

Draft Environmental Assessment
Neodesha Swimming Pool

City of Neodesha

Wilson County, Kansas

FEMA-1711-DR-KS

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FEMA

U.S. Department of Homeland Security
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CITY OF NEODESHA
SWIMMING POOL
WILSON COUNTY, KANSAS

DRAFT
ENVIRONMENTAL ASSESSMENT

U.S. DEPARTMENT OF HOMELAND SECURITY
9221 WARD PARKWAY, SUITE 300
KANSAS CITY, MO 64114-3372
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Abbreviations and Acronyms

CFR	Code of Federal Regulations
CO	carbon monoxide
EA	Environmental Assessment
EIS	Environmental Impact Statement
ESA	Environmental Site Assessment
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
KDHE	Kansas Department of Health and Environment
KDWP	Kansas Department of Wildlife and Parks
KSDE	Kansas State Department of Education
NAAQS	National Ambient Air Quality Standards
NFIP	National Flood Insurance Program
NEPA	National Environmental Policy Act of 1969
NHPA	National Historic Preservation Act
NO ₂	nitrogen dioxide
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
O ₃	ozone
PCB	polychlorinated biphenyls
pCi/L	picoCuries per liter
PM ₁₀	particulate matter with a diameter less than or equal to 10 micrometers
RCRA	Resource Conservation and Recovery Act
SHPO	State Historic Preservation Officer
SO ₂	sulfur dioxide
SWP2	Stormwater Pollution Prevention
USACE	U.S. Army Corps of Engineers
USCB	U.S. Census Bureau
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey

1.0 INTRODUCTION

As a result of severe storms, flooding and tornadoes in Kansas between June 30 and July 2, 2007, a major disaster was declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5206 (the Stafford Act). The disaster was designated as FEMA-1711-DR. One of the events that occurred during the disaster period was flooding that damaged portions of the City of Neodesha, Kansas, including the Neodesha public swimming pool.

As a result of damage sustained from the flooding, the City of Neodesha has applied for funding under the Public Assistance Program administered by the Federal Emergency Management Agency (FEMA). In accordance with the Stafford Act, FEMA is required to review the environmental effects of the proposed action prior to making a funding decision. In accordance with 44 Code of Federal Regulations (CFR) Part 10, FEMA has prepared this environmental assessment to meet the requirements of the National Environmental Policy Act of 1969 (NEPA) and the Council on Environmental Quality's implementing regulations at 40 CFR Parts 1500-1508. The purpose of this environmental assessment is to analyze and assess the potential environmental impacts associated with the proposed action.

2.0 PURPOSE AND NEED

The original City of Neodesha swimming pool was substantially damaged by the severe flooding event in the summer of 2007. A damage assessment indicated the structure to be more than 50 percent damaged and therefore eligible for replacement. The original swimming pool facility was constructed in the 1940s and was contaminated when flood waters carrying sewage and mud entered the pool filter systems. The electrical equipment was located in close proximity to the filter systems and also sustained extensive damage. The current situation has left the community of Neodesha without a functioning community pool used for exercise and recreation purposes.

The purpose of the proposed action is to replace the damaged swimming pool with a new facility so that the City of Neodesha can provide a new swimming pool for the community.

3.0 ALTERNATIVES

3.1 ALTERNATIVES CONSIDERED AND DISMISSED

One option for the reconstruction of the Neodesha swimming pool was to rebuild on the site of the former (currently damaged) pool facility. This option was considered but dismissed due to the presence of ground water contamination at the site, and the fact that there is a natural spring beneath the current swimming pool. Another reason for not rebuilding onsite is that the current location is in the 100-year floodplain. The Neodesha Swimming Pool Task Force, along with FEMA, determined that the most cost effective solution would be to rebuild the pool facility on a new site.

3.2 NO ACTION

The No Action alternative would not reconstruct the City of Neodesha swimming pool. Under this scenario, the community of Neodesha would not have a safe public facility to use for exercise, recreational swimming, and community meetings. The nature of the current swimming pool does not provide a suitable long-term solution to the need for a new, functional pool facility for the City of Neodesha.

3.3 PROPOSED ACTION

The new Neodesha swimming pool would be a 170,000 gallon pool that would be located on a 1.4 acre tract in north Neodesha. This site was chosen because it was the only available tract outside of the 100-year floodplain, with no groundwater contamination present, large enough to accommodate the proposed project, and within the Neodesha city limits. The proposed project would include the pool itself, men and women's dressing rooms and restrooms, a waterslide, an interactive play feature, and a drop off area. *Figure 1* shows the property of the planned facilities on an aerial image. The construction of the new facility would consist of site preparation (grading and/or excavation) and construction of the pool, buildings, and paved areas.



4.0 AFFECTED ENVIRONMENT AND IMPACTS

The following table summarizes the potential impacts of the proposed action, and identifies mitigation measures to minimize those impacts, where appropriate. Following the summary table, each environmental resource area is evaluated in greater detail.

Table 1
Affected Environment and Impacts Summary

Affected Environment	Impacts	Mitigation
Geology, Soils and Seismicity	The proposed project would cause some disturbance of the shallow soils and surficial geology as part of the site preparation work. Since the site is relatively flat/gently rolling, the grading needed at the site would be minor. In general, effects to geology and soils would be minor and temporary in nature.	Exposed soils could be subject to erosion, therefore, silt fence and/or other storm water runoff best management practices would be utilized during construction.
Waters of the U.S. including Wetlands	The proposed project would not impact waters of the U.S., including wetlands, and therefore would not require a section 404 permit. There are no navigable waters in the area; therefore, Section 10 of the Rivers and Harbors Act of 1899 does not apply.	N/A
Floodplains	The proposed action is not located in a floodplain.	N/A
Water Quality	The proposed action would disturb more than one acre, therefore would require a construction stormwater general permit from the KDHE.	The primary requirement of the general permit is for the contractor or permittee to develop and implement a Stormwater Pollution Prevention Plan.
Flora and Fauna	The construction of the proposed action would result in clearing of approximately two acres of maintained vegetation. The effects to wildlife are expected to be minimal and temporary in nature.	N/A
Threatened and Endangered Species	The proposed project would have no effect on threatened and endangered species.	N/A
Migratory Birds	No adverse impacts are expected to migratory birds	N/A
Cultural Resources	Coordination with the State Historic Preservation Officer concluded that the proposed project “would not adversely affect any property listed or eligible for listing on the National Register of Historic Places.”	N/A

Affected Environment	Impacts	Mitigation
Socioeconomic Resources	The construction of the new swimming pool would provide the community of Neodesha with recreation and fitness opportunities. In addition, the construction of the proposed project is expected to create jobs in the short term.	N/A
E.O. 12898 - Environmental Justice	Benefits of the proposed new swimming pool would be equally received by all residents of Neodesha. Construction of the proposed project would not have an adverse effect on minority or low-income populations.	N/A
Hazardous Materials	Based on the information obtained for this study, there is currently no obvious evidence of potential environmental degradation within the project limits.	The contractor will take appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction staging area.
Noise	The proposed action would result in a slight increase in noise during the construction of the swimming pool. The increase in noise is expected to be a minor and short term. No permanent changes to noise levels in the area are expected to be associated with the proposed project.	N/A
Air Quality	Pollutant emissions from construction equipment may result in minor, temporary effects to air quality in the area immediately surrounding the construction activity. Vehicular exhaust emissions would be produced by the operation of diesel engines and other construction equipment. These effects would be localized and of short duration.	The contractor will be required to keep all equipment in good working order to minimize air pollution.
Public Health and Safety	The construction of the proposed project is expected to follow all applicable federal, state, and local safety laws and guidelines. No adverse effects to the health and safety of Neodesha residents, employees, and others associated with the project are expected.	N/A
Traffic, Circulation, Volume, and Parking Access	Construction personnel and equipment would require access to the site, which would temporarily increase traffic in the project area. There would be no adverse or long term impacts to the transportation system.	N/A

4.1 GEOLOGY

4.1.1 Geology, Soils and Seismicity

Wilson County is located in the physiographic region known as the Osage Cuestas of south-east Kansas. This region occupies all of eastern Kansas south of the Kansas River. It is characterized by a series of east-facing ridges (or escarpments), between which are flat to gently rolling plains. The Osage Cuestas is underlain by Pennsylvanian-age limestones and shales that dip gently to the west and northwest. Review of the *Map of*

Surficial Geology of Kansas, indicates that the bedrock underlying the project area is mapped as the Kansas City Group and the Lansing Group, which consists of seven different shale and limestone formations.

Survey of Wilson County, Kansas, indicates the soils mapped in the project area are within the Dennis and Woodson Soil Association. In general, this association consists of moderately to poorly well-drained soils that occur on nearly level to moderately steep uplands. Specifically, the main soils mapped across the majority of the project area include, Dennis silt loam, 1 to 3 percent slopes, and Woodson silt loam, 0 to 1 percent slopes (NRCS 2008).

The Farmland Protection Policy Act (FPPA) (P.L. 97-98, Sec. 1539-1549; 7 U.S. Code 4201, et seq.) was enacted to minimize the unnecessary conversion of farmland to non-agricultural uses as a result of federal actions. The Natural Resources Conservation Service (NRCS) is responsible for protecting significant agricultural lands from irreversible conversions that result in the loss of an essential food or environmental resource. Prime farmland is characterized as land with the best physical and chemical characteristics for the production of food, feed, forage, fiber, and oilseed crops. This land is either used for food or fiber crops or is available for those crops, but is not urban, built-up land, or water areas. Unique farmland is land other than prime farmland that is used for production of specific high-value food and fiber crops, such as citrus, olives, cranberries, and other fruits and vegetables. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed according to acceptable farming methods. There are two soil map units present on the new swimming pool site, both map units are considered prime farmland by NRCS (USDA 2009). These two map units are Dennis silt loam, 1 to 3 percent slope and Woodson silt loam, 0 to 1 percent slope. Farmland does not include previously developed land found in urban development areas. Urbanized areas include land with a density of 30 structures per 40 acres; therefore, coordination with NRCS is not required for the new swimming pool because the two soil map units are on previously disturbed land that is considered to be part of an urban development area.

Alternative A – No Action: The No Action alternative would no have any impact on the soils or geology of the area.

Alternative B – Build New Swimming Pool: Construction of a new swimming pool at the site would cause some disturbance of the shallow soils and surficial geology as part of the site preparation work. Since the site is relatively flat/gently rolling, the grading needed at the site would be minor. Exposed soils could be subject to erosion, therefore, silt fence and/or other storm water runoff best management practices would be utilized during construction. In general, effects to geology and soils would be minor and temporary in nature. The contractor, design engineer and architect would as required by E.O. 12699 follow appropriate seismic design and construction standards and practices. Since the prime farmland soils on the site are found in an urbanized area, coordination with NRCS under the FPPA was not required.

4.2 WATER RESOURCES

4.2.1 Waters of the United States Including Wetlands

The U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged or fill material into waters of the U.S., including wetlands, pursuant to Section 404 of the Clean Water Act. Wetlands are identified as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. In addition, Executive Order 11990 (Protection of Wetlands) directs federal agencies to take actions to minimize the destruction, loss, or degradation of wetlands and to preserve and

enhance the natural and beneficial values of wetlands on federal property. A site visit was performed by a qualified wetland specialist to identify potential waters of the U.S., including wetlands, on or adjacent to the proposed project site.

Alternative A – No Action: The No Action alternative would have no effect on wetlands or other waters of the U.S. and would not require a Section 404 permit.

Alternative B – Build New Swimming Pool: An onsite review of the project location did not find any potential areas meeting the definition of waters of the U.S., including wetlands, and would not require a Section 404 permit.

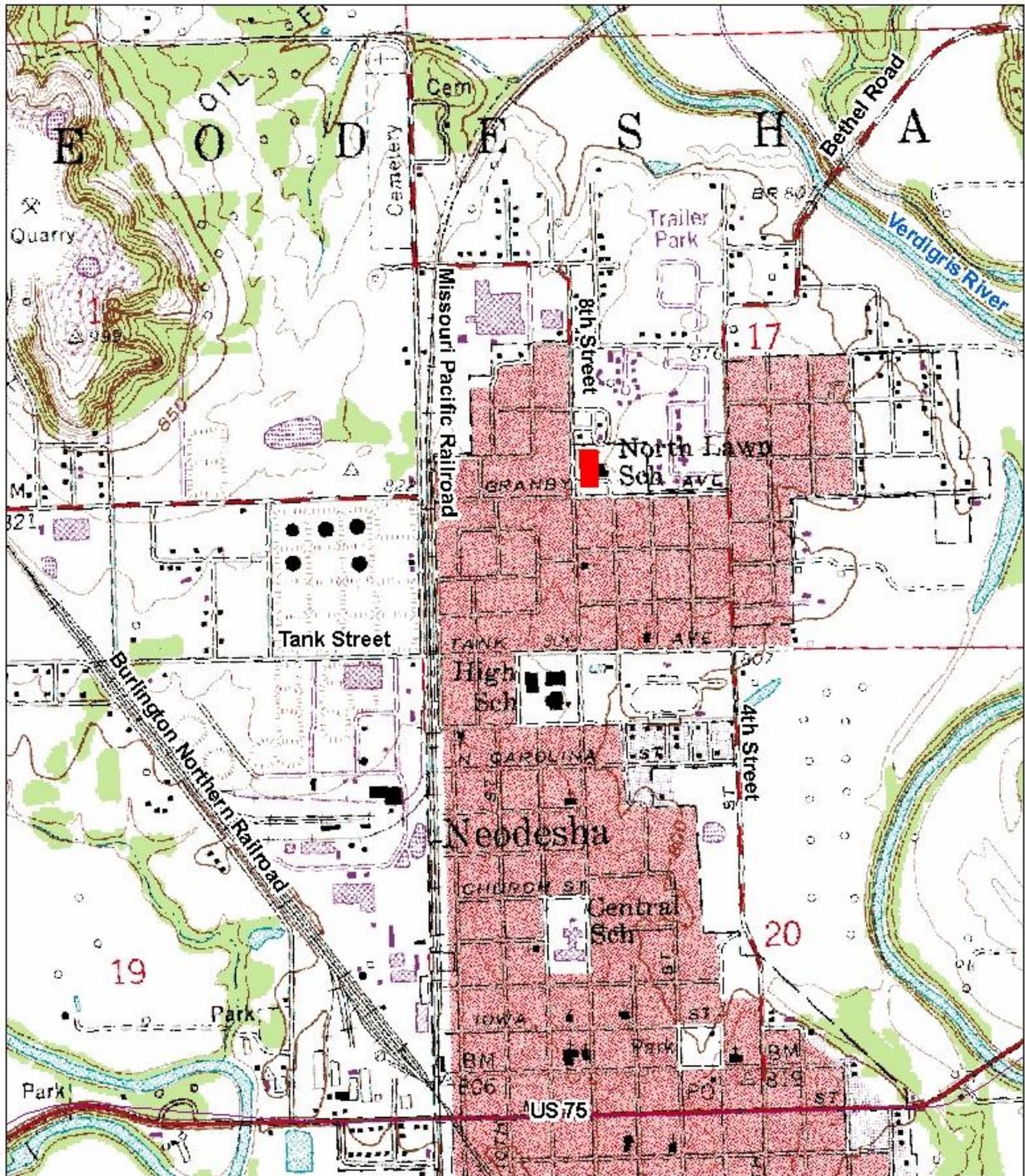
4.2.2 Floodplains

Floodplains generally refer to 100-year floodplains as set by FEMA and are delineated on Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps for all communities that are members of the National Flood Insurance Program (NFIP). The City of Neodesha and Wilson County are participants in the NFIP.

Executive Order 11988 (Floodplain Management) requires federal agencies to avoid or minimize development in the floodplain except when there are no practicable alternatives. According to the NFIP Flood Insurance Rate Map for Wilson County Incorporated and Unincorporated Areas (Map Number 2003590001B), the proposed project site is not located within a 100 or 500 year floodplain.

Alternative A – No Action: The No Action alternative would not result in impacts to the 100 or 500 year floodplain.

Alternative B – Build New Swimming Pool: Since the proposed project site is not located within a designated floodplain, construction of the proposed swimming pool would have no impact on the floodplain and does not require a review under Executive Order 11988.



Source: USGS Topographic Map, 1975



FIGURE 2
USGS TOPOGRAPHIC MAP
CITY OF NEODESHA SWIMMING POOL
NEODESHA, KANSAS

AECOM

4.2.3 Water Quality

The Kansas Department of Health and Environment (KDHE) is responsible for administering the state's stormwater management program. The Kansas stormwater program is closely modeled after the federal National Pollutant Discharge Elimination System (NPDES) program, which requires stormwater be treated to the maximum extent practicable. Owners or operators of any project or combination of projects who engage in construction activities which will disturb one or more acres must have authorization to discharge stormwater runoff under the construction stormwater general permit S-MCST-0701-1.

Alternative A – No Action: The No Action alternative would have no effect water quality.

Alternative B – Build New Swimming Pool: The proposed action would have no adverse impacts to ground or surface water quality. The proposed action would disturb more than one acre, therefore would require a construction stormwater general permit from the KDHE. The primary requirement of the general permit is for the contractor or permittee to develop and implement a Stormwater Pollution Prevention (SWP2) plan. When the project is complete and final stabilization of the site has been achieved, the contractor must notify KDHE to terminate the authorization to discharge stormwater runoff.

4.3 BIOLOGICAL RESOURCES

4.3.1 Flora and Fauna

According to the Ecoregions of Nebraska and Kansas, the project area is located in the Osage Cuestas region Central Irregular Plains ecoregion (Chapman 2001). This region is a gently undulating cuesta plain. Natural vegetation ranges from a mosaic of mostly tall grass prairie in the west to a mixture of tall grass prairie and oak-hickory forest in the east, with floodplain forests along streams. The moist, silty clay loams are formed in material weathered from limestone and shale, and support a composite land use made up of woodlands and grassland/rangeland.

The project area is located on previously disturbed urban land currently used for open space at the adjacent school. It consists primarily of upland grasses. The herbaceous community is dominated by Bermuda grass.

Wildlife occurring in the project area is expected to be typical of urban locations within south-central Kansas.

The Fish and Wildlife Coordination Act was enacted to protect fish and wildlife when federal actions result in control or modification of a natural stream or body of water. No streams or other water bodies would be controlled or modified as a result of the proposed action; therefore, the Fish and Wildlife Coordination Act is not applicable.

Alternative A – No Action: The No Action alternative would have no effect on the flora and fauna.

Alternative B – Build New Swimming Pool: The construction of the proposed action would result in clearing of approximately two acres of vegetation. The effects to wildlife are expected to be minimal and temporary in nature.

4.3.2 Threatened and Endangered Species

The Endangered Species Act of 1973 provides for the protection of all listed threatened and endangered species from take defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct." Harm is further defined by U.S. Fish and Wildlife Service (USFWS) to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering. Harass is defined by the USFWS as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering.

Rare species protection was implemented within the State of Kansas by the Kansas Nongame and Endangered Species Act of 1975. This act provided the state authority to define and list endangered and threatened species. Endangered species are any species of wildlife whose continued existence as a viable component of the state's wild fauna is determined to be in jeopardy. Threatened species are any species of wildlife that appear likely, within the foreseeable future, to become an endangered species. These designations protect the animal from commercial or personal possession. The law also gives authority to the Kansas Department of Wildlife and Parks to review projects requiring a state or federal permit or those funded by tax revenues. This process is designed to safeguard listed wildlife.

The USFWS lists one species as endangered in Wilson County, the American Burying Beetle (*Nicrophorus americanus*) and one candidate species, the Neosho Mucket Mussel (*Lampsilis rafinesqueana*) (USFWS 2008). The KDWP lists the following seven species as endangered in Wilson County: American Burying Beetle, Eskimo Curlew (*Numenius borealis*), Eastern Spotted Skunk (*Spilogale putorius*), Least Tern (*Sterna antillarum*), Neosho Mucket Mussel, Peregrine Falcon (*Falco peregrinus*), Rabbitfoot Mussel (*Quadrula cylindrica*), Western Fanshell Mussel (*Cyprogenia aberti*); and the following eight species as threatened in Wilson County: Bald Eagle (*Haliaeetus leucocephalus*), Butterfly Mussel (*Ellipsaria lineolata*), Common Map Turtle (*Graptemys geographica*), Flutedshell Mussel (*Lasmigonia costata*), Ouachita Kidneyshell Mussel (*Ptychobranchnus occidentalis*), Piping Plover (*Charadrius melodus*), and the Snowy Plover (*Charadrius alexandrinus*) (KDWP 2009).

**Table 2
Federal and State Listed Threatened/ Endangered Species in Wilson County, Kansas**

Common Name	USFWS Status	KDWP Status	Comments
American Burying Beetle	Endangered	Endangered	State Designated Critical Habitat; however, the project area does not contain potential habitat for this species
Bald Eagle	–	Threatened	Migratory/ Transient Species
Butterfly Mussel	–	Threatened	State Designated Critical Habitat in Wilson County, however only on the main stem of the Verdigris River
Common Map Turtle	–	Threatened	Known historic range; habitat includes creeks, rivers, oxbows and lakes' the project area does not contain any bodies of water
Eastern Spotted Skunk	–	Threatened	State Designated Critical Habitat; the project area does not contain potential habitat for this species

Common Name	USFWS Status	KDWP Status	Comments
Eskimo Curlew	–	Endangered	Migratory/ Transient Species
Flutedshell Mussel	–	Threatened	Probable Historic Range; the project area does not contain any bodies of water
Least Tern	–	Endangered	Migratory/ Transient Species
Neosho Mucket Mussel	Candidate	Endangered	State Designated Critical Habitat within the Fall River which does not run in the project area
Ouachita Kidneyshell Mussel	–	Threatened	State Designated Critical Habitat in Wilson County, however only on the main stem of the Verdigris River
Peregrine Falcon	–	Endangered	Migratory/ Transient Species
Piping Plover	–	Threatened	Migratory/ Transient Species
Rabbitfoot Mussel	–	Endangered	State Designated Critical Habitat in Wilson County, however only on the main stem of the Verdigris River
Snowy Plover	–	Threatened	Migratory/ Transient Species
Western Fanshell Mussel	–	Endangered	State Designated Critical Habitat within the Fall River which does not run through our project area

Sources: USFWS 2008, KDWP 2009a, KDWP 2009b

Alternative A – No Action: The No Action alternative would have no effect on threatened or endangered species.

Alternative B – Build New Swimming Pool: Both the KDWP and USFWS lists of endangered, threatened, proposed and candidate species for Wilson County were reviewed on March 2, 2009 and a field visit of the project area occurred on March 11, 2009. If any of the avian species defined above as migratory/ transient were to occur in the project area they would likely be transitory, due to the lack of the vegetation or landscapes typically used for resting or feeding present in the project area. The proposed action would have no effect on threatened and endangered species.

4.3.3 Migratory Birds

The Migratory Bird Treaty Act provides that it is unlawful for anyone to kill, capture, collect, possess, buy, sell, trade, ship, import or export, any migratory bird, or part, or nest or egg thereof, unless they first obtain an appropriate Federal Permit, issued pursuant to the Migratory Bird Treaty Act regulations, authorizing such activity.

Alternative A – No Action: The No Action alternative would have no effect on migratory birds.

Alternative B – Build New Swimming Pool: No adverse impacts are expected to migratory birds.

4.4 CULTURAL RESOURCES

In addition to review under NEPA, consideration of impacts to cultural resources is mandated under Section 106 of the National Historic Preservation Act, as amended and as implemented by 36 CFR Part 800. Requirements include the need to identify significant historic properties that may be impacted by the proposed action or alternatives within the project's area of potential effect. Historic properties are defined as

archeological sites, standing structures, or other historic resources listed in or determined eligible for listing in the National Register of Historic Places. If adverse effects on historic, archeological, or cultural properties are identified, then agencies must consider effects of their activities and attempt to avoid, minimize, or mitigate the impacts to these resources.

Alternative A – No Action: The No Action alternative would have no effect on cultural resources in the area.

Alternative B – Build New Swimming Pool: Coordination with the State Historic Preservation Officer (SHPO) concluded that the proposed project would have concluded that the proposed project “would not adversely affect any property listed or eligible for listing on the National Register of Historic Places” (see letter in *Appendix A*). However, if artifacts or other potential historic materials are discovered during construction, work would be suspended and the applicant would contact the Kansas State Historic Preservation Officer and the FEMA Regional Environmental Officer.

4.5 SOCIOECONOMIC RESOURCES

The City of Neodesha, population 2,848 and per capita income of \$26,042, is located in Wilson County (USCB 2000). According to the U.S. Census Bureau, Wilson County has a population of 10,332 and a per capita income of \$29,747. The primary industries in Wilson County are related to agriculture.

According to *Census 2000*, 96.5 percent of the population in the City of Neodesha is white; 2.1 percent is Hispanic or Latino; less than 1 percent black or African American; less than 1 percent Asian; less than 1 percent two or more races; and less than 1 percent some other race. In Wilson County 98.9 percent of the population is white; 1.1 percent is Hispanic or Latino; 1 percent two or more races; less than 1 percent is black or African American; less than 1 percent Asian; and less than 1 percent some other race (USCB 2000).

Alternative A – No Action: The No Action alternative would have no effect on socioeconomic resources in the area.

Alternative B – Build New Swimming Pool: Currently, the City of Neodesha Swimming pool is not functional because of flood damage to its treatment area in the basement of the pool. Construction of the proposed swimming pool would allow for all residents in Neodesha the use of the swimming pool for recreational and exercise purposes. All residents are expected to benefit from the construction of the swimming pool. In addition, the construction of the new swimming pool is expected to create jobs for managers, lifeguards, and construction activities in the short term.

4.5.1 Executive Order 12898, Environmental Justice

On February 11, 1994, President Clinton signed Executive Order 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”. The Executive Order directs federal agencies to focus attention on human health and environmental conditions in minority and/or low-income communities. The Executive Order’s goals are to achieve environmental justice, fostering non-discrimination in federal programs that substantially affect human health or the environment. It also requires that agencies identify and address, as appropriate, disproportionately high and adverse human health or environmental effects on its programs, policies, and activities on minority populations and low-income populations in the United States.

Alternative A – No Action: The No Action alternative would not have disproportionate impacts on minority or low-income populations in the City of Neodesha or Wilson County.

Alternative B – Build New Swimming Pool: Benefits of the new swimming pool would be equally received by all residents of the City of Neodesha. Construction of the proposed project would not have an adverse effect on minority or low-income populations.

4.6 HAZARDOUS MATERIALS

Hazardous wastes, as defined by the Resource Conservation and Recovery Act (RCRA), are defined as “a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may; (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or; (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed.” Hazardous materials and wastes are regulated in Kansas by a combination of federal laws and state laws. Federal regulations governing the assessment and disposal of hazardous wastes include RCRA, the RCRA Hazardous and Solid Waste Amendments, Comprehensive Environmental Response, Compensation and Liability Act, Solid Waste Act, and Toxic Substances Control Act.

A review of selected regulatory environmental databases published by federal and state agencies was conducted via the internet to determine the potential for environmental degradation in the project limits. In addition, a windshield survey of the project limits was conducted to confirm the location of listed regulatory facilities, and to observe the general environmental conditions at any listed sites within the project limits.

The environmental databases provide information on regulated facilities that are listed as having a past or present record of actual or potential environmental impact. The listings are limited and include only those sites that are known to the regulatory agencies at the time of publication to be contaminated or in the process of evaluation for potential contamination. The following is a list of the federal and state databases that were reviewed;

- Environmental Protection Agency (EPA) Envirofacts Multisystem
- EPA National Priorities List (NPL)
- KDHE Solid Waste Facilities Database
- KDHE Petroleum Storage Tank (PST) List
- KDHE Leaking Petroleum Storage Tank (LPST) List; and
- KDHE Identified Sites List (ISL).

The EPA Envirofacts Multisystem database is composed of the Permit Compliance System; Toxics Release Inventory (TRI) System; Resource Conservation and Recovery Act (RCRA) Information; Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS); and the Aerometric Information Retrieval System (AIRS). The above databases and lists were searched by county, city, zip code, and/or street name. Based on the regulatory database review, several regulated facilities of potential environmental concern were identified within one-half mile radius of the project limits. Information regarding these facilities is summarized below in *Table 3*.

Table 3
Summary of Hazardous Material Sites

Facility Name	Facility Address	Status/Comments
KDHE – Identified Sites List (ISL)		
Neodesha Refinery (former Amoco Refinery)	Grandby Ave. and 12 th Street Neodesha, Kansas	Site status listed as Active. Offsite migration of impacted groundwater documented on residential and industrial properties in Neodesha.
Bently Garnet Care	Tank Ave. and 8 th Street Neodesha, Kansas	Site status listed as Active. Chemicals of concern above health-based guidelines detected at site. Remediation activities on-going at facility.

Additional information regarding the Neodesha Refinery was obtained from the KDHE to determine the potential for environmental degradation in the project area due to past practices of the refinery. Review of available information indicated that the Standard Oil Company (later Amoco Oil) owned and operated the refinery from about 1897 to 1970. The former refinery processed up to 30,000 barrels of crude oil a day. Over time, contaminated groundwater is reported to have migrated offsite onto residential, commercial and industrial properties into the City of Neodesha. Contaminants present at the former refinery site include volatile organic compounds, semi-volatile organic compounds, and a number of heavy metals including lead and arsenic. The groundwater contamination plume is reported to have two distinct lobes, one under the former refinery site and a second that extends to the east.

Site investigations and corrective action have been implemented at the refinery site beginning in about 1990 with additional sampling, monitoring, remediation and cleanup activities ongoing to date. Mr. Chris Carey, Project Manager with the KDHE, Bureau of Environmental Remediation, was interviewed regarding the former Amoco Refinery. Mr. Carey indicated that the most recent groundwater monitoring report available for the former refinery (from April 2008) indicates that the groundwater contamination plume does not currently extend or underlie the subject property. The second facility of potential environmental concern includes a dry cleaning establishment located approximately 1,000 feet to the south of the proposed swimming pool location. Volatile organic compounds were initially detected at this facility in 1997 and remediation and groundwater monitoring activities are currently on-going at this facility. Mr. Ryan Weiser, Project Manager with the KDHE, Bureau of Environmental Remediation, was interviewed regarding the status of this facility. Mr. Weiser stated that a groundwater remediation/interceptor trench was installed to the south of the dry cleaning facility and that remediation activities continue on a semi-annual basis at the facility. The dry cleaning facility is currently a drop off location only and the business no longer conducts on-site dry cleaning at this location. The groundwater gradient in this area was determined to be to the south, away from the subject property.

Alternative A – No Action: The No Action alternative would not disturb any hazardous materials or create any potential hazard to human health.

Alternative B – Build a New Swimming Pool: The proposed project would cause some disturbance of shallow soils and possibly shallow groundwater during the excavation and construction activities required for the

swimming pool. Based on the information obtained for this study, there is currently no obvious evidence of potential environmental degradation within the project limits. If, however, hazardous constituents are unexpectedly encountered during construction, all construction activities would cease and FEMA would be contacted regarding the future eligibility of this project. The contractor will take appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction staging area.

4.7 NOISE

Noise is generally defined as an unwanted sound. The closest noise receivers to the proposed project site would be an adjacent school and few rural residences located north and west of the site along 8th Street and Granby Avenue. Noise levels within and adjacent to the project would increase during the proposed construction activities as a result of construction and earth-moving equipment. The noise levels generated would be limited to workday daylight hours for the duration of the work.

Alternative A – No Action: The No Action alternative would not result in impacts to noise receivers in the area.

Alternative B – Build New Swimming Pool: The proposed action would result in a slight increase in noise during the construction of the facility. The increase in noise is expected to be minor and short term. No permanent changes to noise levels in the area are expected to be associated with the proposed project.

4.8 AIR QUALITY

The Clean Air Act, which was last amended in 1990, requires USEPA to set National Ambient Air Quality Standards (40 CFR part 50) for pollutants considered harmful to public health and the environment. The Clean Air Act established two types of national air quality standards. Primary standards set limits to protect public health, including the health of "sensitive" populations such as asthmatics, children, and the elderly. Secondary standards set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings.

The USEPA has established National Ambient Air Quality Standards (NAAQS) for six principal pollutants called criteria pollutants. These pollutants include sulfur dioxide (SO₂), particulate matter with a diameter less than or equal to 10 micrometers (PM₁₀), carbon monoxide (CO), nitrogen dioxide (NO₂), ozone (O₃), and lead.

The USEPA has designated specific areas as NAAQS attainment or non-attainment areas. Attainment areas are any areas that meet ambient air quality standards. Non-attainment areas are any areas that do not meet (or that contribute to ambient air quality in a nearby area that does not meet) the quality standard for a pollutant. According to the USEPA, the entire State of Kansas is currently designated as an "attainment" area for all NAAQS (USEPA 2008).

Alternative A – No Action: The No Action Alternative would have no effect on air quality.

Alternative B – Build New Swimming Pool: Pollutant emissions from construction equipment may result in minor, temporary effects to air quality in the area immediately surrounding the construction activity. Vehicular exhaust emissions would be produced by the operation of diesel engines and other construction equipment. These effects would be localized and of short duration. The contractor would be required to keep all equipment in good working order to minimize air pollution.

4.9 PUBLIC HEALTH AND SAFETY

Safety and security issues that were considered in this environmental assessment include the health and safety of area residents, the public at-large, and the protection of personnel involved in activities related to the implementation of the proposed project.

Alternative A – No Action: The No Action alternative would not likely have an adverse effect on health and safety.

Alternative B – Build New Swimming Pool: The construction of the proposed project is expected to follow all applicable federal, state, and local safety laws and guidelines. No adverse effects to the health and safety of City of Neodesha residents are expected.

4.10 TRAFFIC CIRCULATION, VOLUME, AND PARKING ACCESS

The proposed project is located near the intersection of Granby Avenue and 8th Street in the northern portions of the City of Neodesha. The project is bounded Fir Street on the north, Granby on the south, 8th Street on the west and Century Parkway on the east.

Alternative A – No Action: The No Action alternative would have no effect on transportation in the area.

Alternative B – Build New Swimming Pool: Access to the proposed Swimming Pool would be provided from the south via Granby Avenue. The traffic in the project area is expected to increase during summer time. Construction personnel and equipment would require access to the site, which would temporarily increase traffic in the project area.

5.0 CUMULATIVE IMPACTS

Cumulative impacts are those effects on the environment that result from the incremental effect of an action when added to past, present, and reasonably foreseeable future actions, regardless of what agency (federal or nonfederal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

There are several projects planned and currently under construction within the City of Neodesha:

- The raw water intake will be repaired next to the power plant. The controls within the well were damaged during the flooding.
- The controls within the water treatment plant will be repaired, elevated and relocated farther away from Fall River. The current pumps within the water treatment plant are not submersible and were damaged in the flooding.
- West Granby Business Park is being constructed just south of Granby Street between Tank Street and Newton Street. This business park will be approximately 52 acres in size. Neodesha Plastics will be expanding their operations in the city of Neodesha within this business park.

These repair, reconstruction and new construction activities would be expected to cause temporary inconveniences resulting from construction traffic, detours, noise and dust. In addition, these projects would

be expected to create jobs in the short term. On a cumulative basis, these impacts would be short-term and localized until the reconstruction process has been completed.

The City of Neodesha has a comprehensive plan which was last updated in 1991 (Neodesha 1991). The proposed project is consistent with the plans and polices presented in this plan.

6.0 PUBLIC INVOLVEMENT

The public was invited to comment on the proposed action and the Draft Environmental Assessment. A legal notice was posted in the Neodesha Derrick on May 14, 2009, and on FEMA's website (<http://www.fema.gov/plan/ehp/envdocuments/index.shtm>). Additionally, the Draft Environmental Assessment was made available for review for a period of 30 days at the Neodesha Rankin Library located at 502 Indiana Street, Neodesha, Kansas. A copy of the notice is attached in *Appendix B*.

7.0 COORDINATION AND PERMITS

The following agencies and organizations were contacted and asked to comment on the proposed project. Agency correspondence is located in *Appendix A*.

- Kansas State Historic Preservation Office

In accordance with applicable local, state, and federal requirements, the applicant is responsible for obtaining any necessary permits or approvals prior to commencing construction at the proposed project site.

The proposed action would require a construction stormwater general permit S-MCST-0701-1 from the KDHE.

8.0 CONCLUSION

The findings of this Environmental Assessment conclude that the proposed project would result in no significant environmental impacts to the human or natural environment; therefore, the proposed action meets the requirements of a Finding of No Significant Impact (FONSI) under NEPA and the preparation of an Environmental Impact Statement will not be required.

9.0 REFERENCES

- Chapman, S., et. al. 2001. Ecoregions of Nebraska and Kansas (color poster with map, descriptive text, summary tables, and photographs). Reston Virginia, U.S. Geological Survey (map scale 1:1,950,000).
- Kansas Department of Wildlife and Parks (KDWP). 2009a. Wilson County – Threatened and Endangered Species. Available at <http://www.kdwp.state.ks.us/news/Other-Services/Threatened-and-Endangered-Species/Threatened-and-Endangered-Species/County-Lists/Wilson-County> (viewed on March 2, 2009).
- Kansas Department of Wildlife and Parks (KDWP). 2009b. Species Information. Available at <http://www.kdwp.state.ks.us/news/Other-Services/Threatened-and-Endangered-Species/Threatened-and-Endangered-Species/Species-Information> (viewed on December 2, 2009).
- Neodesha, City of. 1991. Neodesha 1991 Comprehensive Plan and Procedural Manual. Neodesha, Kansas. October 1991.
- U.S. Census Bureau (USCB). 2000. U.S. Census Bureau – American Fact Finder – Census 2000 Demographic Profile Highlights. Available at <http://factfinder.census.gov>. (viewed on March 26, 2009).
- U.S. Department of Agriculture. 1989. Soil Conservation Service. Soil Survey of Wilson County.
- U.S. Department of Agriculture. 2009. Natural Resource Conservation Service (NRCS), Soil Survey of Wilson County, Kansas. Web Soil Survey 2.1, <http://websoilsurvey.nrcs.usda.gov/app/> (viewed on March 16, 2009).
- U.S. Environmental Protection Agency (USEPA). 2008. Currently Designated Nonattainment Areas for All Criteria Pollutants. Available at <http://www.epa.gov/air/oaqps/greenbk/ancl3.html> (viewed on March 16, 2009).
- U.S. Fish and Wildlife Service (USFWS). 2008. Endangered, Threatened, Proposed and Candidate Species – Kansas Counties. USFWS Ecological Services Kansas Field Office. December 2008.

10.0 LIST OF PREPARERS

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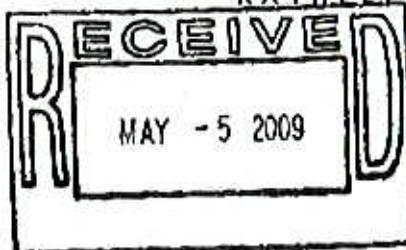
APPENDIX A
Agency Coordination

KANSAS

KSR&C No 09-05-008

Kansas State Historical Society
Jennie Chinn, Executive Director

KATHLEEN SEBELIUS, GOVERNOR



May 1, 2009

David Wilson
Public Assistance Project Specialist
Kansas Division of Emergency Management
2800 SW Topeka Boulevard
Topeka KS 66611-1287

Re: Neodesha Swimming Pool Improvement Project
Wilson County

Dear Mr. Wilson:

Our staff has reviewed the materials received April 30, 2009, regarding the above referenced project in accordance with 36 CFR 800. The SHPO has determined the proposed project will not adversely affect any property listed or eligible for listing in the National Register of Historic Places. Please refer to the Kansas State Review & Compliance number (KSR&C#) listed above on any future correspondence.

If you have any questions regarding this review, please contact Kim Norton (785) 272-8681 ext. 225.

Sincerely,

Jennie Chinn
State Historic Preservation Officer

Patrick Zollner Director,
Cultural Resources Division
Deputy State Historic Preservation Officer

APPENDIX B
Public Notice

U.S. Department of Homeland Security
9221 Ward Parkway, Suite 300
Kansas City, Missouri, 64114-3372



FEMA

PUBLIC NOTICE OF AVAILABILITY
NEODESHA SWIMMING POOL
ENVIRONMENTAL ASSESSMENT
NEODESHA, WILSON COUNTY, KANSAS
FEMA-1711-DR-KS

Interested parties are hereby notified that the Federal Emergency Management Agency (FEMA) has prepared a Draft Environmental Assessment (DEA) for the construction of a new public swimming pool. The original swimming pool was substantially damaged by the storms and flooding between June 30 and July 2, 2007. FEMA was authorized under a Presidential disaster declaration (FEMA-1711-DR-KS) to provide Federal disaster assistance to city of Neodesha in Wilson County, Kansas as a result of damages incurred during the incident period beginning on June 30 and July 2, 2007 (Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5121-5206, as amended (Stafford Act, Public Law 93-288).

The new Neodesha swimming pool would be a 170,000 gallon pool that would be located on a 1.4 acre tract in northern Neodesha. This site was chosen because it was the only available tract outside of the 100-year floodplain, with no ground water contamination present, large enough to accommodate the planned construction, and within the Neodesha city limits. The project would include the pool itself, men and women's dressing rooms and restrooms, a waterslide, an interactive play feature, and a drop off area. The construction of the new facility would consist of site preparation (grading and/or excavation) and construction of the pool, buildings, and paved areas.

In compliance with the National Environmental Policy Act (42 U.S.C. 4371 *et seq.*), and associated environmental statutes, a DEA has been prepared to evaluate the proposed action's potential impacts on the human and natural environment. The DEA summarizes the purpose and need, site selection process, affected environment, and potential environmental consequences associated with the proposed action. The DEA is available for review between May 14, 2009 to June 12, 2009 at the Neodesha Rankin Library located at 502 Indiana Street, Neodesha, Kansas. The DEA can also be viewed and downloaded from FEMA's website at <http://www.fema.gov/plan/ehp/envdocuments/index.shtm>. Written comments on the DEA can be faxed to FEMA's Regional Office in Kansas City, Missouri at (816) 283-7018. Comments should be received no later than 5:00pm on June 12, 2009. If no substantive comments are received, the DEA will become final and this initial Public Notice will also serve as the final Public Notice. The DEA will then be moved to the archives page at http://www.fema.gov/plan/ehp/envdocuments/archives_index.shtm.