

FTA Findings For Cedar County Vehicle Storage and Transit Office Project Hartington, NE

FTA determines that the Cedar County Vehicle Storage and Transit Office project meets the criteria for Categorical Exclusion (CE) in accordance with **23 CFR 771.118(c)(10)**. The proposed project will construct a metal building for transit vehicle storage, office and dispatch. The project owner intends to purchase the preferred site without federal participation and request FTA grant funds for construction. The project site is adjacent to a tire store (Pomp's Tire & Auto) that was a former food processing plant in the 1970s and 80s.

The scope of work for this undertaking involves the construction of a 24-foot x 160-foot, with an estimated total of 9400 square-feet, Bus Storage facility with a poured concrete slab foundation on a 1.6-acre vacant lot that is adjacent to an existing tire store and former food processing plant from the 1970s. The estimated footprint of the site including structure, parking and access roads is approximately 21,475 square-feet. The building will have the capacity to store up to ten (10) public transit vehicles, as well as, accommodate administrative office space. The County currently has seven (7) vehicles, but the project takes into consideration potential future growth. Currently, the vehicles are stored outside, as the County doesn't have any facilities to store the vehicles. The new facility will prolong the life of federally funded assets by providing indoor, climate controlled storage. In addition, the vehicles would be in the same location as the transit office. The attached CE documentation provides sufficient environmental analyses for the proposed project and no further environmental review is required.

Historic Resources: FTA determined there are no historic properties affected by this project action. FTA has determined a finding of "No Historic Properties Affected" for this undertaking in a letter to the Nebraska State Historic Preservation Office (SHPO) dated February 18, 2020. The NE SHPO concurred with FTA's finding of No Historic Properties Affected in a letter dated February 27, 2020. Therefore, FTA has no further obligations under section 106 per 36 CFR 800.3(a)(1).

Hazardous Materials: A Phase I Environmental Site Assessment (ESA) has revealed no evidence of recognized environmental conditions in connection with the property with exception of the following: The current and historic use of the adjacent property (currently Pomp's Tire and Auto, formerly dairy and food processing and RV manufacturing and service) as an industrial facility is considered a REC in connection with the Property. Although there have been no documented releases from the facility, it has been continuously operated as an industrial facility since 1970. Various chemicals are and have been used and stored at the facility. There is potential that groundwater contamination could have migrated from the industrial site and impacted the groundwater beneath the Property.

It is FTA's policy that if a property is suspected to have contaminants through the identification of RECs in the Phase I ESA, and the project sponsor wants to continue considering purchasing the property for the project, then a Phase II ESA must be conducted. A Phase II ESA, will confirm the presence and extent of contamination on the property as much as possible. This will then allow for development of a remediation plan and cost estimate of the remediation necessary for the proposed use of the site. The costs associated with the remediation shall be provided to the appraiser to determine the impact on the fair market value. If Cedar County chooses to take on the risk of acquiring property where the type and degree of contamination is uncertain, they should make a reasonable effort to negotiate a purchase and sale agreement that allows for the termination of the sale based on the outcome of the Phase II ESA.

Pursuant to 23 CFR 774, FTA determines that no land, feature, or attribute from a Section 4(f) resource will be acquired or substantially impaired by the project; therefore, there is no use of Section 4(f) property associated with the project.

The following project conditions and/or mitigation measures are not subject to change without prior written approval from FTA. If there is any change in the scope of work or project footprint, the project sponsor must contact FTA to evaluate potential impacts.

- **If more than one acre of ground is disturbed during construction, the project will require compliance with the provisions of the Nebraska Surface Water Quality Standards. This includes applying for the NE Water Pollution Control General Permit and Authorization to Discharge (NPDES Permit).**
- **Potential water quality impacts from soil erosion during construction will be controlled through the implementation of approved Best Management Practices for erosion and sediment control and compliance with local City Code.**
- **If the results of the Phase II ESA identify contamination that exceeds the State of Nebraska's exposure limits for commercial use, then a remediation strategy will have to be developed by a Licensed Environmental Professional. The costs associated with the remediation shall be provided to the appraiser to determine the impact on the fair market value. If Cedar County chooses to take on the risk of acquiring property where the type and degree of contamination is uncertain, they should make a reasonable effort to negotiate a purchase and sale agreement that allows for the termination of the sale based on the outcome of the Phase II ESA.**

Prepared By Beth Held

Beth Held
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Date: 4/22/20

Approved By Mokhitee Ahmad

Mokhitee Ahmad
Regional Administrator- FTA Region VII

Date: 4/22/2020

CATEGORICAL EXCLUSION (c-list)
FEDERAL TRANSIT ADMINISTRATION, REGION VII

Project Name: Cedar County Vehicle Storage and Transit Office
56251 Highway 84, Hartington NE

Proposed Action

The proposed project constructs a metal building for transit vehicle storage, office and dispatch. The project owner intends to purchase the preferred site without federal participation and request FTA grant funds for construction. The project site is adjacent to a tire store (Pomp’s Tire & Auto) that was a former food processing plant in the 1970s and 80s.

The scope of work for this undertaking involves the construction of a 24-foot x 160-foot, with an estimated total of 9400 square-feet, Bus Storage facility with a poured concrete slab foundation on a 1.6-acre vacant lot that is adjacent to an existing tire store and former food processing plant from the 1970s. The estimated footprint of the site including structure, parking and access roads is approximately 21,475 square-feet. The building will have the capacity to store up to ten (10) public transit vehicles, as well as, accommodate administrative office space. The County currently has seven (7) vehicles, but the project takes into consideration potential future growth. Currently, the vehicles are stored outside, as the County doesn’t have any facilities to store the vehicles. The new facility will allow for indoor storage for weather protection. The transit manager is currently working out of her home. The project would prolong the life of federally funded assets by providing indoor, climate controlled storage. In addition, the vehicles would be in the same location as the transit office.

Categorical Exclusion Determination

The project is categorically excluded from further NEPA review under 23 CFR 771.118(c):

Activity category CE (10)

Evaluation Summary

The area evaluated is located within the city limits of Hartington, Nebraska, and the proposed site is zoned commercial. After reviewing FTA’s “Guidance on Categorical Exclusions (FTA, Region VII)” document, the following narrative includes only those environmental resources likely to be impacted by the project.

Land Acquisition: No land acquisitions or relocations are required for this proposed project. The project site is located on the north side of Highway 84 in Hartington, Nebraska. The total property being developed is approximately 1.6 acres, that will support office space and vehicle storage. The County will not seek Federal funds to purchase the property but requests federal participation for the cost of constructing the building for a bus storage and office facility.

Noise: A GIS desktop review for noise-sensitive receptors near the proposed project site indicates there is a mix of commercial and residential development near the proposed project site. Due to the location of the project adjacent to an existing tire store, noise levels generated during construction and operation of the facility are not expected to exceed ambient daytime levels. The project, would not involve a change in use of the subject property and would not add to the vehicle capacity or use of the Cedar County Vehicle Storage and Transit Office. The proposed project would therefore be compatible with existing vehicle traffic and will not add to the current noise level in the area. Based on FTA’s Noise and Vibration Manual, it was determined that none of the noise sensitive listed land uses are within the distances noted in Table 4-1 of the manual for bus facility projects, therefore no further noise analysis is needed on the construction of the bus storage facility.

Historic Resources: Section 106 of the National Historic Preservation Act of 1966, as amended, requires federal agencies to assess the effects of their undertaking on historic resources listed or eligible for listing in the National Register of Historic Places (NRHP), including impacts to districts, sites, buildings, structures, objects, archeological and cultural resources. Federal agencies must coordinate with the State Historic Preservation Office (SHPO) and potentially affected Federally Recognized Tribes to make this determination. The Advisory Council on Historic Preservation (ACHP) has established procedures for the protection of historic and cultural properties in, or eligible for, the National Register (36

CATEGORICAL EXCLUSION (c-list)

FEDERAL TRANSIT ADMINISTRATION, REGION VII

CFR Part 800). In accordance with 36 CFR Part 800, FTA defined the Area of Potential Effect (APE) for the proposed facility construction to consist of the project footprint of a 1.6-acre vacant property, as shown on the enclosed APE map, which is adjacent to an existing tire store building. There are no recorded historic or archaeological resources identified within or adjacent to the APE. As a result, FTA has determined a finding of “No Historic Properties Affected” for this undertaking in a letter to the Nebraska State Historic Preservation Office (SHPO) dated February 18, 2020. The NE SHPO concurred with FTA’s finding of No Historic Properties Affected in a letter dated February 27, 2020.

Floodplain: According to the FEMA Flood Insurance Rate Map (FIRM) Panel 310376 0005 A, effective December 17, 1987, the property is located in a Zone X, outside of the special flood hazard area, as shown in the attached FEMA FIRM. There will be no anticipated floodplain impacts associated with this proposed project, therefore no further compliance is required.

Air Quality: The Clean Air Act (CAA) requires states to take actions to reduce air pollution in nonattainment areas and to provide control measures in maintenance areas. The framework for meeting these goals is the State Implementation Plan (SIP). The CAA and its amendments require that federal agencies and Metropolitan Planning Organizations (MPOs) only approve a transportation project, program, or plan, if it conforms to the approved SIP. Because no adverse local air quality impacts would occur as a result of the proposed project, no mitigation is warranted. The project is not anticipated to have an adverse impact on air quality and will comply with all Federal, State and local guidelines, including the Clean Air Act.

Hazardous Materials: The project site is adjacent to a tire store (Pomp’s Tire & Auto) that was a former food processing plant in the 1970s and 80s. The Nebraska Department of Environment and Energy (NDEE) has records for the site dating back to 1988. The processing plant had permits for waste water lagoons and a permit to discharge cheese byproducts into the city sewer system. A Phase I Environmental Site Assessment (ESA) was performed March 2020 by Alfred Benesch & Company. Benesch performed a Phase I ESA in general conformance with the scope and limitations of ASTM Practice E 1527-13. The current and historic use of the adjacent property (currently Pomp’s Tire and Auto, formerly dairy and food processing and RV manufacturing and service) as an industrial facility is considered a REC in connection with the property. Although there have been no documented releases from the facility, it has been operated as an industrial facility since 1970. Various chemicals are and have been used and stored at the facility. There is potential that groundwater contamination could have migrated from the industrial site and impacted the groundwater beneath the Property.

The Property was not identified in any EDR Federal Agency Database Listings. There was one Federal Agency Database site identified within the relevant search radius of the Property; however, based on distance, location relative to the Property, and/or regulatory status this site is not considered a recognized environmental condition in connection with the Property. The Property is not listed in any EDR State Agency databases. There were several State Agency Database sites identified within the relevant search radius of the Property; however, based on distance, location relative to the Property, and/or regulatory status these sites were not considered a recognized environmental condition in connection with the Property. The adjacent property located at 56251 Hwy 84 is listed in the NDEE LUST database. Three petroleum USTs were removed from the facility in 1987 and 1988. There were no contaminated soils, corrosion, or holes observed during the tank removals. The adjacent facility was also listed in the NDEE TL3 database for the storage of chemicals at the facility from 1998 to 2003. The presence of these former USTs on the adjacent property and listing of the facility on the LUST and TL3 databases are not considered a recognized environmental condition for the Property.

In summary, the assessment has revealed no evidence of *recognized environmental conditions* in connection with the property with exception of the following: The current and historic use of the adjacent property (currently Pomp’s Tire and Auto, formerly dairy and food processing and RV manufacturing and service) as an industrial facility is considered a REC in connection with the Property. Although there have been no documented releases from the facility, it has been continuously operated as an industrial facility since 1970. Various chemicals are and have been used and

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stored at the facility. There is potential that groundwater contamination could have migrated from the industrial site and impacted the groundwater beneath the Property.

It is FTA's policy that if a property is suspected to have contaminants through the identification of RECs in the Phase I ESA, and the project sponsor wants to continue considering purchasing the property for the project, then a Phase II ESA must be conducted. A Phase II ESA, which often consists of soil and/or groundwater sampling, will confirm the presence and extent of contamination on the property as much as possible. This will then allow for development of a remediation plan and cost estimate of the remediation necessary for the proposed use of the site. The costs associated with the remediation shall be provided to the appraiser to determine the impact on the fair market value. If Cedar County chooses to take on the risk of acquiring property where the type and degree of contamination is uncertain, they should make a reasonable effort to negotiate a purchase and sale agreement that allows for the termination of the sale based on the outcome of the Phase II ESA.

Project Commitments

The following project conditions and/or mitigation measures are not subject to change without prior written approval from FTA. If there is any change in the scope of work or project footprint, the project sponsor must contact FTA to evaluate potential impacts.

- If more than one acre of ground is disturbed during construction, the project will require compliance with the provisions of the Nebraska Surface Water Quality Standards. This includes applying for the NE Water Pollution Control General Permit and Authorization to Discharge (NPDES Permit).
- Potential water quality impacts from soil erosion during construction will be controlled through the implementation of approved Best Management Practices for erosion and sediment control and compliance with local City Code.
- If the results of the Phase II ESA identify contamination that exceeds the State of Nebraska's exposure limits for commercial use, then a remediation strategy will have to be developed by a Licensed Environmental Professional. The costs associated with the remediation shall be provided to the appraiser to determine the impact on the fair market value. If Cedar County chooses to take on the risk of acquiring property where the type and degree of contamination is uncertain, they should make a reasonable effort to negotiate a purchase and sale agreement that allows for the termination of the sale based on the outcome of the Phase II ESA.

Attachments (list)

- Appendix A: Agency Correspondence & Maps (SHPO Letter; FEMA FIRM; APE Map)
- Appendix B: Phase I Environmental Site Assessment (ESA), Benesch & Company

Submitted By: Kari Ruse, NDOT Transit Manager **Date:** April 17, 2020

Project Sponsor/Grantee: Cedar County, Nebraska

FTA Approval _____ **Date:** _____