

PMC-ND

(1.08.09.13)

**U.S. DEPARTMENT OF ENERGY  
OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY  
NEPA DETERMINATION**



RECIPIENT: ADECA Energy Division

STATE: AL

PROJECT TITLE: Energy Revolving Loan Program-Magnolia RNG Project

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
	DE-EE00008279	GFO-0008279-001	

Based on my review of the information concerning the proposed action, as NEPA Compliance Officer (authorized under DOE Policy 451.1), I have made the following determination:

**CX, EA, EIS APPENDIX AND NUMBER:**

Description:

- A9 Information gathering, analysis, and dissemination** Information gathering (including, but not limited to, literature surveys, inventories, site visits, and audits), data analysis (including, but not limited to, computer modeling), document preparation (including, but not limited to, conceptual design, feasibility studies, and analytical energy supply and demand studies), and information dissemination (including, but not limited to, document publication and distribution, and classroom training and informational programs), but not including site characterization or environmental monitoring. (See also B3.1 of appendix B to this subpart.)
- B1.15 Support buildings** Siting, construction or modification, and operation of support buildings and support structures (including, but not limited to, trailers and prefabricated and modular buildings) within or contiguous to an already developed area (where active utilities and currently used roads are readily accessible). Covered support buildings and structures include, but are not limited to, those for office purposes; parking; cafeteria services; education and training; visitor reception; computer and data processing services; health services or recreation activities; routine maintenance activities; storage of supplies and equipment for administrative services and routine maintenance activities; security (such as security posts); fire protection; small-scale fabrication (such as machine shop activities), assembly, and testing of non-nuclear equipment or components; and similar support purposes, but exclude facilities for nuclear weapons activities and waste storage activities, such as activities covered in B1.10, B1.29, B1.35, B2.6, B6.2, B6.4, B6.5, B6.6, and B6.10 of this appendix.
- B5.5 Short pipeline segments** Construction and subsequent operation of short (generally less than 20 miles in length) pipeline segments conveying materials (such as air, brine, carbon dioxide, geothermal system fluids, hydrogen gas, natural gas, nitrogen gas, oil, produced water, steam, and water) between existing source facilities and existing receiving facilities (such as facilities for use, reuse, transportation, storage, and refining), provided that the pipeline segments are within previously disturbed or developed rights-of-way.
- B5.21 Methane gas recovery and utilization systems** The installation, modification, operation, and removal of commercially available methane gas recovery and utilization systems installed within a previously disturbed or developed area on or contiguous to an existing landfill or wastewater treatment plant that would not have the potential to cause a significant increase in the quantity or rate of air emissions. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide funding to the State of Alabama through their financing program AlabamaSAVES to build and operate a gas upgrading system at the Magnolia Sanitary Landfill located in Summerdale, Alabama. Additional funding for the project is anticipated by the U.S. Department of Agriculture (USDA). The proposed USDA funding for the project would exceed the DOE funding. Under the USDA funding, a Phase I Environmental Site Assessment and an Environmental Report were created and used as the basis for the DOE review under the National Environmental Policy Act (NEPA). The USDA determined the proposed activities for the project do not individually or cumulatively have a significant effect on the human environment, and therefore was excluded from further NEPA review, with a Categorical Exclusion that was signed on July 31, 2020.

The proposed project would take the existing landfill gas (LFG) currently being generated at the Magnolia Landfill and remove organic contaminants (such as siloxane, sulfides, and carbon dioxides) to condition the LFG for resell as renewable natural gas (RNG). The proposed facility would remove the contaminants through a membrane scrubbing process to generate approximately 240,000 MMBtu per year of RNG. Currently, the LFG is captured, dewatered, and flared by a gas collection system.

Project activities would include the construction of a 14,040 sq. foot metal building on a concrete slab located within the existing 96-acre Magnolia Landfill. The building would be adjacent to the existing gas dewatering and flaring

facility on the eastern side of the landfill. The site was graded flat when the landfill was constructed, and does not have any trees in the area where the facility would be built. The proposed building would be comprised of a 2,040 sq. foot administrative area with two offices, a restroom, a storage room, a conference room and a reception area. A 12,000 sq. foot equipment room would house the five pieces of equipment. An air conditioning unit would be placed adjacent to the building on a 10 ft. by 8 ft. compacted gravel area. An approximate 10,000 sq. ft. paved driveway with a security gate would be installed and be connected to fencing which would encompass the building. All necessary utilities (electricity, water and sewer) are accessible onsite, and would not require additional improvements beyond the required connections.

A 2.3 mile transmission pipeline would be installed to transport the RNG from the proposed building at the Magnolia Landfill to an existing local natural gas pipeline. The interconnect point and the entire length of the pipeline would be within an existing right of way and easement. All trenching associated with the pipeline would be approximately two feet wide by three feet deep and all disturbed land would be backfilled, compacted and restored to its previous condition.

An official species list obtained from the U.S. Fish and Wildlife Service Information, Planning and Conservation (IPaC) system identifies five federally listed threatened or endangered species in Baldwin County with potential to occur near the project area: West Indian Manatees, the Wood Stork, the Alabama Red-bellied Turtle, Eastern Indigo Snake, and the Atlantic Sturgeon. The project site would not provide the necessary habitat for any of these species due to a lack of aquatic environments, wetlands, or xeric soils. Therefore, impacts to these species are not anticipated. IPaC also lists nine migratory bird species that are of conservation concern and may potentially be within the project site, they include: Blue-winged Warbler, Cerulean Warbler, Eastern Whip-poor-will, Kentucky Warbler, Prairie Warbler, Red-headed Woodpecker, Rusty Blackbird, and the Wood Thrush. These migratory birds are not expected as the project site does not include the preferred habitat conditions due to a lack of tree nesting and ground nesting sites. The site does not include any trees and the land is actively managed with regular cutting of the grass. Additionally, IPaC notes that Bald and Golden Eagles could be in the project area, but suitable habitat including tall, large diameter trees or foraging areas near large, open expanses of water are not present for Bald and Golden Eagles. The Gopher Tortoise is a candidate species that could be near the project site, however the preferred habitat of pine forests with deep, well drained soils and an open understory does not exist at the proposed site. Considering all project activities would occur on already disturbed lands that are not suitable habitat for these species, DOE has determined that this project will have no effect on any special status species of concern.

The project would convert approximately 0.9 acres of prime farmland to non-agricultural use so a Farmland Conversion Impact Rating form (AD-1006) was used to determine the impact of the conversion. The relative value of the farmland was rated at 84 with a site assessment value of 37 (121 total). Sites receiving a total score of less than 160 need not be given further consideration for protection and no additional sites need to be evaluated. Based on the AD-1006 rating, the USDA determined, and DOE agrees, that no further consideration for the protection of Farmland of Statewide Importance is required.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) (effective 4/19/2019), the location of the proposed building is determined to be Zone X, which is outside of the 100-year floodplain.

The project site is not located in any Nonattainment or Maintenance Areas for the six criteria pollutants (carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter and sulfur dioxide) and is therefore currently in conformance with the State Implementation Plan for air quality. The construction of the proposed facility and gas pipeline would have minimal increase in short term air emissions during construction. The proposed facility would divert 176,475 MMBtu of LFG per year from flaring at the Magnolia Landfill. Total plant emissions would be far below all EPA air emission thresholds as it would produce ultra-low emissions and offsets of carbon dioxide by avoiding the use of fossil fuels and therefore, the project is considered to have a neutral carbon footprint. Air emissions would be monitored, and the proposed facility would be operated in accordance with all applicable air quality permits. An engineering firm would be hired to obtain all the necessary federal, state and county air permits prior to operation. The operation of the facility would adhere to all federal, state and local emission standards and permit requirements; therefore, adverse effects on air quality are not anticipated.

There would be a temporary increase in noise levels during construction; however, noise levels are not anticipated to be excessive and would comply with all applicable regulations. Nearby residents would not be significantly impacted by facility operations as the closest residential property is located more than 500 feet southeast and noise levels associated with the operation of the proposed facility are not anticipated to be greater than the noise already being produced by landfill operations. Noise levels are not anticipated to be excessive and would comply with all applicable regulations.

DOE concurs with the Alabama State Historic Preservation Office (SHPO) that the proposed project would have no effect on cultural resources eligible for or listed on the National Register of Historic Places. Under the DOE PA, the recipient consulted with the SHPO. The SHPO responded, "If archaeological materials are encountered during

construction, the procedures codified at 36 CFR 80.0, I 3(b) will apply. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal, and glass objects. The recipient should contact the Alabama Historical Commission office immediately. If human remains are encountered, the provisions of the Alabama Burial Act (Code of Alabama 1975, § I 3A-7-23.1, as amended; Alabama Historical Commission Administrative Code Chapter 460-X-10 Burials) should be followed.”

While the project site does not include any tribal land, six tribal nations were identified as having a possible interest in the project site. The following tribes were contacted: Mississippi Band of Choctaw Indians, Choctaw Nation of Oklahoma, Coushatta Tribe of Louisiana, Alabama-Quassarte Tribal Town, Alabama-Coushatta Tribe of Texas, and the Muscogee (Creek) Nation. Only the Muscogee (Creek) Nation responded, “...the Muscogee Nation is unaware of any Muscogee sacred sites, burial grounds, or significant cultural resources located within the immediate project area. The Muscogee Nation concurs that there should be no effects to any known historic properties and that work should continue as planned. However, due to the historic presence of Muscogee people in the project area, inadvertent discoveries of human remains and related NAGPRA items (Native American Graves Protection and Repatriation Act which includes funerary objects, sacred objects, or objects of cultural patrimony) may occur, even in areas of existing or prior development. Should this occur, the Muscogee (Creek) Nation requests that all work cease and our office as well as other appropriate agencies be notified immediately.”

## NEPA PROVISION

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

If during project activities any cultural materials (i.e. historic or prehistoric) are discovered, the Recipient and/or its assignees must stop work immediately and inform the Alabama Historical Commission of the discovery so that an evaluation of the discovery can be completed prior to continuing work. If any discovery includes human remains and/or related Native American Graves Protection and Repatriation Act (NAGPRA) items such as funerary objects, sacred objects, or objects of cultural patrimony; the Recipient and/or its assignees must also notify all interested Tribes as well as any other appropriate agency.

Notes:

Weatherization & Intergovernmental Programs Office - SEP  
This NEPA Determination requires a tailored NEPA provision.  
NEPA review completed by Diana Heyder, 9/25/20

## FOR CATEGORICAL EXCLUSION DETERMINATIONS

The proposed action (or the part of the proposal defined in the Rationale above) fits within a class of actions that is listed in Appendix A or B to 10 CFR Part 1021, Subpart D. To fit within the classes of actions listed in 10 CFR Part 1021, Subpart D, Appendix B, a proposal must be one that would not: (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders; (2) require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions or facilities; (3) disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases; (4) have the potential to cause significant impacts on environmentally sensitive resources, including, but not limited to, those listed in paragraph B(4) of 10 CFR Part 1021, Subpart D, Appendix B; (5) involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those listed in paragraph B(5) of 10 CFR Part 1021, Subpart D, Appendix B.

There are no extraordinary circumstances related to the proposed action that may affect the significance of the environmental effects of the proposal.

The proposed action has not been segmented to meet the definition of a categorical exclusion. This proposal is not connected to other actions with potentially significant impacts (40 CFR 1508.25(a)(1)), is not related to other actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.27(b)(7)), and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211 concerning limitations on actions during preparation of an environmental impact statement.

The proposed action is categorically excluded from further NEPA review.

**SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.**

NEPA Compliance Officer Signature: \_\_\_\_\_



**Electronically Signed By: Casey Strickland**

NEPA Compliance Officer

Date: 9/28/2020

**FIELD OFFICE MANAGER DETERMINATION**

- Field Office Manager review not required
- Field Office Manager review required

**BASED ON MY REVIEW I CONCUR WITH THE DETERMINATION OF THE NCO :**

Field Office Manager's Signature: \_\_\_\_\_

Field Office Manager

Date: \_\_\_\_\_