



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**Region 1**  
**5 Post Office Square, Suite 100**  
**BOSTON, MA 02109-3912**

**PRELIMINARY FINDINGS OF NO SIGNIFICANT IMPACT AND**  
**ADOPTION OF THE TOWN OF MONTGOMERY WASTEWATER**  
**INFRASTRUCTURE CONSTRUCTION PROJECT ENVIRONMENTAL**  
**ASSESSMENT**

The Environmental Protection Agency (EPA) is adopting the August 2020 final environmental assessment (EA) released by the U.S. Department of Agriculture (USDA) Rural Development - Rural Utility Services titled “Town of Montgomery, Vermont Wastewater Treatment and Streetscapes Infrastructure Project Environmental Assessment”.

In accordance with Section 102 of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality’s (CEQ) regulations for implementing NEPA (40 CFR Parts 1500-1508), and the EPA procedures for implementing NEPA (40 CFR Part 6), EPA has conducted an independent review and evaluation of USDA’s EA for the Montgomery Wastewater Infrastructure Construction Project.

**Background**

The purpose of the proposed wastewater improvements project would be to replace the existing on-site septic system with a municipally owned wastewater collection and treatment system that can properly dispose of residential sewerage and protect public health and the environment. Currently, on-site septic systems are in use that do not meet current standards and State Rules to manage wastewater in Montgomery Village and Montgomery Center. Approximately 25 properties in Montgomery Village are located within the Town of Montgomery public potable water supply Well Head Protection Area, which is presumed significant environmental and public health risk. The results of interviews conducted in 2020 by the Town Stercus-Transportation Committee members with property owners located in the proposed service area showed that 14 of 19 of those interviewed indicated they had malfunctioning or failing septic systems including surfacing sewage which is a significant environmental and public health risk. Many of these properties with failing septic systems are located on very small lots immediately adjacent to the Trout River, which is a US National Park Service designated Wild and Scenic River. The proposed municipally owned wastewater management system is needed because the existing small lot sizes are too small to construct replacement on-site septic systems that meet the VT Environmental Protection Rules, current design standards and that would function to prevent environmental and public health risk.

The USDA EA examined the project’s impacts to land use/important farmland/formerly classified lands, floodplains/streams/Wild and Scenic Rivers Act (WSRA), wetlands/water resources, cultural resources/historic properties, biological resources, and visual aesthetics.

The USDA EA included a No-Action Alternative and Alternatives Eliminated from Further Consideration. The no-action option would result in the continued use of failing on-site septic systems. Individual homeowners would have to continue to maintain the individual on site systems, with the inherent costs and limitations. This option was not preferred. In addition to the No Action Alternative, the Town of Montgomery considered other technology alternatives, which are documented in the Alternatives section of the EA.

EPA's Proposed Action under the Community Grants award is the same as the action described in the USDA EA. The Proposed Action for collection and conveyance is grinder pumps and low-pressure sewer. Using this methodology, collected sewerage from the Village will be conveyed to a treatment and infiltration area near the Village area of town and collected sewerage from the Center will be conveyed to two separate treatment and infiltration areas near the Center area of town. For treatment, Town is proposing Septic Treatment Plants. By separating the sewer flows, the septic tank treatment system will meet the purpose and need by providing primary treatment of wastes using a two-tank design with two trains for full redundancy, followed by subsurface disposal of treated effluent. The proposed project will include infrastructure capacity to serve the Village and Center during the 20 Year Design period and site capacity to serve the Full Build Out condition. The proposed project will involve constructing 9 miles of wastewater conveyance and treatment lines and disturb roughly 3 acres of farmland. The project includes the replacement of 165 on-site septic systems for properties in the Village & Center with a Town owned/operated low pressure sewer and treatment system to serve the future of the Town's needs.

EPA will also adopt the required mitigation measures identified in the USDA EA for the following impacts:

*1. Land Use and Important Farmland*

Impact: There would be permanent conversion of land use for the locations of the three septic treatment sites. The effluent infiltration plants would continue to be able to be used for haying, as they currently are, but would not support animal husbandry or intensive farming requiring soil tilling over the infiltration areas.

Required Mitigation: As a result of the Natural Resources Conservation Service (NRCS) analysis, the proposed project would not result in adverse effects to Farmland Protection Policy Act (FPPA) protected soils to the extent that additional alternative sites need to be considered or mitigation proposed.

*2. Floodplains, Streams and Wild and Scenic Rivers Act (WSRA)*

Impact: There will be no permanent impacts within the FEMA regulated 100-year floodplain of any of the three water body crossings (Black Falls Brook, Trout River South Branch, Trout River). Work will be done during low flow periods. Ground surface in all impacted locations will be restored to match existing. Compensatory flood storage is not anticipated to be required.

The Upper Missisquoi and Trout Rivers Wild and Scenic Study Management Plan (2013) details the Outstandingly Remarkable Values (ORVs) that the river is designated for: scenic,

recreational, natural resources, water quality, and historic and cultural. This project is not anticipated to result in an adverse effect on the scenic, recreational, natural resources or historic and cultural ORVs, and would be in support of the Protection Goals listed in the Plan, specifically the Water Quality ORV.

Providing an improved wastewater collection and treatment system would prevent additional water quality impacts to the river from leaking and poorly maintained individual septic systems. This project would result in improved water quality for the Trout Rive within Montgomery and ultimately downstream and would have no adverse effect on the resources protected under the WSRA and would enhance the ORVs for which the river is designated.

The National Park Service (NPS) requested streambed restoration specifications, a stream diversion or dewatering plan, and erosion and sediment control plans; these will be provided for NPS review during the US Army Corps of Engineers (USACE) wetland permit application process.

Required Mitigation: Permanent impacts to the floodplains will not occur, thus mitigation is not anticipated. During permitting with the State of Vermont and the USACE should mitigations be required, it will be provided.

### *3. Wetlands and Water Resources*

Impact: Impacts to stream and wetlands will be avoided and minimized to the extent practicable. A wetlands permit is anticipated to be required from the USACE per Section 10 of the Rivers & Harbors Act, and a Stream Crossing Permit would be required from the VT Department of Environmental Conservation (VTDEC) for this project.

Water quality will be protected during project construction via the use of Best Management Practices (BMPs) and Erosion and Sediment Controls as dictated by the VT Stormwater Management Manual. No long-term water quality impacts are anticipated as a result of the project.

Jurisdictional impacts requiring permitting will be reviewed during that process and additional minimization measures will occur during design finalization.

Required Mitigation: The permanent impacts that will occur as a result of the project will be minimized to the extent practicable, and if required, mitigated per VTDEC and USACE requirements.

### *4. Cultural Resources and Historic Properties*

Impact: The State of Vermont Division for Historic Preservation (DHP) online resource center was used to determine whether documented archaeological resources are located in the project areas. None were identified. A request for project review was submitted to the Agency of Commerce and community Development Historic Preservation on March 30, 2020, for the

project area. A response was not received by the time of the EA finalization, but based on online DHP information, no archeological or cultural resources are expected to be present.

Required Mitigation: None, based on previously conducted research and currently available information.

#### 5. *Endangered Species Act (ESA)*

Impact: The project lies within habitat for the Federally-threatened Northern Long Eared Bay (Myotis septentrionalis; NLEB). A verification letter was generated stating that the project is consistent with activities analyzed in the USFWS Programmatic Biological Opinion. This project may affect NLEB, however any take that may occur as a result of the project is not prohibited under the ESA Section 4(d) rule adopted for this species. As a condition of this, tree removal activities may not occur between June 1 through July 31. Trees will be removed outside of the time of year restriction. Species protected under the Migratory Bird Treaty Act, or the Bald and Golden Eagle Protection Act are not anticipated to be affected by this project.

Required Mitigation: There would be no permangate impacts to protected species as a result of this project, this, no mitigation is required.

#### 6. *Miscellaneous*

Visual Aesthetics: No formal mitigation is being offered, however, as design plans finalize, the septic treatment sites will be assessed to determine the inclusion of any measures that would offset the visual change in these locations.

The action covered by the USDA EA and EPA's proposed action are substantially the same. EPA's proposed action will involve the same replacement of Montgomery Village and Montgomery Center septic systems and the same creation of a new municipally owned wastewater collection and treatment system as covered under the USDA EA.

#### **Public Involvement**

All supporting documents, along with the USDA EA, are available for review through the EPA NEPA Compliance Documents website at <https://cdxapps.epa.gov/cdx-enepa-II/public/action/nepa/search>.

Comments supporting or disagreeing with this decision may be submitted to EPA for consideration. All comments must be received within 30 calendar days of the date of this Finding of No Significant Impact and Adoption. Please address your comments to:

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Municipal Assistance Section  
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Boston, MA 02109  
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No administrative action will be taken by EPA on this action for at least 30 calendar days from the date this FONSI and Adoption was signed. This decision will become final after 30 calendar days if no substantive comments are received by EPA.

**Conclusion**

EPA concludes that no significant effects on the human environment will be caused by adopting USDA's EA for the Wastewater Infrastructure Construction Project and any funding EPA provides in support of the EA are consistent with the Proposed Action under the grant award. The Proposed Action will not cause highly uncertain or controversial impacts, unique or unknown risks, or significant cumulative impacts. Furthermore, the Proposed Action will not violate any federal, state, or local environmental protection laws. The Proposed Action does not constitute a major federal action that significantly affects the quality of the human environment. Based on the foregoing, an environmental impact statement is not required for this action and thus will not be prepared.

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Ken Moraff, Director  
Water Division