

## **CATEGORICAL EXCLUSION DETERMINATION**

FOR THE PROPOSED PROJECT OF: Lead Service Line Replacement  
City of Fargo (Cass County), North Dakota

DRINKING WATER STATE REVOLVING FUND PROJECT NUMBER: 0900336-06

The North Dakota Department of Environmental Quality (NDDEQ) has conducted a review of the proposed Lead Service Line Replacement project for the City of Fargo 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.

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. 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 drinking water service lines containing lead materials. 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 Fargo has a Drinking Water State Revolving Fund loan of \$35,000,000 to finance the project. 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 within the city and at specific addresses identified with lead service lines. The North Dakota State Historic Preservation Officer (ND SPHO) concurs with a determination of "No Historic Properties Affected" provided replacement pipes for existing lines do not move the existing building penetrations more than two feet. If any existing penetrations need to move more than two feet or if there are any new service lines, ND SPHO shall be notified for further review as there are historic buildings included in this project. This determination only applies for the locations submitted as part of the August 15, 2025, and August 27, 2025, review requests (ND SHPO Ref.: 25-0018). 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 Fargo and Cass County. The U.S. Army Corps of Engineers has reviewed this project (ID No. NOW-2024-01755-BIS) and determined that a Section 10 permit would be required for work impacting navigable waters and a Section 404 permit would be required if any dredge or fill material is discharged to navigable waters.

Phase I, as well as the emergency repair locations listed in the environmental documentation, for the City of Fargo's Lead Service Line Replacement project is considered NHPA cleared, granted the replacement piping does not move the building penetration location more than two feet from existing penetrations. Section 106 is separate from the NEPA categorical exclusion, and this categorical exclusion 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 of the National Historic Preservation Act. The City of Fargo must contact the Review and Compliance team at the State Historical Society of North Dakota annually for additional reviews as project phases develop.

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 Bryan Schmitt, Environmental Engineer, Division of Municipal Facilities, North Dakota Department of Environmental Quality, 4201 Normandy Street, Bismarck, ND, 58503-1324.

Dated the 24th day of September, 2025.

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