

United States Navy Record of Categorical Exclusion
for Aguada Tank Replacement
Naval Radio Transmitter Facility
Aguada, Puerto Rico

- Ref: (a) National Environmental Policy Act of 1969, 42 USC 4321 – 4347
(b) Council on Environmental Quality Regulations for Implementing National Environmental Policy Act, 40 CFR 1500 – 1508
(c) Policies and Responsibilities for Implementation of the National Environmental Policy Act within the Department of the Navy, 32 CFR 775
(d) OPNAV Manual M-5090.1E

- Encl: (1) 1391 dated May 1, 2023
(2) Site Location Maps Figure 1 and Figure 2
(3) Project Environmental Review Sheets (PERS)
(4) Public Notice Early English and Spanish Version
(5) Public Notice Final English and Spanish Version
(6) Federal Consistency Application dated August 21, 2023
(7) Federal Consistency Letter of Application Complete dated September 1, 2023
(8) Puerto Rico Federal Consistency Determination Concurrence

1. Introduction: This Record of Categorical Exclusion (RCE), prepared in accordance with references (a) through (d), addresses the environmental effects and impacts related to replacing an aging and deteriorated 20,000 gallon fuel Underground Storage Tank (UST) with two new 25,000 gallon steel fuel (#2 Diesel) Aboveground Storage Tanks (AST) on concrete slab(s) at the Naval Radio Transmitter Facility, Aguada, Puerto Rico, enclosure (1). A categorical exclusion (CATEX) is defined as “[a] published category of actions that do not individually or cumulatively have a significant impact on the human environment under normal circumstances, and therefore, do not require either an environmental assessment or an environmental impact statement.”

2. Proposed Action: The Proposed Action is to remove an aging and deteriorated 20,000-gallon fuel UST or perform an in-place tank closure for the UST and replace it with two new double wall steel UL-2085 25,000-gallon fuel (#2 Diesel) ASTs on concrete slab(s) at the Naval Radio Transmitter Facility, Aguada, Puerto Rico, enclosure (2). During the 2022 Hurricane season, impacts to the Aguada site further damaged the existing fuel tank. The critical antenna site will not be able to meet mission requirements during interruptions to regular fuel supply. Increasing fuel storage capacity increases the overall resiliency for continued mission operations.

3. Applicable Exclusion. This action falls under CATEX 34 of 32 CFR 775, which provides for an exception from further National Environmental Policy Act (NEPA) analysis for, “Demolition, disposal, or improvements involving buildings or structures when done in accordance with applicable regulations including those regulations applying to removal of asbestos, PCBs, and other hazardous materials.” The test for whether this CATEX can be applied should focus on whether the proposed action generally fits within the designated land of the proposed site.

4. Summary of Environmental Impacts. The complete environmental analysis of the Proposed Action is provided in the Project Environmental Review Sheet, enclosure (3). The summary of environmental impacts are detailed below:

Flood Plains (Executive Order 11988 Floodplain Management): The project is sited in a one percent annual chance flood area (AE Zone). The Navy proposed the action in a floodplain because it is replacing existing equipment, which is already located within the boundaries of the floodplains associated with the Atlantic Ocean and the Caribbean Sea. In accordance with Executive Order 11988 for Floodplain Management a 30-day early public notice in English and Spanish on the proposed action in a floodplain was posted for public review and comment on August 10, 2023 (Enclosure 4) with no comments received. A 15-day final public notice in English and Spanish will be posted for public notification on the proposed action in a floodplain (Enclosure 5).

Impacts to the floodplain from contaminated groundwater may occur during construction. Groundwater in the area may be contaminated and if dewatering of contaminated groundwater to waters of the United States is to occur, then a dewatering permit and consultation with EPA Region 2 must be completed before the start of the project.

Impacts to the floodplain from stormwater may occur during construction. In order to minimize impacts to the floodplain, erosion control measures need to be in place and/or dust control measures in place whenever earth is exposed. Stormwater Best Management Practices must be implemented on the construction site and while dewatering groundwater. Ensure silt fencing is properly installed around the perimeter of the construction site. A sediment filter bag placed on the gravel inside of the silt-fenced perimeter is recommended while dewatering. Also, ensure any soil that is stockpiled has a silt fencing properly installed around it and that it is stabilized or covered if not used within 7 days. The contractor shall reference the EPA MS4 Permit for Puerto Rico for more information on stormwater requirements (https://www3.epa.gov/region02/water/water_permits/Final_2016_NPDES_Small_MS4_General_Permit_Signed.pdf). Contact the Public Works Department (PWD) Environmental Water Program Manager prior to performing any groundwater testing. Ensure no concrete waste from concrete pad pouring operations is discharged to the ground. If there will be waste concrete generated it must be lined out over a barrier to ensure no impacts to groundwater.

Impacts from construction related activities is expected to be minimal but include: Short term, minor noise impacts during project activities at adjacent areas and along heavy vehicle routes; Minor impacts to topography and soils from surface disturbance; de minimus air pollutant impacts are expected from construction vehicles, though mobile sources are not regulated, and all efforts should be taken to minimize and limit dust generation during construction.

Coastal Consistency Determination CZ-2024-0825-021: According to the Puerto Rico Program and The Coastal Zone Management Act (Section 304(e)), the Aguada Naval Radio Transmitter Facility is an Excluded Federal Land as confirmed by the Puerto Rico Office of Geology and Hydrology. However, to uphold best management practices, on August 21, 2023, the Navy provided the Puerto Rico Federal Consistency application (Enclosure 6) for coordination with the Puerto Rico Coastal Management Program and Puerto Rico Department of Natural and Environmental Resources (DNER). The application was deemed complete on September 1, 2023 (Enclosure 7). Concurrence with the Puerto Rico Coastal Zone Management Program was received on September 27, 2023 (Enclosure 8). No foreseeable impacts or effects to coastal uses or resources due to this activity are anticipated to occur to the coastal zone which

includes the adjacent farmland, the Floodway of Culebrinas River, the Atlantic Ocean and the Caribbean Sea.

Permitting may be required. Potential permits include: Aboveground Storage Tank Operating Permit; Dig Permit; Tank Replacement Permit; UST Permanent Closure permit.

Therefore, based on this environmental analysis of the proposed action, the Navy has determined this action would not:

- a. Adversely affect public health or safety;
- b. Involve effects on the human environment that are highly uncertain, involve unique or unknown risks, or which are scientifically controversial;
- c. Establish precedents or make decisions in principle for future actions that have the potential for significant impacts;
- d. Threaten a violation of Federal, State, or local environmental laws applicable to the Department of the Navy; or
- e. Involve an action that may:
 - (1) Have more than an insignificant or discountable effect on federally protected species under the Endangered Species Act or have impacts that would rise to the level of requiring an Incidental Take Authorization under the Marine Mammal Protection Act irrespective of whether one is procured;
 - (2) Have an adverse effect on coral reefs or on federally designated wilderness areas, wildlife refuges, marine sanctuaries and monuments, or parklands;
 - (3) Adversely affect the size, function, or biological value of wetlands and is not covered by a general (nationwide, regional, or state) permit;
 - (4) Have an adverse effect on archeological resources or resources listed or determined to be eligible for listing on the National Register of Historic Places (including, but not limited to, ships, aircraft, vessels, and equipment) where compliance with Section 106 of the National Historic Preservation Act has not been resolved through an agreement executed between the Department of the Navy and the appropriate historic preservation office and other appropriate consulting parties; or
 - (5) Result in an uncontrolled or unpermitted release of hazardous substances or require a conformity determination under standards in 40 CFR part 93, subpart B (the Clean Air Act General Conformity Rule).

5. Record Keeping. This record of CATEX should be retained in command files for seven years and made available for review during environmental quality assessments. RCEs relying on CATEX's number 43 and number 44 must be uploaded to the Chief of Naval Operations Instruction Manual (N45) Environmental Planning Library Web site per section 10-3.7c (1) (b) 4 of reference (d).

6. Conclusion. The undersigned finds that the proposed action is within the scope of **CATEX 34** and none of the exclusions from reliance on the CATEX apply in this case. Therefore, the proposed action is excluded from the requirement for further NEPA analysis.

In accordance with Executive Order 11988, *Floodplain Management*, the Navy finds there is no other practicable alternative to implementing the Proposed Action within the floodplain and that the Proposed Action includes all practicable measures to minimize harm to the floodplain environment.

Reviewed by:

J. D. KOBISCHEN
Installation Environmental
Program Director

Date

RCE Approved by:

C. J. WYCKOFF
Public Works Officer
Naval Air Station Jacksonville

Date