



November 26, 2012

Mr. William Wright
Kentucky Division of Water
200 Fair Oaks Lane
Frankfort, Kentucky 40601

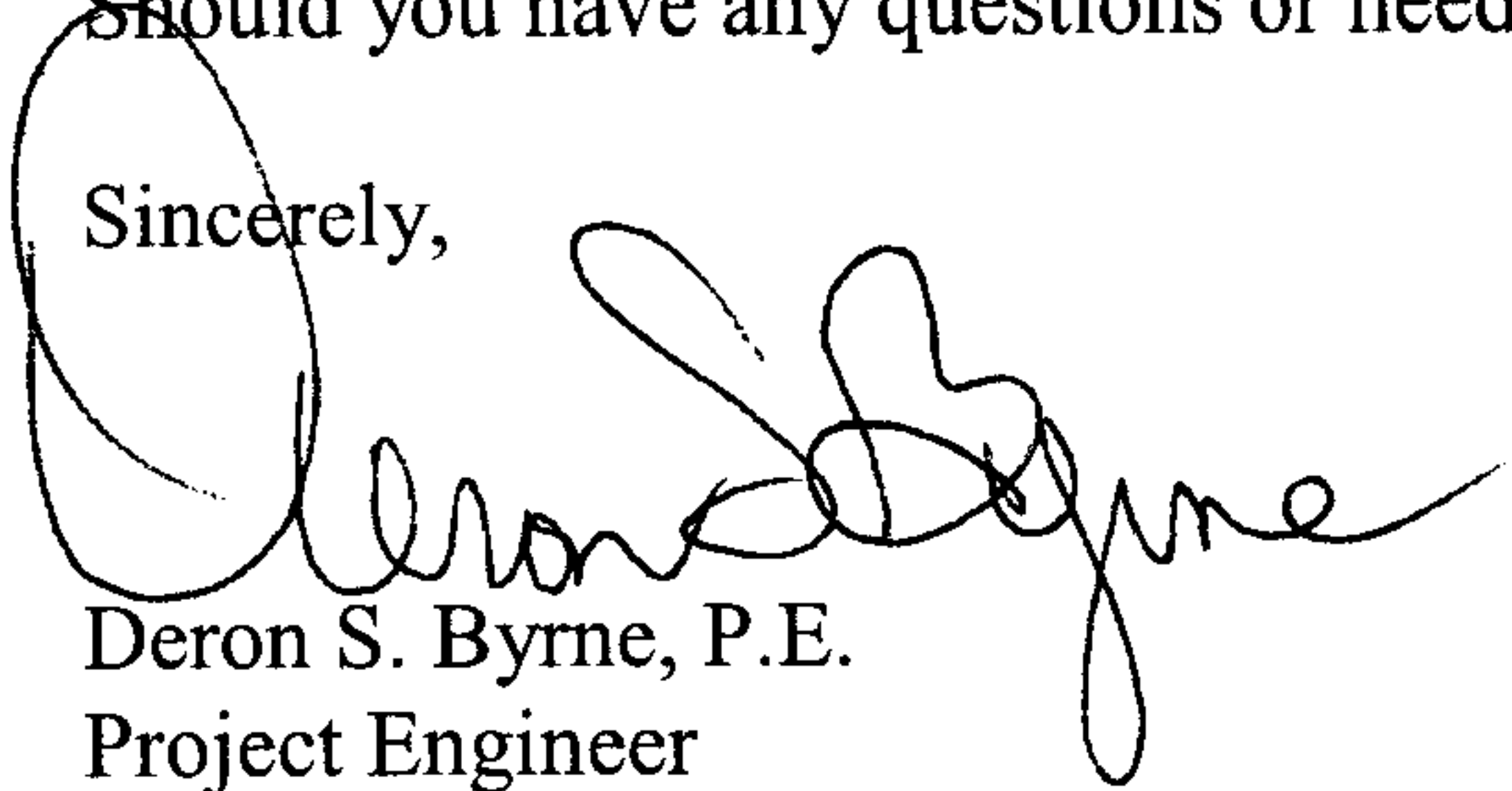
Re: Phase 11-2 Water Line Extensions & Connector Lines and
East KY 80 Water Storage Tank Replacement
Columbia/Adair Utilities District
Adair County, Kentucky
AI# 33767, APE# 20120001
PWSID# 0010702-12-001
DWL1146 / F11-10

Dear Mr. Wright:

Please find enclosed three (3) sets each of Contract Documents and Technical Specifications and the DWSRF Plans and Specifications Review Checklist for the above-referenced project. The Clear Site Certificate for the above referenced project will be forwarded to your office when the District and the District's attorney have signed off on the certificate.

Should you have any questions or need additional information, please advise.

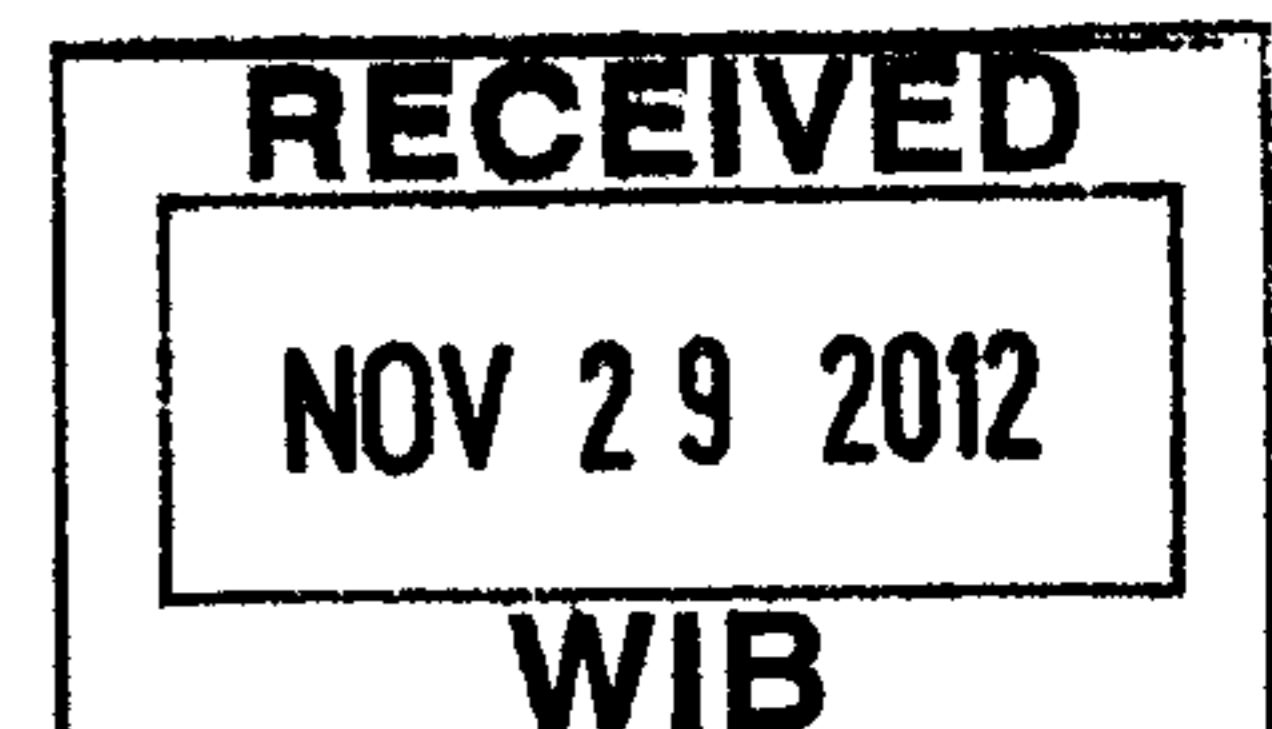
Sincerely,


Deron S. Byrne, P.E.
Project Engineer

/dsb

Enclosures

0010702-12-001



33767APE20120001

**KENTUCKY FEDERALLY ASSISTED DRINKING WATER STATE
REVOLVING FUND
PLANS AND SPECIFICATIONS REVIEW CHECKLIST**

Loan No./Loan Recipient: DWL1146 / F11-10 / COLUMBIA-ADAIR UTILITIES DISTRICT

Contract I.D./Name: PHASE 11-2 WATER LINE EXTENSIONS & CONNECTOR LINES &
EAST KY 80 WATER STORAGE TANK REPLACEMENT

Project No.: DWL1146 / WX21001025

Design Firm MONARCH ENGINEERING, INC.

The information provided is accurate for the above referenced contract to the best of my knowledge and belief.

Design Engineer DERON S. BYRNE, P.E.
Signature _____
Date _____

Please submit four copies of the plans and specifications with other forms at this time to the Division of Water. These plans and specifications must be sealed, signed and dated by a Professional Engineer and the title page must include the DOW loan number. When approved, the Division of Water will submit a copy of the state-stamped plans and specifications to the following:

Columbia-Adair Utilities District (Loan Recipient)
Monarch Engineering, Inc. (Consultant)

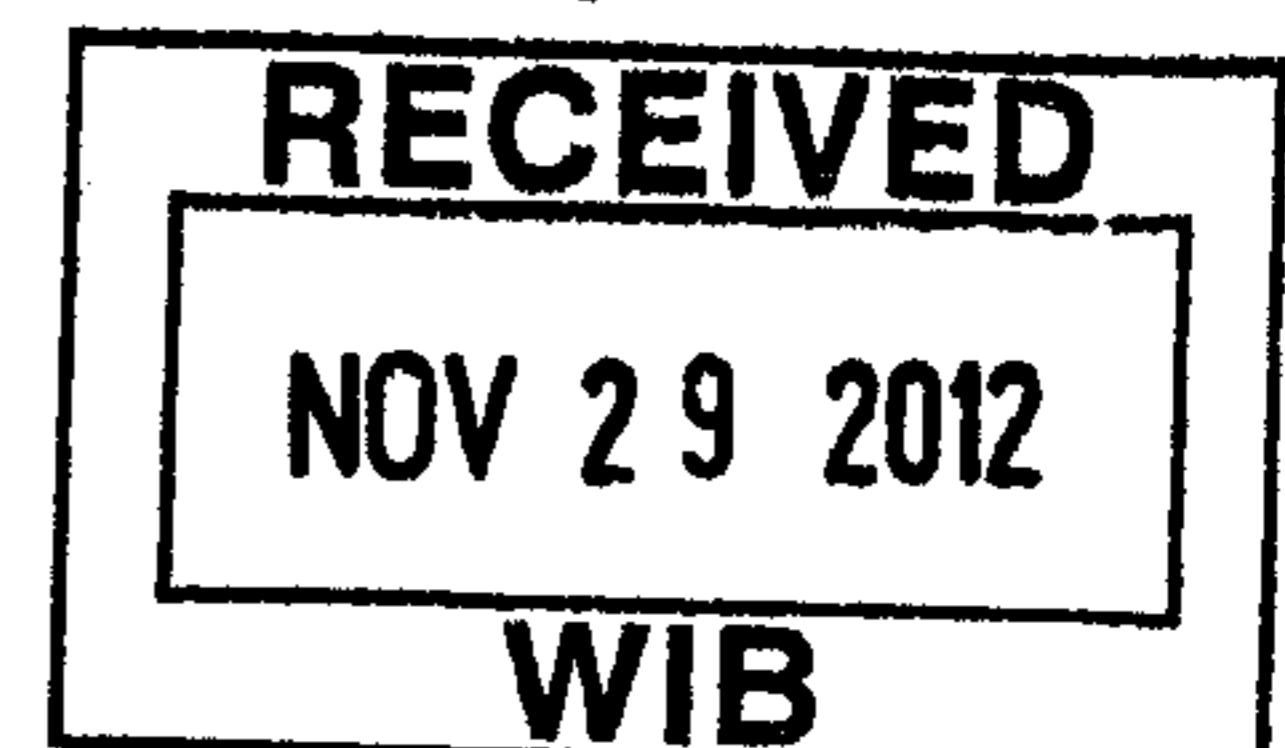
NOTE: When the project is advertised, a set of as-bid plans and specifications and a copy of the advertisement must be submitted to the Division of Water immediately.

Questions with (DOW) are to be completed by the Division of Water Engineer.

I have reviewed the information provided by the design engineer, verified the accuracy, and completed the (DOW) questions.

(DOW) Review Engineer _____
Signature _____
Date _____

0010702-12-001



33767APE20120001

FEDERALLY ASSISTED DRINKING WATER STATE REVOLVING FUND

PLANS AND SPECIFICATIONS REVIEW

Loan Recipient/No.: COLUMBIA-ADAIR UTILITIES DISTRICT / F11-10/DWL1146

Projected Sources of Funds

Source	Amount
<u>Kentucky Infrastructure Authority DWSRF Loan</u>	<u>\$1,500,000.00</u>
<u>USDA Rural Development Loan</u>	<u>\$2,054,000.00</u>

Contract Period, Number of Days 270 (Phase 11-2), 180 (Tank Replacement)

Estimated Construction Amount(s) \$ 2,757,000.00

FADWSRF Eligible \$ 1,150,000.00

FADWSRF Non-eligible \$ _____

Description of proposed project in terms of type of treatment, flow capacity, and process unit for water treatment plants, length of waterlines, type of pipe, tanks and pump stations.

Phase 11-2 Water Line Extensions & Connector Lines and East KY 80 Water Storage Tank Replacement: Proposed project consists of constructing a new 300,000 gallon water storage tank and installing approximately 10,380 LF of 8-inch water line replacement along East KY Highway 80/Russell Creek Road to serve approximately 25 existing customers and connect existing water lines with approximately 10,700 LF of 8-inch water line extension across Green River along KY Highway 551, known as the Knifley Connection. Project also consists of approximately 24,150 LF of 4-inch water line extension along Acree Road, Bloyd Road, and White Oak Church Road serving approximately 14 new customers, including approximately 4,375 LF of 3-inch water line extension along Providence Road and Lory Road. In addition, project consists of constructing a 250 GPM water booster pump station.

Yes No N/A

Does the eligible portion include:

- | | | | |
|-------------------------------------|--------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Demolition: Is it limited to that required for new construction? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Replacement of existing utilities: Is no "betterment" proposed? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Paving: Is it limited to the trench width and cutbacks? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Standby generators: Has justification been provided? |

The following items are considered ineligible for SRF projects. Are any of these included in the specifications:

- | | | | |
|--------------------------|-------------------------------------|--------------------------|-----------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Bonus payments? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Immediately available hand tools? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Mowers, snow blowers, trimmers? |

Yes No N/A

- | | | | |
|--------------------------|-------------------------------------|--------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Replacement of facilities previously funded by EPA or SRF, which are still within the useful life unless EPA or SRF has approved abandonment? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Redundant facilities (unless required by state or federal reliability requirements)? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Routine maintenance items (oil, grease, filters, etc.)? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Utility vehicles/golf carts? |

List all FADWSRF ineligible items in the project.

N/A

Yes No N/A

(DOW)

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does DOW review engineer concur with the description of SRF ineligible items? |
|--------------------------|--------------------------|--------------------------|---|

(DOW)

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are the plans and specifications sealed, signed and dated by a professional engineer? |
|--------------------------|--------------------------|--------------------------|---|

- | | | | |
|--------------------------|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1. Are electric motors and components above the 100-year flood elevation? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2. Are buildings protected from the 100 year flood and usable at the 25 year flood level? |

Clearinghouse Comments

Yes No N/A

Loan Recipient has:

- | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Obtained Kentucky Department of Transportation encroachment permits? APPLIED FOR BUT NOT RECEIVED. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. Obtained determination from Kentucky Department for Labor that state labor laws are applicable, and if applicable, state wage rates and regulations are included in the specifications? Provide letter from Kentucky Labor Cabinet. SEE PAGE WD-1 IN CONTRACT DOCUMENTS. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. If state labor laws apply, do specifications indicate overtime pay is required for work in excess of an 8-hour day? |

Yes No N/A

- | | | | |
|-------------------------------------|--------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. State Wage Rate Number <u>CR 6-017</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5. Obtained a release from the Kentucky Heritage Council and the State Historic Preservation Officer? |

6. If the answer to #5 is no, are all survey report conditions incorporated in the plans and specifications?
7. Obtained a letter from the Kentucky Nature Preserves Commission indicating there are no species of plant, animal or sensitive natural areas monitored by the Commission in the project area?
8. If the answer to #7 is no, are all survey report conditions incorporated in the plans and specifications?
9. If sludge is to be disposed of in a landfill, has the landfill operator provided a letter of intent?
10. If sludge is to be land-farmed, has Division of Waste Management approved the proposed site? (Note: Submit copy of approval letter.)

GENERAL INFORMATION

1. Are permits to construct required from other Federal or State Agencies? If yes, indicate which Agencies.
Division of Water
Kentucky Department of Transportation
Corps of Engineers
2. Have the required permits been given? Provide the DOW with copies.
3. If the project includes work that will cumulatively disturb more than 200 linear feet of a blue line stream as shown on a USGS 7.5-min. topographic map, has an application for 401 certification been submitted to the DOW Water Quality Section?
4. If the project involves construction within a floodplain, including stream crossings, has an application for the appropriate permits been submitted to the DOW Floodplain Management Section?
5. If the loan recipient has requested to buy equipment and be exempt from sales tax, are the specifications written to accommodate this?
- Yes No N/A
6. Does this project eliminate any existing water treatment plants?
(DOW)
7. If value engineering (VE) was done (whether mandated or elected) are all adopted VE proposals incorporated in the plans and specs?
8. Have all required easements been obtained?

(DOW)

- 9. Has a site certificate been received? (Certificate required before construction starts)
- 10. If this proposed project includes a sludge lagoon system has the DOW Groundwater Section been contacted regarding the need for a groundwater protection plan? Is a plan required? Provide copies of correspondence.
- 11. If this project is a result of a DOW enforcement action, have all construction-related activities been addressed in the scope of work for this project? Notify the Division of Enforcement.

ENVIRONMENTAL CONSIDERATIONS

(DOW)

- 1. Has an Environmental Impact Statement (EIS) been written on this project? NOTE: Not Environmental Assessment.

(DOW)

- 2. If answer to No. 1 is no, was a CED or FONSI issued?

(DOW)

- 3. If answer to No. 1 is yes, have all recommendations of the EIS been followed?

OTHER

(DOW)

- 4. Have the technical specifications been written to assure the maximum competition?
 - a. No unjustified experience clause.
 - b. Use of brand name or equal.

PROPOSAL

YES NO N/A

(DOW)

- 1. Have SRF eligible and ineligible items been separated?
- 2. Time of completion 270 (Phase 11-2) & 180 (Tank Replacement) days.
- 3. If the contract allows for substitution of equipment; has deductible alternates; or has bid alternates, is the method for determining the low bidder clearly indicated?
- 4. Has a base bid and any alternatives been specified?
- 5. Are there any special conditions on evaluating lump sum contract? Please specify: _____

SPECIFICATIONS AND CONTRACT DOCUMENTS

***NOTE: (DOW) column in this Section is for the review engineer verification.**

INVITATION TO BID OR ADVERTISEMENT

*(DOW)	Section	Page	
<input type="checkbox"/>	<u>A</u>	<u>A-1, 2</u>	1. Time and place of Bid Opening.
<input type="checkbox"/>	<u>A</u>	<u>A-1</u>	2. Where plans and specs may be obtained.
<input type="checkbox"/>	<u>A</u>	<u>A-1</u>	3. Work to be performed.
<input type="checkbox"/>	<u>A,SGC,DOW</u>	<u>A-1, 4, 10</u>	4. A statement bidders must comply with Title VI of the Civil Rights Act of 1964, the Anti-Kickback Act, and the Contract Work Hours Standard Act.
<input type="checkbox"/>	<u>A, B, SGC,DOW</u>	<u>A-1, B-9 5, 16</u>	5. A statement that bidders must comply with the President's Executive Order No. 11246 as amended, which prohibits discrimination in employment regarding race, creed, color, sex or national origin.
<input type="checkbox"/>	<u>A, B, SGC, DOW</u>	<u>A-1, B-9 5, 16</u>	6. A certification of prior work under Executive Order 11246 (Equal Employment Opportunity) as amended.
<input type="checkbox"/>	<u>SGC, DOW</u>	<u>5, 16</u>	7. A statement that the Contractor/Subcontractor will comply with 41 CFR 60-4, in regard to affirmative action, to insure equal opportunity to females and minorities and will apply the time tables and goal set forth in 41 CFR 60-4.
<input type="checkbox"/>	<u>A</u>	<u>A-1</u>	8. A statement that the bidder will make positive efforts to use small, minority, women owned and disadvantaged businesses.
<input type="checkbox"/>	<u>A</u>	<u>A-1</u>	9. A statement that the contract is being funded in part with a KIA FADWSRF loan.
<input type="checkbox"/>	<u>A</u>	<u>A-1</u>	10. A statement that the award will be made to the lowest, responsive, responsible bidder.

INSTRUCTIONS TO BIDDERS, GENERAL AND SPECIAL CONDITIONS

*(DOW)	Section	Page	
<input type="checkbox"/>	<u>A</u>	<u>A-1</u>	1. Bid Bond Requirements (5% for Contracts over \$25,000).
<input type="checkbox"/>	<u>A</u>	<u>A-1</u>	2. 100% Performance Bond and 100% Payment Bond for contracts over \$25,000.
<input type="checkbox"/>	<u>A</u>	<u>A-1, 4</u>	3. Method of Award (to the low responsive, responsible bidder unless all bids are rejected).
<input type="checkbox"/>	<u>A</u>	<u>A-4</u>	4. Basis for determining responsiveness and responsibility of low bidder.
<input type="checkbox"/>	<u>A, B</u>	<u>A-1, B-1</u>	5. Contract Time <u>270</u> days.
<input type="checkbox"/>	<u>A,</u>	<u>A-1</u>	6. Liquidated Damages <u>\$1,000</u> dollars per day.
<input type="checkbox"/>	<u>GC</u>	<u>GC-7</u>	7. Criteria that are used to evaluate proposed "equal" products.
<input type="checkbox"/>	<u>GC</u>	<u>GC-15</u>	8. Workmen's Compensation Insurance.
<input type="checkbox"/>	<u>GC</u>	<u>GC-15</u>	9. Public Liability Insurance
<input type="checkbox"/>	<u>GC</u>	<u>GC-16</u>	10. Fire and extended coverage insurance (Builders Risk).

- | | | | |
|--------------------------|------------|--------------|--|
| <input type="checkbox"/> | <u>GC</u> | <u>GC-8</u> | 11. Reasonable care shall be taken during construction to avoid damage to vegetation. Ornamental shrubbery and tree branches shall be temporarily tied back, where appropriate, to minimize damage. Trees that receive damage to branches shall be trimmed of those branches to improve the appearance of the tree. Tree trunks receiving damage from equipment shall be treated with a tree dressing. |
| <input type="checkbox"/> | <u>SGC</u> | <u>SGC-3</u> | 12. Compliance with OSHA (P.L. 91-596) and the Contract Work Hours and Safety Standards Act (P.L. 91-54). |
| <input type="checkbox"/> | <u>SGC</u> | <u>SGC-2</u> | 13. A statement that change orders to the construction contract must comply with DOW Procurement Guidance for Construction and Equipment Contracts. |
| <input type="checkbox"/> | <u>SGC</u> | <u>SGC-5</u> | 14. Does the contract require cost, pricing, and certification for change orders exceeding \$25,000 as required by DOW Procurement Guidance for Construction and Equipment Contracts? |
| <input type="checkbox"/> | <u>SGC</u> | <u>SGC-2</u> | 15. Does the contract require that the contractor provide project construction and payment schedules? |

SUPPLEMENTAL GENERAL CONDITIONS

Has the Supplemental General Conditions been included in the specifications? YES. If not, has the required wording/information from the referenced attachments been included:

- | | | | |
|--------------------------|------------|--------------|---|
| *(DOW) | Section | Page | |
| <input type="checkbox"/> | <u>DOW</u> | <u>3</u> | 1. Attachment No. 1
Special Provisions |
| *(DOW) | Section | Page | |
| <input type="checkbox"/> | <u>DOW</u> | <u>4</u> | 2. Attachment No. 2
Requirements for Sub agreements awarded by Prime Contractor |
| <input type="checkbox"/> | <u>DOW</u> | <u>11</u> | 3. Attachment No. 3
State Procurement Code |
| <input type="checkbox"/> | <u>DOW</u> | <u>15-22</u> | 4. Attachment No. 4 through 8
EEO Documents |
| <input type="checkbox"/> | <u>DOW</u> | <u>23</u> | 5. Attachment No. 9
Labor Provisions |
| <input type="checkbox"/> | <u>DOW</u> | <u>26</u> | 6. Attachment No. 10
Debarment, Suspension and Other Responsibilities
Certification |

- | | | | |
|--------------------------|------------|--------------|---|
| <input type="checkbox"/> | <u>DOW</u> | <u>27</u> | 7. Attachment No. 11
Anti-Lobbying Certification |
| <input type="checkbox"/> | <u>DOW</u> | <u>28-35</u> | 8. Attachment No. 12 & 13
Disadvantaged Business Enterprise Requirements and Rates |
| <input type="checkbox"/> | <u>DOW</u> | <u>36</u> | 9. Attachment No. 14
Bonds and Insurance |
| <input type="checkbox"/> | <u>DOW</u> | <u>37</u> | 10. Attachment No. 15
Outlay Management |
| <input type="checkbox"/> | <u>DOW</u> | <u>40</u> | 11. Attachment No. 16
Notice of Intent for Storm Water Permit |
| <input type="checkbox"/> | <u>DOW</u> | <u>41</u> | 12. Attachment No. 17
Davis Bacon Requirements |
| <input type="checkbox"/> | <u>DOW</u> | <u>47</u> | 13. Attachment No. 18
Wage Rate Requirements |

DOW Engineer, copy Pages 10, 11 and 12 and give to SRF & SPAP Section Project Administrator)

AREAS OF WORK – DISADVANTAGED BUSINESS ENTERPRISE

Loan No./Loan Recipient: DWL1146 / F11-10 / COLUMBIA-ADAIR UTILITIES DISTRICT

Project Name: PHASE 11-2 WATER LINE EXTS. & CONNECTOR LINES

Contact Person: ROBERT FLOWERS, CHAIRMAN

Address: 109 GRANT LANE

COLUMBIA, KENTUCKY 42728

Phone No: 270-384-2181

Consultant: MONARCH ENGINEERING, INC.

Contact Person: DAVID M. BOWLES, P.E.

Address: 556 CARLTON DRIVE

LAWRENCEBURG, KY 40342

Phone No.: 502-839-1310

Contract No./Type: DWL1146 / F11-10

Estimated Bid Date: DECEMBER 13, 2012

This contract will include the following work:

<u>General Construction</u>	<u>Check if Included</u>	<u>Estimated Cost</u>
Backhoe	<input checked="" type="checkbox"/>	<u>\$97,000</u>
Concrete Construction	<input type="checkbox"/>	<u> </u>
Concrete Finishers	<input type="checkbox"/>	<u> </u>
Demolition	<input type="checkbox"/>	<u> </u>
Excavating	<input type="checkbox"/>	<u> </u>
General Construction	<input type="checkbox"/>	<u> </u>
Material Haulers	<input type="checkbox"/>	<u> </u>
Seeding	<input checked="" type="checkbox"/>	<u>\$ 2,500</u>
Sodding	<input type="checkbox"/>	<u> </u>
Surveyors	<input type="checkbox"/>	<u> </u>
Pipe Layers	<input checked="" type="checkbox"/>	<u>\$70,000</u>

	<u>Check if Included</u>	<u>Estimated Cost</u>
<u>Building Construction</u>		
Drywall	<input type="checkbox"/>	_____
Electrical Contractors	<input type="checkbox"/>	_____
Flooring	<input type="checkbox"/>	_____
HVAC	<input type="checkbox"/>	_____
Insulation	<input type="checkbox"/>	_____
Landscaping	<input type="checkbox"/>	_____
Masonry	<input type="checkbox"/>	_____
Painting Contractors	<input type="checkbox"/>	_____
Plaster	<input type="checkbox"/>	_____
Plumbing	<input type="checkbox"/>	_____
Roofing	<input type="checkbox"/>	_____
Sandblasting	<input type="checkbox"/>	_____
Sprinkler System Installation	<input type="checkbox"/>	_____
Wiring	<input type="checkbox"/>	_____
<u>Roadway Construction</u>		
Asphalt Removal	<input type="checkbox"/>	_____
Guardrail Work	<input type="checkbox"/>	_____
Roadway and Right-of-Way Work	<input type="checkbox"/>	_____
<u>Water Line Construction</u>		
Pipe Fabrication	<input type="checkbox"/>	_____
PVC or D.I. Pipe Supplier	<input checked="" type="checkbox"/>	\$220,750
Water Line Work	<input checked="" type="checkbox"/>	\$596,750
Water Valve Supplier	<input checked="" type="checkbox"/>	\$ 96,500
Fire Hydrant Supplier	<input checked="" type="checkbox"/>	\$ 36,500
<u>Specialized Construction</u>		
Asbestos Removal	<input type="checkbox"/>	_____
Installation of Alarm Systems	<input type="checkbox"/>	_____
Safety Equipment Installation	<input type="checkbox"/>	_____
Steel Erecting and Tying	<input type="checkbox"/>	_____
Installation of Telemetry	<input type="checkbox"/>	_____
<u>Supplier</u>		
Construction Equipment Sales	<input type="checkbox"/>	_____
Glass Suppliers and Glazing	<input type="checkbox"/>	_____
Industrial Chemical Suppliers	<input type="checkbox"/>	_____
Industrial Equipment Suppliers	<input type="checkbox"/>	_____
Manufacturer - canopies, aluminum windows, and aluminum handrails	<input type="checkbox"/>	_____
Plumbing Suppliers	<input checked="" type="checkbox"/>	\$ 30,000

<u>Supplier (Continued)</u>	<u>Check if Included</u>	<u>Estimated Cost</u>
Sheet Metal Manufacturer	<input type="checkbox"/>	_____
Steel Fabrication	<input type="checkbox"/>	_____
Steel Supplier	<input type="checkbox"/>	_____
Trucking	<input type="checkbox"/>	_____
Water Treatment Chemicals and Equipment	<input type="checkbox"/>	_____
Window Replacements	<input type="checkbox"/>	_____

1. Given the nature of the scope of work of this contract, is a DBE participation of 3 and 5 percent achievable?
 Yes No

DOW will send this checklist to the following agencies:

KPAP
Community Development Office
Cabinet for Economic Development
Capital Plaza Tower
Frankfort, Kentucky 40601

Office for Civil Rights & Small Business Development
Department of Transportation
200 Mero Street
Frankfort, Kentucky. 40622

- * Minority Economic Development Initiative
Hopkinsville-Christian County Economic Development Council
2800 Fort Campbell Boulevard
Hopkinsville, Kentucky 42240
Attn: Director

*For Projects West of Elizabethtown



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

November 9, 2012

Mr. Lennon Stone
Columbia/Adair Utilities District
109 Grant Lane
P. O. Box 567
Columbia, KY 42728

RE: Columbia/Adair Utilities District
AI # 33767, APE20120001
PWSID # 0010702-12-001
Phase 11-2 Water Line Extns. and Connector Lines
Adair County, KY

Dear Mr. Stone:

We have reviewed the plans and specifications for the above referenced project. The plans include the construction of approximately 1,900 linear feet of 3 inch PVC; 10,200 linear feet of 4 inch D.I.; 14,000 linear feet of 4 inch PVC; 21,000 linear feet of 8 inch PVC; 250 gpm (180 feet TDH) Booster Pump Station; 300,000 Gallon Water Storage Tank. This is to advise that plans and specifications for the above referenced project are APPROVED with respect to sanitary features of design, as of this date with the requirements contained in the attached construction permit.

Based on the hydraulic analysis/data submitted, the areas served by the Providence Road and Knifley Connection extensions are considered to be underserved. This designation indicates that without improvements to the existing infrastructure, future extensions may not be able to provide the required minimum pressure of 30 psi on the discharge side of customers' meters. Without improvements to the infrastructure, future extensions may be denied. The underserved designation may be used to help prioritize areas under the Governor's 2020 plan for funding future infrastructure improvements.

If you have any questions concerning this project, please contact Mr. William Wright at 502-564-8158 x4829.

Sincerely,

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

MR:WW

Enclosures

C: Monarch Engineering
Adair County Health Department
Public Service Commission
Division of Plumbing

Distribution-Major Construction

Columbia/Adair Utilities District
Facility Requirements

Activity ID No.: APE20120001

Page 1 of 19

GACT0000000038 (Phase 11-2 WLE & East KY 80 WST Replacement) 1,900 linear feet of 3 inch PVC, 10,200 linear feet of 4 inch D.I., 14,000 linear feet of 4 inch PVC, 21,000 linear feet of 8 inch PVC; 250 gpm (180 feet TDH) Booster Pump Station, 300,000 Gallon Water Storage Tank:

Monitoring Requirements:

Condition No.	Parameter	Condition
M-1	Coliform	The presence or absence of total Coliform monitored by sampling and analysis as needed shall be determined for the new or relocated water line(s). Take samples at connection points to existing lines, at 1 mile intervals, and at dead ends without omitting any branch of the new or relocated water line. Sample bottles shall be clearly identified as "special" construction tests. [401 KAR 8:100 Section 1(7), 401 KAR 8:150 Section 4, Recommended Standards for Water Works 8.5.6] This requirement is applicable during the following months: All Year. Statistical basis: Instantaneous determination.
M-2	Coliform	The presence or absence of total Coliform monitored by sampling and analysis as needed shall be determined for the new storage structure(s). With at least 1 sample taken at least 24 hours after the first construction complete sample(s), take 2 or more samples from the yard hydrant, the outlet piping from the storage structure, or a sample tap directly connected to the storage structure. Sample bottles shall be clearly identified as "special" construction tests. [Recommended Standards for Water Works 7.0.18, 401 KAR 8:150 Section 4] This requirement is applicable during the following months: All Year. Statistical basis: Instantaneous determination.
M-3	Coliform	The presence or absence of total Coliform monitored by sampling and analysis as needed shall be determined for the new pump(s). If the pump(s) are independent of (not directly connected to) the new or relocated lines, take at least 1 sample at the discharge side pitcock. Otherwise, no additional sampling beyond the sampling required for new or relocated lines shall be required in association with the pump(s). Sample bottles shall be clearly identified as "special" construction tests. [401 KAR 8:100 Section 1(7)] This requirement is applicable during the following months: All Year. Statistical basis: Instantaneous determination.

Submittal/Action Requirements:

Coliform:

Condition No.	Condition
S-1	Coliform For new construction projects, the distribution system, using the most expedient method, shall submit Coliform test results to the Cabinet: Due immediately following disinfection and flushing. [401 KAR 8:150 Section 4(2)]

Distribution-Major Construction
 Columbia/Adair Utilities District
 Facility Requirements

Activity ID No.: APE20120001

GACT000000038 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-2	For proposed changes to the approved plan, submit information to the Cabinet for approval. Due prior to any modification to the Cabinet for approval. Changes to the approved plan shall not be implemented without the prior written approval of the Cabinet. [401 KAR 8:100 Section 1(8)]
S-3	The person who presented the plans shall submit the professional engineer's certification: Due when construction is complete to the Division of Water. The certification shall be signed by a registered professional engineer and state that the water project has been constructed and tested in accordance with the approved plans, specifications, and requirements. [401 KAR 8:100 Section 1(8)]
Narrative Requirements: Additional Limitations:	
Condition No.	Condition
T-1	Additional Limitations: Chlorinated water resulting from disinfection of project components shall be disposed in a manner which will not violate 401 KAR 5:031. [401 KAR 8:020 Section 2(20)]
Condition No.	Condition
T-2	This project has been permitted under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the applicant from the responsibility of obtaining any other approvals, permits or licenses required by this Cabinet and other state, federal and local agencies. Further, this permit does not address the authority of the permittee to provide service to the area to be served. [401 KAR 8:100 Section 1(7)]
T-3	Unless construction of this project is begun within 2 years from the issuance date of this permit, the permit shall expire. If this permit expires, the original plans and specifications may be resubmitted for a new comprehensive review. If you have any questions concerning this project, please contact the Drinking Water Branch at 502/564-3410. [401 KAR 8:100 Section 1(9)]

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Narrative Requirements:

Condition No.	Condition
T-4	Final approval of facility. Upon completion of construction, the person who presented the plans shall certify in writing that the project has been completed in accordance with the "approved" plans and specifications. The public water supply shall operate the facility consistent with the approved plans and specifications. Any proposed change to the approved plan shall be submitted to the cabinet for approval. The public water supply shall not implement any change to the approved plan without the prior written approval of the cabinet. [401 KAR 8:100 Section 401 KAR 8:100(1)(8)]
T-5	During construction, a set of approved plans and specification shall be available at the job site at all times. All work shall be performed in accordance with the approved plans and specifications. [401 KAR 8:100 Section 1(7)(a)]

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PORT000000044 (Phase 11-2 WLE & East KY 80 WST Replacement) 1,900 linear feet of 3 inch PVC, 10,200 linear feet of 4 inch D.I., 14,000 linear feet of 4 inch PVC, 21,000 linear feet of 8 inch PVC:

Limitation Requirements:

Condition No.	Parameter	Condition
L-1	Depth	A continuous and uniform bedding shall be provided in the trench for all buried pipe. Backfill material shall be tamped in layers around the pipe and to a sufficient height above the pipe to adequately support and protect the pipe. Stones found in the trench shall be removed for a Depth \geq 6 in below the bottom of the pipe. [Recommended Standards for Water Works 8.5.2] This requirement is applicable during the following months: All Year. Statistical basis: Not applicable.
L-2	Depth	All water lines shall be covered to a Depth \geq 30 in to prevent freezing. [Recommended Standards for Water Works 8.5.3, 401 KAR 8:100 Section 1(7)] This requirement is applicable during the following months: All Year. Statistical basis: Minimum.
L-3	Diameter	All water lines shall have Diameter \geq 3 in. [Recommended Standards for Water Works 8.1.4] This requirement is applicable during the following months: All Year. Statistical basis: Minimum.
L-4	Diameter	Water lines with Diameter $<$ 6 in shall not have fire hydrants. [Recommended Standards for Water Works 8.1.5] This requirement is applicable during the following months: All Year. Statistical basis: Minimum.
L-5	Diameter	All new and existing water lines serving fire hydrants or where fire protection is provided shall have Diameter \geq 6 in. [Recommended Standards for Water Works 8.1.2] This requirement is applicable during the following months: All Year. Statistical basis: Minimum.
L-6	Distance	Water lines shall have a sufficient quantity of valves so that inconvenience and sanitary hazards will be minimized during repairs. A valve spacing Distance \leq 800 feet should be utilized in non-commercial districts. Alternatively, non-commercial districts should utilize a valve spacing Distance \leq 1 block. Commercial districts should utilize a valve spacing Distance $<$ or $=$ 500 ft. [Recommended Standards for Water Works 8.2] This requirement is applicable during the following months: All Year. Statistical basis: Not applicable.
L-7	Distance	Hydrant drains shall not be connected to sanitary sewers or storm drains and shall be located a Distance $>$ 10 ft from sanitary sewers and storm drains. [Recommended Standards for Water Works 8.3.4] This requirement is applicable during the following months: All Year. Statistical basis: Not applicable.

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Limitation Requirements:

Condition No.	Parameter	Condition
L-8	Distance	<p>Except when not practical, water lines shall be laid a horizontal Distance ≥ 10 ft from any existing or proposed sewer. The distance shall be measured edge to edge.</p> <p>In cases where it is not practical to maintain a 10 foot separation, water lines may be installed closer to a sewer provided that the water lines shall be laid in a separate trench or on an undisturbed shelf located on one side of the sewer at such an elevation that the bottom of the water line is at least 18 inches above the top of the sewer. [Recommended Standards for Water Works 8.6.2] This requirement is applicable during the following months: All Year. Statistical basis: Not applicable.</p>
L-9	Distance	<p>When water lines and sewers cross,</p> <ol style="list-style-type: none">1) water lines shall be laid such that either<ol style="list-style-type: none">a) the the top of the water line is a vertical Distance ≥ 18 in below the bottom of the sewer line orb) the bottom of the water line is a vertical Distance ≥ 18 in above the top of the sewer line,2) 1 full length of the water pipe shall be located so that both joints of the water pipe will be as far from the sewer as possible, and3) special structural support for the water and sewer pipes may be required. [Recommended Standards for Water Works 8.6.3] This requirement is applicable during the following months: All Year. Statistical basis: Not applicable.
L-10	Distance	<p>The open end of an air relief pipe from automatic valves shall be extended a Distance ≥ 1.0 ft above grade and provided with a screened, downward-facing elbow. The pipe from a manually operated valve shall be extended to the top of the pit. Use of manual air relief valves is recommended wherever possible. [Recommended Standards for Water Works 8.4.2] This requirement is applicable during the following months: All Year. Statistical basis: Not applicable.</p>
L-11	Pressure	<p>Pipes shall not be installed unless all points of the distribution system remain designed for ground level Pressure ≥ 20 psi under all conditions of flow. [Recommended Standards for Water Works 8.1.1] This requirement is applicable during the following months: All Year. Statistical basis: Minimum.</p>
L-12	Pressure	<p>Pressure ≥ 30 psi must be available on the discharge side of all meters. [401 KAR 8:100 Section 4(2)] This requirement is applicable during the following months: All Year. Statistical basis: Instantaneous determination.</p>

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Limitation Requirements:

Condition No.	Parameter	Condition
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L-13	Residual Disinfection	New or relocated water lines shall be thoroughly disinfected (in accordance with AWWA Standard C651) upon completion of construction and before being placed into service. To disinfect the new or relocated lines use chlorine or chlorine compounds in such amounts as to produce an initial disinfectant concentration of at least 50 ppm and a Residual Disinfection ≥ 25 ppm at the end of 24 hours. Follow the line disinfection with thorough flushing and place the lines into service if, and only if, Coliform monitoring applicable to the line does not show the presence of Coliform. If Coliform is detected, repeat flushing of the line and Coliform monitoring. If Coliform is still detected, repeat disinfection and flushing as if the line has never been disinfected. Continue the described process until monitoring does not show the presence of Coliform. [401 KAR 8:150 Section 4(1), Recommended Standards for Water Works 8.5.6] This requirement is applicable during the following months: All Year. Statistical basis: Minimum.
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L-14	Velocity	Each blow-off or flush hydrant shall be sized so that Velocity ≥ 2.5 ft/sec can be achieved in the water main served by the blow-off or hydrant during flushing. [Recommended Standards for Water Works 8.1.6.b, 401 KAR 8:100 Section 1(7)] This requirement is applicable during the following months: All Year. Statistical basis: Minimum.
L-15	Velocity	Except in underserved areas, each blow-off or fire hydrant shall be sized so that Velocity ≥ 2.5 ft/sec can be achieved in the water main served by the blow-off or hydrant during flushing. Based on the hydraulic analysis/data submitted, the areas served by the following extension(s) are considered to be underserved: a) Providence Road , b) Knifley Connection . This designation indicates that without improvements to the existing infrastructure, future extensions may not be able to provide the required minimum pressure of 30 psi on the discharge side of customers' meters. Without improvements to the infrastructure, future extensions may be denied. The underserved areas under the Governor's 2020 plan for funding future infrastructure improvements. [Recommended Standards for Water Works 8.1.6.b, 401 KAR 8:100 Section 1(7)] This requirement is applicable during the following months: All Year. Statistical basis: Minimum.

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PORT0000000044 (continued):

Monitoring Requirements:

Condition No.	Parameter	Condition
M-1	leaks	The presence or absence of leaks monitored by physical testing as needed shall be determined in all types of installed pipe. Pressure testing and leakage testing shall be in accordance with the latest edition of AWWA Standard C600. [Recommended Standards for Water Works 8.5.5] This requirement is applicable during the following months: All Year. Statistical basis: Instantaneous determination.

Narrative Requirements:

Asbestos (Friable):

Condition No.	Condition
T-1	Asbestos (Friable): If the existing water line to be tapped is asbestos concrete, then the contractor shall conform to OSHA regulations governing the handling of hazardous waste during the process of tapping the asbestos concrete line. Pieces of asbestos concrete resulting from the tap shall be double bagged, placed in a rigid container and disposed of in an approved landfill. [401 KAR 8:100 Section 1(7)]

Additional Limitations:

Condition No.	Condition
T-2	Additional Limitations: Water line installation shall be in accordance with AWWA standards or manufacturer recommendations. [Recommended Standards for Water Works 8.5.1]
T-3	Additional Limitations: Pipes, fittings, valves and fire hydrants shall conform to the latest standards issued by the AWWA or NSF (if such standards exist). PVC and PE piping used must be certified to ANSI/NSF Standard 61. [Recommended Standards for Water Works 8.0.1]
T-4	Additional Limitations: At high points in water lines, where air can accumulate, provisions shall be made to remove the air by means of hydrants or air relief valves. Automatic air relief valves shall not be used in situations where manhole or chamber flooding may occur. [Recommended Standards for Water Works 8.4.1]

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Narrative Requirements: Additional Limitations:	Condition No.
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T-5 Additional Limitations: All tees, bends, plugs and hydrants shall be provided with reaction blocking, tie rods or joints designed to prevent movement. [Recommended Standards for Water Works 8.5.4]

T-6 Additional Limitations: A flush hydrant or blow-off shall be required at the end of each dead end line. [Recommended Standards for Water Works 8.1.6]

T-7 Additional Limitations: For each flush hydrant, auxiliary valves shall be installed in the hydrant lead pipe. [Recommended Standards for Water Works 8.3.3]

T-8 Additional Limitations: No flushing device, blow-off, or air relief valve shall be directly connected to any sewer. Chambers, pits or manholes containing valves, blow-offs, meters, or other such appurtenances shall not be directly connected to any storm drain or sanitary sewer. Such chambers, pits or manholes shall be drained to absorptions pits underground or to the surface of the ground where they are not subject to flooding by surface water. [Recommended Standards for Water Works 8.1.6, Recommended Standards for Water Works 8.4.3]

T-9 Additional Limitations: If water lines are installed or replaced in areas of organic contamination or in areas within 200 ft of underground or petroleum storage tanks, ductile iron or other nonpermeable materials shall be used in all portions of the water line installation or replacement. [401 KAR 8:100 Section 1(5)(d)6, Recommended Standards for Water Works 8.0.2]

T-10 Additional Limitations: No water pipe shall pass through or come in contact with any part of a sewer manhole. [Recommended Standards for Water Works 8.6.6]

T-11 Additional Limitations: If water lines cross a stream or wetland, the provisions in the attached Water Quality Certification shall apply. If you have any questions please contact the Water Quality Certification Supervisor of the Water Quality Branch at (502) 564-2225. [401 KAR 8:100 Section 1(7)]

T-12 Additional Limitations: A fire hydrant or blow-off shall be required at the end of each dead end line. [Recommended Standards for Water Works 8.1.6]

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Narrative Requirements:

Additional Limitations:

Condition No.	Condition
T-13	<p>Additional Limitations: For each fire hydrant, auxiliary valves shall be installed in the hydrant lead pipe. [Recommended Standards for Water Works 8.3.3]</p>
T-14	<p>Additional Limitations: If a fire sprinkler system is to be installed, a double check detector assembly approved for backflow prevention shall be utilized. The double check detector assembly of the system shall be accessible for testing. [401 KAR 8:100 Section 1(7)]</p>

Subfluvial Pipe Crossings:

Condition No.	Condition
T-15	<p>Subfluvial Pipe Crossings: For subfluvial pipe crossings, a floodplain construction permit will not be required pursuant to KRS 151.250 if the following requirements of 401 KAR 4:050 Section 2 are met.</p> <ol style="list-style-type: none">1) No material may be placed in the stream or in the flood plain of the stream to form construction pads, coffer dams, access roads, etc. during construction of pipe crossings.2) Crossing trenches shall be backfilled as closely as possible to the original contour.3) All excess material resulting from construction displacement in a crossing trench shall be disposed of outside the flood plain.4) For erodible channels, there shall be at least 30 inches of backfill on top of all pipe or conduit points in the crossing.5) For nonerodible channels, pipes or conduits in the crossing shall be encased on all sides by at least 6 inches of concrete with all pipe or conduit points in the crossing at least 6 inches below the original contour of the channel. [401 KAR 8:100 Section 1(7)]
T-16	<p>Subfluvial Pipe Crossings: For subfluvial pipe crossings greater than 15 feet in width,</p> <ol style="list-style-type: none">1) the pipe shall be of special construction, having flexible, restrained, or welded watertight joints, and2) valves shall be provided at both ends of water crossings so that the section can be isolated for testing or repair. <p>Valves shall</p> <ol style="list-style-type: none">a) be easily accessible,b) not be subject to flooding, andc) if closest to the supply source, be in a manhole with permanent taps made on each side of the valve to allow insertion of a small meter to determine leakage and for sampling purposes. [Recommended Standards for Water Works 8.7.2]

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PORT0000000045 (Phase 11-2 WLF & East KY 80 WST Replacement) 250 gpm (180 feet TDH) Booster Pump Station:

Limitation Requirements:

Condition No.	Parameter	Condition
L-1	Pressure	Pump stations shall be located or controlled so that intake Pressure \geq 20 psi is maintained during normal pump operation. [Recommended Standards for Water Works 6.4.b] This requirement is applicable during the following months: All Year. Statistical basis: Minimum.
L-2	Pressure	Pump stations shall be located or controlled so that an automatic cutoff or a low pressure controller maintains a Pressure \geq 10 psi in the suction line under all operating conditions. [Recommended Standards for Water Works 6.4.c] This requirement is applicable during the following months: All Year. Statistical basis: Minimum.
L-3	Residual Disinfection	New pumps shall be thoroughly disinfected (in accordance with AWWA Standard C651) upon completion of construction and before being placed into service. To disinfect new pumps use chlorine or chlorine compounds in such amounts as to produce an initial disinfectant concentration of at least 50 ppm and a Residual Disinfection \geq 25 ppm at the end of 24 hours. Follow the disinfection with thorough flushing and place each pump into service if, and only if, Coliform monitoring applicable to the pump does not show the presence of Coliform. If Coliform is detected, repeat flushing of the pump and Coliform monitoring. If Coliform is still detected, repeat disinfection and flushing as if the pump has never been disinfected. Continue the described process until monitoring does not show the presence of Coliform. [401 KAR 8:100 Section 1(7)] This requirement is applicable during the following months: All Year. Statistical basis: Minimum.
L-4	Slope	Pumping facilities shall be located and designed to maintain the sanitary quality of pumped water. As part of this, all pump station floors shall have Slope \geq 3 in per 10 ft to a suitable drain. [Recommended Standards for Water Works 6.2.e, Recommended Standards for Water Works 6.0, Recommended Standards for Water Works 6.1] This requirement is applicable during the following months: All Year. Statistical basis: Minimum.
L-5	Air Change Rate	Ventilation shall conform to existing local and/or state codes. At a minimum forced ventilation shall produce an Air Change Rate \geq 6 air change(s)/hr. [401 KAR 8:100 Section 1(7), Recommended Standards for Water Works 6.2.5] This requirement is applicable during the following months: All Year. Statistical basis: Minimum.

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PORT0000000045 (continued):

Limitation Requirements:

Condition No.	Parameter	Condition
L-6	Height	Pumping stations shall not be subject to flooding. To this end, 1) grading around stations shall lead surface drainage away and 2) stations shall be elevated or protected to a Height \geq 3 ft above the highest of the following: a) the 100-year flood elevation, or b) the highest recorded flood elevation. [Recommended Standards for Water Works 6.1.1, Recommended Standards for Water Works 6.0] This requirement is applicable during the following months: All Year. Statistical basis: Minimum.
L-7	Height	When a pump station has pits or compartments which must be entered, stairways or ladders shall be provided between all floors. Stairs shall have risers with a Height \leq 9 in, handrails on both sides, and treads with non-slip material wide enough for safety. [Recommended Standards for Water Works 6.2.3] This requirement is applicable during the following months: All Year. Statistical basis: Maximum.

Narrative Requirements:

Additional Limitations:

Condition No.	Condition
T-1	Additional Limitations: Pumping stations shall be so located that the proposed site will meet the requirements for hydraulics of the system. [Recommended Standards for Water Works 6.1]
T-2	Additional Limitations: Pumping stations shall be readily accessible at all times for servicing and repairs. [Recommended Standards for Water Works 6.1.1.b, Recommended Standards for Water Works 6.4.3]
T-3	Additional Limitations: Pumping stations shall be designed to prevent vandalism and protect against entrance of animals or unauthorized persons. [Recommended Standards for Water Works 6.1.1.d]
T-4	Additional Limitations: Pumping stations shall be of durable construction with outward-opening doors. [Recommended Standards for Water Works 6.2.b]

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PORT000000045 (continued):

Narrative Requirements:

Additional Limitations:

Condition No.	Condition
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T-5 Additional Limitations: Pumping stations shall be fire and weather resistant. [Recommended Standards for Water Works 6.2.b]

T-6 Additional Limitations: Pumping stations shall have suitable pump gland discharges so that drainage from the glands is not onto the floor. [Recommended Standards for Water Works 6.2.f]

T-7 Additional Limitations: If underground structures are present at pumping stations, they shall be waterproofed. [Recommended Standards for Water Works 6.2.d]

T-8 Additional Limitations: Pumping stations shall have adequate space for the installation of additional pumps. [Recommended Standards for Water Works 6.2.a]

T-9 Additional Limitations: Pumping stations shall have adequate space for the safe servicing of all equipment. [Recommended Standards for Water Works 6.2.a]

T-10 Additional Limitations: Pump stations shall have crane-ways, hoist beams, eyebolts, or other adequate facilities for servicing or removal of pumps, motors or other heavy equipment. [Recommended Standards for Water Works 6.2.a]

T-11 Additional Limitations: Pump stations shall have openings as needed for removal of heavy or bulky equipment. [Recommended Standards for Water Works 6.2.b]

T-12 Additional Limitations: Pump stations shall have a convenient tool board, or other facilities as needed, for proper maintenance of equipment. [Recommended Standards for Water Works 6.2.c]

T-13 Additional Limitations: In areas where excess moisture could cause safety hazards or damage to equipment, dehumidification shall be provided. [401 KAR 8:100 Section 1(7), Recommended Standards for Water Works 6.2.6]

T-14 Additional Limitations: Electrical controls shall be located above grade. [Recommended Standards for Water Works 6.6.5]

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PORT0000000045 (continued):

Narrative Requirements:

Additional Limitations:

Condition No.	Condition
T-15	<p>Additional Limitations: All electrical equipment and work shall conform with the applicable state and local electrical codes and the National Electrical Code. [Recommended Standards for Water Works 6.5, Recommended Standards for Water Works 6.2.7]</p>
T-16	<p>Additional Limitations: Pump stations shall be adequately lighted throughout. [Recommended Standards for Water Works 6.2.7]</p>
T-17	<p>Additional Limitations: All automatic pump stations shall be provided with automatic signaling apparatus which will report when the station is out of service. All remote controlled stations shall be electrically operated and controlled and shall have signaling apparatus of proven performance. [Recommended Standards for Water Works 6.5]</p>
T-18	<p>Additional Limitations: Automatic or remote control pump stations shall be located or shall have control devices setup so that the range between start and cutoff pressure prevents excessive pump cycling. [Recommended Standards for Water Works 6.4.d]</p>
T-19	<p>Additional Limitations: Equipment shall be provided or other arrangements made to prevent surge pressures from activating controls which switch on pumps or activate other equipment outside the normal design cycle of operation. [Recommended Standards for Water Works 6.6.5]</p>
T-20	<p>Additional Limitations: Provisions shall be made to prevent energizing the motor in the event of a backspin cycle. [Recommended Standards for Water Works 6.6.5]</p>
T-21	<p>Additional Limitations: Pump stations shall be provided with enough heat to prevent freezing of equipment or treatment processes. [Recommended Standards for Water Works 6.2.4]</p>
T-22	<p>Additional Limitations: Pump stations shall have at least 2 pumps. Pumps shall be sized so that if any single pump is out service, the remaining pump or pumps shall be capable of providing the peak demand on the station. [Recommended Standards for Water Works 6.3, Recommended Standards for Water Works 6.4.1]</p>
T-23	<p>Additional Limitations: Provisions shall be made for pump alternation. [Recommended Standards for Water Works 6.6.5]</p>

Narrative Requirements:
Additional Limitations:

Condition No.	Condition
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T-24	<p>Additional Limitations: Pumps shall a) have ample capacity to supply the peak demand against the required distribution system pressure without dangerous overloading, b) be driven by prime movers able to meet the maximum horsepower condition of the pumps, c) be provided readily available spare parts and tools, and d) be served by control equipment that is properly protected against temperatures to be encountered. [Recommended Standards for Water Works 6.3]</p>
T-25	<p>Additional Limitations: Pumps, their prime movers and accessories shall be controlled in such a manner that they will operate at rated capacity without dangerous overload. [Recommended Standards for Water Works 6.5]</p>
T-26	<p>Additional Limitations: Pump stations shall be located or controlled so that a bypass is available. [Recommended Standards for Water Works 6.4.e]</p>
T-27	<p>Additional Limitations: Pump stations shall contain indicating and totalizing metering of the total water pumped. Each pump shall have a) a standard pressure gauge on its discharge line and b) a compound gauge on its suction line. Each pump should have a means for measuring the instantaneous volume per time discharge. [401 KAR 8:100 Section 1(7), Recommended Standards for Water Works 6.4.2, Recommended Standards for Water Works 6.6.3]</p>
T-28	<p>Additional Limitations: Pumps shall be adequately valved to permit satisfactory operation, maintenance and repair of the equipment. Each pump shall have a positive-acting check valve on the discharge side between the pump and the shut-off valve. [Recommended Standards for Water Works 6.6.1]</p>

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PORT0000000045 (continued):

Narrative Requirements:

Additional Limitations:

Condition	Condition
T-29	<p>Additional Limitations: Piping for pumps shall, in general,</p> <ol style="list-style-type: none">1) be designed so that the friction losses will be minimized,2) not be subject to contamination,3) have watertight joints,4) be protected against surge or water hammer,5) be provided with restraints where necessary, and6) a) be such that each pump has an individual suction line or b) be manifolded such that the lines insure similar hydraulic and operating conditions. [Recommended Standards for Water Works 6.6.2]
T-30	<p>Additional Limitations: To ensure continuous service when the primary power is interrupted, power supplied to pump stations shall be</p> <ol style="list-style-type: none">a) from at least 2 independent sources orb) from a primary source with a standby or auxiliary source provided. <p>If standby power is provided by onsite generators or engines, the fuel storage and fuel line must be designed to protect the water supply from contamination. [Recommended Standards for Water Works 6.6.6]</p>

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Facility Requirements

Activity ID No.: APE20120001

STOR000000006 (Phase 11-2 WLE & East KY 80 WST Replacement) 300,000 Gallon Water Storage Tank:

Limitation Requirements:

Condition No.	Parameter	Condition
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L-1	Residual Disinfection	New water tanks shall be thoroughly disinfected (in accordance with AWA Standard C651) upon completion of construction and before being placed into service. To disinfect new tanks use chlorine or chlorine compounds in such amounts as to produce an initial disinfectant concentration of at least 50 ppm and a Residual Disinfection ≥ 25 ppm at the end of 24 hours. Follow the disinfection with thorough flushing and place tanks into service if, and only if, Coliform monitoring applicable to the tank does not show the presence of Coliform.
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L-2	Volume	Hydropneumatic (pressure) tanks should have a gross Volume ≥ 1000 percent of the largest supply pump's per minute rating (i.e. if the largest pump connected to a pressure tank has a rating of 250 gpm, then the size of the pressure tank should be at least 2,500 gallons). The minimum tank volume shall be an even higher percentage (based on the necessary chlorine detention time) if a water system requires a chlorine detention time greater than the detention time that the related treatment/distribution facilities and this limit otherwise provide. [Recommended Standards for Water Works 7.2.2] This requirement is applicable during the following months: All Year. Statistical basis: Minimum.
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Narrative Requirements:

Condition No.	Condition
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T-1	Additional Limitations: Hydropneumatic (pressure) tanks shall be the only water storage structure in the water distribution system. [Recommended Standards for Water Works 7.2]
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T-2	Additional Limitations: Hydropneumatic (pressure) tanks shall serve no more than 50 living units. [401 KAR 8:100 Section 1(7)]
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T-3	Additional Limitations: Hydropneumatic (pressure) tanks shall not provide fire protection. [Recommended Standards for Water Works 7.2]
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STOR0000000006 (continued):

Narrative Requirements:

Additional Limitations:

Condition No.	Condition
T-4	<p>Additional Limitations: The materials and designs used for tanks shall provide stability and durability as well as protection for the quality of the stored water. Steel structures shall follow the AWWA standards wherever they are applicable. Other materials of construction are acceptable when properly designed to meet the requirements in this permit. [Recommended Standards for Water Works 7.0]</p>
T-5	<p>Additional Limitations: The safety of employees must be considered in the design of any storage structure. The design of storage structures shall meet or exceed the minimum requirements of pertinent safety laws and regulations in the areas where the structures are constructed. [Recommended Standards for Water Works 7.0.12]</p>
T-6	<p>Additional Limitations: Hydropneumatic (pressure) tanks shall meet ASME code requirements for the construction and installation of unfired pressure vessels or an equivalent requirement of state and local laws and regulations. [Recommended Standards for Water Works 7.2]</p>
T-7	<p>Additional Limitations: Fencing, locks on access manholes, and other necessary precautions shall be provided to prevent trespassing, vandalism, and sabotage. [Recommended Standards for Water Works 7.0.4]</p>
T-8	<p>Additional Limitations: Completely house the tank and locate it above the normal ground surface. [Recommended Standards for Water Works 7.2.1]</p>
T-9	<p>Additional Limitations: All tanks and their appurtenances shall be designed to prevent freezing. [Recommended Standards for Water Works 7.0.13]</p>
T-10	<p>Additional Limitations: The roof and sidewalls of each tank must be watertight with no openings except properly constructed drains, control ports, and piping for inflow and outflow. Any pipes running through the roof or sidewall must be welded. [Recommended Standards for Water Works 7.0.10]</p>
T-11	<p>Additional Limitations: Tank drains shall discharge to the ground surface at a drainage structure inlet or splash plate. [Recommended Standards for Water Works 7.3.2, Recommended Standards for Water Works 7.0.7]</p>

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STOR000000006 (continued):

Narrative Requirements:

Additional Limitations:

Condition
 No.

T-12	Additional Limitations: No drain on a tank may have a direct connection to a sewer or storm drain. [Recommended Standards for Water Works 7.0.5, Recommended Standards for Water Works 7.0.7, Recommended Standards for Water Works 7.3.2]
T-13	Additional Limitations: Tanks shall be designed to facilitate turn over of water. [401 KAR 8:100 Section 1(7), Recommended Standards for Water Works 7.0.6]
T-14	Additional Limitations: Tanks shall have sufficient capacity, as determined from engineering studies, to meet domestic demands. [401 KAR 8:100 Section 1(7), Recommended Standards for Water Works 7.0.1]
T-15	Additional Limitations: Hydropneumatic (pressure) tanks shall have 1) bypass piping, to permit operation of the water distribution system while the tank is being repaired or painted, 2) a drain, and 3) control equipment. The control equipment shall include a) a pressure gauge, b) a water sight glass, c) an automatic or manual blow-off, d) a means for adding air, and e) pressure operated start-stop controls for the pumps. [Recommended Standards for Water Works 7.2.3]
T-16	Additional Limitations: Tank discharge pipes shall be located in a manner that will prevent the flow of sediment into the distribution system. [Recommended Standards for Water Works 7.0.15]
T-17	Additional Limitations: Appropriate sampling tap(s) shall be provided to facilitate collection of water samples for both bacteriologic and chemical analyses. [Recommended Standards for Water Works 7.0.19]

Distribution-Major Construction

Columbia/Adair Utilities District
Facility Requirements

Activity ID No.: APE20120001

Page 19 of 19

STOR0000000006 (continued):

Narrative Requirements:

Additional Limitations:

Condition No.	Condition
T-18	<p>Additional Limitations: Adequate controls shall be provided to maintain levels in storage structures. The level controls shall be acceptable to the Division of Water. Level indicating devices should be provided at a central location. Overflow and low-level warnings or alarms should be located at places in the community where they will be under responsible surveillance 24 hrs a day. [401 KAR 8:100 Section 1(7), Recommended Standards for Water Works 7.3.3]</p>
T-19	<p>Additional Limitations: Proper protection shall be given to metal surfaces by</p> <ol style="list-style-type: none">paints or other protective coatings and/orcathodic protective devices. [Recommended Standards for Water Works 7.0.17]
T-20	<p>Additional Limitations: If cathodic protection is utilized,</p> <ol style="list-style-type: none">competent technical personnel should design and install the protection anda maintenance contract should be provided. [Recommended Standards for Water Works 7.0.17]
T-21	<p>Additional Limitations: If the interior of the tank is coated or lined, the coating or lining shall be of a type approved by the Division of Water for use in contact with potable water. [401 KAR 8:020 Section 2(19)]</p>
T-22	<p>Additional Limitations: Paints and coatings</p> <ol style="list-style-type: none">shall meet NSF standard 61,shall be acceptable to the Division of Water,shall be properly applied and cured, andshall not transfer any substance to the water which will be toxic or cause tastes or odors (following curing). [Recommended Standards for Water Works 7.0.17]





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
LOUISVILLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE, KENTUCKY 40201-0059

September 20, 2011

Real Estate Division
Civil & Support Branch

Mr. Danny Downey, Chairman
Columbia/Adair Utilities District
109 Grant Lane
P.O. Box 567
Columbia, Kentucky 42728

Dear Mr. Downey:

Enclosed is a fully copy of Department of the Army Easement No. DACW27-2-11-448, which grants Columbia/Adair Utilities District permission to install, operate and maintain a buried waterline, across, in and upon property of the United States, located at Green River Lake project, Kentucky.

If you have any questions pertaining to the easement, please contact Ms. Patty Drees at (502) 315-6993; any questions regarding the Regulatory Permit should be addressed to Jane Archer, CELRL-OP-FS, at (502) 315-6682

Sincerely,

A handwritten signature in cursive script that reads "Patty Drees".

Patty Drees
Realty Specialist
Civil & Support Branch

Enclosure

DEPARTMENT OF THE ARMY
EASEMENT FOR PIPELINE RIGHT-OF-WAY
LOCATED ON
GREEN RIVER LAKE PROJECT
ADAIR COUNTY, KENTUCKY

THE SECRETARY OF THE ARMY, under and by virtue of the authority vested in the Secretary by Title 10 United States Code, Section 2668, having found that the granting of this easement will be in the public interest and will not substantially injure the interests of the United States, hereby grants to **COLUMBIA/ADAIR UTILITIES DISTRICT**, 109 Grant Lane, P.O. Box 567, Columbia, Kentucky 42728, hereinafter referred to as the grantee, a twenty (20) foot wide easement (10 feet on either side of the centerline) for the installation, maintenance and use of approximately 6,600 LF of 8-inch public waterline, hereinafter referred to as the facilities, over, across, in and upon lands of the United States as identified as Tract Nos. 1915-2, 1919, 1930 and 2002 in Exhibits "A" and "B" hereinafter referred to as the premises, and which are attached hereto and made a part hereof.

THIS EASEMENT is granted subject to the following conditions.

1. TERM

This easement is hereby granted in perpetuity.

2. CONSIDERATION

The consideration for this easement shall be the construction, operation and maintenance of the waterline for the benefit of the general public in accordance with the terms and conditions hereinafter set forth.

3. NOTICES

All correspondence and notices to be given pursuant to this easement shall be addressed, if to the Grantee, to **COLUMBIA/ADAIR UTILITIES DISTRICT**, 109 Grant Lane, P.O. Box 567, Columbia, Kentucky 42728; and, if to the United States, to the District Engineer, ATTN: Chief, Real Estate Division, U. S. Army Corps of Engineers, Post Office Box 59, Room 137, Louisville, Kentucky 40201-0059, or as may from time to time otherwise be directed by the parties. Notice shall be deemed to have been duly

given if and when enclosed in a properly sealed envelope, or wrapper, addressed as aforesaid, and deposited postage prepaid in a post office regularly maintained by the United States Postal Service.

4. AUTHORIZED REPRESENTATIVES

Except as otherwise specifically provided, any reference herein to "Secretary", "District Engineer", "Installation Commander", or "said officer" shall include their duly authorized representatives. Any reference to "grantee" shall include assignees, transferees and their duly authorized representatives.

5. SUPERVISION BY THE DISTRICT ENGINEER

The construction, operation, maintenance, repair or replacement of said facilities, including culverts and other drainage facilities, shall be performed at no cost or expense to the United States and subject to the approval of the District Engineer, Louisville District, hereinafter referred to as said officer. Upon the completion of any of the above activities, the Grantee shall immediately restore the premises to the satisfaction of said officer. The use and occupation of the premises for the purposes herein granted shall be subject to such rules and regulations as said officer prescribes in writing from time to time.

6. APPLICABLE LAWS AND REGULATIONS

The grantee shall comply with all applicable Federal, state, county and municipal laws, ordinances and regulations wherein the premises are located.

7. CONDITION OF PREMISES

The grantee acknowledges that it has inspected the premises, knows the condition, and understands that the same is granted without any representation or warranties whatsoever and without any obligation on the part of the United States.

8. INSPECTION AND REPAIRS

The grantee shall inspect the facilities at reasonable intervals and immediately repair any defects found by such inspection or when required by said officer to repair any such defects.

9. PROTECTION OF GOVERNMENT PROPERTY

The grantee shall be responsible for any damage that may be caused to the property of the United States by the activities of the grantee under this easement and

shall exercise due diligence in the protection of all property located on the premises against fire or damage from any and all other causes. Any property of the United States damaged or destroyed by the grantee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the grantee to a condition satisfactory to said officer, or at the election of said officer, reimbursement made therefor by the grantee in an amount necessary to restore or replace the property to a condition satisfactory to said officer.

10. RIGHT TO ENTER

The right is reserved to the United States, its officers, agents, and employees to enter upon the premises at any time and for any purpose necessary or convenient in connection with government purposes, to make inspections, to remove timber or other material, except property of the grantee, to flood the premises and/or to make any other use of the lands as may be necessary in connection with government purposes, and the grantee shall have no claim for damages on account thereof against the United States or any officer, agent, or employee thereof.

11. TRANSFERS AND ASSIGNMENTS

Without prior written approval by said District Engineer, the grantee shall neither transfer nor assign this easement or any part thereof nor grant any interest, privilege or license whatsoever in connection with this easement. The provisions and conditions of this easement shall extend to and be binding upon and shall inure to the benefit of the representatives, successors and assigns of the grantee.

12. INDEMNITY

The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the exercise of the privileges herein granted, or for damages to the property or injuries to the person of the grantee's officers, agents, or employees or others who may be on the premises at their invitation or the invitation of any one of them, and the grantee shall hold the United States harmless from any and all such claims not including damages due to the fault or negligence of the United States or its contractors.

13. SUBJECT TO EASEMENTS

This easement is subject to all other existing easements, or those subsequently granted as well as established access routes for roadways and utilities located, or to be located, on the premises, provided that the proposed grant of any new easement or route will be coordinated with the grantee, and easements will not be granted which will, in the opinion of said officer, interfere with the use of the premises by the grantee.

14. REQUIRED SERVICES

The grantee shall furnish through said facilities such services as may be required from time to time for governmental purposes, provided that payment for such service will be made by the United States at rates which shall be mutually agreeable but which shall never exceed the most favorable rates granted by the grantee for similar service.

15. RELOCATION OF FACILITIES

In the event all or any portion of the premises occupied by the said facilities shall be needed by the United States, or in the event the existence of said facilities is determined to be detrimental to governmental activities, the grantee shall from time to time, upon notice to do so, and as often as so notified, remove said facilities to such other location on the premises as may be designated by said officer. In the event said facilities shall not be removed or relocated within ninety (90) days after such notice, the United States may cause such relocation at the sole expense of the grantee.

16. TERMINATION

This easement may be terminated by the Secretary upon 30 days written notice to the grantee if the Secretary shall determine that the right-of-way hereby granted interferes with the use or disposal of said land by the United States, or it may be revoked by the Secretary for failure of the grantee to comply with any or all of the conditions of this easement, or for non-use for a period of two (2) years, or for abandonment.

17. SOIL AND WATER CONSERVATION

The grantee shall maintain, in a manner satisfactory to said officer, all soil and water conservation structures that may be in existence upon said premises at the beginning of or that may be constructed by the grantee during the term of this easement, and the grantee shall take appropriate measures to prevent or control soil erosion within the right-of-way herein granted. Any soil erosion occurring outside the premises resulting from the activities of the grantee shall be corrected by the grantee as directed by said officer.

18. ENVIRONMENTAL PROTECTION

a. Within the limits of their respective legal powers, the parties hereto shall protect the premises against pollution of its air, ground, and water. The grantee shall promptly comply with any laws, regulations, conditions or instructions affecting the activity hereby authorized if and when issued by the Environmental Protection Agency,

or any Federal, state, interstate or local governmental agency having jurisdiction to abate or prevent pollution. The disposal of any toxic or hazardous materials within the premises is strictly prohibited. Such regulations, conditions, or instructions in effect or prescribed by the said Environmental Protection Agency or any Federal, state, interstate or local governmental agency are hereby made a condition of this easement. The grantee shall not discharge waste or effluent from the premises in such a manner that the discharge will contaminate streams or other bodies of water or otherwise become a public nuisance.

b. The use of any pesticides or herbicides within the premises shall be in conformance with all applicable Federal, state and local laws and regulations. The grantee must obtain approval in writing from said officer before any pesticides or herbicides are applied to the premises.

c. The grantee will use all reasonable means available to protect the environment and natural resources, and where damage nonetheless occurs arising from the grantee's activities, the grantee shall be liable to restore the damaged resources.

19. HISTORIC PRESERVATION

The grantee shall not remove or disturb, or cause or permit to be removed or disturbed, any historical, archeological, architectural or other cultural artifacts, relics, remains or objects of antiquity. In the event such items are discovered on the premises, the grantee shall immediately notify said officer and protect the site and material from further disturbance until said officer gives clearance to proceed.

20. NON-DISCRIMINATION

a. The grantee shall not discriminate against any person or persons because of race, color, age, sex, handicap, national origin or religion.

b. The grantee, by acceptance of this easement, is receiving a type of Federal assistance and, therefore, hereby gives assurance that it will comply with the provisions of Title VI of the Civil Rights Act of 1964 as amended (42 U.S.C. § 2000d); the Age Discrimination Act of 1975 (42 U.S.C. § 6102); the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); and all requirements imposed by or pursuant to the Directive of the Department of Defense (32 CFR Part 300) issued as Department of Defense Directive 5500.11 and 1020.1, and Army Regulation 600-7. This assurance shall be binding on the grantee, its agents, successors, transferees, and assignees.

21. RESTORATION

On or before the expiration or termination of this easement, the grantee shall, without expense to the United States, and within such time as said officer may indicate, remove said facilities and restore the premises to the satisfaction of said officer. In the event the grantee shall fail to remove said facilities and restore the premises, the United States shall have the option to take over said facilities without compensation, or to remove said facilities and perform the restoration at the expense of the grantee, and the grantee shall have no claim for damages against the United States or its officers or agents for such action.

22. SPECIAL CONDITIONS

a Adequate measures shall be taken to prevent erosion and runoff into streams and lake. Where possible, straw bales or other acceptable practices shall be used to prevent erosion.

b All disturbed areas will be reseeded and returned to the pre-existing conditions, i.e. contour, drainage, etc.

c Adequate flagging and signage shall be used in accordance with State regulations for work along roadways.

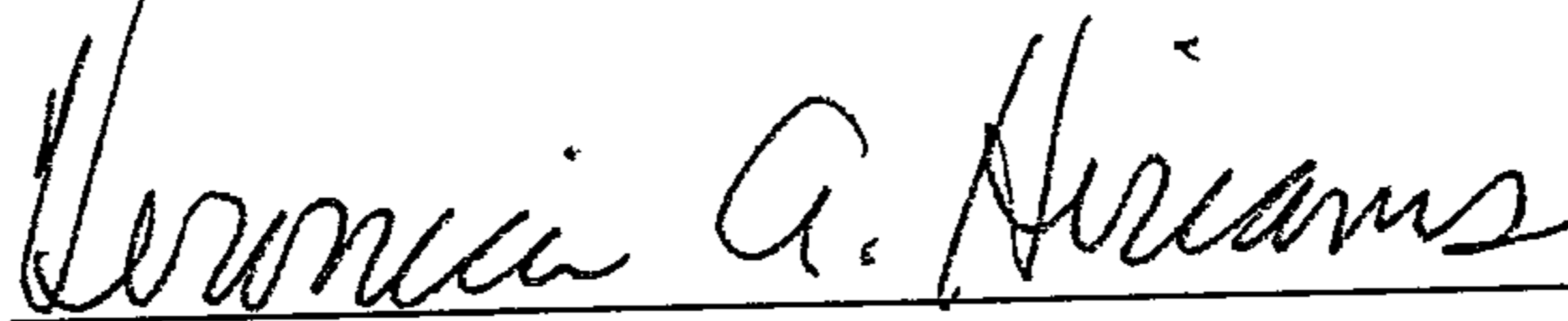
d Boat traffic control shall be implemented during installation of water line in the lake.

23. DISCLAIMER

This instrument is effective only insofar as the rights of the United States in the property are concerned, and the grantee shall obtain such permission as may be required on account of any other existing rights. It is understood that the granting of this easement does not eliminate the necessity of obtaining any Department of the Army permit which may be required pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 3 March 1899 (30 Stat. 1151; 33 U.S.C. § 403), Section 404 of the Clean Water Act (33 U.S.C. § 1344) or any other permit or license which may be required by Federal, state or local statute in connection with use of the premises.

THIS EASEMENT is not subject to Title 10, United States Code, Section 2662, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand by authority of the
Secretary of the Army, this 19th day of September, 2011.



VERONICA A. HIRIAMS
Real Estate Contracting Officer
Louisville District, Corps of
Engineers
Louisville, Kentucky

ACKNOWLEDGEMENT

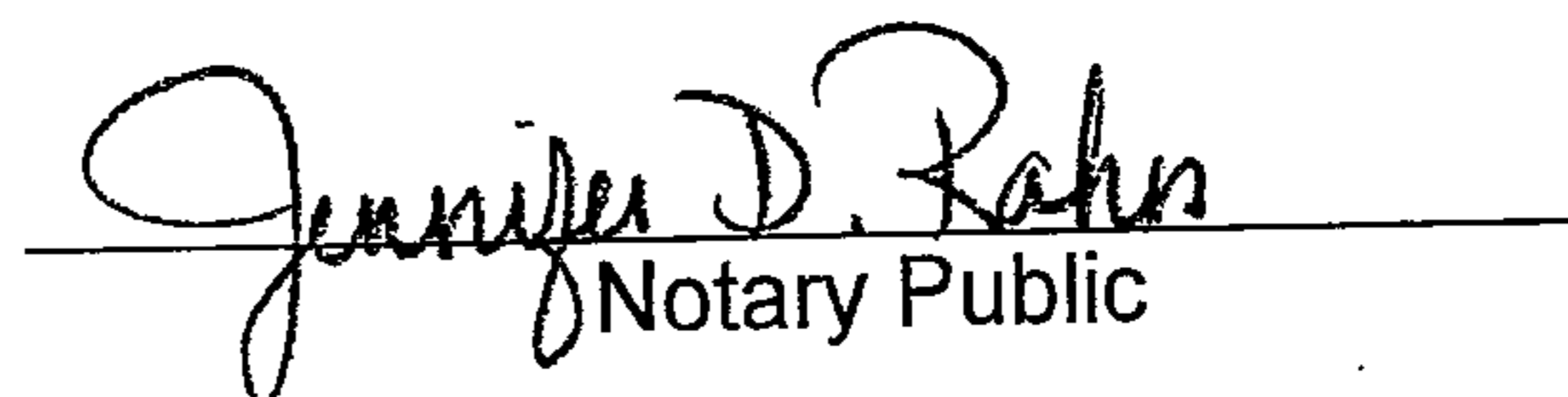
COMMONWEALTH OF KENTUCKY

SS

COUNTY OF JEFFERSON

BEFORE me a Notary Public in and for the State of Kentucky, personally
appeared VERONICA A. HIRIAMS to me known to be the identical person and officer
whose name is subscribed to the foregoing instrument and acknowledged to me that
she executed the said instrument in the capacity therein stated for the purpose therein
expressed as the act and deed of the United States of America.

GIVEN under my hand and seal this 19th day of September, 2011.


Notary Public

My Commission expires: 27 June 2015

Sept THIS EASEMENT is also executed by the grantee this 8 day of _____, 2011.

COLUMBIA/ADAIR UTILITIES DISTRICT

BY: Danny Downey

TITLE: Chairman

ACKNOWLEDGEMENT

COMMONWEALTH OF KENTUCKY

SS

COUNTY OF ADAIR

BEFORE me, a Notary Public, in and for the County of ADAIR personally appeared Danny Downey, to me known to be the identical person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the said instrument in the capacity therein stated for the purpose therein expressed as the act and deed of the **COLUMBIA/ADAIR UTILITIES DISTRICT**.

GIVEN under my hand and seal this 8 day of Sept, 2011.

Jennifer Carter
Notary Public

My Commission expires on 4-21-12

CANE VALLEY
QUADRANGLE

KNIFLEY
QUADRANGLE

GREEN RIVER
LAKE

EXISTING 6-INCH
WATER LINE

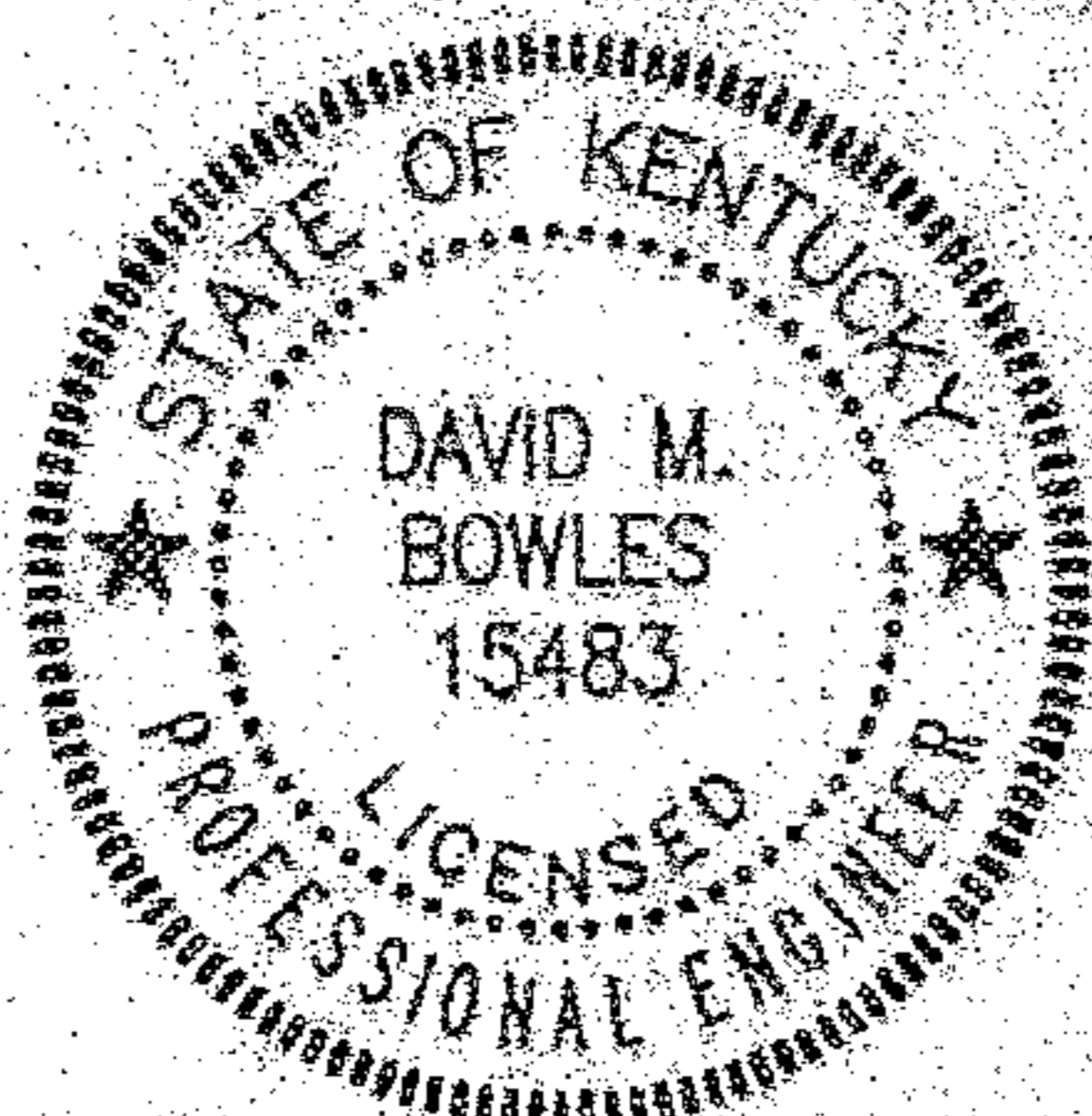
LAT: 37° 12' 18" N
LONG: 85° 14' 50" W

PROPOSED 10,700 LF OF
8-INCH WATER LINE

EXISTING 4-INCH
WATER LINE

EXHIBIT 'A'
DACW27-2-11-448
GREEN RIVER LAKE, KY

SCALE 1" = 2,000'



KNIFLEY CONNECTION/
GREEN RIVER CROSSING
COLUMBIA/ADAIR UTILITIES DISTRICT

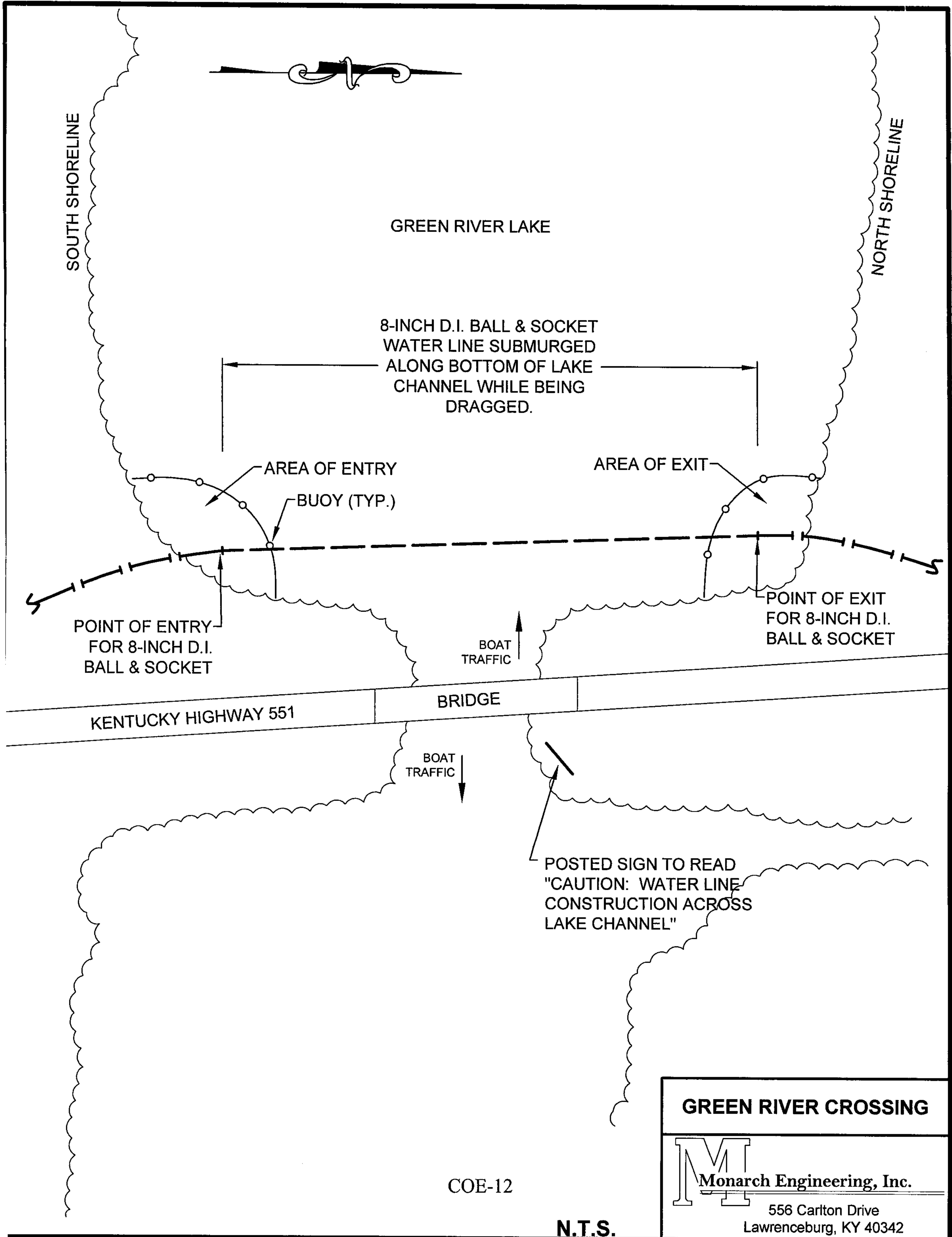


Monarch Engineering, Inc.

556 Carlton Drive
Lawrenceburg, KY

SAFETY & BOAT TRAFFIC PLAN
for the
COLUMBIA/ADAIR UTILITIES DISTRICT
GREEN RIVER LAKE WATER LINE CROSSING
ALONG KENTUCKY HIGHWAY 551

- 1) Prior to construction of the water line across the Green River Lake, approximately 1,600 LF of ductile iron ball-in-socket pipe water line will be connected together perpendicular to the shoreline of the Green River Lake. At the point at which the water line will enter the lake and the point at which the water line will exit the lake, an area on each side of the shore line will be blocked off by buoy's (see attached example of plan) to allow boat traffic to stay near the middle of the channel as they pass through. At no point during construction will boat traffic be interrupted or prevented from passing through. Once the water line has been connected, the ball-in-socket water line will then be pulled by boat/small barge along the bottom of the lake until it reaches the opposite shore.
- 2) During the time of extending the pipe line across the bottom of the lake, boat traffic shall be navigated by the Contractor and proper signs located to indicate that a water line is being constructed across the lake channel.
- 3) Life jackets/personal floating devices shall be worn by all contractor personnel while working from a barge platform and/or boating craft on the submerged water line.
- 4) The U.S. Army Corps of Engineers shall be contacted a day or two prior to any construction being performed on the submerged water line. This shall include the days in which the water line will be connected together along the Green River Lake shoreline and the day in which the water line will be extended across the lake bottom.





ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

Ernie Fletcher
Governor

Capital Plaza Tower
500 Mero Street, 5th Floor
Frankfort, Kentucky 40601
Phone: (502) 564-5525
Fax: (502) 564-3354
www.eppc.ky.gov

Teresa J. Hill
Secretary

General Certification--Nationwide Permit # 12 Utility Line Activities

This General Certification is effective March 19, 2007, 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.

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 5, 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 Activities, provided that the following conditions are met:

1. This general Water Quality Certification is limited to the crossing of intermittent and perennial streams by utility lines. The length of a single utility line stream crossing shall not exceed twice the width of the stream. 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.
2. The construction of permanent or temporary access roads will impact less than 300 linear feet of intermittent and perennial streams and less than one acre of jurisdictional wetlands.
3. The provisions of 401 KAR 5:005 Section 8 are hereby incorporated into this General Water Quality Certification. Namely, "Sewer lines shall be located at least 50 feet away from a stream which appears as a blue line on a USGS 7 ½ minute topographic map except where the sewer alignment crosses the stream. The distance shall be measured from the top of the stream bank. The cabinet may allow construction within the 50' buffer if adequate methods are used to prevent soil from entering the stream. Gravity sewer lines and force mains that cross streams shall be

General Certification--Nationwide Permit # 12
Utility Line Activities
Page Two

constructed by methods that maintain normal stream 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 sewer line excavation shall not be allowed to enter the flowing portion of the stream." The provisions of this condition shall apply to all types of utility line stream crossings.

4. The activities do not result in any permanent changes in pre-construction elevation contours in waters or wetlands or stream dimension, pattern or profile.
5. Utility line construction projects through jurisdictional wetlands shall not result in conversion of the area to non-wetland status.
6. Stream impacts covered under this nationwide permit 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.
7. The activity will not occur within waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.
8. Activities that do not meet the conditions of this general certification require an individual Section 401 water quality certification.
9. Activities qualifying for coverage under this general water quality certification are subject to the following conditions:
 - 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 in the utility line right-of-way shall be limited to that necessary for equipment access. Effective erosion and sedimentation control measures must be employed at all times during the project to prevent degradation of waters of the Commonwealth. Site regrading and reseeding will be accomplished within 14 days after disturbance.
 - To the maximum extent practicable, all in stream work under this certification shall be performed during low flow.

General Certification--Nationwide Permit # 12
Utility Line Activities
Page Three

- 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 where 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.
- 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 riprap is utilized, it is to 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 work will be done.
- Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
- 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.

This general certification will expire on March 19, 2012, or sooner if the USACE makes significant changes to this nationwide permit.

TERMS FOR NATIONWIDE PERMIT NO. 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.

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 total discharge from a 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 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 27.) (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), 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, 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).

NATIONWIDE PERMIT GENERAL CONDITIONS

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.
(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
(c) 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. 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. Culverts placed in streams must be installed to maintain low flow conditions.
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 United States 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.
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 United States 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.

15. 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 in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

16. 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.

17. Endangered Species. (a) No activity is authorized under any NWP which is likely to 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 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.

(c) Non-federal permittees shall notify 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 pre-construction notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may 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 pre-construction notification. 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.

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

(e) 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 U.S. FWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide Web pages at <http://www.fws.gov/> and <http://www.noaa.gov/fisheries.html> respectively.

18. 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.

(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, 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 properties. Assistance regarding information on the 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)). 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 which the activity may have the potential to cause effects and so 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 has been completed.

(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.

(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, explaining 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 permitted activity on historic properties.

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

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50 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 27, 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.

20. 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 United States 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) 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 some other form of mitigation would be more environmentally appropriate 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. 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.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream restoration, 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 United States, 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 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. 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 arrangements or separate activity-specific compensatory mitigation. In all cases, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

(h) Where certain functions and services of waters of the United States 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.

21. 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.

22. 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.

23. 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 U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

24. 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 United States 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 United States for the total project cannot exceed 1/3-acre.

25. 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)

26. Compliance Certification. Each permittee who received an NWP verification from the Corps must submit a signed certification regarding the completed work and any required mitigation. The certification form must be forwarded by the Corps with the NWP verification letter and will include:

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

(b) A statement that any required mitigation was completed in accordance with the permit conditions; and

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

27. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (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, as a general rule, 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:

(1) Until 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) If 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 17 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 18 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 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)) is completed. Also, work cannot begin

mitigation for projects with smaller impacts. The district engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the district engineer will notify the permittee and include any conditions the district engineer deems necessary. The district engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the district engineer to be minimal, the district engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the district engineer determines that the adverse effects of the proposed work are more than minimal, then the district engineer will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level. When mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan.

28. 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.

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 cannot 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; 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 result in a quicker decision.);

(4) The PCN must include a delineation of special aquatic sites and other waters of the United States 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 of the United States, 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 United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, where 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. 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 Pre-Construction 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 48 activities requiring pre-construction notification and for other NWP activities requiring pre-construction notification to the district engineer that result in the loss of greater than 1/2-acre of waters of the United States, the district engineer will immediately provide (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy of the PCN to the appropriate Federal or state offices (U.S. FWS, 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 then 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. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction 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 multiple copies of pre-construction notifications to expedite agency coordination.

(5) For NWP 48 activities that require reporting, the district engineer will provide a copy of each report within 10 calendar days of receipt to the appropriate regional office of the NMFS.

(e) District Engineer's Decision: In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If the proposed activity requires a PCN and will result in a loss of greater than 1/10 acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory