# FERMILAB ENVIRONMENTAL EVALUATION NOTIFICATION FORM (EENF) for documenting compliance with the National Environmental Policy Act (NEPA), DOE NEPA Implementing Regulations, and the DOE NEPA Compliance Program of DOE Policy 451.1

**Project/Activity Title:** City of Batavia Project-Mahoney Creek Flood Mitigation-Construction

**ES&H Tracking Number:** 01152

I hereby verify, via my signature, the accuracy of information in the area of my contribution for this document and that every effort would be made throughout this action to comply with the commitments made in this document and to pursue cost-effective pollution prevention opportunities. Pollution prevention (source reduction and other practices that eliminate or reduce the creation of pollutants) is recognized as a good business practice which would enhance site operations thereby enabling Fermilab to accomplish its mission, achieve environmental compliance, reduce risks to health and the environment, and prevent or minimize future Department of Energy (DOE) legacy wastes.

**Fermilab Action Owner:** John Wills (x3880)

**Signature and Date** John Wills, UID:jwills Digitally signed by John Wills, UID:jwills Date: 2022.06.02 09:24:56 -05'00'

## I. Description of the Proposed Action and Need

**Purpose and Need:**
The City of Batavia experiences frequent flooding from runoff carried by Mahoney Creek, The Fermilab site encompasses the headwaters of a tributary to Mahoney Creek. The city has a stormwater easement to store flood water behind a weir on Fermilab Property and proposes to expand the flood storage within the existing easement for the purpose of providing relief from downstream flooding of residential properties.

**Proposed Action:** The final project is an expansion of the existing flood storage by excavation with the area already under an easement to the City of Batavia for stormwater storage purposes.

**Alternatives Considered:**
The City of Batavia developed a stormwater master plan which identified this project as having high benefit. Due to the nature of stormwater storage being location specific there are no alternatives with the same benefits

The 'No Action' alternative would not meet the purpose and need for this proposed activity.

## II. Description of the Affected Environment

Specific environmental effects are presented in Section III.

## III. Potential Environmental Effects (If the answer to the questions below is "yes", provide comments for each checked item and where clarification is necessary.)

A. Sensitive Resources: Would the proposed action result in changes and/or disturbances to any of the following resources?

- ☐ Threatened or endangered species
- ☐ Other protected species
- ☒ Wetland/Floodplains
- ☐ Archaeological or historical resources
- ☐ Non-attainment areas

B. Regulated Substances/Activities: Would the proposed action involve any of the following regulated substances or activities?

☒ Clearing or Excavation
☐ Demolition or decommissioning
☐ Asbestos removal
☐ PCBs
☐ Chemical use or storage
☐ Pesticides
☐ Air emissions
☐ Noise that Exceeds Allowable Limits
☐ Liquid effluents
☐ Underground storage tanks
☐ Hazardous or other regulated waste (including radioactive or mixed)
☐ Radioactive exposures or radioactive emissions
☐ Radioactivation of soil or groundwater

C. Other Relevant Disclosures: Would the proposed action involve any of the following actions/disclosures?

☐ Threatened violation of ES&H permit requirements
☐ Siting/construction/major modification of waste recovery or TSD facilities
☐ Disturbance of pre-existing contamination
☒ New or modified permits
☐ Public controversy
☐ Action/involvement of another federal agency
☐ Public utilities/services
☐ Depletion of a non-renewable resource

## IV. Comments on checked items in section III.

**Clearing and Excavation**

The final project would include excavation of a combined 8800 cubic yards of topsoil and subsoil. The topsoil excavation would be used to restore the area excavated for stormwater storage and to cover the permanent stockpile of excess subsoil. The excess subsoil (approximately 6000 cubic yards) would be kept onsite in a permanent contoured stockpile blended into the topography and replanted with prairie seeding. Soil erosion and sediment control would be accomplished per the approved Storm Water Pollution Prevention Plan (SWPPP) and Soil Erosion and Sedimentation Control (SESC) plan, which would have to be reviewed by the Kane-DuPage soil and water conservation district. Measures to be used would include a temporary construction entrance, ditch checks, inlet protection, perimeter barriers and temporary cover. Permanent SESC includes riprap stabilization of slopes where water will flow, permanent prairie seeding and wetland seeding, mulch and erosion control blanket.

The maximum proposed disturbed area is 3.8 acres.

**Wetland/Floodplain and New or Modified Permits**

The project site includes wetlands, and would temporarily impact 0.815 acres of wetland, and permanently impact 0.022 acres of wetland. The site would disturb more than 1 acre. Permits required include coverage for construction site discharge under National Pollutant Discharge Elimination System (general permit through a SWPPP), a US Army Corps of Engineers (USACE) 404 permit for filling wetlands, although proposal to USACE is that temporary impacts do not require mitigation and permanent impacts are below 0.1 acres, also not requiring mitigation. The Wetland impacts trigger the need for EPA 401 water quality certification. The submittal has been made under a regional permit application to the USACE, and already reviewed by Fermi Research Alliance and the DOE Fermi Site Office. USACE approved permit LRC-2021-500 for the proposed project.

## V. NEPA Recommendation

Fermilab staff has evaluated the proposed action and believe that the following Categorical Exclusion applies. It is believed that the proposed action meets the description found in DOE's NEPA Implementation Procedures, 10 CFR 1021, Subpart D, Appendix B, as follows.

B1.33 Stormwater Run Off Control
Design, construction, and operation of control practices to reduce stormwater runoff and maintain natural hydrology. Activities include, but are not limited to, those that reduce impervious surfaces (such as vegetative practices and use of porous pavements), best management practices (such as silt fences, straw wattles, and fiber rolls), and use of green infrastructure or other low impact development practices (such as cisterns and green roofs).

B2.5 Facility Safety and Environmental Improvements
Safety and environmental improvements of a facility (including, but not limited to, replacement and upgrade of facility components) that do not result in a significant change in the expected useful life, design capacity, or function of the facility and during which operations may be suspended and then resumed. Improvements include, but are not limited to, replacement/upgrade of control valves, in-core monitoring devices, facility air filtration systems, or substation transformers or capacitors; addition of structural bracing to meet earthquake standards and/or sustain high wind loading; and replacement of aboveground or belowground tanks and related piping, provided that there is no evidence of leakage, based on testing in accordance with applicable requirements (such as 40 CFR part 265, ''Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities'' and 40 CFR part 280, ''Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks''). These actions do not include rebuilding or modifying substantial portions of a facility (such as replacing a reactor vessel).

**Fermilab NEPA Program Manager:** Teri L. Dykhuis
**Signature and Date** Teri Dykhuis Digitally signed by Teri Dykhuis Date: 2022.06.02 09:57:39 -05'00'

## VI. DOE/Fermi Site Office (FSO) NEPA Review

Based upon my review of information conveyed to me and in my possession concerning the proposed action, as NEPA Compliance Officer (as authorized under DOE Policy 451.1), I have determined that the proposed action fits within the specified class of actions, the other regulatory requirements set forth above are met, and the proposed action is hereby categorically excluded from further NEPA review.

**FSO NEPA Compliance Officer:** Rick Hersemann
**Signature and Date** RICK HERSEMANN Digitally signed by RICK HERSEMANN Date: 2022.06.02 13:43:47 -05'00'

## VII. Diagram and Photos