

**SEWER OVERFLOW AND STORMWATER REUSE MUNICIPAL GRANT (OSG) PROGRAM  
CATEGORICAL EXCLUSION**

TO: All Interested Citizens, Government Agencies and Public Groups

In accordance with the Nebraska Clean Water State Revolving Fund (CWSRF) and Sewer Overflow and Stormwater Reuse Municipal Grants Program (this is referred to as the Overflow and Stormwater Grant program or OSG program) environmental review process, which is based on the National Environmental Policy Act, an environmental review has been performed on the proposed agency action below:

This information reviews the environmental impact likely from a project. This project is planned to be federally funded wholly or in part 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, please provide them with this time. The Nebraska Department of Water, Energy and Environment (NDWEE) encourages public input in this decision-making process.

PROJECT NAME:	Wastewater Works Improvements
APPLICANT:	Pender, Nebraska
COUNTY:	Thurston
POPULATION:	1,115 (2020 census)
CWSRF PROJECT NUMBER:	C318027
OSG GRANT NUMBER:	OSG.2022.003
OSG GRANT AMOUNT:	\$127,527
ESTIMATED CWSRF LOAN FORGIVENESS:	\$3,000,000
ESTIMATED CWSRF LOAN FUNDS:	\$7,672,473
TOTAL AMOUNT:	\$10,800,000

The Village of Pender, Nebraska is planning to improve both its collection system and mechanical wastewater treatment facility (WWTF). The project will include addressing infiltration issues in the distribution system through actions that could include evaluation, repair, replacement, and liner. It will also include replacement of the influent meter electronic system, replacement of the lift station control system, replacement of influent pumps/piping, rework process blower configuration, repair air valves at the aeration basin, the construction of two new secondary clarifiers, and convert the existing clarifier to sludge holding.

The Village of Pender was awarded for financial assistance through the CWSRF loan program for the collection system and WWTF improvements. This project is listed in the SFY 2025 funding list Intended Use Plan, ranked at 97 points which makes it eligible for financing through the CWSRF program. Pender is eligible for a 30-year CWSRF loan at the current program per annum interest rate of 0.7%. In addition to principal and interest payments, an administrative fee of 0.7% of the outstanding principal balance will be assessed each year. Pender signed a loan agreement with \$3,000,000 CWSRF loan forgiveness of the eligible project costs. The collections system relining project phase is also categorically eligible for OSG funding. An OSG grant in the amount of \$127,527 is proposed to for the Village of Pender.

The proposed project was reviewed for eligibility for a categorical exclusion from National Environmental Policy Act review specified in 40 CFR (Code of Federal Regulations) Part 6.204. The project meets all criteria described in the above reference and the Department has determined that this project is eligible for a categorical exclusion. Consequently, a preliminary decision has been made that a Finding of No Significant Impact will not be prepared. Justification for categorical exclusion includes:

- The proposed action is not known or expected to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time;
- The proposed action is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat;
- The proposed action is not known or expected to significantly affect national natural landmarks or any property with nationally significant historic, architectural, prehistoric archeological or cultural value, including but not limited to, properties listed on or eligible for the National Register of Historic Places;
- The proposed action is not known or expected to significantly affect environmentally important natural resource areas as wetlands, prime farmland, wild and scenic rivers, and significant fish or wildlife habitat;
- Based on a review of the available mapping, portion of the project lies within the 100-year floodplain and a permit from the local floodplain administrator will be necessary.
- The proposed action is not known or expected to have a significant effect on the pattern and type of land use (industrial, commercial, agricultural, recreational, residential) or growth and distribution of population including altering the character of existing residential areas, or may not be consistent with state or local government, or federally-recognized Indian tribe approved land use plans or federal land management plans;
- Based on review there are no new/relocated surface or groundwater discharges; the project is not being developed to provide capacity to service a population greater than 30% of that existing for the community; and it is supported by a State growth strategy. In addition, there will not be a substantial increase in volume/loading of pollutants to receiving streams; and
- The proposed action is not known or expected to cause significant public controversy.

The review did not indicate a significant environmental impact will result from the proposed action. Based on analyses completed by the consulting engineer, different federal, state & local agencies, no adverse impacts are anticipated to wetlands, the floodplain, prime farmland or historical resources. The project was planned to ensure that no segment of the community's population is impacted disproportionately from related effects. Consequently, a preliminary decision has been made that an Environmental Impact Statement (EIS) will not be prepared.

This action is taken based on a careful review of the engineering reports and other supporting data that are on file with NDWEE. All are available for public review upon request. A copy of the environmental assessment is attached. Persons having a comment on this determination are encouraged to submit such comments to the NDWEE State Revolving Fund Program at [dwee.srf@nebraska.gov](mailto:dwee.srf@nebraska.gov), or by phone at (402) 471-4200.

Signed this 15<sup>th</sup> day of January 2026.

Sincerely,



Sarah Starostka  
Division Administrator  
Planning & Aid Division

Attachments:    Distribution List  
                         Site Maps

CATEGORICAL EXCLUSION DISTRIBUTION LIST  
Pender, NEBRASKA

DEPARTMENT OF WATER, ENERGY &  
ENVIRONMENT

[ndee.nepa-review@nebraska.gov](mailto:ndee.nepa-review@nebraska.gov)

245 Fallbrook Blvd, Suite 100  
Lincoln, NE 68521

NEBRASKA GAME & PARKS COMMISSION

Melissa Marinovich, Environmental Review

[ngpc.envreview@Nebraska.gov](mailto:ngpc.envreview@Nebraska.gov)

P.O. Box 30370  
Lincoln, NE 68503-0370

NEBRASKA STATE HISTORICAL SOCIETY

[hn.hp@nebraska.gov](mailto:hn.hp@nebraska.gov)

P.O. Box 82554  
Lincoln, NE 68508-2554

STATE OFFICE OF POLICY RESEARCH

Cicely Wardyn, Policy Advisor

[cicely.wardyn@nebraska.gov](mailto:cicely.wardyn@nebraska.gov)

Rm 1319, State Capitol  
P.O. Box 94601  
Lincoln, NE 68509-4601

DEPARTMENT OF ECONOMIC DEVELOPMENT

Tom Stephens, Financial Packager

[tom.stephens@nebraska.gov](mailto:tom.stephens@nebraska.gov)

245 Fallbrook Blvd. Suite 002  
Lincoln, NE 68521

DEPARTMENT OF THE INTERIOR

FISH AND WILDLIFE SERVICE

Janae Johnson

[nebraskaES@fws.gov](mailto:nebraskaES@fws.gov)

9325 South Alda Road  
Wood River, NE 68883

NATIONAL PARK SERVICE

Christine Gabriel, Environmental Coordinator/Midwest

[mwro\\_compliance@nps.gov](mailto:mwro_compliance@nps.gov)

601 Riverfront Drive  
Omaha, NE 68102-4226

USDA RURAL DEVELOPMENT

Kelley Messenger

[kelley.messenger@usda.gov](mailto:kelley.messenger@usda.gov)

Room 308, Federal Building  
100 Centennial Mall North  
Lincoln, NE 68508

ENVIRONMENTAL PROTECTION AGENCY

Chris Simmons/Angela Puls

[simmons.christopher@epa.gov](mailto:simmons.christopher@epa.gov); [puls.angela@epa.gov](mailto:puls.angela@epa.gov)

11201 Renner Blvd

Mail Code: WWPDWIMB

Lenexa, KS 66219

STATE CONSERVATIONIST

Robert Lawson, Natural Resources Conservation Svc.

[robert.lawson@usda.gov](mailto:robert.lawson@usda.gov)

Federal Building, Room 152  
100 Centennial Mall North  
Lincoln, NE 68508-3866

DEPARTMENT OF THE ARMY

Jeremy Grauf, State Program Manager

US Army corps of Engineers

[Jeremy.grauf@usace.army.mil](mailto:Jeremy.grauf@usace.army.mil)

Nebraska State Office, Suite 1  
8901 South 154<sup>th</sup> Street  
Omaha, NE 68138-3621

APPLICANT: VILLAGE OF PENDER

Chris Reha, Owner

[Reha.chris@gmail.com](mailto:Reha.chris@gmail.com)

614 Main St.  
Pender, NE 68047

CONSULTING ENGINEER: Olsson

Nate Wing & Nate O'Keefe

[nwing@olsson.com](mailto:nwing@olsson.com) / [nokeefe@olsson.com](mailto:nokeefe@olsson.com)

1707 Dakota Avenue  
South Sioux City, NE 68776

LOCAL NEWSPAPER: THE PENDER TIMES

313 Main St.

Pender, NE 68047

*(Public Information Only not for Public Notice)*



## Environmental Questionnaire for OSG Grants

1. Project Title: Wastewater Works Improvements
2. Applicant: Nebraska Department of Water, Energy and Environment (NDWEE)
3. Project Description: The Village of Pender, Nebraska is planning to improve its collection system. The project will include addressing infiltration issues in the collection system through actions that could include evaluation, repair, and liner.
4. Project Location: Collection system project locates within the Pender limit. See attached map.
5. Describe any environmental permits needed for the project (e.g., federal, state, local) and the status of any permit: A Title 123 construction permit was issued by NDWEE on October 20<sup>th</sup>, 2025.

### A. LAND USE:

1. Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), to non-agricultural use as defined under the Farmland Protection Act 7 U.S.C. 4201 et seq.

**No Impact**

2. Conflicts with any applicable land use plan, policy, act, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, habitat conservation plan, specific plan, local plan, or zoning ordinance).

**No Impact**

### B. AIR QUALITY:

1. Conflicts with or delays in implementation of any applicable federal, state, or local air quality plan.

**No Impact**

2. Violations of any air quality standard or contributions to an existing or projected air quality violation (including protected areas designated as mandatory Federal "Class I")

**No Impact**

3. Increases in any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)

**No Impact**

4. Releases of objectionable odors such as hydrogen sulfide.

**No Impact**

Please provide mitigation measures related to air quality, including those that reduce a significant impact to less than significant. Please provide references and supporting documents.

**There are no conflicts with federal, state, or local air quality plans. Also, there are no anticipated air quality issues from the proposed project. There may be temporary dust and vehicle emissions associated with construction. Dust from construction is minimized using BMPs. Construction conditions are controlled by the contract conditions established by the project engineer.**

#### C. NOISE AND VIBRATION

1. Generation of noise levels more than standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

##### **No Impact**

2. Permanent increases in ambient noise levels in the project vicinity above levels existing without the project.

##### **No Impact**

3. Temporary or periodic increases in ambient noise levels in the project vicinity above levels existing without the project.

##### **Less than Significant Impact**

4. Generation of vibration that could increase the risk of structural damage.

##### **No Impact**

Please provide mitigation measures related to noise and vibration, including those that reduce a significant impact to less than significant. Please provide references and supporting documents.

**During project construction there is noise typical of construction. Construction noise does not conflict with any Village of Pender ordinances. Construction conditions are controlled by the contract conditions established by the project engineer.**

#### D. GEOLOGY AND SOILS:

1. Exposure of people or structures to hazards from unstable soils, landslide, lateral spreading, subsidence, liquefaction, or collapse.

##### **No Impact**

2. Increase in soil erosion or loss of topsoil.

##### **Less than Significant Impact**

3. Loss of economic viable mineral deposits, scientifically significant paleontological resources, or unique geologic features.

##### **No Impact**

Please provide mitigation measures related to geology and soils, including those that reduce a significant impact to less than significant. Please provide references and supporting documents.

**Erosion during construction is minimized by the stormwater management plan created by the project engineer. Construction conditions and Stormwater BMPs are controlled by the contract conditions established by the project engineer.**

**E. WATER RESOURCES:**

1. Violations of any water quality standards or waste discharge requirements, including degradation of water quality.

**No Impact**

2. Depletion or contamination of groundwater supplies (including sole-source aquifers) or negatively interfere with groundwater recharge.

**No Impact**

3. Alteration to the drainage pattern of a water resource that would result in an increase in erosion or flooding on- or off-site.

**No Impact**

4. Soil erosion or stormwater runoff that increases sediment, pollutants, or contaminates into streams, rivers, or other water resources.

**No Impact**

5. Floodplain modification, development within, or redirection, as defined by executive order 11988.

**No Impact.**

6. Increase in flood risk affecting loss on human safety, health, and welfare.

**No Impact**

7. Loss, degradation or destruction of wetlands and waterbodies through direct removal, filling, hydrological interruption, or other means.

**No Impact**

8. Alteration of wild and scenic rivers as defined by the Wild and Scenic Rivers Act 16 U.S.C. 1271 et seq.

**No Impact**

9. Conflicts with the Rivers and Harbors Act, 33 U.S.C. 403.

**No Impact**

10. Conflicts with the Coastal Barrier Resources Act, 16 U.S.C. 3501 et seq.

**No Impact**

11. Conflicts with the Coastal Zone Management Act, 16 U.S.C. 1451 et seq.

## **No Impact**

Please provide mitigation measures related to water resources, including those that reduce a significant impact to less than significant. Please provide references and supporting documents.

**No part of the proposal has potential to violate water quality standards, or negatively impact water quality, or waste discharge requirements. Groundwater quality, quantity, and recharge is not negatively impacted by the proposed improvements. Short-term hazards that may arise from construction are managed by the contract conditions established by the project engineer.**

**Based on a review of the available mapping, a portion of the project lies within the 100-year floodplain and a permit from the local floodplain administrator have been obtained.**

## **F. BIOLOGICAL RESOURCES**

1. Jeopardizing the continued existence of any threatened or endangered species identified in local or regional plans, policies, or regulations, or by the U.S. Fish and Wildlife Service or National Marines Fisheries Service.

### **No Impact.**

2. Modification, fragmentation, or degradation of critical habitat identified in local or regional plans, policies, or regulations, or by the U.S. Fish and Wildlife Service or National Marines Fisheries Service.

### **No Impact**

3. Harm to fauna, including mammals, birds, reptiles, amphibians, fish, and invertebrates.

### **No Impact**

4. Changes in vegetation type (native to the region), particularly if the vegetation type in the region is already highly fragmented because of human activity.

### **No Impact**

5. Modification, fragmentation, or degradation of biological sensitive areas other than those mentioned above.

### **No Impact**

6. Disturbances to marine mammals protected by the Marine Mammal Protection Act as defined under 16 U.S.C. 1361-1407.

### **No Impact**

7. Disturbances to Bald or Golden Eagles as defined under 16 U.S.C. 668 et seq.

### **No Impact**

8. Disturbances to migratory birds as defined under 16 U.S.C. 703-712 as amended.

### **No Impact**

9. Conflicts with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, state, or federal habitat conservation plan.



**No Impact**

10. Introduction or spread of invasive species as identified under Executive Order 13112.

**No Impact**

Please provide mitigation measures related to biological resources, including those that reduce a significant impact to less than significant. Please provide references and supporting documents.

**There is no fauna, marine mammals, Bald or Golden eagles or their nests or eggs, or migratory birds at the proposed site.**

**G. CULTURAL RESOURCES:**

1. Changes to historical resources, including archaeological and cultural resources as defined in 36 CFR part 800.

**No Impact**

2. Modification of unique paleontological resources or site or unique geologic features.

**No Impact**

3. Disturbance of human remains, including those interred outside of formal cemeteries.

**No Impact**

Please provide mitigation measures related to cultural resources, including those that reduce a significant impact to less than significant. Please provide references and supporting documents.

**There are no known changes to historical, archaeological, or cultural resources as defined in 36 CFR 800. The proposed project will be entirely on developed land and has no impact on any National or State Historic Property and or property that meets the criteria under 36 CFR 800.**

**H. SOCIOECONOMIC AND ENVIRONMENTAL JUSTICE:**

1. Changes to the demographics around project location such as population growth.

**No Impact**

2. Modifications to economic factors such as per capita income, unemployment rate, or poverty.

**No Impact**

3. Alterations to social assets, such as housing or public services.

**No Impact**

4. Disproportionate high and adverse human health environmental effects on minority population and low-income population as defined under Executive Order 12989.

## **No Impact**

### **I. TRANSPORTATION AND TRAFFIC**

1. Changes to traffic patterns around the project area including, but not limited to, the arrival and departure of construction workers, vehicles hauling equipment and materials to the site, road closures, detours, and slower movement and large turning radii of trucks going to the project site.

## **Less than Significant Impact**

Please provide mitigation measures related to transportation and traffic, including those that reduce a significant impact to less than significant. Please provide references and supporting documents.

**Outside of the temporary disruption to local traffic typical of construction projects, there were no anticipated changes to long-term traffic or transportation patterns in the area. Any necessary traffic controls were stipulated by the contract conditions established by the project engineer.**

### **J. UTILITIES AND COMMUNITY SERVICES**

1. Changes to electric, cable, gas, sewer, water, stormwater, and other existing services.

**The changes include addressing infiltration issues in the collection system through actions that included evaluation, repair, and liner.**

2. Changes to community services, such as open space, recreational and cultural facilities.

## **No Impact**

Please provide mitigation measures related to Utilities and Community Services, including those that reduce a significant impact to less than significant. Please provide references and supporting documents

**Construction conditions – such as how and where to tie into existing infrastructure to minimize disruption – are controlled by the contract conditions established by the project engineer.**

### **K. HAZARDOUS AND TOXIC MATERIALS AND WASTE:**

1. Accidental releases, spills, or improper storage and disposal of hazardous materials.

## **No Impact**

2. Conflicts with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), Solid Waste Disposal Act, Toxic Substances Control Act, and Emergency Planning and Community Right-to-Know Act.

## **No Impact**

3. Generation or increase in the amount of sewage sludge that is not in compliance with EPA standards for the use or disposal of sewage sludge.

### **No Impact**

Please provide mitigation measures related to Hazardous Materials and Toxic Waste, including those that reduce a significant impact to less than significant. Please provide references and supporting documents.

**Short-term hazards that may arise from construction, such as fuel release, are managed by the contract conditions established by the project engineer.**

**No CERCLA, RCRA, Solid Waste, Toxic Substance, or hazardous chemical sites exist within or near the project boundaries. Proposed improvements do not involve hazardous chemicals. The project did not generate sewage sludge.**

### **L. HUMAN HEALTH AND SAFETY**

1. Creating occupational health hazards for workers during construction or operation.

### **No Impact**

2. Creating or contributing to environmental health risks and safety risks that may disproportionately affect children.

### **No Impact**

3. Creating or contributing to a public health risk of immediate injury or long-term health hazards.

### **No Impact**

Please provide mitigation measures related to Human Health and Safety, including those that reduce a significant impact to less than significant. Please provide references and supporting documents.

**Construction conditions – such as working conditions and safety standards – are controlled by the contract conditions established by the project engineer.**

## M. CUMULATIVE IMPACTS

Category	Impact Anticipated		
	No Impact	Less than Significant Impact	Potentially Significant Impact
1. Land Use	X	-	-
2. Air Quality	X	-	-
3. Noise and Vibration	-	X	-
4. Geology and Soils	-	X	-
5. Water Resources	-	X	-
6. Biological Resources	X	-	-
7. Cultural Resources	X	-	-
8. Socioeconomic and Environment	X	-	-
9. Transportation and Traffic	-	X	-
10. Utilities and Community Services	-	X	-
11. Hazardous and Toxic Materials and	X	-	-
12. Human Health and Safety	X	-	-

### Outcomes

- The project addressed inflow and infiltration issue of Village's collection system.
- The project will improve the reliability of Village's already aged wastewater treatment system.

Signed this 15<sup>th</sup> day of Jan, 2026.

Sincerely,



Jian Li  
Professional Engineer  
Nebraska Department of Water, Energy, & Environment



## Project Review

---

DATE: October 15, 2024  
TO: Sarah Starostka, NDEE  
FROM: John Miller, NeDNR  
SUBJECT: Village of Pender Wastewater Works Improvements Project

---

### Comments

As requested, the Nebraska Department of Natural Resources (NeDNR) has reviewed the proposed project for potential impacts to jurisdictional dams, floodplain management, registered groundwater wells, stream gages, and surface water rights, and has listed the comments below:

### Floodplain Management

Comments attached separately.

### Groundwater Wells – Public Supply wells and wells in project area.

According to NeDNR records, there is one (1) public supply well within the 1,000-foot spacing for the proposed project area and several other registered wells within the proposed project area. Please note that the attached map shows the 1,000-foot spacing, but does not show the public supply well location. Please contact the local municipality for more information on public supply well names and locations. All other registered wells are shown on the map. Special care should be taken to locate and avoid impacting these wells in any significant way. If the registration status, use, or ownership of a well changes due to the project, one or both of the following forms must be filed with NeDNR: the water well registration modification form and/or the change of ownership form. Furthermore, the appropriate Natural Resources District (NRD), which may have additional rules and regulations regarding such changes, should be notified. If you have any questions on groundwater well registration, please contact Mike Thompson at (402) 471-0587 or reference the groundwater links below.

### Groundwater Links:

Groundwater general information: <http://dnr.nebraska.gov/groundwater>

Groundwater well data: <http://nednr.nebraska.gov/dynamic/wells/Menu.aspx>

Groundwater forms: <https://dnr.nebraska.gov/groundwater/forms>

Local NRD Information: <https://www.nrdnet.org/nrds/find-your-nrd>

*Closing*

The review did not identify any potential impacts to jurisdictional dams, stream gages or surface water rights. If you have any questions about this review, please feel free to contact me at (402) 471-3969 or [john.j.miller@nebraska.gov](mailto:john.j.miller@nebraska.gov).

Enclosure (s)



DEPT. OF NATURAL RESOURCES

To: Sarah Starostka  
Division Administrator, Planning & Aid Division  
Nebraska Department of Environment and Energy

From: Erin Wendt  
Outreach Coordinator, Floodplain Management Division  
Nebraska Department of Natural Resources

Date: October 15, 2024

Subject: Village of Pender Wastewater Works Improvement project.



Jim Pillen, Governor

Portions of the proposed project are located within a regulated 1% annual chance floodplain. All development within flood hazard areas needs to comply with local floodplain regulations and a floodplain development permit obtained prior to commencement. "Development" is defined in [44 CFR 59.1](#) as, "any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials."

Additionally, a portion of the proposed project is located within a moderate-risk *Shaded Zone X* (Area protected by levee) flood zone. The proposed development location is on the landward side of an accredited levee system constructed in 1999 and is between both Zone AE Floodway and Zone A Floodplain flood hazard areas. The property owner / developer is advised that while levees are designed to withstand flooding, no levee system can eliminate all flood risk and can sometimes fail.

The proposed development is subject to the provisions of Executive Order 11988, Floodplain Management, as amended (24 CFR Part 55), and referred to as the Federal Flood Risk Management Standard (FFRMS). When not practicable to locate a project outside the floodplain, potential harm to or within the floodplain must be reduced to the smallest amount possible (24 CFR 55.20(e)(2)). Minimization techniques include the use of permeable surfaces natural landscape enhancements that maintain or restore natural hydrology (24 CFR 55.20(e)(2)(i)) and adjusting the project's footprint to minimize impermeable surfaces and other impacts—such as channel constriction—in the floodplain (24 CFR 55.20(e)(2)(ii)).

The proposed development is also subject to the provisions of Nebraska Administrative Code Title 455 Chapter 1, "Minimum Standards for Floodplain Management". Please note the following:

*Per NAC Title 455 Chapter 1 §004.01, "No new construction, substantial improvements, or other obstruction (including fill) shall be permitted unless it is demonstrated that the cumulative effect of the proposed new construction, when combined with all other existing and anticipated new construction or substantial improvement, will not increase the water surface elevation of the base flood more than one foot at any location." As part of the permitting process, provide the local Floodplain Administrator with the amount of rise of the base flood elevation the proposed development will cause.*

Jesse Bradley, P.G., Interim Director

Department of Natural Resources

245 Fallbrook Blvd., Suite 201 OFFICE 402-471-2363  
Lincoln, Nebraska 68521 FAX 402-471-2900

[dnr.nebraska.gov](http://dnr.nebraska.gov)

*Per NAC Title 455 Chapter 1 §004.03, "All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage to such utilities and facilities."*

*Per NAC Title 455 Chapter 1 §004.04, "New and replacement water systems shall be designed to minimize or eliminate infiltration of flood waters into the system."*

*Per NAC Title 455 Chapter 1 §004.05, "New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters."*

*Per NAC Title 455 Chapter 1 §004.06, "On-site waste disposal systems shall be designed to avoid impairment to them or contamination from them during flooding."*

*Per NAC Title 455 Chapter 1 §004.15, "The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning." This stipulation applies during and after construction, to both the construction and staging areas.*

If you have any questions concerning floodplain management and permitting, please contact the local floodplain administrator:

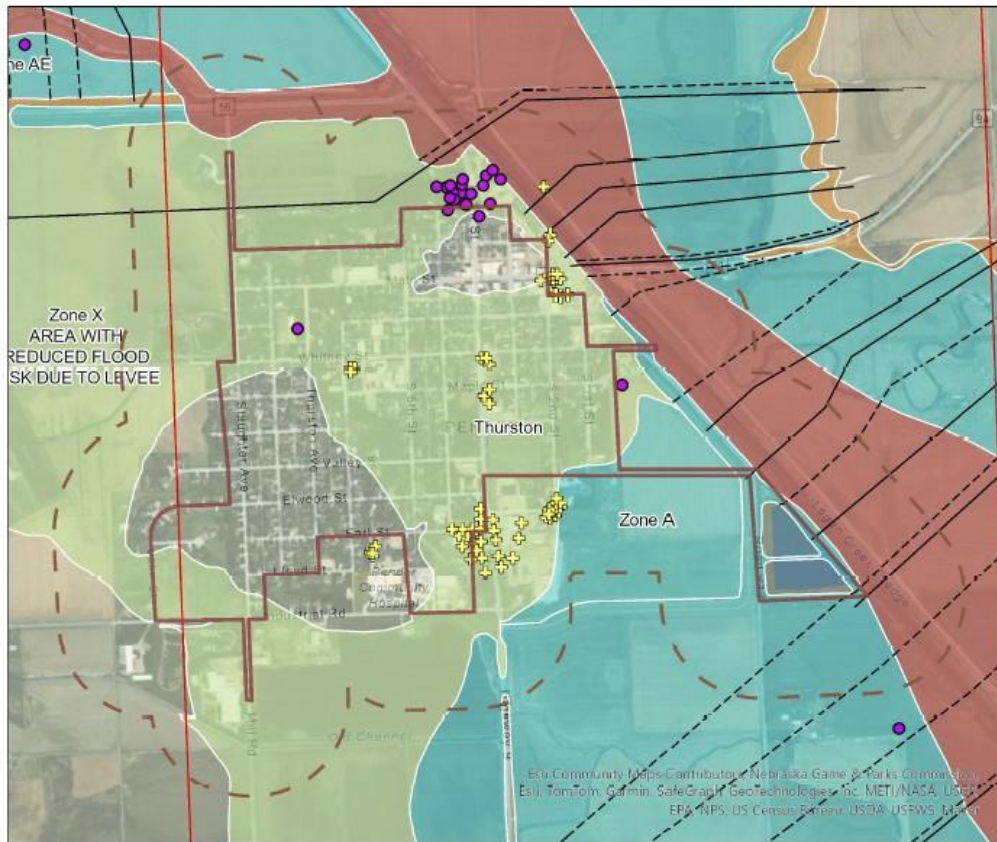
Village of Pender  
Christopher Reha  
Board Chairperson  
614 Main Street PO Box 549  
Pender, NE 68047  
(402) -385-3232  
reha.chris@gmail.com

For questions regarding the information contained within this memo, please contact the NeDNR Floodplain Management Division at (402) 471-2363 or <https://dnr.nebraska.gov/floodplain/contact>.





## Pender Waste Treatment Facility Improvements Thurston County, Nebraska



### Legend

- Approximate Project Area
- 1,000 Ft. Buffer
- Registered Wells**
  - Registered Wells
  - Abandoned Wells
- Irrigated Fields
- Major Stream
- NDNR Stream Gage
- USGS Stream Gage
- Jurisdictional Dam

### Flood Hazard Zones

#### Zone Type

- 1% Annual Chance Flood Hazard
- Regulatory Floodway
- Special Floodway
- Area of Undetermined Flood Hazard
- 0.2% Annual Chance Flood Hazard
- Excess Conditions 1% Annual Chance Flood Hazard
- Area with Reduced Risk Due to Levee

0 1,000 2,000  
Feet

# NEBRASKA

Good Life. Great Resources.

DEPT. OF WATER, ENERGY, AND ENVIRONMENT



Jim Pillen, Governor

December 15, 2025

Tom Stephens  
Financial Packager  
Nebraska Department of Economic Development  
245 Fallbrook Blvd. Suite 002  
Lincoln, NE 68521

RE: Village of Pender Wastewater Works Improvements

Dear Mr. Stephens:

You are being contacted for comments on the following federally funded project. The Village of Pender has been awarded and is applying to the Environmental Protection Agency's (EPA) Sewer Overflow and Stormwater Reuse Municipal Grant (OSG) program to partially finance their Sewer Collection System Improvements project. The project will include addressing inflow & infiltration issues in the collection system through actions that could include evaluation, repair, replacement, and liner.

While the project has undergone previous environmental reviews, as a grant condition for the OSG program, the Village of Pender is in the process of performing an additional environmental review pursuant to the National Environmental Policy Act (NEPA) in order that it may assess the environmental impacts of collection system improvements and your input is requested for the project. A detailed map including the project location is provided on the next page. **Please provide a response, even if it is no comment, within 30 days of this letter as your input is needed for the next steps of presenting a NEPA review to the EPA.** If you need any further information or wish to discuss the project, please contact me at 402-471-3556 or by email at [jian.li@nebraska.gov](mailto:jian.li@nebraska.gov).

Sincerely

Jian Li, Professional Engineer II  
Permitting & Engineering Section  
Nebraska Department of Water, Energy and Environment



Site Map of Sewer Collection and Treatment System



**Li, Jian**

---

**From:** Stephens, Tom  
**Sent:** Monday, December 15, 2025 1:34 PM  
**To:** Li, Jian  
**Cc:** Danforth, John R  
**Subject:** OSG Consultation Letter for Village of Pender - DED HAS NO COMMENT

DED has no comment (per your letter). Best wishes for your project. 😊

**Tom Stephens**  
*Economic Development Financial Packager | Housing and Community Development*  
**Nebraska Department of Economic Development**  
*Partnership | Integrity | Agility | Effectiveness | Grit*  
245 Fallbrook Blvd, Suite 002  
Lincoln, NE 68521  
[tom.stephens@nebraska.gov](mailto:tom.stephens@nebraska.gov)  
Office: 402-471-6587 | Cell: 402-499-0878  
[opportunity.nebraska.gov](https://opportunity.nebraska.gov) | [Facebook](#) | [Twitter](#)

---

**From:** Li, Jian <Jian.Li@nebraska.gov>  
**Sent:** Monday, December 15, 2025 1:16 PM  
**To:** Stephens, Tom <tom.stephens@nebraska.gov>  
**Cc:** Danforth, John R <john.r.danforth@nebraska.gov>  
**Subject:** Re: OSG Consultation Letter for Village of Pender

Hi Mr. Stephens

Attached please find the consultation letter of Sewer Overflow and Stormwater Reuse Municipal Grant (OSG) for Village of Pender.

Thanks for your time.

**Jian Li**  
Professional Engineer II

**Nebraska Department of Water, Energy and Environment**  
245 Fallbrook Blvd.  
Suite 100  
Lincoln, NE 68521

DIRECT: (402) 471-3556 | MAIN OFFICE: (402) 471-2186

# NEBRASKA

Good Life. Great Resources.

DEPT. OF WATER, ENERGY, AND ENVIRONMENT



Jim Pillen, Governor

December 15, 2025

Janae Johnson  
Department of the Interior  
Fish and Wildlife Services  
9325 South Alda Road  
Wood River, NE 68883

RE: Village of Pender Wastewater Works Improvements

Dear Ms. Johnson:

You are being contacted for comments on the following federally funded project. The Village of Pender has been awarded and is applying to the Environmental Protection Agency's (EPA) Sewer Overflow and Stormwater Reuse Municipal Grant (OSG) program to partially finance their Sewer Collection System Improvements project. The project will include addressing inflow & infiltration issues in the collection system through actions that could include evaluation, repair, replacement, and liner.

While the project has undergone previous environmental reviews, as a grant condition for the OSG program, the Village of Pender is in the process of performing an additional environmental review pursuant to the National Environmental Policy Act (NEPA) in order that it may assess the environmental impacts of collection system improvements and your input is requested for the project. A detailed map including the project location is provided on the next page. **Please provide a response, even if it is no comment, within 30 days of this letter as your input is needed for the next steps of presenting a NEPA review to the EPA.** If you need any further information or wish to discuss the project, please contact me at 402-471-3556 or by email at [jian.li@nebraska.gov](mailto:jian.li@nebraska.gov).

Sincerely

Jian Li, Professional Engineer II  
Permitting & Engineering Section  
Nebraska Department of Water, Energy and Environment



Site Map of Sewer Collection and Treatment System



Li, Jian

---

**From:** Nebraskaes, FW6 <Nebraskaes@fws.gov>  
**Sent:** Monday, December 15, 2025 3:55 PM  
**To:** Li, Jian  
**Cc:** Danforth, John R  
**Subject:** Re: [EXTERNAL] Re: OSG Consultation Letter for Village of Pender

You don't often get email from nebraskaes@fws.gov. [Learn why this is important](#)

Good afternoon,

Thank you for informing us of this project. You may view the federally threatened and endangered species in the project area using the [Information for Planning and Consultation \(IPaC\)](#) tool. Upon my review, the following species are potentially affected by activities in this location: Piping plover (threatened), pallid sturgeon (endangered), monarch butterfly (proposed threatened), Suckley's cuckoo bumble bee (proposed endangered), and western regal fritillary (proposed threatened).

It is my understanding that this project does not introduce any changes to water quantity or quality that would be measurable in areas that are considered suitable for piping plover or pallid sturgeon (such as the Elkhorn river or Missouri river). For descriptions of suitable habitat areas and species threats, visit the Nebraska Field Office Conservation Measures page: <https://www.fws.gov/media/nebraska-conservation-measures>

Based on the project information you provided, the Service does not anticipate adverse impacts to threatened and endangered species. Project changes that result in change to the type or level of effects previously considered then the Service's comments provided herein will no longer be valid. This communication serves as technical assistance and does not provide concurrence from the Service. Letters of concurrence can only be provided to the lead federal agency upon request.

Regards,  
Grace

Grace Trankina  
Fish & Wildlife Biologist  
(402) 902-0795  
[grace\\_trankina@fws.gov](mailto:grace_trankina@fws.gov)

Nebraska Field Office  
U.S. Fish and Wildlife Service  
9325 South Alda Road  
Wood River, Nebraska 68883  
[NebraskaES@fws.gov](mailto:NebraskaES@fws.gov)  
For a species list, visit <https://ecos.fws.gov/ipac/>  
Office information <https://www.fws.gov/office/nebraska-ecological-services>

# NEBRASKA

Good Life. Great Resources.

DEPT. OF WATER, ENERGY, AND ENVIRONMENT



Jim Pillen, Governor

December 15, 2025

Cicely Wardyn  
Policy Advisor  
State Office of Policy Research  
Rm. 1319, State Capitol  
Lincoln, NE 68509

RE: Village of Pender Wastewater Works Improvements

Dear Ms. Wardyn:

You are being contacted for comments on the following federally funded project. The Village of Pender has been awarded and is applying to the Environmental Protection Agency's (EPA) Sewer Overflow and Stormwater Reuse Municipal Grant (OSG) program to partially finance their Sewer Collection System Improvements project. The project will include addressing inflow & infiltration issues in the collection system through actions that could include evaluation, repair, replacement, and liner.

While the project has undergone previous environmental reviews, as a grant condition for the OSG program, the Village of Pender is in the process of performing an additional environmental review pursuant to the National Environmental Policy Act (NEPA) in order that it may assess the environmental impacts of collection system improvements and your input is requested for the project. A detailed map including the project location is provided on the next page. **Please provide a response, even if it is no comment, within 30 days of this letter as your input is needed for the next steps of presenting a NEPA review to the EPA.** If you need any further information or wish to discuss the project, please contact me at 402-471-3556 or by email at [jian.li@nebraska.gov](mailto:jian.li@nebraska.gov).

Sincerely

Jian Li, Professional Engineer II  
Permitting & Engineering Section  
Nebraska Department of Water, Energy and Environment





Site Map of Sewer Collection and Treatment System

**Li, Jian**

---

**From:** Wardyn, Cicely  
**Sent:** Monday, December 15, 2025 1:34 PM  
**To:** Li, Jian  
**Cc:** Danforth, John R  
**Subject:** RE: Re: OSG Consultation Letter for Village of Pender

Hi Jian,

We have no comment at this time.

Thanks,  
Cicely

**Cicely Wardyn**  
*Policy Advisor to the Governor*

Office of Governor Jim Pillen  
CELL 531-289-9998  
[Cicely.Wardyn@Nebraska.Gov](mailto:Cicely.Wardyn@Nebraska.Gov)  
[governor.nebraska.gov](http://governor.nebraska.gov)

---

**From:** Li, Jian <Jian.Li@nebraska.gov>  
**Sent:** Monday, December 15, 2025 1:24 PM  
**To:** Wardyn, Cicely <Cicely.Wardyn@nebraska.gov>  
**Cc:** Danforth, John R <john.r.danforth@nebraska.gov>  
**Subject:** Re: OSG Consultation Letter for Village of Pender

Hi Ms. Wardyn

Attached please find the consultation letter of Sewer Overflow and Stormwater Reuse Municipal Grant (OSG) for Village of Pender.

Thanks for your time.

**Jian Li**  
Professional Engineer II

**Nebraska Department of Water, Energy and Environment**  
245 Fallbrook Blvd.  
Suite 100  
Lincoln, NE 68521

# NEBRASKA

Good Life. Great Resources.

DEPT. OF WATER, ENERGY, AND ENVIRONMENT



Jim Pillen, Governor

December 15, 2025

Nebraska State Historical Society  
1500 R Street  
Lincoln, NE 68508

RE: Village of Pender Wastewater Works Improvements

Dear Sir/madam:

You are being contacted for comments on the following federally funded project. The Village of Pender has been awarded and is applying to the Environmental Protection Agency's (EPA) Sewer Overflow and Stormwater Reuse Municipal Grant (OSG) program to partially finance their Sewer Collection System Improvements project. The project will include addressing inflow & infiltration issues in the collection system through actions that could include evaluation, repair, replacement, and liner.

While the project has undergone previous environmental reviews, as a grant condition for the OSG program, the Village of Pender is in the process of performing an additional environmental review pursuant to the National Environmental Policy Act (NEPA) in order that it may assess the environmental impacts of collection system improvements and your input is requested for the project. A detailed map including the project location is provided on the next page. **Please provide a response, even if it is no comment, within 30 days of this letter as your input is needed for the next steps of presenting a NEPA review to the EPA.** If you need any further information or wish to discuss the project, please contact me at 402-471-3556 or by email at [jian.li@nebraska.gov](mailto:jian.li@nebraska.gov).

Sincerely

Jian Li, Professional Engineer II  
Permitting & Engineering Section  
Nebraska Department of Water, Energy and Environment



Site Map of Sewer Collection and Treatment System



December 29, 2025

Jian Li  
Professional Engineer II  
NDWEE  
VIA EMAIL

RE: HP#2512-056-01; Village of Pender Wastewater Works Improvements; Proposed Wastewater Pipeline Work; Thurston County, Nebraska

Dear Jian Li,

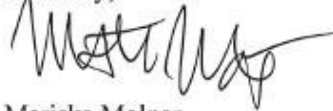
Thank you for submitting information for the above-referenced project for the Nebraska State Historic Preservation Office (NESHPO) to review and comment on. Our comment on this project and its potential to affect historic properties is required by Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations 36 CFR Part 800.

Based on the information provided, the proposed undertaking is unlikely to affect any cultural resources listed on the National Register of Historic Places or eligible for such a listing. Therefore, we concur with the determination that there will be **no historic properties affected (NP)** is appropriate for this undertaking, and the project may proceed as planned. Should any changes in this project be made, please notify this office of the changes before further project planning continues.

Please be advised that this determination does not necessarily reflect the opinion of Native American Tribes that may have an interest in the area, nor does it pertain to Traditional Cultural Properties, if they exist in the area.

Please retain this correspondence and your documented finding to show compliance with Section 106 of the National Historic Preservation Act, as amended. If you have any questions, please contact me at [mariska.molnar@nebraska.gov](mailto:mariska.molnar@nebraska.gov) or 531-350-8840.

Sincerely,



Mariska Molnar  
Preservation Archeologist

1500 R Street  
Lincoln, NE, 68508-1651  
<https://history.nebraska.gov>

# NEBRASKA

Good Life. Great Resources.

DEPT. OF WATER, ENERGY, AND ENVIRONMENT



Jim Pillen, Governor

December 15, 2025

Kelley Messenger  
USDA Rural Development  
Room 308, Federal Building  
100 Centennial Mall North  
Lincoln, NE 68508

RE: Village of Pender Wastewater Works Improvements

Dear Ms. Messenger:

You are being contacted for comments on the following federally funded project. The Village of Pender has been awarded and is applying to the Environmental Protection Agency's (EPA) Sewer Overflow and Stormwater Reuse Municipal Grant (OSG) program to partially finance their Sewer Collection System Improvements project. The project will include addressing inflow & infiltration issues in the collection system through actions that could include evaluation, repair, replacement, and liner.

While the project has undergone previous environmental reviews, as a grant condition for the OSG program, the Village of Pender is in the process of performing an additional environmental review pursuant to the National Environmental Policy Act (NEPA) in order that it may assess the environmental impacts of collection system improvements and your input is requested for the project. A detailed map including the project location is provided on the next page. **Please provide a response, even if it is no comment, within 30 days of this letter as your input is needed for the next steps of presenting a NEPA review to the EPA.** If you need any further information or wish to discuss the project, please contact me at 402-471-3556 or by email at [jian.li@nebraska.gov](mailto:jian.li@nebraska.gov).

Sincerely

Jian Li, Professional Engineer II  
Permitting & Engineering Section  
Nebraska Department of Water, Energy and Environment



Site Map of Sewer Collection and Treatment System



**Li, Jian**

---

**From:** Messenger, Kelley - RD, NE <kelley.messenger@usda.gov>  
**Sent:** Monday, December 15, 2025 2:52 PM  
**To:** Li, Jian  
**Cc:** Danforth, John R; Osborn, Amanda - RD, NE; Brandt, Ryan - RD, NE  
**Subject:** RE: [External Email]Re: OSG Consultation Letter for Village of Pender

We are not an agency to issue any permits or have any jurisdictions that require a review of environmental effect; therefore we have no comment on the subject application.

Thanks,

Kelley Messenger  
Community Programs Director  
Community Programs Division | Nebraska  
Kearney NE Office



U.S. DEPARTMENT OF AGRICULTURE  
Rural Development  
4009 6<sup>th</sup> Avenue, Suite 1, Kearney NE 68845-2386  
p: (308) 455-9837 | c: (402) 416-3362  
f: (855) 207-0384

---

**From:** Li, Jian <Jian.Li@nebraska.gov>  
**Sent:** Monday, December 15, 2025 1:30 PM  
**To:** Messenger, Kelley - RD, NE <kelley.messenger@usda.gov>  
**Cc:** Danforth, John R <john.r.danforth@nebraska.gov>  
**Subject:** [External Email]Re: OSG Consultation Letter for Village of Pender

**[External Email]**

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;  
Use caution before clicking links or opening attachments.  
Please send any concerns or suspicious messages to: [Spam.Abuse@usda.gov](mailto:Spam.Abuse@usda.gov)

Hi Ms. Messenger

Attached please find the consultation letter of Sewer Overflow and Stormwater Reuse Municipal Grant (OSG) for Village of Pender.

Thanks for your time.

**Jian Li**  
Professional Engineer II

**Nebraska Department of Water, Energy and Environment**  
245 Fallbrook Blvd.  
Suite 100  
Lincoln, NE 68521