



Date July 13, 2020

**HOLD HEARING TO REVIEW THE ANTICIPATED ENVIRONMENTAL IMPACT OF NEAR WEST SIDE SEWER SEPARATION PHASE 4 PROJECT**

**WHEREAS**, the City of Des Moines developed a Long Term Control Plan (hereinafter “Plan”) to eliminate combined sewer overflows as submitted to the Iowa Department of Natural Resources (IDNR) in compliance with the current National Pollutant Discharge Elimination System (NPDES) permit for the operation of Wastewater Collection System and the Consent Decree with the IDNR dated April 28, 2010; and

**WHEREAS**, the Near West Side Sewer Separation Phase 4 Project (hereinafter “Project”) was developed as part of said Plan and includes the removal of storm water inlets from the combined sewer system tributary to the 22<sup>nd</sup> and High Street Combined Sewer Overflow and other flows into the combined sewer system within the project area; and

**WHEREAS**, the Project area is located west of downtown Des Moines and is bounded on the east by Martin Luther King Jr. Parkway (MLK), on the south by Grand Avenue, on the west by 31<sup>st</sup> Street, and multiple local streets to the north with Clark Street as the northern most street; and

**WHEREAS**, the City has received funding with the State of Iowa Clean Water State Revolving Fund loan program to fund the Project in part; and

**WHEREAS**, a public hearing was held on February 6, 2017, for the Project which did not include area 3A within the Woodland Cemetery, so a second public hearing is required to include this location; and

**WHEREAS**, pursuant to the requirements of the State of Iowa Clean Water State Revolving Fund loan program, before the City can proceed with the Project, the City must hold a public hearing to inform area residents of changes to the Project, to discuss the potential environmental impact of changes for work to the community as determined by the State’s Department of Natural Resources (DNR) Environmental Review, to discuss the City’s changes for the Project, and to address area residents’ concerns, if any, with the Project changes.

**WHEREAS**, on June 8, 2020, by Roll Call No. 20-0909, it was duly resolved that such public hearing be set for July 13, 2020, at 5:00 p.m. in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa, and included electronic and telephonic participation information, as applicable in light of the ongoing COVID-19 outbreak.

**WHEREAS**, due notice of said hearing was given, setting forth the time and place for hearing; and

**WHEREAS**, in accordance with City Council direction, those interested, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.



Date July 13, 2020

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. That all objections and endorsements having been fully reviewed and considered, the hearing to inform area residents of changes to the Project, to discuss the potential environmental impact of changes for work to the community as determined by the State’s Department of Natural Resources (DNR) Environmental Review, to discuss the City’s changes for the Project, and to address area residents’ concerns, if any, with the Project changes, is hereby concluded and the public hearing is closed.
2. That the Mayor is hereby authorized and directed to sign the Environment Information Document (EID) for the Project changes, and the City Clerk is authorized and directed to attest to the Mayor's signature.

Activity ID 07-2020-002

Moved by \_\_\_\_\_ to adopt.

FORM APPROVED: /s/ Kathleen Vanderpool  
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
<b>TOTAL</b>				

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk

**Why You Should Read This:** The document below reviews the environmental impact likely from a project. This project is planned to be federally funded through your tax dollars; therefore, you are entitled to take part in its review. If you have concerns about the environmental impact of this project, raise them now. We encourage public input in this decision making process.



**IOWA STATE REVOLVING FUND**

**ENVIRONMENTAL INFORMATION DOCUMENT**

***PROJECT IDENTIFICATION***

**Applicant:** City of Des Moines

**County:** Polk

**State:** Iowa

**SRF Number:** CS1920795 01

**IDNR Project Number:** S2016-0194

**Project:** Near West Side Sewer Separation  
Project 3A

***COMMUNITY DESCRIPTION***

**Location:** The City of Des Moines is located in Polk County, Iowa.

**Population:** The population of Des Moines according to the 2010 US Census was 203,433.

**System Background:** The City of Des Moines has developed a Long Term Control Plan to eliminate combined sewer overflows. As part of this plan, the City proposed to separate its combined (storm water and sanitary) sewers in a phased approach throughout the city. During heavy rainfall events, the increased flow of storm water often exceeds the capacity of the combined sewer systems. Separating the storm water and sanitary sewers will minimize hydraulic overloading of the combined sewer system caused by excessive storm water flows.

Combined sewer overflows (CSOs) are locations where a combined sewer discharges into a water body when flows exceed capacity and overload the system. When this occurs, raw sewage and storm water from the system is directly discharged to the environment. This can pose not only a health and safety hazard to people, but also could be harmful to amphibians, fish, birds, and other wildlife. Des Moines has several CSOs located on the Des Moines River.

In addition, basement backups of raw sewage can also occur when the combined sewer system is overloaded as a result of a rainfall event. Basement backups are a human health and safety hazard.

Project 3A is a part of this larger system separation. However, due to topography, geology, adjacent structures, existing utilities, and other complicating factors, the original location for project 3A, i.e. to the south of Woodland Cemetery, was deemed potentially hazardous to both construction personnel and to the stability of existing sewer structures themselves. The current re-design of this sewer separation requires a new section of pipe to be installed within Woodland Cemetery. The area to be affected is currently a road within the cemetery, but all appropriate caution will be taken to avoid impacts to any burials.

### ***PROJECT DESCRIPTION***

**Purpose:** The purpose of this project is to prevent raw sewage from being released to the environment, prevent basement backups, and reduce the influence of storm water on the sewer system to safely and reliably operate this portion of the City of Des Moines' wastewater collection system for at least the next 20 years.

**Proposed Improvements:** The Near West Side sewer separation project includes removing storm water inlets from the combined sewer system and constructing approximately 25,500 feet of new storm sewer pipes in various locations within the Drake and Woodland Heights neighborhoods. The existing combined sewer system will be left in place to continue to collect and convey wastewater. The new storm sewer pipes will be constructed by open cut excavation within the existing road rights-of-way. A new storm water detention basin is also planned for construction. In addition, a new wastewater pump station and approximately 880 feet of new force main and 200 feet of sanitary sewer will be constructed. Project 3A will be located within Woodland Cemetery.

**Receiving Stream:** Untreated wastewater from the CSOs discharge to the Des Moines River. The Des Moines River has a stream designation of A1, B(WW1), HH.

Class A1 waters are primary contact recreational use waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risks of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing.

Waters designated Class B(WW1) are those in which temperature, flow and other habitat characteristics are suitable to maintain warm water game fish populations along with a resident aquatic community that includes a variety of native nongame fish and invertebrates species. These waters generally include border rivers, large interior rivers, and the lower segments of medium-size tributary streams.

Waters designated Class HH are those in which fish are routinely harvested for human consumption or waters both designated as a drinking water supply and in which fish are routinely harvested for human consumption.

### ***ALTERNATIVES CONSIDERED***

**Alternatives Considered:** Other than physically separating storm water and sanitary sewers, increasing the size of the combined sewers to handle the total flow including rainfall and adding treatment at all of the CSO points were evaluated. Installation of green infrastructure (practices that collect storm water to be infiltrated into the ground or filtered before being slowly released into a storm water pipe) was also considered. For Project 3A, locations for the new pipe were very restricted due to multiple factors.

**Reasons for Selection of Proposed Alternative:** The No-Action alternative is not viable due the human and environmental health and safety hazards posed by CSOs and basement backups. The construction of a larger capacity sewer was eliminated as an option due to its exceedingly high cost and its difficulty to construct. Construction of treatment at all CSO points would result in several treatment plants, which would be expensive and difficult to operate. Space limitations in the urban residential and commercial areas prevented suitable opportunities to install cost-efficient green infrastructure practices.

The Project 3A location was selected for engineering criteria, accessibility, safety, cost effectiveness, and in order to maintain the stability of existing structures as well as minimization of the impact to the environment.

### ***MEASURES TAKEN TO ASSESS IMPACT***

**Coordination and Documentation with Other Agencies and Special Interest Groups:** The following Federal, state and local agencies were asked to comment on the proposed project to better assess the potential impact to the environment:

- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- State Historical Society of Iowa (State Historical Preservation Office)
- Iowa DNR Conservation and Recreation Division
- Iowa DNR Water Resources Section
- Citizen Band Potawatomi Indian Tribe
- Delaware Tribe of Indians
- Flandreau Santee Sioux
- Ho-Chunk Nation
- Iowa Tribe of Kansas and Nebraska
- Iowa Tribe of Oklahoma
- Kickapoo Tribe in Kansas
- Kickapoo Tribe of Oklahoma
- Lower Sioux Indian Community Council

Miami Tribe of Oklahoma  
Omaha Tribal Council  
Osage Tribal Council  
Otoe-Missouria Tribe  
Pawnee Nation of Oklahoma  
Peoria Tribe of Indians of Oklahoma  
Ponca Tribe of Indians of Oklahoma  
Ponca Tribe of Nebraska  
Prairie Band Potawatomi Nation  
Prairie Island Indian Community  
Sac & Fox Nation of Mississippi in Iowa  
Sac & Fox Nation of Missouri  
Sac & Fox Nation of Oklahoma  
Santee Sioux Nation  
Shakopee Mdewakanton Sioux Community  
Sisseton-Wahpeton Oyate  
Spirit Lake Tribal Council  
Three Affiliated Tribes Mandan, Hidatsa & Arikara Nations  
Upper Sioux Tribe  
Winnebago Tribal Council  
Yankton Sioux Tribal Business and Claims Committee  
Des Moines Historic Preservation Commission  
Drake Neighborhood Association  
Woodland Heights Neighborhood Association

To date, no adverse comments have been received from any agencies or general public. Conditions placed on the applicant by the above agencies in order to assure no significant impact are included in the Summary of Reasons for Concluding No Significant Impact section.

### ***ENVIRONMENTAL IMPACT SUMMARY***

**Construction:** Traffic patterns within the community may be disrupted and above normal noise levels in the vicinity of the construction equipment can be anticipated during construction and should be a temporary problem. Adverse environmental impacts on noise quality will be handled by limited hours of contractor work time during the day. Other adverse environmental effects from construction activities will be minimized by proper construction practices, inspection, prompt cleanup, and other appropriate measures. Areas temporarily disturbed by the construction will be restored. Solid wastes resulting from the construction project will be regularly cleared away with substantial efforts made to minimize inconvenience to area residents.

Care will be taken to maintain dirt to avoid erosion and runoff. The overall proposed project will disturb soils over an area greater than one acre; therefore, the applicant is required to obtain an NPDES General Permit Number 2 (for storm water

discharge associated with construction activities) and abide by its terms. Therefore, no significant impact to surface water quality, fish, shellfish, wildlife, or their natural habitats is expected.

Temporary air quality degradation may occur due to dust and fumes from construction equipment. The applicant shall take reasonable precautions to prevent the discharge of visible emissions of fugitive dusts beyond the lot line of the property during the proposed project (567 Iowa Administrative Code IAC 23.3(2)“c”).

**Historical/Archaeological:** The State Historical Preservation Office (SHPO), Certified Local Governments (city), and various Native American tribes with an interest in the area were provided information regarding the project. A Programmatic Agreement (PA) for the project has been negotiated in order to avoid and/or minimize impacts to historic properties. The terms of the PA to avoid and/or minimize impacts to the historic properties include additional documentation and/or restoration of historic sites eligible for listing on the National Register of Historic Places, as needed. Additional stipulations for work within Woodland Cemetery include additional archeological observation during excavation work and provisions for appropriate action should any burials be affected. The Advisory Council on Historic Preservation (ACHP) was provided notification and supporting documentation regarding the adverse effects of the undertaking on properties listed and/or eligible for listing on the National Register of Historic Places, and determined that ACHP participation in the consultation to resolve adverse effects is not required. The terms of the PA have been agreed upon and executed by all signatory parties, and the final executed PA has been filed with the ACHP.

**Environmental:** According to the Iowa DNR Conservation and Recreation Division, the proposed project will not interfere with any State-owned parks, recreational areas or open spaces. The U.S. Army Corps of Engineers concurs that the project will not impact wetlands or waters of the United States. The project will not impact any wild and scenic rivers as none exist within the State of Iowa.

The U.S. Fish & Wildlife Service Section 7 Technical Assistance website consultation determined, and Iowa DNR Conservation and Recreation Division agree, that the project will not impact threatened or endangered species or their habitats. However, if any State- or Federally-listed threatened or endangered species or communities are found during the planning or construction phases, additional studies and/or mitigation may be required. According to the Iowa DNR Water Resources Section, the project will not impact the 100-year floodplain. No adverse impacts are expected to result from this project, such as those to surface water quantity, or groundwater quality or quantity.

**Land Use and Trends:** The project will not displace population nor will it alter the character of existing residential areas. The proposed project is within the present corporate limits of Des Moines in areas zoned residential, commercial, or industrial.

No significant farmlands will be impacted. This project should not impact population trends as the presence or absence of existing sewer infrastructure is unlikely to induce significant alterations in the population growth or distribution given the myriad of factors that influence development in this region. Similarly, this project is unlikely to induce significant alterations in the pattern and type of land use.

**Irreversible and Irretrievable Commitment of Resources:** Fuels, materials, and various forms of energy will be utilized during construction.

### ***POSITIVE ENVIRONMENTAL EFFECTS TO BE REALIZED FROM THE PROPOSED PROJECT***

Positive environmental effects will be improved water quality in the Des Moines River which has previously received untreated wastewater through CSOs. The local citizens will also benefit by a significant reduction in the frequency of basement backups, which pose a human health and safety hazard.

### ***SUMMARY OF REASONS FOR CONCLUDING NO SIGNIFICANT IMPACT***

- The project will not significantly affect the pattern and type of land use (industrial, commercial, agricultural, recreational, residential) or growth and distribution of population.
- The project will not conflict with local, regional or State land use plans or policies.
- The project will not impact wetlands or waters of the United States.
- The project will not affect threatened and endangered species or their habitats. If any State- or Federally-listed threatened or endangered species or communities are found during the planning or construction phases, additional studies and/or mitigation may be required.
- The project will not displace population, alter the character of existing residential areas, or convert significant farmlands to non-agricultural purposes.
- The project will not affect the 100-year flood plain.
- The project will not have effect on parklands, preserves, other public lands, or areas of recognized scenic or recreational value.
- A Programmatic Agreement to avoid and/or minimize impacts to historic or cultural resources has been agreed upon and executed by all signatory parties.



- The project will not have a significant adverse effect upon local ambient air quality provided the applicant takes reasonable precautions to prevent the discharge of visible emissions of fugitive dusts beyond the lot line of the property during the proposed project (567 IAC 23.3(2)“c”).
- The project will not have a significant adverse effect upon local ambient noise levels, surface water quantity, groundwater quality or quantity, or water supply.
- No significant impact to surface water quality, fish, shellfish, wildlife, or their natural habitats is expected provided that an NPDES General Permit Number 2 (for storm water discharge associated with construction activities) is obtained and the terms of which are abided by.

The project description, scope, and anticipated environmental impacts detailed above are accurate and complete to the best to my knowledge.

\_\_\_\_\_  
Signature of the Mayor, City of Des Moines

\_\_\_\_\_  
Date

T.M. Franklin Cownie  
Printed Name of the Mayor, City of Des Moines