintenance (O&M) budget has been developed to include sufficient revenue to ensure a well-maintained and operational plant. Emergency generators are included in the design for two lift stations and the treatment plant, which will provide backup power during emergency conditions. Dual units are designed and sized to provide pumping and treatment for normal flows for periods during which units are removed for maintenance or mechanical failures. A total O&M budget is included in the amount of \$840,806 and includes a utility manager with a Class IV wastewater operator certification, a second Class IV wastewater operator, a Class III wastewater operator, and two laborers. This budget is comparable with 2.0 MGD plants in the state and has been approved by the PSC.

It also should be noted a detailed operation and maintenance plan will be developed during the construction of the project to ensure that the plant will be operated in the most efficient manner to ensure compliance with the discharge limits placed on the project. A detailed operation and maintenance manual is required as part of any SRF funded project.

9. Comments were received concerned about fish and wildlife protection and the temperature of effluent. The health of the receiving stream is not required to be monitored, and no mitigation measures are provided to ensure trout populations are not impacted by warm discharges.

DEP is required to follow the recommendation of the April 11, 2006 letter from the Wildlife Resource Section of the Division of Natural Resources (DNR). The DNR letter recommended long term temperature monitoring and development of a contingency plan to address temperature issues prior to the initiation of operation of the WWTP and strict adherence to the best management practices for erosion and sediment control. The temperature of treated wastewater experiences moderate seasonal variations. Numerous existing wastewater treatment plants in West Virginia discharge to trout streams and none have provisions for cooling treated wastewater prior to discharge. There are no known instances of fish kills or other problems associated with warm weather / low stream flow discharges in these streams. Temperature monitoring and effluent cooling facilities will be added and included in the design and installed during the original construction. Temperature limitations will be addressed in the

NPDES permit.

10. Comments stated additional geological information is needed regarding the proposed effluent line prior to FONSI being issued.

FONSI's are occasionally issued contingent upon final environmental clearances being obtained (usually Phase 1 or 2 archaeological surveys). This FONSI requires a geophysical analysis of the effluent line routing to ensure no significant impact to groundwater, springs, or surface water be completed prior to awarding construction contracts.

11. Comments were received concerning public participation in evaluating site alternatives.

A meeting was held July 17, 2003 to discuss the scope of the project and impacts to the public. Additional public meetings were held on August 17, 2005 and August 24, 2005 at the PSD office to discuss the alternative plant sites with news articles giving notice of the meetings times and dates.

12. Comments were received concerning design flow used being adequate for 20 years.

The design flow allows for a growth factor of 4% per year when compared to the existing flow, which in DEP's judgment is reasonable considering the historic growth rate over the past few years. Section 1.1 of Part B of Appendix B of 47CSR31 requires the treatment works be designed to provide for an estimated population twenty (20) years hence. Except where circumstances preclude the probability of expansion, all treatment works shall be designed so that they can readily be increased in capacity. An adequate area at the proposed site does exist to increase the peak flow to 2.25 MGD and average flow to 0.75 million gallons per day. Also, the project will utilize the existing 3 million gallon flow equalization tank at the Snowshoe plant and the 10,000 gallon equalization tank at the Inn at Snowshoe to equalize the flow during the peak skiing weekends and season to ensure proper operation of the proposed wastewater treatment plant. There is also adequate area to construct additional equalization tanks if needed.

A condition will likely be placed in the NPDES permit stating once the flow reaches 90% of the design flow rate the PSD will submit a plan to upgrade the plant.

Building an oversized treatment plant before growth has occurred would increase sewer user rates and burden existing customers.

13. Comments were received concerning the project's effect on the karst area.

The engineer completed several studies to determine if there were any significant voids in the area of construction. Based on the results of this study no voids were located under any of the proposed treatment structures.

On the collection system several small voids were found. Where possible the sewer lines

were re-routed to avoid these areas. Where the lines could not be re-routed, the sewer pipe will be placed in a steel casing to prevent it from being damaged and to prevent potential contamination of groundwater.

14. Comments were received expressing concern for odors from the treatment plant.

The current 300-foot buffer zone requirement for separation between the wastewater plant and occupied structures should provide a sufficient buffer zone to address odor issues. The headworks and sludge dewatering processes are enclosed in buildings to contain and minimize odors from the plant site. Several options are available to add to the plant to eliminate or control odors if they occur. In addition an aeration system is designed for the main lift station to prevent septic conditions from developing. Chemical feed equipment is also included at the main lift station to help control odors.

15. Comments were received concerned with potential effects of endocrine disrupters (EDC).

There is currently no water quality standard for EDC. Therefore, no requirements will be imposed on the project.

16. Comments were received concerning destruction of historical sites.

No identified historical sites will be damaged as a result of this project.

17. Comments were received concerning the discharge of nutrients.

The new wastewater treatment plant includes Sequencing Batch Reactor basins followed by upflow sand filters. The plant will provide an effluent that will meet a total ammonia level of 4 mg/l and will significantly reduce both total phosphorus and total nitrogen loadings to Big Spring Fork and the Upper Elk River. No requirements for total phosphorus and total nitrogen will be imposed on this project.

18. Comments were received concerning the use of eminent domain.

No people are being displaced or homes being taken by the proposed project. Temporary construction easements ranging from 20 feet to 40 feet and permanent easements ranging from 10 feet to 20 feet and the treatment plant site will be obtained by the PSD in accordance with applicable laws and regulations.

19. Comments were received concerning the need for the project and development.

The Snowshoe Utility's facility does not and will not meet permitted effluent limitations. They are currently operating under effluent limitations contained in an Order issued by DEP and are likely to be issued more stringent discharge limitations during the next NPDES permit issuance. The proposed project would eliminate the current discharges into Cupp Run (a tributary of Big Spring Fork), which is classified as a native trout stream and also into the upper section of Big Spring Fork. Both of

these current discharges have the potential to contaminate the groundwater and the Sharp Cave system.

Chapter 22, Section 22-11-2 entitled "Declaration of policy" states

"(a) It is declared to be the public policy of the state of West Virginia to maintain reasonable standards of purity and quality of the water of the state consistent with (1) public health and public enjoyment thereof; (2) the propagation and protection of animal, bird, fish, aquatic and plant life; and (3) the expansion of employment opportunities, maintenance and expansion of agriculture and the provision of a permanent foundation for healthy industrial development.

(b) It is also the public policy of the state of West Virginia that the water resources of this state with respect to the quantity thereof be available for reasonable use by all of the citizens of this state."

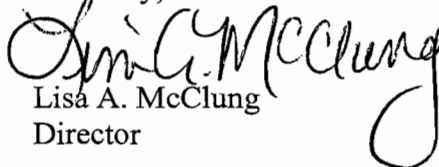
The PSD submitted a facilities plan proposing the construction of a sewage treatment and collection system to serve a portion of Pocahontas County. It is DEP's responsibility to ensure water quality standards are met.

20. Comments were received concerning the location of the discharge and the potential of the stream to be dry at that point.

The proposed location of the discharge was moved downstream because the originally proposed location was a section of the stream that goes dry part of the year. The current proposed location is at a point in the stream that has continuous flow and is below a perennial spring, which has been confirmed by a benthic study. The effluent line was also rerouted to avoid the spring.

As a result of the comments received, the DEP will require a cooling system to be placed on the effluent from the treatment facility. In addition, the construction plans will be modified to include temperature monitoring and effluent cooling. Thank you again for your interest in this project and FONSI.

Sincerely,


Lisa A. McClung
Director