

CRAWFORD & BAXTER, P.S.C.

ATTORNEYS AT LAW
523 Highland Avenue
P.O. Box 353
Carrollton, Kentucky 41008

James M. Crawford
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January 22, 2012

Mr. Jeff Derouen, Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602-0615

RECEIVED
JAN 24 2013
PUBLIC SERVICE
COMMISSION

RE: West Carroll Water District
Case No. 2012-00386

Dear Mr. Derouen:

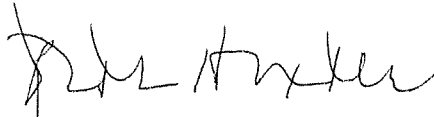
Enclosed you will find for filing the following documents with regard to the above styled case:

1. Ten (10) Applications for Certificate of Convenience and Necessity and one (1) copy of the Application for Certificate of Convenience and Necessity; and,
2. One (1) Exhibit Notebook.

Please stamp date the copy of the Application for Certificate of Convenience and Necessity and return to my office in the enclosed stamped self-addressed envelope. Thank you for your courtesy in this matter.

Sincerely,

CRAWFORD & BAXTER, P.S.C.



Ruth H. Baxter

RHB/dmp
Enclosures
cc: Ms. Vickie Edwards, Chairperson, WCWD

RECEIVED

JAN 24 2013

PUBLIC SERVICE COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION FOR CERTIFICATE OF)
CONVENIENCE AND NECESSITY -) CASE NO. 2012-00386
CONSTRUCTION FOR THE)
WEST CARROLL WATER DISTRICT)

Pursuant to KRS 278.020, and the Order of the Kentucky Public Service Commission (“PSC”) entered on November 16, 2012, comes now West Carroll Water District and requests the PSC to issue a Certificate of Convenience and Necessity for the construction of water infrastructure improvements to its existing systems, and in support of its request, states as follows:

1. **APPLICANT:** The applicant is the West Carroll Water District, Post Office Box 45, Carrollton, Kentucky 41008 (“WCWD”). WCWD seeks a Certificate of Convenience and Necessity for Construction (“CONC”) pursuant to KRS 278.020, and all other applicable law. It was organized pursuant to KRS Chapter 74, and the documentation relating to the organization of the WCWD has been previously furnished to the PSC in this case.

2. **INTERESTED PARTIES:** The project for which WCWD seeks a CONC is a joint project between Carrollton Utilities (“CU”), a municipal-owned utility of the City of Carrollton, Kentucky, and the Carroll County Water District #1 (“CCWD”). CU is represented by the Honorable G. Edward James, P.O. Box 373, Carrollton, Kentucky 41008; and CCWD is represented by Obe Cox, its manager, P.O. Box 350, Ghent, Kentucky 41045.

3. **PROPOSED CONSTRUCTION PROJECT:** WCWD owns a water distribution system that serves approximately 953 customers in Carroll, Henry and Trimble Counties.

The City of Carrollton (“Carrollton”), a city of the fourth class, currently operates and maintains WCWD’s distribution system through its municipal utility system, Carrollton Utilities (“CU”). This construction project is a joint project of WCWD with CU and CCWD which will affect 5,560 customers of the three (3) systems which furnish potable water in Carroll, Gallatin, Henry and Trimble Counties. CU sells water to the WCWD, which in turn distributes the water to its respective consumers. As a part of this joint project, CU will replace aging infrastructure at its water treatment plant, including the lime slaker, low lift pumps, belt press, and a recarb unit, and install a SCADA system to control and monitor the system. WCWD will install a booster pump station and parallel lines to boost pressure to underserved customers, and augment the filling of its existing 100,000 gallon tank which serves current consumers. This project will also include several extensions from WCWD’s existing service lines to several of the known, unserved potential customers for WCWD.

4. **BASIS FOR REQUEST AND PROPOSED LOCATION:** A CONC is required pursuant to the PSC Order entered November 16, 2012, at which time the PSC approved an InterLocal Agreement between the City of Carrollton, Kentucky, and the WCWD. WCWD submits that its request for a CONC is reasonable, and is in the best interest of its existing customers and its potential customers within its District. The project will ensure a more reliable supply of drinking water to the 5,650 customers of the three (3) water systems of WCWD, CU and CCWD. It will reduce the operations of the CU water treatment plant, and thus the cost of the plant, which affects the cost of the water sold to WCWD, approximately by thirty percent (30%), and will further cut significantly the energy costs associated with the water treatment plant’s operations. Further, the proposed project will reduce WCWD’s distribution system pressure loss caused by small diameter pump supply lines and make pumping operations more energy-efficient. It is anticipated that the

project will also greatly reduce the volume of waste lime that is hauled by truck from the water treatment plant to a land disposal site.

WCWD's objective is to improve its service to its existing 953 customers, while allowing the extension of potable water service to new customers. Distribution systems within the WCWD service area include approximately 49,600 linear feet of 3-inch polyvinyl chloride (PVC), 4 inch ductile iron (DI), 6-inch PVC, and a 6-inch DI water mains to serve approximately twenty-five (25) customers in areas throughout Carroll, Henry, and Trimble Counties. Additionally, the project includes a 40-gpm booster pump station on Kings Ridge Road, and a 60-gpm booster pump station on Gilgal Road, both in Carroll County. The Kings Ridge Road booster pump station will fill the existing Bells Ridge Water Tank, while the new Gilgal Road booster pump station will fill the existing Gilgal Water Tank. A new ion exchange treatment system will also be installed at the CU water treatment plant.

The proposed construction or extensions will not compete with any existing water utility as all construction is to WCWD's existing system and within its territorial boundaries.

5. **PERMITS**: The following permits have been obtained in conjunction with the project:

a. Kentucky Energy and Environment Cabinet, Department for Environmental Protection, Division of Water, DW No. KY0210067-12-001; Activity ID: APE20120001 (Exhibit 1);

b. Kentucky Energy and Environment Cabinet, Department for Environmental Protection, Division of Water, Stream Construction Permit, Permit No. 19938 (Exhibit 2);

c. United States Department of the Interior, Fish and Wildlife Service

Endangered and Threatened Species, FWD 2012-B-0315 for Countywide Underserved Project (WX#21041304) (Exhibit 3);

d. Department of the Army, U.S. Army Engineer District, Louisville, Corps of Engineers, No. LRL-20112-702 (Exhibit 4);

e. Trimble County Fiscal Court road permit authorization dated November 1, 2012, (Exhibit 5);

f. Tourism, Arts and Heritage Cabinet, Kentucky Heritage Council consent to the project by letter dated October 30, 2012, (Exhibit 6);

g. Carroll County, Kentucky Permit to Construct Across or Along A Stream or In A Flood Plain, dated November 14, 2012, (Exhibit 7);

h. Department of Highways, District 6 office of the Transportation Cabinet, Route No. 0549, Permit Number 06-2012-12800 (Exhibit 8); Route No. 1465, Permit Number 06-20012-12824 (Exhibit 9); Route No. 1226, Permit No. 06-2012-12764 (Exhibit 10); Route No. 0042, Permit Number 06-2012-12733, revised 12/5/12, (Exhibit 11); Route No. 0042, Permit Number 06-2012-12733 (Exhibit 12).

6. **ENGINEERING PLANS, SPECIFICATIONS, PLATS AND REPORT OF PROPOSED CONSTRUCTION**: Strand Associates, Inc., 325 West Main Street, Suite 710, Louisville, Kentucky 40202 (“Strand”), prepared the Preliminary Engineering Report for CU, dated July 2012. One (1) copy of same is being filed with the PSC with this Petition as Exhibit 13. The Project Manual also prepared by Strand for the joint project is dated November 2012. One (1) copy of same is being filed with the PSC with this Petition as Exhibit 14. Three (3) Plats showing the proposed WCWD Distribution System Improvements are attached hereto as Exhibit 15.

7. **FINANCING OF THE PROJECT:** By InterLocal Agreement between Carrollton and WCWD, as authorized by the PSC Order entered November 16, 2012, Carrollton will be responsible to apply for and receive Kentucky Infrastructure Authority (KIA) funding on a thirty (30) year amortization at the rate of one percent (1%) interest with at least a thirty percent (30%) principal forgiveness in an amount estimated at \$1,850,270.00. Funding obtained by Carrollton shall be utilized to fund the joint project, with the funding being allocated between multiple construction contracts in accordance with actual expenses incurred for each contract pro rata. A similar percentage will be assigned to each entity for the cost of the engineering services which costs is also to be divided between them pro rata. The WCWD pro rata share is estimated to be \$868,097.25. In the event bids for the project exceed this sum, WCWD is allowed to reduce the scope of the project to achieve a pro rata share that is acceptable to WCWD. WCWD will pay to Carrollton a semi-annual payment for the period equal to the years of debt incurred by Carrollton to cover its proportionate share of the final debt service for its portion of the project with said payments to begin on the same year as Carrollton is required to pay the debt following completion of construction.

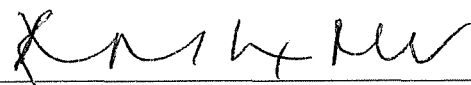
Carrollton has been approved for the KIA funding, as evidenced by Exhibit 16, and is ready, willing and able to initiate advertisements for bids for construction.

8. **ESTIMATED COST OF OPERATION AFTER CONSTRUCTION:** The estimated cost of operation after construction of the proposed improvements is \$393,908.70, a savings of \$6,470.30 annually in accordance with attached Exhibit 17.


WHEREFORE, the West Carroll Water District respectfully requests that the Kentucky Public Service Commission grant it a Certificate of Convenience and Necessity Construction for the improvements of its system as set out herein.

CRAWFORD & BAXTER, P.S.C.
ATTORNEYS AT LAW
523 Highland Avenue
P.O. Box 353
Carrollton, Kentucky 41008
Phone: (502) 732-6688
Fax: (502) 732-6920
Email: cbjruthbaxter@aol.com

Attorneys for West Carroll Water District


By: 
Ruth H. Baxter

WEST CARROLL WATER DISTRICT
Post Office Box 54
Carrollton, Kentucky 41008
(502) 732-1216 (Direct Line)
(502) 732-7055 (Main Line)
(502) 732-7058 (Fax)

BY: 
Vickie Edwards, Chairperson

VERIFICATION

I, Vickie Edwards, Chairperson of the West Carroll Water District, state that the statements contained in this Petition are true to the best of my information and belief.


Vickie Edwards, Chairperson

STATE OF KENTUCKY)

COUNTY OF CARROLL)

Subscribed and sworn to before me by Vickie Edwards, Chairperson of the West
Carroll Water District, on this the 17th day of January, 2013.

My commission expires: 4/14/2016

Laura Chastity Robbin
Notary Public, Kentucky State at Large



STEVEN L. BESHEAR
GOVERNOR

LEONARD K. PETERS
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
200 FAIR OAKS LANE, 4TH FLOOR
FRANKFORT, KENTUCKY 40601
www.kentucky.gov

RECEIVED

JAN 24 2013

PUBLIC SERVICE
COMMISSION

August 24, 2012

Mr. Terry Roach
Carrollton Utilities
P. O. Box 269
Carrollton, KY 41008

RE: Carrollton Utilities
County: Carroll
AI#: 696
DW No: KY0210067-12-001
Activity ID: APE20120001
Water Treatment System Improvements
Preliminary Engineering Report

Dear Mr. Roach:

We have received the preliminary engineering design report for the above referenced project. It proposes modifying the existing water treatment plant with the addition of an ion exchange softening process to supplement the existing lime softening process that is currently rated for 1.5 mgd. Improvements include a low lift pump capable of pumping 1,040 gpm at between 27 to 40 feet TDH, three ion exchange units rated at 0.5 mgd each for total capacity of 1.5 mgd, a new brine system, and a new sewer line to take backwash water to the sanitary sewer system. A new rating of the water treatment plant will be determined when final plans are approved by Division of Water.

This is to advise that preliminary engineering report for the above referenced project is APPROVED with respect to sanitary features of design, as of the date of this approval letter, with following stipulations:

1. If the water system chooses to utilize other treatment options not stated in the preliminary engineering report, you are required to submit an addendum to the above report containing the details of the treatment process selected and receive approval before final engineering design is completed. This office strongly suggests that Carrollton Utilities and its consulting engineer(s) schedule a meeting with the Division of Water through the Engineering Section before final plans and specifications are submitted to this office for review and approval.
2. This approval has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this approval does not relieve

Carrollton Utilities
Water Treatment System Improvements
Preliminary Engineering Report
August 24, 2012
Page 2 of 2

the applicant from the responsibility of obtaining any other approvals, permits or licenses required by this Cabinet and other state, federal and local agencies.

This letter shall not be construed as final approval, as detailed plans and specifications must be submitted for review and approval when they become available. If final plans and specifications are not submitted within two years from the date of preliminary approval, this approval shall expire.

If you have any questions concerning this project, please contact Mr. Abbas Pourghasemi, at (502) 564-8158, extension 4833.

Sincerely,



Mark Rasche, P.E.
Engineering Section Supervisor
Water Infrastructure Branch
Division of Water

MER: AGP

Enclosures

∩: Strand Associates
Carroll County Health Department



STEVEN L. BESHEAR
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
200 FAIR OAKS LANE, 4TH FLOOR
FRANKFORT, KENTUCKY 40601
www.kentucky.gov

LEONARD K. PETERS
SECRETARY

STREAM CONSTRUCTION PERMIT

For Construction In Or Along A Stream

Issued to: Carrollton Utilities
Address: PO Box 269
Carrollton, KY 41008

Permit expires on
September 7, 2013

Permit No. 19938

In accordance with KRS 151.250 and KRS 151.260, the Energy and Environment Cabinet approves the application dated July 31, 2012 for construction of waterline extensions including the installation of four subfluvial pipeline crossings located in the floodplain of East Prong Locust Creek, at about stream mile 0.8, with coordinates 38.69397, -85.26351; in the floodplain of Little Kentucky River, with coordinates 38.68073, -85.20758; in the floodplain of an unnamed tributary to Little Kentucky River, with coordinates 38.68102, -85.21798; and in the floodplain of Carlisle Branch, in Carroll County. AI: 696

There shall be no deviation from the plans and specifications submitted and hereby approved unless the proposed change shall first have been submitted to and approved in writing by the Cabinet. This approval is subject to the attached limitations. Please read these limitations carefully! If you are unable to adhere to these limitations for any reason, please contact this office prior to construction.

This permit is valid from the standpoint of stream obstruction only. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal and local agencies. Specifically if the project involves work in a stream, such as bank stabilization, dredging, relocation, or in designated wetlands, a 401 Water Quality Certification from the Division of Water will be required.

This permit is nontransferable and is not valid unless actual construction of this authorized work is begun prior to the expiration date noted above. Any violation of the Water Resources Act of 1966 as amended is subject to penalties as set forth in KRS 151.990.

If you have any questions regarding this permit, please call Mr. Jim Oerther at (502) 564-3410.

Issued September 7, 2012.

Todd Powers, P.E., Supervisor
Floodplain Management Section
Surface Water Permit Branch

TAP/JO/nm

pc: Florence Regional Office
Mitchell Perkins- Carroll Co. Floodplain Coordinator
Mark C. Askin, P.E. (by email)
File

Stream Construction Permit

Carrollton Utilities

Facility Requirements

Permit Number: 19938

Activity ID No.: APE20120002

STRC0000000012 (Water Line) Construction of waterline extensions including the installation of four subfluvial pipeline crossings located in the floodplain of East Prong Locust Creek, with coordinates 38.69397, -85.26351; in the floodplain of Little Kentucky River, with coordinates 38.68073, -85.20758; in the floodplain of an unnamed tributary to Little Kentucky River, with coordinates 38.68102, -85.21798; and in the floodplain of Carlisle Branch, with coordinates 38.67924, -85.20477, in Carroll County.:

Submittal/Action Requirements:

Condition No.	Condition
S-1	Carrollton Utilities must submit final construction report: Due within 90 days after completion of construction Carrollton Utilities must notify in writing that the project has been completed in accordance with the approved plans and specifications. A Final Construction Report Form is enclosed. [401 KAR 4:060 Section 6]

Narrative Requirements:

Condition No.	Condition
T-1	This permit is issued from the standpoint of stream obstruction only and does not constitute certification of any other aspect of the proposed construction. The applicant is liable for any damage resulting from the construction, operation, or maintenance of this project. This permit has been issued under the provisions of KRS Chapter 151.250 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal and local agencies. [KRS 151.250]
T-2	A copy of this permit must be available at the construction site. [KRS 151.250]
T-3	Any work performed by or for Carrollton Utilities that does not fully conform to the submitted application or drawings and the limitations set forth in this permit, is subject to partial or total removal and enforcement actions pursuant to KRS 151.280 as directed by the Kentucky Department for Environmental Protection. [KRS 151.280]
T-4	Any design changes or amendments to the approved plans must be submitted to the Division of Water and approved in writing prior to implementation. [KRS 151.250]



STEVEN L. BESHEAR
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
200 FAIR OAKS LANE, 4TH FLOOR
FRANKFORT, KENTUCKY 40601
www.kentucky.gov

LEONARD K. PETERS
SECRETARY

RECEIVED
SEP 17 2012
CARROLLTON UTILITIES

STREAM CONSTRUCTION PERMIT For Construction In Or Along A Stream

Issued to: Carrollton Utilities
Address: PO Box 269
Carrollton, KY 41008

Permit expires on
September 12, 2013

Permit No. 19944

In accordance with KRS 151.250 and KRS 151.260, the Energy and Environment Cabinet approves the application dated July 31, 2012 for construction of waterline extensions including the installation of four subfluvial pipeline crossings located in the floodplain of Millers Branch, at about stream mile 0.4 with coordinates 38.623325, -85.263313; in the floodplain of an unnamed tributary to Millers Branch, with coordinates 38.628001, -85.267884; in the floodplain of Hardy Creek, with coordinates 38.607756, 85.276945; and in the floodplain of an unnamed tributary to Hardy Creek, with coordinates 38.611509, -85.282828, in Trimble County. AI: 696

There shall be no deviation from the plans and specifications submitted and hereby approved unless the proposed change shall first have been submitted to and approved in writing by the Cabinet. This approval is subject to the attached limitations. **Please read these limitations carefully!** If you are unable to adhere to these limitations for any reason, please contact this office prior to construction.

This permit is valid from the standpoint of stream obstruction only. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal and local agencies. Specifically if the project involves work in a stream, such as bank stabilization, dredging, relocation, or in designated wetlands, a 401 Water Quality Certification from the Division of Water will be required.

This permit is nontransferable and is not valid unless actual construction of this authorized work is begun prior to the expiration date noted above. Any violation of the Water Resources Act of 1966 as amended is subject to penalties as set forth in KRS 151.990.

If you have any questions regarding this permit, please call Mr. Jim Oerther at (502) 564-3410.

Issued September 12, 2012.

Todd Powers, P.E., Supervisor
Floodplain Management Section
Surface Water Permit Branch

TAP/JO/nm

pc: Florence Regional Office
Mitchell Perkins- Carroll Co. Floodplain Coordinator
Mark C. Askin, P.E. (by email)
File

Stream Construction Permit

Carrollton Utilities

Facility Requirements

Permit Number:19944

Activity ID No.: APE20120003

Page 1 of 2

STRC0000000013 (Water Line) Construction of waterline extensions including the installation of four subfluvial pipeline crossings located in the floodplain of Millers Branch, with coordinates 38.623325, -85.263313; in the floodplain of an unnamed tributary to Millers Branch, with coordinates 38.628001, -85.267884; in the floodplain of Hardy Creek, with coordinates 38.607756, 85.276945; and in the floodplain of an unnamed tributary to Hardy Creek, with coordinates 38.611509, -85.282828, in Trimble County.:

Submittal/Action Requirements:

Condition

No. Condition

- | Condition No. | Condition |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| S-1 | Carrollton Utilities must submit final construction report: Due within 90 days after completion of construction Carrollton Utilities must notify in writing that the project has been completed in accordance with the approved plans and specifications. A Final Construction Report Form is enclosed. [401 KAR 4:060 Section 6] |

Narrative Requirements:

Condition

No. Condition

- | Condition No. | Condition |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| T-1 | This permit is issued from the standpoint of stream obstruction only and does not constitute certification of any other aspect of the proposed construction. The applicant is liable for any damage resulting from the construction, operation, or maintenance of this project. This permit has been issued under the provisions of KRS Chapter 151.250 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal and local agencies. [KRS 151.250] |
| T-2 | A copy of this permit must be available at the construction site. [KRS 151.250] |
| T-3 | Any work performed by or for Carrollton Utilities that does not fully conform to the submitted application or drawings and the limitations set forth in this permit, is subject to partial or total removal and enforcement actions pursuant to KRS 151.280 as directed by the Kentucky Department for Environmental Protection. [KRS 151.280] |
| T-4 | Any design changes or amendments to the approved plans must be submitted to the Division of Water and approved in writing prior to implementation. [KRS 151.250] |
| T-5 | Since Trimble County participates in the National Flood Insurance Program, a local floodplain permit must be obtained prior to beginning of construction. Upon completion of construction Carrollton Utilities must contact the local permitting agency for final approval of the construction for compliance with the requirements of the local floodplain ordinance. [401 KAR 4:060 Section 9(c)] |
| T-6 | Upon completion of construction all areas disturbed within the base floodplain shall be restored as closely as possible to their original contours. [401 KAR 4:060] |



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Kentucky Ecological Services Field Office
330 West Broadway, Suite 265
Frankfort, Kentucky 40601
(502) 695-0468

February 14, 2012

Mr. Terry A. Roach, P.E.
Utility Engineer
Carrollton Utilities
P.O. Box 269
Carrollton, Kentucky 41008

Re: FWS 2012-B-0315; Carrollton Utilities, Carroll Co. Fiscal Court Countrywide Underserved project (WX#21041304), located in Carroll, Henry, and Trimble Counties, Kentucky

Dear Mr. Roach:

Thank you for your February 2, 2012 correspondence regarding the above-referenced project. The U.S. Fish and Wildlife Service (Service) has reviewed this proposed project and offers the following comments in accordance with the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). This is not a concurrence letter. Please read carefully, as further consultation with the service may be necessary.

In accordance with provisions of the Fish and Wildlife Coordination Act, the Service has reviewed the projects with regards to the effects the proposed actions may have on wetlands and/or other jurisdictional waters. We recommend that project plans be developed to avoid impacting wetland areas and/or streams, and reserve the right to review any required federal or state permits at the time of public notice issuance. The U.S. Army Corps of Engineers should be contacted to assist you in determining if wetlands or other jurisdictional waters are present or if a permit is required.

In accordance to section 7 of the ESA, the Service must consider the "Direct effects", "Indirect effects", and "Cumulative effects" of the proposed project. "Direct effects" are effects on listed species or critical habitat that occur at the time of project construction. "Indirect effects" are effects on listed species or critical habitat that are caused by the action and are later in time but are still reasonably certain to occur. "Cumulative effects" are those effects on listed species or critical habitat for future activities and/or projects that are induced by the proposed project subject to consultation and that occur after that project is completed. Please inform us of any future actions and/or projects (*i.e.*; water tanks, subdivisions, commercial development) that would reasonably occur as a result of the proposed project so that we may adequately analyze those effects.

In order to assist you in determining if the proposed project has the potential to impact protected species we have searched our records for occurrences of listed species within the vicinity of the proposed project. Based upon the information provided to us and according to our databases, we believe that the Indiana bat (*Myotis sodalis*) is the only federally listed species that has the potential to occur within the project vicinity.

We must advise you that collection records available to the Service may not be all-inclusive. Our database is a compilation of collection records made available by various individuals and resource agencies. This information is seldom based on comprehensive surveys of all potential habitats and thus does not necessarily provide conclusive evidence that protected species are present or absent at a specific locality.

Indiana bat

Summer roost and/or winter habitat for the endangered Indiana bat may exist within the proposed project site. Based on this information, we believe that: (1) forested areas in the vicinity of and on the project area may provide potentially suitable summer roosting and foraging habitat for the Indiana bat; and (2) caves, rockshelters, and abandoned underground mines in the vicinity of and on the project area may provide potentially suitable wintering habitat for the Indiana bat. Our belief that potentially suitable habitat may be present is based on the information provided in your correspondence, the fact that much of the project site and/or surrounding areas contain forested habitats that are within the natural range of this species, and our knowledge of the life history characteristics of the species.

The Indiana bat utilizes a wide array of forested habitats, including riparian forests, bottomlands, and uplands for both summer foraging and roosting habitat. Indiana bats typically roost under exfoliating bark, in cavities of dead and live trees, and in snags (*i.e.*, dead trees or dead portions of live trees). Trees in excess of 16 inches diameter at breast height (DBH) are considered optimal for maternity colony roosts, but trees in excess of 9 inches DBH appear to provide suitable maternity roosting habitat. Male Indiana bats have been observed roosting in trees as small as 5 inches DBH.

Prior to hibernation, Indiana bats utilize the forest habitat around the hibernacula, where they feed and roost until temperatures drop to a point that forces them into hibernation. This "swarming" period is dependent upon weather conditions and may last from about September 15 to about November 15. This is a critical time for Indiana bats, since they are acquiring additional fat reserves and mating prior to hibernation. Research has shown that bats exhibiting this "swarming" behavior will range up to five miles from chosen hibernacula during this time. For hibernation, the Indiana bat prefers limestone caves, sandstone rockshelters, and abandoned underground mines with stable temperatures of 39 to 46 degrees F and humidity above 74 percent but below saturation.

Because we have concerns relating to the Indiana bat on this project and due to the lack of occurrence information available on this species relative to the proposed project area, we would have the following recommendations relative to Indiana bats.

1. Based on the presence of numerous caves, rock shelters, and underground mines in Kentucky, we believe that it is reasonable to assume that other caves, rock shelters, and/or abandoned underground mines may occur within the project area, and, if they occur, they could provide winter habitat for Indiana bats. Therefore, we would

recommend that the project proponent survey the project area for caves, rock shelters, and underground mines, identify any such habitats that may exist on-site, and avoid impacts to those sites pending an analysis of their suitability as Indiana bat habitat by this office.

2. We would also recommend that the project proponent only remove trees within the project area between October 15 and March 31 in order to avoid impacting summer roosting Indiana bats. However, if any Indiana bat hibernacula are identified on the project area, we recommend the project proponent only remove trees between November 15 and March 31 in order to avoid impacting Indiana bat "swarming" behavior.

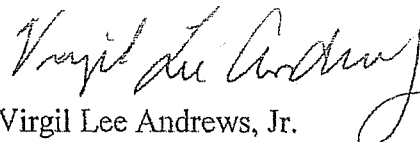
However, if these recommendations cannot be incorporated as project conditions, then the project area may be surveyed to determine the presence or absence of this species within the project area in an effort to determine if potential impacts to the Indiana bat are likely. A qualified biologist who holds the appropriate collection permits for the Indiana bat must undertake such surveys, and we would appreciate the opportunity to approve the biologist's survey plan prior to the survey being undertaken and to review all survey results, both positive and negative. If any Indiana bats are identified, we would request written notification of such occurrence(s) and further coordination and consultation.

If your project schedule requires the clearing of potential Indiana bat habitat (*i.e.*, trees that are greater than 5 inches DBH and exhibit exfoliating bark, cracks, crevices, dead portions) during the period of April 1 to October 14, you have two primary options for addressing impacts to Indiana bats. First, you can survey the project site as described previously, or you can enter into a Conservation Memorandum of Agreement (MOA) with the Service. By entering into a Conservation MOA with the Service, Cooperators gain flexibility in project timing with regard to the removal of suitable Indiana bat habitat. In exchange for this flexibility, the Cooperator provides recovery-focused conservation benefits to the Indiana bat through the implementation of minimization and mitigation measures as set forth in the Indiana Bat Mitigation Guidance for the Commonwealth of Kentucky. For additional information about this option, please notify our office.

Surveys for the Indiana bat would not be necessary if sufficient site-specific information was available that showed that: (1) there is no potentially suitable habitat within the project area or its vicinity or (2) the species would not be present within the project area or its vicinity due to site-specific factors, or (3) trees were removed from the site exclusively between October 15 and March 31, and/or (4) the project proponent enters into a Conservation MOA with the Service.

Thank you again for your request. Your concern for the protection of endangered and threatened species is greatly appreciated. If you have any questions regarding the information that we have provided, please contact James Gruhala at (502) 695-0468 extension 116.

Sincerely,



Virgil Lee Andrews, Jr.
Field Supervisor



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE KY 40201-0059
FAX: (502) 315-6677
<http://www.lrl.usace.army.mil/>

November 1, 2012

Operations Division
Regulatory Branch (South)
ID No. LRL-2012-702

Mr. Terry Roach
Utility Engineer
Carrollton Utilities
P.O. Box 269
Carrollton, Kentucky 41008

Dear Mr. Roach:

This is in response to your July 20, 2012, request for authorization to conduct open-box cut water line crossings along the East Prong of Locust Creek, Millers Branch, Hardy Creek, Carlisle Branch, and a directional boring underneath the Little Kentucky River in Carroll, Henry, and Trimble Counties, Kentucky. The information supplied by you was reviewed to determine whether a Department of the Army (DA) permit will be required under the provisions of Section 10 of the Rivers and Harbors of 1899 and Section 404 of the Clean Water Act.

Your project is considered a discharge of backfill or bedding material for utility lines. The project is authorized under the provisions of 33 CFR 330 Nationwide Permit (NWP) No. 12, Utility Line Activities, as published in the Federal Register February 21, 2012. Under the provisions of this authorization, you must comply with the enclosed Terms and General Conditions for Nationwide Permit No. 12 and the following Special Conditions:

1. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. The permittee shall restrict tree clearing to the winter months between October 15 and March 31, and will avoid disturbance of all caves or mine portals which may be present in the project area.

You must also comply with the enclosed Water Quality Certification (WQC) Conditions for Nationwide Permit No. 12 dated March 19, 2012, issued by the Kentucky Division of Water (KDOW). Once you obtain your certification, or if no application was required, you may proceed with the project without further contact or verification from us.

This decision is valid for 2 years from the date of this letter. The enclosed Compliance Certification should be signed and returned when the project is completed. If your project is not completed within this 2-year period or if your project is modified, you must contact us for another permit determination. Please note that we also perform periodic inspections to ensure compliance with our permit conditions and applicable Federal laws. A copy of this letter is being sent to your agent and to the KDOW (see enclosure for addresses).

If you have any questions, please contact this office by writing to the above address, ATTN: CELRL-OP-FS, or by calling me at 502-315-6702. All correspondence pertaining to this matter should refer to our ID No. LRL-2012-702.

Sincerely,



Adam Fannin
Project Manager
Regulatory Branch

Enclosures

Terms for Nationwide Permit No. 12 – Utility Line Activities

12. Utility Line Activities. Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Utility lines: This NWP authorizes the construction, maintenance, or repair of utility lines, including outfall and intake structures, and the associated excavation, backfill, or bedding for the utility lines, in all waters of the United States, provided there is no change in pre-construction contours. A “utility line” is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication. The term “utility line” does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Utility line substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a power line or utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for overhead utility line towers, poles, and anchors: This NWP authorizes the construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (See 33 CFR Part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.

This NWP also authorizes temporary structures, fills, and work necessary to conduct the utility line activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if any of the following criteria are met: (1) the activity involves mechanized land clearing in a forested wetland for the utility line right-of-way; (2) a section 10 permit is required; (3) the utility line in waters of the United States, excluding overhead lines, exceeds 500 feet; (4) the utility line is placed within a jurisdictional area (i.e., water of the United States), and it runs parallel to or along a stream bed that is within that jurisdictional area; (5) discharges that result in the loss of greater than 1/10-acre of waters of the United States; (6) permanent access roads are constructed above grade in waters of the United States for a distance of more than 500 feet; or (7) permanent access roads are constructed in waters of the United States with impervious materials. (See general condition 31.) (Sections 10 and 404)

Note 1: Where the proposed utility line is constructed or installed in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, copies of the pre-construction notification and NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation.

Note 2: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 3: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to Section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see NWP 15).

Note 4: For overhead utility lines authorized by this NWP, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.



US Army Corps
of Engineers
Louisville District

Nationwide Permit Conditions

The following General Conditions must be followed in order for any authorization by NWP to be valid:

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the US Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the US.

(c) The permittee understands and agrees that, if future operations by the US require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the US. No claim shall be made against the US on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the US that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high

tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the US during periods of low-flow or no-flow.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, US Forest Service, US Fish and Wildlife Service).

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification (PCN) to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the PCN must include the name(s) of the endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete PCN. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from Corps.

(d) As a result of formal or informal consultation with the USFWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.

(c) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, The Endangered Species Act prohibits any person subject to the jurisdiction of the US to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.noaa.gov/fisheries.html> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for obtaining any "take" permits required under the USFWS's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the USFWS to determine if such "take" permits are required for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic resources can be sought from the State location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA is complete.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who,

with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the US are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the US to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.

(2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(c) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) - (14) must be approved by the district engineer before the permittee begins work in waters of the US, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(5) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the US, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(h) Where certain functions and services of waters of the US are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has

been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or USEPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the US authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the US for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature: "When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the work and mitigation.

1. Pre-Construction Notification (PCN). (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a PCN as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the US expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(4) The PCN must include a delineation of wetlands, other special aquatic sites, and waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the US. The 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of PCN Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP activities that require PCN notification and result in the loss of greater than 1/2-acre of waters of the US, for NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require PCN notification and will result in the loss of greater than 300 linear feet of intermittent and ephemeral stream bed, and for all NWP 48 activities that require PCN notification, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (USFWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the PCN notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each PCN notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of PCN notifications to expedite agency coordination.

Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project.



STEVEN L. BESHEAR
GOVERNOR

LEONARD K. PETERS
SECRETARY

ENERGY AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
200 FAIR OAKS LANE
FRANKFORT, KENTUCKY 40601
www.kentucky.gov

General Certification--Nationwide Permit # 12 Utility Line Backfill and Bedding

This General Certification is issued March 19, 2012, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

For this and all nationwide permits, the definition of surface water is as per 401 KAR 10:001 Chapter 10, Section 1(80): Surface Waters means those waters having well-defined banks and beds, either constantly or intermittently flowing; lakes and impounded waters; marshes and wetlands; and any subterranean waters flowing in well-defined channels and having a demonstrable hydrologic connection with the surface. Lagoons used for waste treatment and effluent ditches that are situated on property owned, leased, or under valid easement by a permitted discharger are not considered to be surface waters of the commonwealth.

Agricultural operations, as defined by KRS 224.71-100(1) conducting activities pursuant to KRS 224.71-100 (3), (4), (5), (6), or 10 are deemed to have certification if they are implementing an Agriculture Water Quality Plan pursuant to KRS 224.71-145.

For all other operations, the Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 10, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under NATIONWIDE PERMIT 12, namely Utility Line Backfill and Bedding, provided that the following conditions are met:

1. The activity will not occur within surface waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Water, Cold Water Aquatic Habitat, or Exceptional Waters.
2. The activity will not occur within surface waters of the Commonwealth identified as perpetually-protected (e.g. deed restriction, conservation easement) mitigation sites.
3. This general water quality certification is limited to the crossing of surface waters by utility lines. This document does not authorize the installation of utility lines in a linear manner within the stream channel or below the top of the stream bank.

General Certification--Nationwide Permit # 12
Utility Line Backfill and Bedding
Page 2

4. For a single crossing, impacts from the construction and maintenance corridor in surface waters shall not exceed 50 feet of bank disturbance.
5. This general certification shall not apply to nationwide permits issued for individual crossings which are part of a larger utility line project where the total cumulative impacts from a single and complete linear project exceed ½ acre of wetlands or 300 linear feet of surface waters. Cumulative impacts include utility line crossings, permanent or temporary access roads, headwalls, associated bank stabilization areas, substations, pole or tower foundations, maintenance corridor, and staging areas.
6. Stream impacts under Conditions 4 and 5 of this certification are defined as the length of bank disturbed. For the utility line crossing and roads, only one bank length is used in calculation of the totals.
7. Stream impacts covered under this General Water Quality Certification and undertaken by those persons defined as an agricultural operation under the Agricultural Water Quality Act must be completed in compliance with the Kentucky Agricultural Water Quality Plan (KWQP).
8. The Kentucky Division of Water may require submission of a formal application for an individual certification for any project if the project has been determined to likely have a significant adverse effect upon water quality or degrade the waters of the Commonwealth so that existing uses of the water body or downstream waters are precluded.
9. Activities that do not meet the conditions of this General Water Quality Certification require an Individual Section 401 Water Quality Certification.
10. Blasting of stream channels, even under dry conditions, is not allowed under this general water quality certification.
11. Utility lines placed parallel to the stream shall be located at least 50 feet from an intermittent or perennial stream, measured from the top of the stream bank. The cabinet may allow construction within the 50 foot buffer if avoidance and minimization efforts are shown and adequate methods are utilized to prevent soil from entering the stream.
12. Utility line stream crossings shall be constructed by methods that maintain flow and allow for a dry excavation. Water pumped from the excavation shall be contained and allowed to settle prior to re-entering the stream. Excavation equipment and vehicles shall operate outside of the flowing portion of the stream. Spoil material from the excavation shall not be allowed to enter the flowing portion of the stream.

General Certification--Nationwide Permit # 12
Utility Line Backfill and Bedding
Page 3

13. The activities shall not result in any permanent changes in pre-construction elevation contours in surface waters or wetlands or stream dimension, pattern or profile.
14. Utility line activities which impact wetlands shall not result in conversion of the area to non-wetland status. Mechanized land clearing of forested wetlands for the installation or maintenance of utility lines is not authorized under this certification.
15. Activities qualifying for coverage under this General Water Quality Certification are subject to the following conditions:
 - Erosion and sedimentation pollution control plans and Best Management Practices must be designed, installed, and maintained in effective operating condition at all times during construction activities so that violations of state water quality standards do not occur.
 - Sediment and erosion control measures, such as check-dams constructed of any material, silt fencing, hay bales, etc., shall not be placed within surface waters of the Commonwealth, either temporarily or permanently, without prior approval by the Kentucky Division of Water's Water Quality Certification Section. If placement of sediment and erosion control measures in surface waters is unavoidable, design and placement of temporary erosion control measures shall not be conducted in such a manner that may result in instability of streams that are adjacent to, upstream, or downstream of the structures. All sediment and erosion control devices shall be removed and the natural grade restored within the completion timeline of the activities.
 - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
 - Removal of riparian vegetation shall be limited to that necessary for equipment access.
 - To the maximum extent practicable, all in-stream work under this certification shall be performed under low-flow conditions.
 - Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances in which such in-stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.

General Certification--Nationwide Permit # 12

Utility Line Backfill and Bedding

Page 4

- Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If rip-rap is utilized, it should be of such weight and size that bank stress or slump conditions will not be created because of its placement.
- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when such work will be done.
- Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling (800) 928-2380.

Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.

Compliance Certification:

Permit Number: LRL-2012-702

Name of Permittee: Mr. Terry Roach of Carrollton Utilities

Date of Issuance: November 1, 2012

Upon completion of the activity authorized by this permit and any mitigation required by this permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers
CELRL-OP-FS
P.O. Box 59
Louisville, Kentucky 40201

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

ADDRESS FOR COORDINATING AGENCY

Ms. Sandra Gruzesky
Director
Kentucky Energy and Environment Cabinet
Division of Water
200 Fair Oaks, 4th Floor
Frankfort, Kentucky 40601

ADDRESS FOR AUTHORIZED AGENT

Mr. Mark Askin
Strand Associates, Inc.
Waterfront Plaza
325 West Main Street, Suite 710
Louisville, Kentucky 40202

Trimble County Fiscal Court

OFFICE OF THE JUDGE/EXECUTIVE

JERRY L. POWELL
JUDGE/EXECUTIVE

(502) 255-7196
FAX (502) 255-4618

P.O. BOX 251
BEDFORD, Ky 40006

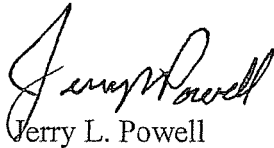
11-01-12

Terry Roach, PE
Utility Engineer
Carrollton Utilities
225 6th St
Carrollton Ky 41008

Terry:

Trimble County is okay with any work that you might need to do to Millers Branch and Hardy Creek as long as you meet the requirements of the State of Kentucky.

Please let me know should you need additional information.



Jerry L. Powell
Trimble County Judge/Exec
Floodplain Coordinator





STEVEN L. BESHEAR
GOVERNOR

**TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY HERITAGE COUNCIL**

MARCHETA SPARROW
SECRETARY

THE STATE HISTORIC PRESERVATION OFFICE
300 WASHINGTON STREET
FRANKFORT, KENTUCKY 40601
PHONE (502) 564-7005
FAX (502) 564-5820
www.heritage.ky.gov

LINDY CASEBIER
ACTING EXECUTIVE DIRECTOR AND
STATE HISTORIC PRESERVATION OFFICER

October 30, 2012

Terry A. Roach, P.E.
Carrollton Utilities
P.O. Box 269
Carrollton, KY 41008

**Re: Proposed Water Project, Carroll County, Kentucky WX# 21041304
SAI # KY20120730-0922**

Mr. Roach,

Thank you for your correspondence regarding the above referenced project. Based on the information provided, it is our understanding that the proposed project will take place in areas that have been previously disturbed. Therefore, we have no further comments regarding this proposed undertaking. However, if the project design boundaries change, this office should be consulted to determine the nature and extent of additional documentation that may be needed.

Should you have any questions, feel free to contact Phillip Johnson of my staff at 502- 564-7005 ext 122.

Sincerely,

Lindy Casebier, Acting Executive Director
Kentucky Heritage Council and
State Historic Preservation Officer

LC:prj



Mitchell Perkins

Carroll County Flood Plain Manager
829 Polk St. Carrollton, KY. 41008
(502)732-7123 Office (502)732-7124 Fax
e-mail: perkins.carrollcountyky@gmail.com

PERMIT TO CONSTRUCT
ACROSS OR ALONG A STREAM
OR IN A FLOOD ZONE.

DATE: Nov. 14, 2012

OWNER: Carrollton Utilities, Terry Roach, P.E.

Mailing Address P.O. Box 269, Carrollton, Ky. 41008

Telephone # 502-732-7055

DESCRIPTION OF PROJECT: WX# 21041304 Underserved Project. Expansion of waterlines at: Painters Ridge Rd. approx 7000 LF and 2 homes. Miller's Branch Rd. 2500 LF + 3 homes. Hardy Creek, 2200 LF + 3 homes. R.D. Kendall Rd. 3300 LF and 3 homes. Nora (Smith) Way 2500 LF 2 homes + undeveloped lots. Monard Hill Rd. 500 LF with 1 home. Gilgal Rd. Booster Pump Station and Waterline Extension. 5300 LF line repair + replacement.

PROJECT ADDRESS AND OR LATITUDE/LONGITUDE: Countywide at above locations.

ESTIMATED BEGIN AND END CONSTRUCTION DATES: open

REMARKS: There will be no negative impact of streams or flood zones with this project.

Project Approved

Mitchell Perkins
Mitchell Perkins
Carroll County Flood Plain Manager

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER

APPLICATION FOR PERMIT TO CONSTRUCT ACROSS OR ALONG A STREAM
AND / OR WATER QUALITY CERTIFICATION

Chapter 151 of the Kentucky Revised Statutes requires approval from the Division of Water prior to any construction or other activity in or along a stream that could in any way obstruct flood flows or adversely impact water quality. If the project involves work in a stream, such as bank stabilization, dredging or relocation, you will also need to obtain a 401 Water Quality Certification (WQC) from the Division of Water. This completed form will be forwarded to the Water Quality Branch for WQC processing. The project may not start until all necessary approvals are received from the KDOW. For questions concerning the WQC process, contact John Dovak at 502/564-3410.

If the project will disturb more than 1 acre of soil, you will also need to complete the attached Notice of Intent for Storm Water Discharges, and return both forms to the Floodplain management Section of the KDOW. This general permit will require you to create an implement an erosion control plan for the project.

1. OWNER: Terry A. Roach, P.E., Carrollton Utilities
Give name of person(s), company, governmental unit, or other owner of proposed project.
MAILING ADDRESS: P.O. Box 269
Carrollton, KY 41008
TELEPHONE #: 502-732-7055 EMAIL: troach@carrolltonutilities.com
2. AGENT: Mark C. Askin, P.E. / Strand Associates, Inc.
Give name of person(s) submitting application, if other than owner.
ADDRESS: 325 West Main Street, Suite 710
Louisville, Kentucky 40202
TELEPHONE #: 502-583-7020 EMAIL: Mark.Askin@Strand.com
ENGINEER: Mark C. Askin, P.E. / Strand Associates, Inc. P.E. NUMBER: 21237
Contact Division of Water if waiver can be granted.
TELEPHONE #: 502-583-7020 EMAIL: Mark.Askin@Strand.com
4. DESCRIPTION OF CONSTRUCTION: See attached description.
5. COUNTY: Carroll, Henry, & Trimble Counties NEAREST COMMUNITY: Carrollton
6. USGS QUAD NAME: See attached figures. LATITUDE/LONGITUDE: See Attached
7. STREAM NAME: See attached WATERSHED SIZE (in acres): _____
8. LINEAR FEET OF STREAM IMPACTED: See attached
9. DIRECTIONS TO SITE: Various areas throughout Carroll, Henry, & Trimble Counties
10. IS ANY PORTION OF THE REQUESTED PROJECT NOW COMPLETE? Yes No If yes, identify the completed portion on the drawings you submit and indicate the date activity was completed. DATE: _____
11. ESTIMATED BEGIN CONSTRUCTION DATE: November 2012
12. ESTIMATED END CONSTRUCTION DATE: May 2013
13. HAS A PERMIT BEEN RECEIVED FROM THE US ARMY, CORPS OF ENGINEERS? Yes No If yes, attach a copy of that permit.
THE APPLICANT **MUST** ADDRESS PUBLIC NOTICE:
(a) PUBLIC NOTICE HAS BEEN GIVEN FOR THIS PROPOSAL BY THE FOLLOWING MEANS:
Public notice in newspaper having greatest circulation in area (provide newspaper clipping or affidavit)

_____ Adjacent property owner(s) affidavits (Contact Division of Water for requirements.)

(b) _____ I REQUEST WAIVER OF PUBLIC NOTICE BECAUSE:

_____ Contact Division of Water for requirements.

I HAVE CONTACTED THE FOLLOWING CITY OR COUNTY OFFICIALS CONCERNING THIS PROJECT:

_____ Give name and title of person(s) contacted and provide copy of any approval city or county may have issued.

16. LIST OF ATTACHMENTS: Half size set of construction plans and U.S.G.S. Topographic maps for project location
List plans, profiles, or other drawings and data submitted. Attach a copy of a 7.5 minute USGS topographic map clearly showing the project location.

17. I, _____ (owner) CERTIFY THAT THE OWNER OWNS OR HAS EASEMENT RIGHTS ON ALL PROPERTY ON WHICH THIS PROJECT WILL BE LOCATED OR ON WHICH RELATED CONSTRUCTION WILL OCCUR (for dams, this includes the area that would be impounded during the design flood).

18. REMARKS: Easement rights will be obtained. If there are any changes in the plans, due to right of way issues, a notification will be sent.

I hereby request approval for construction across or along a stream as described in this application and any accompanying documents. To the best of my knowledge, all the information provided is true and correct.

SIGNATURE: _____
Owner or Agent sign here. (If signed by Agent, a Power of Attorney should be attached.)

DATE: _____

SIGNATURE OF LOCAL FLOODPLAIN COORDINATOR:

Mitchell Perkins

Permit application will be returned to applicant if not properly endorsed by the local floodplain coordinator.

DATE: Nov. 14, 2012

SUBMIT APPLICATION AND ATTACHMENTS TO:

Floodplain Management Section
Division of Water
14 Reilly Road
Frankfort, KY 40601

Carroll Co. Fiscal Court Countywide Underserved Project

WX #21041304

Project Description

Background: This project was originally a combined project between WCWD, Carrollton Utilities and Carroll Co. Water. Carroll Co. Water has already completed their portion of the project and portions of the work in Carrollton Utilities system have also been completed. The project has qualified for Drinking Water SRF loan and CU has been working with the Kentucky Division of Water and KIA on the appropriate paperwork.

Project Description: The remaining portions of the project and new additions include 12 discrete projects over three counties, Carroll, Trimble and Henry. The overall project is anchored by a WCWD pressure improvement project and improvements to the CU water treatment plant (WTP). The portions of the project pertinent to Contract 1-2012 and the KDOW 401 Water Quality Certification of Utility Line Backfill and Bedding are described below.

The waterline extensions will serve nearly 100% of the known unserved population in the WCWD district. They include:

Painter's Ridge Road – approximately 7000 LF and 2 homes

Miller's Branch Road – 2500 LF and 3 homes

Hardy Creek – 2300 LF and 3 homes

R. D. Kendall Road – 3300 Lf and 3 homes

Nora (Smith) Lane – 2500 LF with 2 homes and several undeveloped lots

Mound Hill – 500 LF with 1 home

Gilgal Road Booster Pump Station and Waterline Extension – 5300 LF with no new homes but will replace a section of line that has had over 20 repairs on it in recent years as well as replacing the aging booster pump station.



TRANSPORTATION CABINET

Department of Highways District 6 Office
421 Buttermilk Pike
Covington, KY 41017
(859) 341-2700

Steven L. Beshear
Governor

Michael W. Hancock, P.E.
Secretary

October 22, 2012

Carrollton Utilities
225 Sixth Street
Carrollton, KY 41008

SUBJECT: Carroll, MP- 3.44
Route No. 0549
Permit Number 06-2012-12800

Dear Applicant:

Your application for an encroachment permit has been approved by the Department of Highways. We are returning two copies of the approved permit so one may be kept in your records files. The other copy must be given to the party responsible for completing the project and must be kept at the jobsite at all times.

Please see that the work is done in strict conformity with the permit and any other applicable conditions. (See Form TC99-21 and any other attached documents, conditions or specifications). The work should be completed no later than 10/31/13. When the permitted work and any necessary restoration have been completed please notify this office by using the attached form which will serve as a notification for final inspection.

If there are any question regarding this permit, please do not hesitate to contact Caroline Justice at 859-341-2700 or fax number 859-341-6729.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Hans".

for
Rob Hans, P.E.
Chief District Engineer
Department of Highways
District 6- Covington
421 Buttermilk Pike
Covington, KY 41017





TRANSPORTATION CABINET

Department of Highways District 6 Office
421 Buttermilk Pike
Covington, KY 41017
(859) 341-2700

Michael W. Hancock, P.E.
Secretary

Steven L. Beshear
Governor

October 22, 2012

Carrollton Utilities
225 Sixth Street
Carrollton, KY 41008

SUBJECT: Carroll, MP- 1.66/2.39
Route No. 1465
Permit Number 06-2012-12824

Dear Applicant:

Your application for an encroachment permit has been approved by the Department of Highways. We are returning two copies of the approved permit so one may be kept in your records files. The other copy must be given to the party responsible for completing the project and must be kept at the jobsite at all times.

Please see that the work is done in strict conformity with the permit and any other applicable conditions. (See Form TC99-21 and any other attached documents, conditions or specifications). The work should be completed no later than 10/31/13. When the permitted work and any necessary restoration have been completed please notify this office by using the attached form which will serve as a notification for final inspection.

If there are any question regarding this permit, please do not hesitate to contact Caroline Justice at 859-341-2700 or fax number 859-341-6729.

Sincerely,

for 

Rob Hans, P.E.
Chief District Engineer
Department of Highways
District 6- Covington
421 Buttermilk Pike
Covington, KY 41017





TRANSPORTATION CABINET

Department of Highways District 6 Office
421 Buttermilk Pike
Covington, KY 41017
(859) 341-2700

Michael W. Hancock, P.E.
Secretary

Steven L. Beshear
Governor

November 16, 2012

RECEIVED

DEC 17 2012

CARROLLTON UTILITIES

Carrollton Utilities
225 Sixth Street
Carrollton, KY 41008

SUBJECT: Carroll, MP- 2.95
Route No. 1226
Permit Number 06-2012-12764

Dear Applicant:

Your application for an encroachment permit has been approved by the Department of Highways. We are returning two copies of the approved permit so one may be kept in your records files. The other copy must be given to the party responsible for completing the project and must be kept at the jobsite at all times.

Please see that the work is done in strict conformity with the permit and any other applicable conditions. (See Form TC99-21 and any other attached documents, conditions or specifications). The work should be completed no later than 10/31/13. When the permitted work and any necessary restoration have been completed please notify this office by using the attached form which will serve as a notification for final inspection.

If there are any question regarding this permit, please do not hesitate to contact Caroline Justice at 859-341-2700 or fax number 859-341-6729.

Sincerely,

for
Rob Hans, P.E.
Chief District Engineer
Department of Highways
District 6- Covington
421 Buttermilk Pike
Covington, KY 41017





TRANSPORTATION CABINET

Department of Highways District 6 Office
421 Buttermilk Pike
Covington, KY 41017
(859) 341-2700

Michael W. Hancock, P.E.
Secretary

Steven L. Beshear
Governor

December 13, 2012

Carrollton Utilities
225 Sixth Street
Carrollton, KY 41008

SUBJECT: Carroll, MP- 3.85
Route No. 0042
Permit Number 06-2012-12733 – Revised 12/5/12

Dear Applicant:

Your application for an encroachment permit has been approved by the Department of Highways. We are returning two copies of the approved permit so one may be kept in your records files. The other copy must be given to the party responsible for completing the project and must be kept at the jobsite at all times.

Please see that the work is done in strict conformity with the permit and any other applicable conditions. (See Form TC99-21 and any other attached documents, conditions or specifications). The work should be completed no later than 12/31/13. When the permitted work and any necessary restoration have been completed please notify this office by using the attached form which will serve as a notification for final inspection.

If there are any question regarding this permit, please do not hesitate to contact Caroline Justice at 859-341-2700 or fax number 859-341-6729.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Hans", with a small "for" written below it.

Rob Hans, P.E.
Chief District Engineer
Department of Highways
District 6- Covington
421 Buttermilk Pike
Covington, KY 41017



An Equal Opportunity Employer M/F/D



TRANSPORTATION CABINET

Department of Highways District 6 Office
421 Buttermilk Pike
Covington, KY 41017
(859) 341-2700

Michael W. Hancock, P.E.
Secretary

Steven L. Beshear
Governor

October 25, 2012

Carrollton Utilities
225 Sixth Street
Carrollton, KY 41008

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Rob Hans, P.E.
Chief District Engineer
Department of Highways
District 6- Covington
421 Buttermilk Pike
Covington, KY 41017



EXHIBIT 13

STRAND ASSOCIATES'
PRELIMINARY ENGINEERING
REPORT - JULY, 2012

(Booklet Enclosed - Not in Binder)

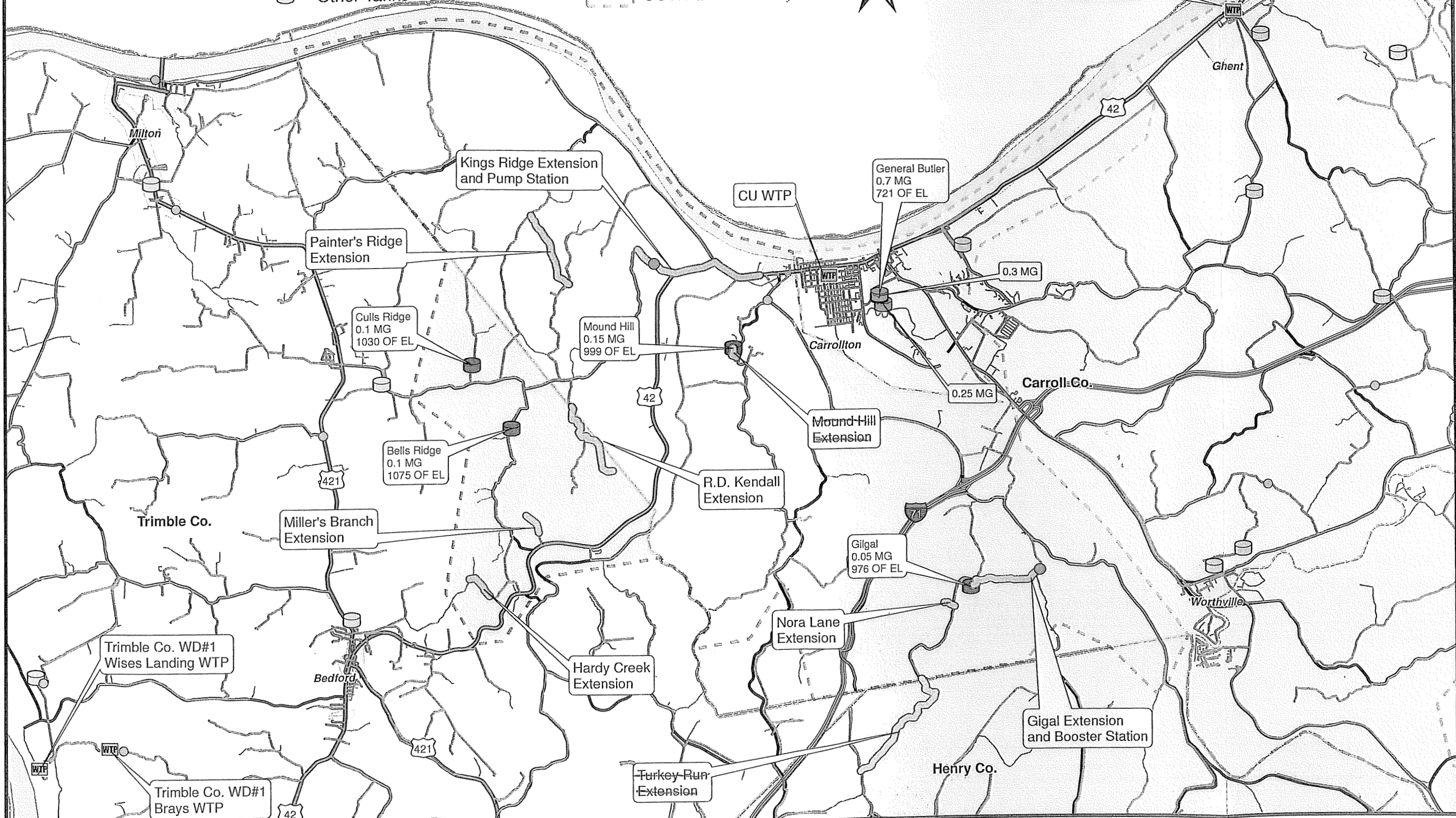
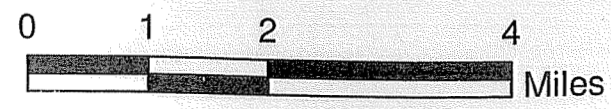
EXHIBIT 14

STRAND ASSOCIATES'
PROJECT MANUAL
NOVEMBER, 2012

(Booklet Enclosed - Not in Binder)

Legend

- | | | | |
|-------------------------|-----------------------|--------------|-----------------------------------|
| ● Proposed PS | Existing Tanks | — Interstate | — Water Lines |
| — Proposed Improvements | ● WCWD Tank | — US HWY | Utility Service Boundaries |
| ○ Existing PS | ● CU Tank | — KY HWY | — WCWD Boundary |
| WTP Existing WTP | ● CCWD#1 Tank | — Local Road | — CU Boundary |
| | ● Other Tanks | | — CCWD#1 Boundary |



DISTRIBUTION SYSTEM IMPROVEMENTS

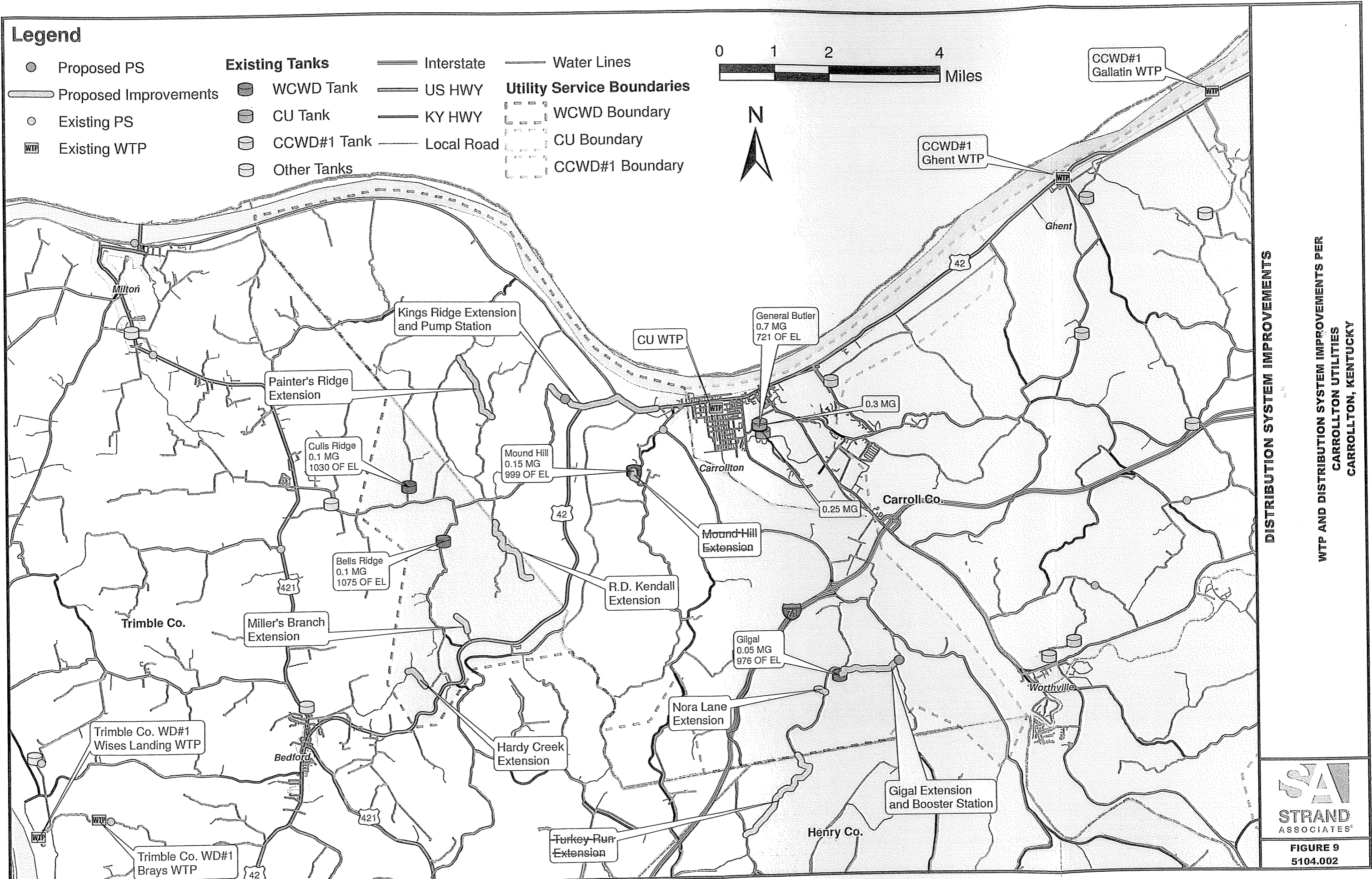
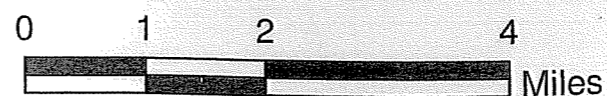
WTP AND DISTRIBUTION SYSTEM IMPROVEMENTS PER
CARROLLTON UTILITIES
CARROLLTON, KENTUCKY



FIGURE 9
5104.002

Legend

- | | | | |
|-------------------------|-----------------------|-----------------|-----------------------------------|
| ● Proposed PS | Existing Tanks | ==== Interstate | — Water Lines |
| — Proposed Improvements | ● WCWD Tank | — US HWY | Utility Service Boundaries |
| ○ Existing PS | ● CU Tank | — KY HWY | - - - WCWD Boundary |
| WTP Existing WTP | ● CCWD#1 Tank | — Local Road | - - - CU Boundary |
| | ● Other Tanks | | - - - CCWD#1 Boundary |



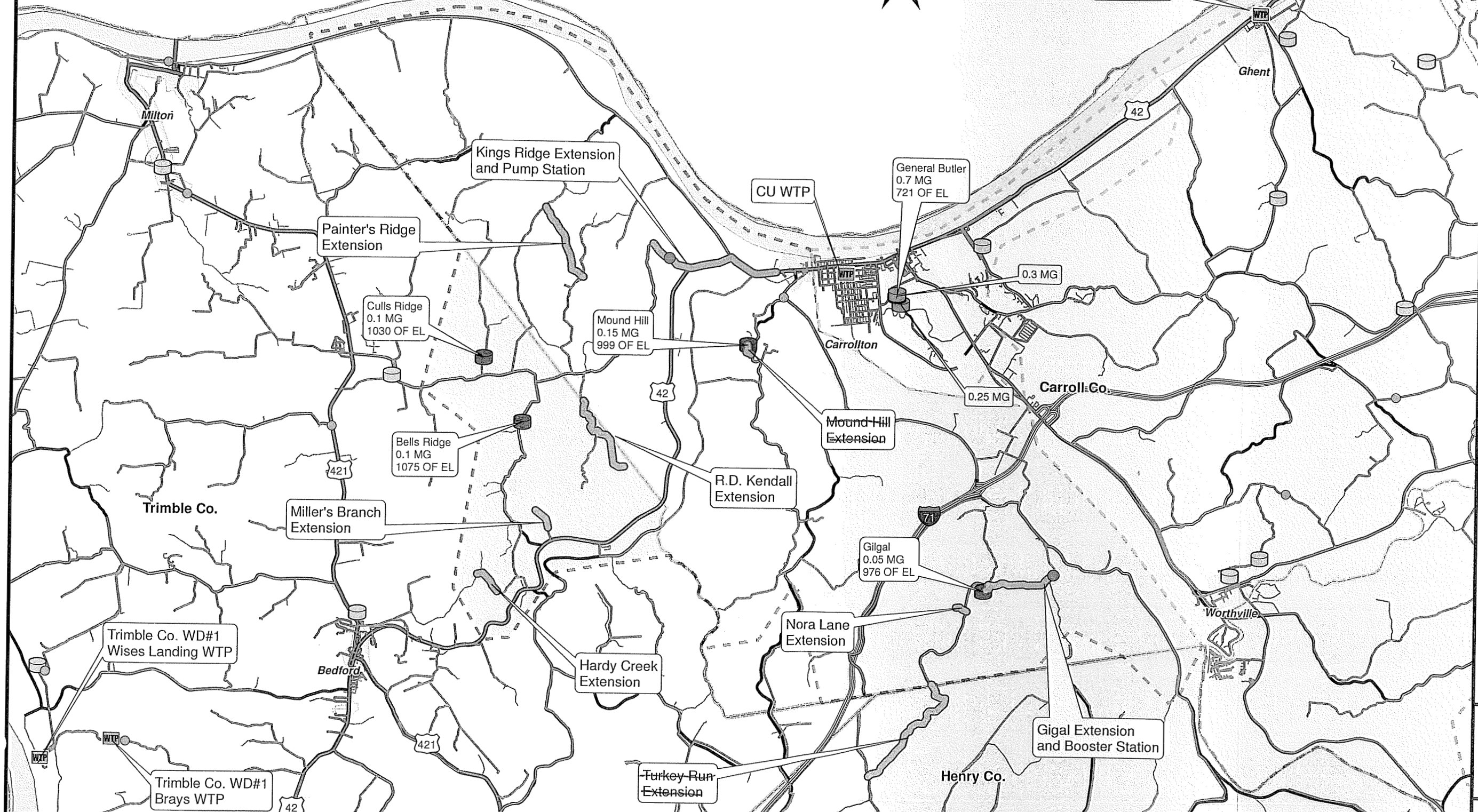
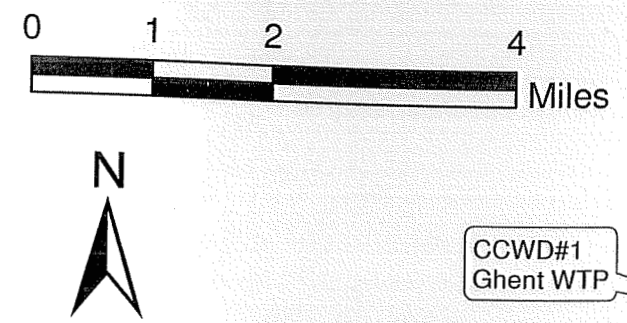
DISTRIBUTION SYSTEM IMPROVEMENTS
WTP AND DISTRIBUTION SYSTEM IMPROVEMENTS PER
CARROLLTON UTILITIES
CARROLLTON, KENTUCKY



FIGURE 9
5104.002

Legend

- Proposed PS
- Proposed Improvements
- Existing PS
- WTP Existing WTP
- Existing Tanks**
- WCWD Tank
- CU Tank
- CCWD#1 Tank
- Other Tanks
- Interstate
- US HWY
- KY HWY
- Local Road
- Water Lines
- Utility Service Boundaries**
- WCWD Boundary
- CU Boundary
- CCWD#1 Boundary



DISTRIBUTION SYSTEM IMPROVEMENTS

WTP AND DISTRIBUTION SYSTEM IMPROVEMENTS PER
CARROLLTON UTILITIES
CARROLLTON, KENTUCKY



FIGURE 9
5104.002



KENTUCKY INFRASTRUCTURE AUTHORITY

1024 Capital Center Drive, Suite 340
Frankfort, Kentucky 40601
Phone (502) 573-0260
Fax (502) 573-0157
<http://kia.ky.gov>

Ernest L. Beshear
Governor

John E. Covington III
Executive Director

October 3, 2011

Honorable Gene McMurry, Mayor
City of Carrollton
P.O. Box 269
Carrollton, KY 41008

**KENTUCKY INFRASTRUCTURE AUTHORITY
FEDERALLY ASSISTED DRINKING WATER REVOLVING LOAN FUND
CONDITIONAL COMMITMENT LETTER (F11-15)
EXTENSION**

Dear Mayor McMurry:

The Kentucky Infrastructure Authority ("the Authority") has extended the deadline for the city to meet the conditions set forth in the conditional commitment letter for six (6) months. The original expiration date was December 8, 2012. The new expiration date will be June 8, 2013. If the project does not meet the conditions by the new expiration date, no additional extensions will be considered and the commitment will be rescinded.

Please inform the Authority of any changes in your financing plan as soon as possible. We wish you every success for this project which will benefit both your community and the Commonwealth as a whole.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Covington, III".

John E. Covington, III
Executive Director

cc: Bill Osborne, Carrollton Utilities
William Averell, Division of Water
Dirk Bedarff, Peck, Shaffer & Williams LLP
State Local Debt Office, DLG
Borrower File - City of Carrollton - F11-15

West Carroll Water District
 Estimated savings by Relocating Gilgal Line

1/17/2013

LEAK
 DETECTION
 HOURS

MAINTENANCE DATES	ADDRESS	WATER LOSS	MAN HOURS	EQUIPMENT	MATERIALS	DETECTION HOURS
12/15/2011 - 01/18/2012	391 Gilgal Road	20,000 loss	7.5	2.5	(1) 3/4X6 CLAMP	8
3/15/2012 - 04/18/2012	187 Gilgal Road	5,000 loss	6	2	(1) 3/4X6 CLAMP	8
5/24/2012 - 6/20/2012	530 Gilgal Road	30,000 loss	4	2	1/2 TON SAND, 4" WRAP CLAMP	8
6/21/2012 - 7/19/2012	767 Gilgal Road	30,000 loss	6	2	3 STRAW BALES, (2) REPAIR BANDS	8
7/20/2012 - 8/15/2012	391 Gilgal Road	100,000 loss	6	2	12' 3/4" COPPER	8
10/19/2012 - 11/15/2012	175 Gilgal Road	100,000 loss	13	3	1 TON SAND, (2) 4" SLIP COUPLINGS, 5' 4" PVC PIPE	8
" "	175 Gilgal Road	160,000 loss	5	2	(1) 4" WRAP CLAMP	8
" "	175 Gilgal Road	50,000 loss	8	2	(1) 4" WRAP CLAMP	8
		495,000	55.5	17.5		64
		\$ 1.84	\$ 40.00	\$ 125.00		\$ 18.00
		\$ 910.80	\$ 2,220.00	\$ 2,187.50		\$ 1,152.00

***** Hours looking for leak, then flushing lines, hanging door tags, pulling samples, issuing boil water advisory

TOTAL ANNUAL SAVINGS
 \$6,470.30

2011 Operating Expense 400,379

Estimated annual Operating Expense after project completion \$393,908.70