



United States Department of Agriculture
Rural Development

Rural Business-Cooperative Service • Rural Housing Service • Rural Utilities Service

July 29, 2011

SUBJECT: Orangeburg County – Wastewater Collection, Transportation and Treatment Project,
Finding of No Significant Impact

TO: Project File

The attached Environmental Assessment has been prepared and reviewed in accordance with the National Environmental Policy Act, as amended (42 U.S.C. 6941 et seq.); the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR Parts 1500-1508); and 7 CFR Part 1794, Rural Utilities Service's Environmental Policies and Procedures. Upon review of the environmental documentation included and referenced in the Environmental Assessment, I find that the proposed project will not have a significant impact on the human environment and for which an Environmental Impact Statement therefore will not be prepared.

[List all applicable mitigation measures as per 7 CFR 1794.179(a).]
(Attached)

A handwritten signature in blue ink that reads "Mike Hucks". The signature is written in a cursive style and is positioned above a horizontal line.

Mike J. Hucks
CP Program Director
Rural Development



SUMMARY OF MITIGATION FOR GOODBY'S REGIONAL WTP AND COLLECTION AND CONVEYANCE SYSTEM

Induced Growth

Orangeburg County proposes the following language for application to wastewater tap-ins related to the proposed Goodby's Regional wastewater system along US 176, US 15, and SC 210 to mitigate indirect impacts with induced growth as a binding covenant in either the USDA RD loan agreement or the PPA:

In an effort to mitigate the indirect impacts on Important Farmlands in accordance with Farmland Protection Policy Act Final Rule, Orangeburg County will enter into a binding covenant that will limit potential customers service connection to a maximum of 6-inch gravity service line per lot or equivalent service of no more than 1,500 gallons per day per lot via a grinder pump and force main service connection in areas with a designated land use of Forest and Agriculture, per the Orangeburg County Comprehensive Land Use Plan. This mitigation will be enforced through a binding covenant at the time of execution of the loan agreement or the USACE PPA, not including future lot splits under the "Small Subdivision" provision in Section 36-83(j) of the Subdivision and Land Development Regulations. As five (5) residential uses are permitted per lot by the current Orangeburg County Zoning Ordinance, the proposed service connection limit size was derived to support continued agricultural uses that would support up to five (5) residential services per lot, and would not allow connections of multiple lots to one service later according to current South Carolina Department of Health and Environmental Control regulations for wastewater distribution lines. Furthermore, subdivisions within areas shown as Agricultural in the Comprehensive Land Use Plan that do not qualify as a "Small Subdivision" in accordance with Section 36-83(j) of the Orangeburg County Subdivision and Land Development Regulations shall still be considered one lot with regards to this restrictions and be limited to 6-inch gravity service line or equivalent grinder pump and force main connection for the entire proposed subdivision. Additionally, Orangeburg County will affirm and adhere to the Orangeburg County's Comprehensive Land Use Plan as it pertains to the proposed wastewater improvements project and their respective corridors. It should be noted that Orangeburg County's Comprehensive Land Use Plan includes protection and preservation of farmlands as one of its goals in order to preserve the rural agriculture nature of Orangeburg County. Additionally, the customer tap restriction will be waived for all businesses that support agricultural practices and for all existing industrial sites considered as "prior converted farmlands" per the Farmland Protection Policy Act. The above wastewater service connection restriction shall not apply to Planned Development Uses (PUDs) identified in Orangeburg County's Comprehensive Plan Future Land Use Map. Additionally, the customer wastewater service restriction will be waived for all businesses that support agriculture practices, for existing subdivisions and structures that have obtained a building permit prior to execution of the restrictive covenant, and for all existing industrial sites considered as prior converted farmlands due to their planned land use. The customer wastewater service restriction and compliance to the



Orangeburg County's Comprehensive Land Use Plan will be executed by the Orangeburg County as a binding agreement and/or covenant which will be attached to either the USDA-RD Loan Resolution or the USACE Project Partnership Agreement. The customer service restriction will apply to Agriculture/Forest-designated lands shown on the Orangeburg County's Comprehensive Plan Future Land Use Map along the project corridors along US 176, US 15, and SC 210.

Important Farmlands

See Section 4.1 for wording for the binding covenant for the Goodby's Regional wastewater system to supplement the Orangeburg County Zoning and Development ordinances to control residential and commercial development outside of designated areas, especially along US 176. Orangeburg County has the authority to control the location and type of commercial/industrial growth through its land use ordinances, policies, and decisions.

Any new development in the area outside of the Matthews Industrial Park, the County/City Industrial Park and the Jafza Logistics Park is expected to consist of residential or small commercial development. Outside of these development zones, the County would restrict the amount and type of development that is served by the proposed Goodby's Regional wastewater system through ordinances supplemented by the binding covenant, which would be instituted as part of either the USDA RD loan agreement or the USACE Project Partnership Agreement.

No additional mitigation is required.

Formally Classified Lands

See Section 4.1 for wording for the binding covenant for the Goodby's Regional wastewater system to supplement the Orangeburg County Zoning and Development ordinances to control residential and commercial development outside of designated areas, especially along US 176. Orangeburg County has the authority to control the location and type of commercial/industrial growth through its land use ordinances, policies, and decisions.

Any new development in the area outside of the Matthews Industrial Park, the County/City Industrial Park and the Jafza Logistics Park is expected to consist of residential or small commercial development. Outside of these development zones, the County would restrict the amount and type of development that is served by the proposed Goodby's Regional wastewater system through ordinances supplemented by the binding covenant, which would be instituted as part of either the USDA RD loan agreement or the USACE Project Partnership Agreement.

No additional mitigation is required.



Floodplains, Wetlands, and Water Quality

As all drilling for pipeline installation through floodplains will be conducted when the portions of the floodplains outside of wetlands are dry within existing disturbed road rights-of-way, no additional mitigation is required for protection of floodplains other than using Best Management Practices and replacing the soil to original grade. All requirements will be included in the project contract documents.

Overall, the USFWS, USEPA, USACE, and SCDHEC have clearly identified mitigation for impacts to wetlands, with a focus on avoidance, directional boring under wetlands, and use of BMPs during construction. NWP 12 has general conditions that are similar to those mitigation measures, with an additional option of compensation for mitigating for minimal wetland losses. All agencies have agreed that, with the use of such mitigation, no adverse impacts would occur to floodplains, wetlands or water quality.

The following mitigation will be included in construction contracts for the Goodby's Regional WWTP and collection and conveyance systems:

- No herbicides would be applied for the Goodby's Regional wastewater systems and water system expansions within or adjacent to wetland areas;
- No fill would be placed in wetlands;
- Adjacent access roads and drainage ditches will not alter natural flow regimes through wetland areas;
- Prior to initiation of construction activities, appropriate erosion control measures, such as silt fences, silt barriers, or other suitable devices, will be placed between the construction site and affected waterways and maintained in a functioning capacity until the area is permanently stabilized upon project completion;
- All necessary steps would be taken to prevent, oil, tar, trash, debris, and other pollutants from entering adjacent waterways and/or wetlands;
- Construction activities would avoid, to the greatest extent practical, encroachment into any wetland areas. Where practicable, sidecast soil material from trench excavation would be placed on the side of the trench opposite streams and wetlands.
- Cut and cover operations use backhoes and track hoes for digging trench, and bulldozers for necessary backfill and for hauling debris. In areas that cannot support the equipment, trucks would be used to place fill on the ground to stabilize the work area. Fill material would be placed in unstable areas to allow construction, but the material would be removed and the area restored to natural elevations following construction.

The USFWS requested that any construction and maintenance activities in forested wetlands should take place outside of the breeding season for migratory birds



(March through August). However, all construction involved in placing collection pipelines would occur in existing disturbed rights-of-way and therefore this condition would not apply. Construction of the WWTP would occur on an approximately 10-acre forested site and outside of the existing rights-of-way. The construction would possibly occur during the period of the migratory bird breeding season (March through August). This would be mitigated through a provision included in the contract documents requiring clearance from the USFWS prior to starting clearing operations. The Jafza Park is private property and any mitigations regarding protection of wetlands would occur through future on-site wetlands permits per Section 404 of the Clean Water Act and land disturbance permits through SCDHEC.

A local land use disturbance/construction permit and an NPDES stormwater permit will also be required, and these should be referenced in the plans and in the specifications.

USFWS stated in three letters (dated August 2, 2006 (See Appendix C, Exhibit C.23, July 29, 2008 (See Appendix C, Exhibit C.19), and April 23, 2009 (See Appendix C, Exhibit C.20)) that the Service applauds the use of directional drilling under wetlands and placement of pipelines in previously disturbed ROW.

For the proposed Goodby's Regional WWTP system and associated collection system, Orangeburg County has agreed to a binding covenant consistent with Orangeburg County land use ordinances to control the number and size of wastewater connections along US 176, US 15, and SC 210 to control development (Section 3.2.4).

Threatened and Endangered Species

See Section 4.4 for mitigation associated with wetlands protection that would also protect listed species per USFWS determination.

Cultural Resources

- If any archaeological or historic artifacts are discovered, construction would cease and the SHPO, THPO, USDA-RD, US Army Corps of Engineers, Orangeburg County, any pertinent municipalities and any other interested parties would be notified immediately. The construction contractor is required to await concurrence from each of these individuals/entities prior to the resumption of construction activities in the area where the discovery occurred. This requirement would be included in construction contracts.
- If there is any new horizontal or vertical ground disturbance proposed not already evaluated in any project, a Section 106 review and consultation would be conducted.
- Construction of pipeline placement for the proposed project will not proceed until all SHPO requirements and restrictions are satisfied.
- Contract documents will contain the requirement that if any artifacts of architectural, historical, or archaeological significance, including any objects



falling under NAGPRA and/or chipped stone, tools, pottery, bone, historic crockery, glass or metal items, are discovered during or before construction, construction will cease and SHPO, THPO of the Catawba Indian Nation, Eastern Shawnee Indian Tribe of Oklahoma, THPO of Eastern Band of Cherokee Indians, Orangeburg Co, USDA-RD, and/or any other interested parties will be notified immediately. Contractor will await concurrence from each individuals/entities prior to resumption of construction in the area where the discovery occurred, as stated in construction documents.

Environmental Justice

No additional mitigation is required.

Noise

No additional mitigation is required.

Air Quality

No additional mitigation is required.