



North Carolina Department of Public Safety

Office of Recovery and Resiliency

Roy Cooper, Governor
Eddie M. Buffaloe, Jr., Secretary

Laura H. Hogshead, Director

PUBLIC NOTICE

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI), NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOI-RROF), AND FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN

MAXTON SEWER LIFT STATION GENERATORS FOUR EXISTING SEWER LIFT STATIONS IN MAXTON, ROBESON COUNTY, NORTH CAROLINA 28364

July 1, 2023

To: All interested Agencies, Groups and Individuals

Name of Responsible Entity and Recipient: North Carolina Office of Recovery and Resiliency (NCORR), P.O. Box 110465, Durham, NC 27709. Contact: Director Laura Hogshead (984) 833-5350.

Pursuant to 24 CFR 58.43, this combined notice of Finding of No Significant Impact (FONSI), Notice of Intent to Request Release of Funds (NOI-RROF), and Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain satisfies three separate procedural requirements for project activities proposed to be undertaken by NCORR.

Project Description: NCORR is responsible for the direct administration of the United States Department of Housing and Urban Development (HUD) Community Development Block Grant – Mitigation (CDBG-MIT) program in North Carolina. NCORR proposes to provide CDBG-MIT funding of \$688,600.00 from the Infrastructure Recovery Program to implement the Town of Maxton Sewer Lift Station Generators project (“Proposed Activity”). The Proposed Activity entails the purchase of four generator packages, including integrated diesel fuel tanks, automatic transfer switching (ATS), wiring connections, electrical panels, mounting pads, and generators and installation at four existing sewer lift stations (SLS) in Maxton. The Proposed Activity is anticipated to have a total cost of \$688,600.00. Maxton SLS No. 5 is a 0.41-acre parcel located at 303 N. Hooper Street, Maxton, NC 28364. Maxton SLS No. 7 is a 0.33-acre parcel located at 904 US 74 BUS, Maxton, NC 28364. Maxton SLS No. 10 is a 0.47 acre-parcel located at 627 NC Highway 71N, Maxton, NC 28364. Maxton SLS No. 11 is a 1.43-acre parcel located at 2074 NC

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Highway 71N, Maxton, NC 28364. SLS No. 7 is the only site where the existing fence will be extended to accommodate the generator placement. At all sites, generator equipment will be placed on concrete pads above surrounding ground elevation with SLS No. 11 improvements placed at least two feet above base flood elevation (BFE).

The State of North Carolina was adversely impacted by the landfall of Hurricanes Matthew (October 8, 2016) and Florence (September 14, 2018). Hurricane Matthew caused widespread power outages in Maxton and throughout Robeson County causing functional failures at all eleven sewer lift stations, which resulted in waste backups throughout the Town's sewer system due to the lack of auxiliary power availability at the sewer lift stations. The presence of auxiliary power capability at even four of the lift station sites would have offset the harmful effects of primary power loss; however, the Town did not have generators, either fixed or mobile, available for use, until days following the storm. These four sewer lift stations have been prioritized as sites requiring auxiliary power sources and ATS capability. The generators will provide auxiliary power at the four sewer lift stations during power outages, such as those experienced during Hurricane Matthew. Providing this critical infrastructure will ensure that sewage treatment may continue in the event of loss of primary power and alleviate severe threats to public welfare during and after future storm events.

PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN

NCORR has conducted an evaluation as required by EO 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Protection of Wetlands. The Proposed Activity will result in temporary impacts to 0.03 acres of 100-Year Floodplain and permanent impacts to 0.002 acres of 100-Year Floodplain (Zone AE). These impacts will include site preparation and installation of the ATS adjacent to the new control panel and circuit breaker equipment, 6 feet above-grade, and connected to the generator equipment set via underground conduit. The generator package and electrical panels and circuitry will be mounted on a steel frame 2 feet above BFE. The steel frame will be mounted on steel posts, anchored 4 feet below current grade. Electrical connections from the control panel and ATS equipment will be made at the terminating panels within the lift station via underground conduit, installed by directional drilling.

NCORR has considered the alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values. The Proposed Activity must be performed at the existing sewer lift stations, and project designs have been completed in accordance with agency input to minimize impacts to the floodplain, environment and community. Native plants will be used in site restoration. The Proposed Activity will comply with a Floodplain Development Permit and all applicable federal, State and local laws, regulations, and permit requirements and conditions which shall be obtained before commencing work. The main alternative is the "No Action" Alternative which is not considered feasible since the Town of Maxton would continue to experience sewage backflows and lack of sewage treatment capacity in the Town's WWTP's service area during storm events. Floodplains are beneficial by providing natural moderation of floods, surface water quality maintenance, groundwater recharge, diverse wildlife habitat, cultural resources (archaeological, historic, and recreational), and agricultural, aquacultural, and forestry resources. The Proposed Activity is occurring at regularly maintained,

mowed parcels with fenced-in sewer lift stations. Due to the previous, significant site modification including fill and development for the sewer lift station, there will be minimal impacts on the natural and beneficial functions and values of the 100-Year Floodplain at SLS No. 11. The SLS No. 11 site contains approximately 1.23 acres of 100-Year Floodplain and project activities will not result in additional fill within the 100-Year Floodplain. Overall, the functions and values associated with the impacted floodplain are limited due to site conditions (previous site modification, regular site maintenance, fencing) and the small area impacted. Thus, the Proposed Activity and site locations are the most suitable, feasible options selected by the Town of Maxton to protect its residents and community during future storm events.

Since the proposed action will modify floodplain, EO 11988 requires that the Proposed Activity not be supported if there are practicable alternatives to floodplain impacts. NCORR has reevaluated the alternatives to modification of floodplain, and has determined that it has no practicable alternative. The 8-step process has been documented in the EO 11988 Floodplain Management Determination which is available for viewing and copying as described below in Public Review.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment are given an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information and request for public comment about floodplains can facilitate and enhance federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

FINDING OF NO SIGNIFICANT IMPACT

An Environmental Assessment (EA) for the Proposed Activity has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and HUD environmental review regulations at 24 CFR Part 58. The EA is incorporated by reference into this FONSI. Subject to public comments, no further review of the Proposed Activity is anticipated. NCORR has determined that the EA for the project identified herein complies with the requirements of HUD environmental review regulations at 24 CFR Part 58. NCORR has determined that the Proposed Activity will have no significant impact on the human environment and, therefore, does not require the preparation of an environmental impact statement under NEPA.

Public Review: Public viewing of the EA (environmental review record) and EO 11988 Floodplain Management Determination is available online at <https://www.rebuild.nc.gov/about/plans-policies-reports/environmental-reviews>. Documents may also be viewed in person by appointment only at: NCORR, 200 Park Offices Drive, Durham, NC 27709. Call (984) 833-5350 to make an appointment.

Further information may be requested by writing to the above address, emailing publiccomments@rebuild.nc.gov or calling (984) 833-5350. This combined notice is being sent to individuals and groups known to be interested in these activities, local news media, appropriate local, state and federal agencies, the regional office of the U.S. Environmental Protection Agency

having jurisdiction, and the HUD Field Office, and is being published in a newspaper of general circulation in the affected community.

Public Comments on the Proposed Activity within Floodplain, FONSI and/or NOIRROF:

Any individual, group or agency may submit written comments on the Proposed Activity. The public is hereby advised to specify in their comments which “notice” their comments address. Comments should be submitted via email, in the proper format, on or before July 17, 2023 at publiccomments@rebuild.nc.gov. Written comments may also be submitted by mail, in the proper format, to be received on or before July 17, 2023, and addressed to: Laura Hogshead, Director, NCORR, ATTN: Maxton Sewer Lift Station Generators, P.O. Box 110465, Durham, NC 27709. All comments must be received on or before July 17, 2023 or they will not be considered. If modifications result from public comment, these will be made prior to proceeding with the submission of a request for release of funds.

REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION

On or after July 18, 2023, the NCORR certifying officer will submit a request and certification to HUD for the release of CDBG-MIT funds as authorized by related laws and policies for the purpose of implementing this part of the North Carolina CDBG-MIT program.

NCORR certifies to HUD that Laura Hogshead, in her capacity as Certifying Officer, consents to accept the jurisdiction of the U.S. federal courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD’s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows NCORR to use CDBG-MIT program funds.

Objection to Release of Funds: HUD will accept objections to its release of funds and NCORR’s certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later). Potential objectors may contact HUD or the NCORR Certifying Officer to verify the actual last day of the objection period.

The only permissible grounds for objections claiming a responsible entity’s non-compliance with 24 CFR Part 58 are: (a) Certification was not executed by NCORR’s Certifying Officer; (b) the responsible entity has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before HUD’s release of funds and approval of environmental certification; or (d) another federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR 58.76) and shall be addressed to Tennille Smith Parker, Director, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, U.S. Department of Housing & Urban Development, 451 7th Street SW, Washington, DC 20410, Phone: (202) 402-4649, or emailed to disaster_recovery@hud.gov.

Laura Hogshead

Certifying Officer
July 1, 2023