

## **CATEGORICAL EXCLUSION DETERMINATION**

FOR THE PROPOSED PROJECT OF:       Lead Service Line Replacement  
Bismarck(Burleigh County), North Dakota

DRINKING WATER STATE REVOLVING FUND PROJECT NUMBER: 0800080-04

The North Dakota Department of Environmental Quality (NDDEQ) has conducted a review of the proposed Lead Service Line Replacement project for Bismarck in accordance with the National Environmental Policy Act (40 CFR Part 6). The NDDEQ has determined that this project is eligible for a categorical exclusion and is exempt from further substantive environmental review.

The NDDEQ completed a categorical exclusion determination for the proposed Lead Service Line Replacement project in the City of Bismarck on April 25, 2020. Categorical exclusion determinations are only valid for five years. This determination is being amended to take into consideration the re-evaluation of the environmental impacts due to the project taking longer than five years. The NDDEQ has conducted a review of the proposed action in accordance with the National Environmental Policy Act (40 CFR Part 6). The NDDEQ has determined that this action is eligible for a categorical exclusion and is exempt from further substantive environmental review.

Because the proposed project meets the criteria for a categorical exclusion, a full Finding of No Significant Impact and Environmental Assessment will not be required. The following is a description of the proposed project and a brief statement of how the project meets the criteria for a categorical exclusion.

The proposed project involves the replacement of aging cast iron water mains and lead service lines.

The aged cast iron water mains are prone to breaks, corrosion, reduced flow, and water discoloration. The proposed project will replace the old cast iron water mains to increase reliability of the distribution system, improve water quality, and allow for upsizing undersized water mains.

Lead service lines have the potential of releasing lead into drinking water causing a potential health risk, particularly to children. Replacement of lead service lines has become a priority throughout the United States due to the potential health risks from lead exposure in drinking water. This project will replace identified lead service lines with lead-free materials from the water main into the residence structure. By completing replacement, the risk of lead exposure will be significantly reduced.

The City of Bismarck has a Drinking Water State Revolving Fund loan of \$2 million to finance the replacement of the lead service lines from the curb stop to the home. The city has the legal authority and financial and administrative capability to construct the proposed improvements.

This project is being granted an exclusion because the improvements will occur entirely in the alignment of the existing utilities. No previously undisturbed areas will be affected by the construction activities. The overall project area is located within sections 2 through 5 and 10, Township 138N, Range 80W, and sections 28 through 35, Township 139N, Range 80W, of the 5th Principal Meridian, including Cathedral Historic District, other historic districts, and individual historic properties. The 2025 construction year of the project overlaps part of the Cathedral Historic District. The district contains historic curbing including galvanized steel corner bars (also called “buggy guards” or “buggy rails”). Elm trees in the boulevards within the district are also listed as resources contributing to the historic district. The North Dakota State Historic Preservation Officer (ND SHPO) has concurred with a determination of “No Adverse Effect” for the 2025 construction year of the project provided the waterline upgrades remain within the existing trench, replacement pipes do not move the building penetration location more than 2 feet from existing pipe penetrations, potential adverse effects on historic curbing are mitigated, and damage to the elm trees is avoided. If any pipe penetrations need to be moved more than 2 feet and any galvanized steel curbing is not salvageable, a project representative shall notify the ND SHPO office for further review (ND SHPO Ref.: 25-0171).

Note that Section 106 of the National Historic Preservation Act is separate from the National Environmental Policy Act categorical exclusion, and this categorical exclusion determination does not exclude future phases of this project from Section 106 review. The Section 106 concurrence is valid only for the listed phase/year. Each additional phase/year of the project will require cultural resources review to meet the requirements under Section 106. The City of Bismarck shall contact the Review and Compliance team at the State Historical Society of North Dakota annually for additional reviews as project phases develop.

It has been determined that exempting the proposed project from further review under the National Environmental Policy Act will not result in adverse impacts to the population or area of Bismarck and Burleigh County.

The documentation to support this decision will be on file and available for public review at the NDDEQ, Division of Municipal Facilities.

Comments concerning this decision may be addressed to Hristo Papalichev, Environmental Engineer, Division of Municipal Facilities, North Dakota Department of Environmental Quality, 4201 Normandy Street, Bismarck, ND, 58503-1324.

Dated the 1<sup>st</sup> day of July, 2025.

David J. Bruschwein, P.E.  
Director  
Division of Municipal Facilities