

# STATE OF GEORGIA

Georgia Department of Natural Resources  
Environmental Protection Division



## Georgia's Drinking Water State Revolving Fund State Environmental Review Process

January 2004

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# **Georgia's Drinking Water State Revolving Fund State Environmental Review Process January 2004**

The Georgia Department of Natural Resources (DNR), Environmental Protection Division (EPD) will review the planning and environmental information documents developed for Drinking Water State Revolving Fund (DWSRF) projects. Consideration and mitigation of negative environmental consequences that may occur as a direct result of the construction of each DWSRF-funded project must be considered by the State. The following State Environmental Review Process (SERP) will be used by Georgia to determine whether or not the proposed DWSRF project will have a significant impact on the environment and consequently whether a Categorical Exclusion (CE), Notice of No Significant Impact (NONSI) or Environmental Impact Statement (EIS) will need to be prepared. The EPD will ensure compliance with all applicable State acts, rules, guidelines and orders related to the implementation of the DWSRF State Environmental Review Process (SERP).

## **EARLY INVOLVEMENT WITH APPLICANTS**

The State will either provide, or make available through DNR's website, each DWSRF loan applicant with the most current copy of the Georgia DWSRF Guidance for Project Requirements (see Attachment A). The State will confer with each applicant early in the project planning stage to gather information to be used to determine if the project is eligible for a CE, to identify potential environmental issues, to generally determine the scope of the Environmental Information Document (EID) or to establish the preliminary need for an EIS. The applicant will be informed that all projects submitted for DWSRF funding will require review and consultation with the State Clearinghouse and all applicable Crosscutter Authorities and Agencies.

## **CATEGORICAL EXCLUSIONS**

In accordance with 40 CFR § 35.3580 (e), a State may identify categories of actions which do not individually, cumulatively over time, or in conjunction with other actions have a significant effect on the quality of the human environment and which the State will exclude from the substantive environmental review requirements of its SERP.

The State will make an initial determination of the eligibility of the project for a CE. In order for the State to make this determination, the applicant must submit with the application sufficient information such as a brief description of the proposed project and a statement on how the proposed project meets the criteria for a CE without violating criteria for not granting exclusion.

The applicant will be informed that all projects submitted for DWSRF funding will require review and consultation with the State Clearinghouse and all applicable Crosscutter Authorities and Agencies.

It is required that the applicant submit the project information to the U.S. Army Corps of Engineers, as applicable, and to the U.S. Fish and Wildlife Service and the State Historic Preservation Division for their review and/or comment. See "Georgia DWSRF Guidance for Project Requirements" (Attachment A) for detailed information pertaining to submittal of project information to these agencies. A letter similar to Attachment 2 (Comment Request Letter) can be used to contact these agencies. A period of not less than thirty days will be provided for these agencies to complete their review and/or comment. Copies of all relevant correspondence to and from these agencies must be provided to the EPD. At the end of the thirty-day comment period, if any comments from the above agencies are received, the State will then review the application, the existing information and all

other relevant documentation to determine if the project is eligible for a CE. The preparation of an EID or EIS is not necessary for a project that is eligible for and receives a CE.

The following actions are eligible for exclusion:

1. Replacement of existing water lines, valves, hydrants and appurtenances in existing rights-of-way for streets or utilities to serve existing customers, as well as, modest growth (less than 10%) within the existing service area resulting in no change in existing land use;
2. Construction of new water lines, valves, hydrants and appurtenances in previously disturbed areas within ½ mile of the existing distribution system and storage facilities for purpose of system reliability, both serving primarily existing residential or commercial users;
3. Improvements to existing surface or ground water treatment plants, including improvements to enhance security, which do not add a significant change in treatment capacity;
4. Installation of new or replacement of existing backflow prevention devices and/or meters at existing customers service connections;
5. Installation of fencing, alarms, monitors and/or other security-related equipment at existing critical water system component locations;
6. Land acquisition for source water protection that meets all other criteria of priority listing;
7. Land acquisition that is integral to the project and is needed to meet or maintain compliance to further public health protection and is necessary to locate eligible treatment or distribution projects; and,
8. New wells or replacement wells for water supply purposes if ancillary to the existing water supply system.

The full environmental review procedures must be followed if the action involves serious local and environmental issues or meets any of the criteria listed below for not granting a CE:

1. The action will require issuance of a new or modification of an existing ground water or surface water withdrawal permit;
2. The action is known or expected to have a significant adverse effect on the quality of the human environment, either individually, cumulatively over time, or in conjunction with other Federal, State, local, or private actions;
3. The action is known or expected to directly or indirectly affect (1) cultural resource areas such as archaeological and historic sites, (2) habitats of endangered or threatened species, (3) environmentally important natural resource areas such as floodplains, wetlands, important farmlands or aquifer recharge zones; and
4. The action is known or expected not to be cost-effective or to cause significant public controversy.

The State shall revoke a CE and shall require a full environmental review if, subsequent to granting of an exclusion, the State determines that: the proposed action no longer meets the requirements for a CE due to changes in the proposed project; or the State determines from new evidence that serious local or environmental issues exist; or that Federal, State, or local laws are being or may be violated.

Projects for which the State determines a CE is appropriate will have that decision subject to public review. The applicant who has requested a CE will publish a notice of the determination of eligibility in a local newspaper of community-wide circulation and indicate the availability of the supporting documents for public inspection (see Attachment B). The State will concurrently with the publication of the notice make the documents available to the public, distribute its determination notice to all known interested parties, and place the notice on EPD's web site. The EPD Director or his/her "designated representative" will sign the determination of eligibility notice. In this document and other DWSRF related documents, any references made to the Director's "designated representative"

shall mean to include the Assistant Director of EPD, Chief of Water Resources Branch, and Program Manager II of Drinking Water Permitting and Engineering Program. The State will provide for a thirty-day comment period which will begin when the notice is published in the local paper and when the notice is placed on the EPD web site. If any significant comments are raised concerning negative environmental consequences from the proposed project, the project applicant will be required to prepare an EID and the State will conduct a full environmental review in accordance with the established process.

### **Reaffirmation of Previous CEs**

Once the State has determined that the project is eligible for a CE, the applicant can proceed with the loan application and engineering plans and specification approvals without additional requirements, unless the State determines that the project or environmental conditions have changed significantly from that which underwent original eligibility review.

If the CE eligibility for the project is five or more years old, then the State shall reevaluate the project and re-determine whether the project is still eligible for a CE prior to providing a loan commitment. As appropriate, the State will update its information and ask the applicant to request comments from the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and the State Historic Preservation Division for the project. If the project has not changed significantly and the resulting reviews and comments have not changed, then a reaffirmation of the CE will be issued to provide that the State will proceed with the project without requiring additional environmental assessment of the project.

### **FULL ENVIRONMENTAL REVIEW PROCESS**

The following environmental review process will be used by the State to evaluate the project to determine whether the project may have a significant impact on the environment and therefore require the preparation of an EIS.

**Environmental Information Document (EID):** If the project is not eligible for a CE, the State will require the applicant to prepare an EID. The EID must describe and evaluate the environmental impacts of the proposed project and any feasible alternatives to the project, including the “no-action” alternative. The EID should contain specific and relevant information that will allow the State to determine the expected environmental impact of the project. The scope of the EID should be commensurate with the size and significance of the proposed project.

**State Review of Project Planning and Environmental Information Documents:** The State will review the project planning documents (Preliminary Engineering Report) and EID to determine any potential controversial environmental issues for consultation and/or resolution. The review will be documented using the Drinking Water State Revolving Fund Planning and Environmental Information Document Checklist (see Attachment C). The review will also ensure that an appropriate alternative has been selected and that adequate public participation opportunities have been provided. For those items found in the review to be deficient, subsequent resolution should be documented by updating the checklist or by providing relevant follow-up documentation in the project file. The State will assure that where changes in the project or other means of mitigation are proposed to eliminate significant adverse impacts, that such changes or means are implemented. Any significant concern will be addressed and satisfactorily resolved, preferably no later than the design phase of the project, but prior to the start of the construction. The State may place conditions on project construction plans and specifications approvals and/or set special conditions on DWSRF loan agreements in order to assure compliance.

**Public Participation:** The State will require each loan applicant to conduct at least one public meeting on its proposed project and provide a copy of the summary of the public meeting to the State. The State may require additional public meetings if the project is significantly altered or if there is significant public controversy. At least thirty days prior notice of the meeting must be provided to the public. The time and location of the meeting must be specified and the notice must be published in the local and/or regional newspaper(s). The published public notice must contain sufficient information to encourage public participation and provide a brief description of the actual project, the need for the project, offer any other relevant and available environmental and/or financial information, as necessary, state where the planning and environmental information documents are available for public review, and furnish a contact name and telephone number for additional information (see Attachment 1). During the public meeting, the public should be informed of the need for the project, the alternatives considered, the basis of selection of the best alternative, the environmental impacts, the population to be served, the expected service life of the project and the financial impact to the user.

**Interdisciplinary Review:** The State will require that the project planning documents and EID undergo an interdisciplinary review process. The applicant at a minimum will be required to submit the project planning documents and EID to the U.S. Army Corps of Engineers, as applicable, U.S. Fish and Wildlife Service and the State Historic Preservation Division for review and/or comment. See Georgia DWSRF Guidance for Project Requirements (Attachment A) for detailed information pertaining to submittal of project information to these agencies. See Attachment 2 for a sample "Comment Request" letter that can be used to contact these agencies. A period of not less than thirty days will be provided to these agencies to complete their review and/or comment. Any significant concerns expressed by these agencies will be addressed and satisfactorily resolved, preferably no later than the design phase of the project, but prior to the start of the construction. Copies of all relevant correspondence to and from these agencies must be provided to the State.

The State will solicit comments and coordinate review by other State agencies through the State Clearinghouse process. The existing review procedures required by Executive Order 12372 will be used. This process is commonly called the "A-95 Review Process". The Clearinghouse will distribute the project planning documents and EID along with a copy of the completed Drinking Water State Revolving Fund Planning and Environmental Information Document Checklist to various State agencies for review. Through the procedures outlined above, the project reviews will include potential impacts on historical/archaeological resources, rare and endangered species, and floodplains. Any significant concerns expressed by any of the reviewing agencies will be addressed and satisfactorily resolved, preferably no later than the design phase of the project, but prior to the start of the construction. Copies of all relevant correspondence to and from the State reviewing agencies shall be filed appropriately in the applicant's DWSRF Project Folder.

Upon completion of the State's environmental assessment of the project and review of the results of the interdisciplinary review, the State will determine if a Notice of No Significant Impact (NONSИ) to the Environment can be drafted and issued or if the preparation of an EIS is required.

**Notice of No Significant Impact (NONSИ):** When the State determines that it is appropriate, it will issue a NONSИ for the project. The NONSИ (see Attachment D) will be signed by the EPD Director or his/her "designated representative", and distributed by the State. (Note: in this document and other DWSRF related documents, any references made to the Director's "designated representative" shall mean to include the Assistant Director of EPD, Chief of Water Resources Branch, and Program Manager II of Drinking Water Permitting and Engineering Program). The State will distribute the NONSИ to all known interested parties, and place the notice on EPD's web site.

The NONSИ will briefly describe the project, the cost, the significant environmental impacts, and the reason why an EIS is not required. The NONSИ will include a statement of need for the project and

information on present and/or future population to be served. The NONSI will provide adequate public notice of not less than thirty (30) days, and will allow interested individuals and/or groups to submit comments prior to the final project action. The closing date for public comment will be clearly stated in the NONSI. The State's environmental review record and a copy of the planning documents and EID will be available for public review at EPD's office. Also, the planning documents and EID will be available for public review at the applicant's offices. The NONSI will clearly state where these documents are available for review.

The State will ensure that significant objections to the project are adequately addressed. If there are no significant public objections to the project, then the NONSI will be issued without further public notice. The State will also issue the final approval of the applicant's planning documents and EID.

The State will provide for secondary project review if there are significant objections or impacts related to the project. The secondary review will result in one of the following actions:

1. A notification reiterating the original decision;
2. An analysis of potential options to be considered by the loan applicant or other mitigation measures;
3. Re-review the planning documents and EID to identify a less controversial and acceptable alternative; and,
4. Determination that an Environmental Impact Statement will be necessary.

The EPD Director and/or his/her "designated representative" will make the decision regarding the project where there are significant objections. Decisions of the State may be appealed in accordance with the Georgia Administrative Procedures Act, Chapter 13 of Title 50.

The State will ensure where changes in the project or other means of mitigation are proposed to eliminate significant adverse impacts to the environment, that such changes or means will be implemented. This will be accomplished by placing conditions on plans and specifications approvals and/or loan agreements. Follow-up inspections will verify compliance.

Since land acquisition is included as a CE in the State Environmental Review Process (SERP), issuance of a separate NONSI for the purchase of the property will not be required.

**Reaffirmation of Previous NONSIs:** Once an environmental assessment has been prepared and the issued NONSI becomes effective for the project; loans may proceed without preparation of additional NONSIs unless the State determines that the project or environmental conditions have changed significantly from that which underwent environmental review.

If the NONSI for the project is five or more years old, then the State shall reevaluate the project, environmental conditions and public views prior to providing a loan commitment. If appropriate, the State will update and supplement the environmental review information and distribute a revised NONSI. If the project has not changed significantly and the resulting environmental impacts have not changed, then a reaffirmation of the NONSI will be issued to provide public notice that the State will proceed with the project without revising the environmental assessment of the project.

**Preparation of Environmental Impact Statements:** The State shall assure that an EIS will be prepared and issued when the State has determined: that a project may have significant adverse environmental impacts that can not be eliminated by making changes to the project; the project is highly controversial; the project in conjunction with related Federal, State or local resource projects produces significant cumulative environmental impacts; or, if it is determined that the project may violate Federal, State or local laws or requirements imposed for the protection of the environment.

The State will assume primary responsibility for preparing an EIS when the need for an EIS has been determined. The State will provide EPA with the Plan of Study for the proposed EIS and obtain consultants or other expertise necessary to develop an EIS. The State will issue a Notice of Intent and convene a meeting of Federal, State, local governmental, and other interested parties to determine the scope of the EIS. The State will maintain frequent communication with EPA during the development of the EIS. EPA will be invited to participate in EIS related meetings.

The State will prepare a draft EIS, solicit comments and coordinate review by other State and Federal agencies through the State Clearinghouse procedures. The comment period on the draft EIS will be at least ninety (90) days and the State will conduct a public hearing on the draft EIS. The draft EIS will be made available to the public at least thirty (30) days in advance of the public hearing. After external coordination and evaluation of the comments received, a final EIS will be prepared and disseminated. The final EIS shall list any mitigation measures necessary to make the recommended alternative environmentally acceptable. The State shall disseminate the record of decision on the project to those parties that commented on the draft or final EIS.

**Federal Crosscutters:** Listed below are the following Federal Cross-Cutting Authorities that should be adhered to:

A. Environmental Authorities

1. Archeological and Historic Preservation Act of 1974, Pub. L 86-523, as amended
2. Clean Air Act, Pub. L. 84-159, as amended
3. Coastal Barrier Resources Act, Pub. L. 97-348
4. Coastal Zone Management Act, Pub. L. 92-583, as amended
5. Endangered Species Act, Pub. L. 93-205, as amended
6. Environmental Justice, Executive Order 12898
7. Floodplain Management, Executive Order 11988, as amended by Executive Order 12148
8. Protection of Wetlands, Executive Order 119990
9. Farmland Protection Policy Act, Pub. L. 97-98
10. Fish and Wildlife Coordination Act, Pub. L. 85-624, as amended
11. National Historic Preservation Act of 1966, PL 89-665, as amended
12. Safe Drinking Water Act, Pub. L. 93-523, as amended
13. Wild and Scenic Rivers Act, Pub. L. 90-542, as amended

B. Economic and Miscellaneous Authorities

1. Demonstration Cities and Metropolitan Development Act of 1966, Pub. L. 89-754, as amended, Executive Order 12372
2. Procurement Prohibitions under Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans
3. Uniform Relocation and real Property Acquisition Policies Act, Pub. L. 91-646, as amended
4. Debarment and Suspension, Executive Order 12549
5. New restrictions on Lobbying, Section 319 Of Public Law 101-121

C. Social Policy Authorities

1. Age Discrimination Act of 1975, Pub. L. 94-135
2. Title VI of the Civil Rights Act of 1964, Pub. L. 88-352
3. Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (including Executive Orders 11914 and 11250)

4. The Drug-Free Workplace Act of 1988, Pub. L. 100-690 (applies only to the capitalization grant recipient)
5. Equal Employment Opportunity, Executive Order 11246
6. Women's and Minority Business Enterprise, Executive Orders 11625, 12138 and 12432
7. Section 129 of the Small Business Administration Reauthorization and Amendment Act of 1988, Pub. L. 100-590

### **LEGAL AUTHORITY**

The Environmental Protection Division of the Georgia Department of Natural Resources will review DWSRF projects for compliance with State Rules, solicit public input, and develop the necessary procedures to administer the program as authorized under the Official Code of Georgia, Annotated, Section 12-2-2.



# **ATTACHMENT A**

## **GEORGIA DWSRF GUIDANCE FOR PROJECT REQUIREMENTS**

**STATE OF  
GEORGIA**



# **GUIDANCE FOR PROJECT REQUIREMENTS**

**JANUARY 2004**

Administered By:

Georgia Environmental Facilities Authority  
2090 Equitable Building  
100 Peachtree Street, N.W.  
Atlanta, Georgia 30303-1911  
Tel: (404) 656-0938

*(For Loan Application and Financial Assistance contact GEFA)*

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*(For Environmental Review and Technical Assistance contact EPD)*

**GUIDANCE for PROJECT REQUIREMENTS  
For the  
DRINKING WATER STATE REVOLVING LOAN FUND**

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**GUIDANCE for PROJECT REQUIREMENTS  
for the  
DRINKING WATER STATE REVOLVING LOAN FUND**

**PART I - PREAMBLE**

**A. INTRODUCTION**

With the passage of the Safe Drinking Water Act (SDWA) Amendments of 1996 (Pub. L. 104-182), the Administrator of the U. S. Environmental Protection Agency (EPA) was authorized to establish a Drinking Water State Revolving Fund (DWSRF) program to assist public water systems finance the costs of infrastructure needed to achieve or maintain compliance with SDWA requirements and to protect public health.

On March 6, 1997, the State of Georgia became the first state in the nation to be awarded a capitalization grant for drinking water activities. Because the source of funding originates as a federal grant to the State of Georgia, there are a number of federally mandated facility planning and environmental review requirements in addition to the State prerequisites that each project will have to go through prior to receiving a DWSRF loan or subsidized loan. In an effort to assist local governments and their Consultants access these resources, this document entitled the *DWSRF Guidance for Project Requirements* outlines each of the Federal and State requirements for this program. This document answers many of the DWSRF program questions such as:

- What types of projects are eligible?
- What are the land acquisition requirements for a water supply project?
- Does the Davis-Bacon Act regarding prevailing wage rates apply?
- Are the federal crosscutting authorities relating to MBE/WBE applicable?
- What should be incorporated in a project's plan and specifications?
- What are the affordability criteria for "disadvantaged communities"?

This document also attempts to be comprehensive in its content by incorporating a copy of the Georgia Environmental Facilities Authority's (GEFA) Standard Operating Procedures, General Program Policies, and loan contract requirements. Although GEFA and the Georgia Environmental Protection Division (EPD) of the Department of Natural Resources jointly operate this program, GEFA is the central agency administering the DWSRF, while EPD provides certain technical and construction management services. Therefore, you or your consultant may be contacted by EPD regarding project matters throughout the conceptual phase through project completion. Likewise, EPD and GEFA should be made aware of significant project developments to ensure that major milestones are adequately addressed. As with any new program, there will eventually be changes to reflect the evolving nature of this new program.

This resource will prove to be invaluable as you bring your project to fruition. The timeliness of your drinking water project is dependent upon the complexity of the project, as well as the diligence in which your community pursues meeting the requirements outlined in this document.

Thank you for our shared interest in ensuring safe drinking water for all Georgians.

## **PART II - REQUIREMENTS**

### **SUMMARY OF ENVIRONMENTAL REVIEW PROCESS**

Projects submitted under the DWSRF will undergo an environmental review in accordance with the State of Georgia's Environmental Review Process (SERP), which will closely conform to the National Environmental Policy Act (NEPA) requirements. Environmental assessments of the proposed project and a planning document and/or engineering report are required. A list of planning and environmental concerns should be included in "Appendix A" in the document.

#### **B. PUBLIC PARTICIPATION**

The State requires each loan applicant to conduct at least one (1) public meeting on its proposed project. EPD may require additional public meetings if the project is significantly altered or if there is significant public controversy. At least thirty (30) days prior notice of the meeting must be provided to the public. The time and location of the meeting must be specified and the notice must be published in the local and/or regional newspaper(s) at least thirty (30) days prior to the date of the meeting. The published public notice must contain sufficient information to encourage public participation and provide a brief description of the actual project, the need for the project, offer any other relevant and available environmental and/or financial information, as necessary, state where the planning and environmental information documents are available for public review, and furnish a contact name and telephone number for additional information (see Attachment 1). During the meeting, the public will be informed of the need for the project, the alternatives considered, the basis of selection of the best alternative, the environmental impacts, the population to be served, the expected service life of the project and the financial impact to the user. The applicant must furnish EPD with proof of the public meeting, by providing: (1) a summary of the meeting (typically this is certified minutes of the public meeting); (2) a list of attendees; and (3) a photocopy of the advertisement that was placed in the local paper.

#### **C. CATEGORICAL EXCLUSIONS**

In accordance with 40 CFR § 35.3580 (e), a State may identify categories of actions which do not individually, cumulatively over time, or in conjunction with other actions have a significant effect on the quality of the human environment and which the State will exclude from the substantive environmental review requirements of its SERP.

The State will make an initial determination of the eligibility of the project for a CE. In order for the State to make this determination, the applicant must submit with the application sufficient information such as a brief description of the proposed project and a statement how the proposed project meets the criteria for a CE without violating criteria for not granting exclusion.

The applicant will be informed that all projects submitted for DWSRF funding will require review and consultation with the State Clearinghouse and all applicable Crosscutter Authorities and Agencies.

It is required that the applicant submit the project information to the U.S. Army Corps of Engineers, as applicable, and to the U.S. Fish and Wildlife Service and the State Historic Preservation Division for their review and/or comment. See "Georgia DWSRF Guidance for Project Requirements" (Attachment A) for detailed information pertaining to submittal of project information to these agencies. A letter similar to Attachment 2 (Comment Request Letter) can be used to contact these agencies. A period of not less than thirty days will be provided for these agencies to complete their review and/or comment. Copies of all relevant correspondence to and from these agencies must be

provided to the EPD. At the end of the thirty-day comment period, if any comments from the above agencies are received, the State will then review the application, the existing information and all other relevant documentation to determine if the project is eligible for a CE. The preparation of an EID or EIS is not necessary for a project that is eligible for and receives a CE.

**Specifics to reviews by the U.S. Army Corps of Engineers:** *If none of the construction activities or facilities themselves is to occur in a stream, lake, or other body of water or in wetlands, the applicant can satisfy the comment requirement by submitting a certified statement by a Professional Engineer (PE) licensed in the state of Georgia, stating: "None of the construction activities or facilities themselves is to occur in a stream, lake, or other body of water or in wetlands. The project includes no stream crossings. Therefore, no US Army Corps of Engineers Permit is required."*

*If the project affects these waters, the applicant must contact the local US Army Corps of Engineers Regulatory Field Office responsible for the county in which the project is located to determine if a permit is required (under Section 10 of the River and Harbor Act of 1899 or Section 404 of the Clean Water Act). After consulting with the Regulatory Field Office responsible for the county in which the project lies, the applicant must provide one of the following:*

- a) A certified statement by the Professional Engineer (PE), stating: "After consultation with the US Army Corps of Engineers Regulatory Field Office, I have determined that no US Army Corps of Engineers permit is required." Related name(s) and date(s) pertaining to this consultation with the US Army Corps of Engineers must be furnished along with the PE's certification statement.*
- b) A comment letter from the Regulatory Field Office stating whether a US Army Corps of Engineers permits are needed or not for the proposed project.*
- c) A comment letter from the Regulatory Field Office stating that all required US Army Corps of Engineers permits are either "in place" or "appropriate permits can be requested during the design phase of the project once impacts have been assessed for the project area".*

*As stated above, copies of all relevant correspondence (and/or permits) to and from this agency must be provided to the EPD.*

The following activities are eligible for categorical exclusion:

1. Replacement of existing water lines, valves, hydrants and appurtenances in existing rights-of-way for streets or utilities to serve existing customers, as well as, modest growth (less than 10%) within the existing service area resulting in no change in existing land use;
2. Construction of new water lines, valves, hydrants and appurtenances in previously disturbed areas within ½ mile of the existing distribution system and storage facilities for purpose of system reliability, both serving primarily existing residential or commercial users;
3. Improvements to existing surface or ground water treatment plants, including improvements to enhance security, which do not add a significant change in treatment capacity;
4. Installation of new or replacement of existing backflow prevention devices and/or meters at existing customers service connections;
5. Installation of fencing, alarms, monitors and/or other security-related equipment at existing critical water system component locations;
6. Land acquisition for source water protection that meets all other criteria of priority listing;
7. Land acquisition that is integral to the project and is needed to meet or maintain compliance to further public health protection and is necessary to locate eligible treatment or distribution projects; and,

8. New wells or replacement wells for water supply purposes if ancillary to the existing water supply system.

A project that does not meet any one of the above listed criteria will not be considered eligible for a CE. The full environmental review procedures must be followed if the action involves serious local and environmental issues or meets any of the criteria listed below for not granting a CE:

1. The action will require issuance of a new or modification of an existing ground water or surface water withdrawal permit;
2. The action is known or expected to have a significant adverse effect on the quality of the human environment, either individually, cumulatively over time, or in conjunction with other Federal, State, local, or private actions;
3. The action is known or expected to directly or indirectly affect (1) cultural resource areas such as archaeological and historic sites, (2) habitats of endangered or threatened species, (3) environmentally important natural resource areas such as floodplains, wetlands, important farmlands or aquifer recharge zones; and
4. The action is known or expected not to be cost-effective or to cause significant public controversy.

The State shall revoke a CE and shall require a full environmental review if, subsequent to granting of an exclusion, the State determines that: the proposed action no longer meets the requirements for a CE due to changes in the proposed project; or the State determines from new evidence that serious local or environmental issues exist; or that Federal, State, or local laws are being or may be violated.

Projects for which the State determines a CE is appropriate will have that decision subject to public review. The applicant who has requested a CE will publish a notice of the determination of eligibility in a local newspaper of community-wide circulation and indicate the availability of the supporting documents for public inspection (see Attachment B). The State will concurrently with the publication of the notice make the documents available to the public, distribute its determination notice to all known interested parties, and place the notice on EPD's web site. The EPD Director or his/her "designated representative" will sign the determination of eligibility notice. In this document and other DWSRF related documents, any references made to the Director's "designated representative" shall mean to include the Assistant Director of EPD, Chief of Water Resources Branch, and Program Manager II of Drinking Water Permitting and Engineering Program. The State will provide for a thirty-day comment period which will begin when the notice is published in the local paper and when the notice is placed on the EPD web site. If any significant comments are raised concerning negative environmental consequences from the proposed project, the project applicant will be required to prepare an EID and the State will conduct a full environmental review in accordance with Section E of these guidelines.

**Reaffirmation of Previous CEs :** Once the State has determined that the project is eligible for a CE, the applicant can proceed with the loan application and engineering plans and specification approvals without additional requirements, unless the State determines that the project or environmental conditions have changed significantly from that which underwent original eligibility review.

If the CE eligibility for the project is five or more years old, then the State shall reevaluate the project and re-determine whether the project is still eligible for a CE prior to providing a loan commitment. As appropriate, the State will update its information and ask the applicant to request comments from the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and the State Historic Preservation Division for the project. If the project has not changed significantly and the resulting reviews and comments have not changed, then a reaffirmation of the CE will be issued to provide

that the State will proceed with the project without requiring additional environmental assessment of the project.

#### **D. ENVIRONMENTAL INFORMATION DOCUMENT (EID)**

If the project is not eligible for a CE, EPD will require the applicant to prepare an EID. The purpose of an EID is to document the awareness of the owner, designer and public to all potential environmental impacts resulting from the construction of any drinking water related project and/or facilities. The EID is a concise document that adequately discusses the environmental impact of the proposed project. Additional EID considerations are: financial impact to user, alternatives to the project (including no action), and mitigation measures proposed to avoid or minimize the adverse impact of the project. The degree of detail provided in the EID will vary with the size and location of the proposed project.

The following Environmental Checklist and brief explanations of important environmental considerations should be used as a guide in preparation of the EID. If the proposed project has no impact on any of these environmental considerations, then the EID should so state.



## ENVIRONMENTAL CHECKLIST

GEORGIA AREA/CATEGORY	IS AREA AFFECTED?			IF AFFECTED, HOW SEVERE?			
	NO	YES	UNKNOWN	MINOR	MEDIAN	MAJOR	UNKNOWN
1. Wetlands							
2. Flood Plain/River Corridor							
3. Water Supply							
4. Water Resources							
5. Groundwater Recharge Area							
6. Storm Water							
7. Waste Water							
8. Air Quality							
9. Solid Wastes							
10. Soil Stability/Erodibility							
11. Protected Mountains							
12. Protected Species							
13. Critical Habitats							
14. Historical							
15. Archeology							
16. Parks/Recreation							
17. Energy Supplies							
18. Beaches							
19. Dunes							
20. Shoreline							
21. Estuary							
22. Forest Land							

GEORGIA AREA/CATEGORY	IS AREA AFFECTED?			IF AFFECTED, HOW SEVERE?			
	NO	YES	UNKNOWN	MINOR	MEDIAN	MAJOR	UNKNOWN
23. Barrier Island							
24. Aquatic Life/Trout Streams							
25. Noise							
26. Farm Land							
27. Site Safety							
28. Energy Use							
29. Water Conservation							
30. Coastal Zone Management Area							
31. Water Withdrawal							
32. System Operation							
33 Wastewater Load							
34. Cross-Connection Control							
35. Environmental Justice							

## ENVIRONMENTAL CHECKLIST CATEGORY INFORMATION

1. **WETLANDS** - Will the action occur in a "wetlands" area? The definition of wetlands is included in the Federal Regulations, 33 CFR 32.93. The Department of Natural Resources (DNR) Rules for Environmental Planning, Chapter 391-3-16-.03, incorporate the federal definition as well as both acceptable and unacceptable uses of wetlands. Under current federal law and state policy, alterations or degradations of wetlands should be avoided unless it can be demonstrated that there will be no long-term impacts or net loss of wetlands. A Federal Permit is required for most wetland activities.
2. **FLOODPLAIN/RIVER CORRIDOR** - Will the action occur in a floodplain or a river corridor? Floodplains are designated areas of land that are flooded with water during periods of rainfall that increase the primary stream flow. Many floodplain areas are shown on Federal Floodplain Maps prepared in support of the National Flood Insurance Program. Additional maps and information on floodplains are available from the DNR's Environmental Protection Division (EPD). Most proposed government actions that occur directly in a floodplain area or which may alter the size or character of the floodplain area are considered significant. Under H.S. 643, by the 1991 Session of the General Assembly, lands adjacent to major rivers are protected from certain types of development.
3. **WATER SUPPLY** - Does the proposed action have the potential for decreasing either the quality or quantity of water available for water supply? Water supply means a source of water that is used for drinking water in addition to other consumptive purposes. The DNR Rules, Chapter 391-3-16, contain criteria for water supply watersheds. These criteria establish a basis to allow development in a water supply watershed without contaminating the water source to a point where it cannot be treated to meet drinking water standards. EPD can provide information to state agencies as to whether their proposed projects lie within water supply watersheds.
4. **WATER RESOURCES** - Will the proposed action result in large demand for water from the available water resources? Will the proposed action result in a degradation of the quality of waters of the state? The waters of the state include surface and groundwater that is not wholly confined to a single privately owned property. Water resources management is one of the most important issues facing Georgia now and in the future. A growing population and the potential for water shortages focus on the importance of adequate amounts of good quality water. The Georgia EPD's Rules for Surface Water Withdrawals, Chapter 391-3-6, provide the regulatory framework for withdrawal, diversion or impoundment of surface waters of the State. The EPD's Rules for Groundwater Use, Chapter 391-3-2, establishes the regulatory procedures for withdrawing, obtaining or utilization of groundwaters of the State.
5. **GROUNDWATER RECHARGE AREA** - Will the action result in the disturbance or altering of a groundwater recharge area? Groundwater recharge areas are those portions of the earth's surface where water infiltrates into the ground to replenish an aquifer. The Significant Recharge Areas of the state are those areas mapped by the DNR in Hydrologic Atlas 18 (1989 Edition). The DNR Rules for Environmental Planning Criteria, Chapter 391-3-16, contain specific criteria for protection of groundwater recharge areas.
6. **STORM WATER** - Will the project result in increasing the amount of storm water runoff for downstream property owners? The primary concern related to storm water is the creation of impervious surfaces that contribute to an increase of the amount of storm water runoff to the point where there is damage or a threat to downstream property owners. Another very

important issue is the potential contamination of stormwater through increased contact with contaminants.

7. **WASTEWATER** - Will the project produce wastewater that is discharged to a surface stream? Wastewater means contaminated water (sewage or other contaminants) that must be treated and disposed of either by direct discharge to a surface stream or indirect discharge to an existing municipal sewer system. Even if the wastewater from a state project is to be discharged to a municipal sewer system, the effect can be significant enough that the wastewater causes the municipality to have to expand its sewage treatment system. Does the existing wastewater treatment facility have the excess capacity to accommodate the potential increase in load that may be caused by this project?
8. **AIR QUALITY** - Will the action result in a release or discharge of contaminants into the ambient air? Any action that results in the release or discharge of contaminants into the air such that existing ambient air quality may be diminished is a significant action. All discharges or releases may be subject to regulation under the Georgia Air Quality Control Act and/or the U.S. Clean Air Act.
9. **SOLID WASTES** - Will the project result in the generation of solid wastes for disposal, or will the proposed actions occur near or in an active or closed landfill? Solid waste is defined in the Georgia Comprehensive Solid Waste Management Act. It includes different categories of wastes that exist in a solid form (household garbage, demolition material, land clearing debris, commercial non-hazardous waste material, etc). Whereas the amount of solid waste generated that requires disposal is of concern, another primary issue relates to a land disturbing in the vicinity of an active or closed landfill.
10. **SOIL STABILITY/ERODIBILITY** - Will the action displace soils that will be carried off site and pose a threat to surface waters or property? Under the Georgia Soil, Erosion and Sedimentation Act, local governments that have authorized management programs under the Act establish control procedures and issue a permit for the project. If the action takes place in a county or municipality that does not have such authorization, EPD is the regulating agency. In either case, a technical guidance book is available from either the local government or EPD.
11. **PROTECTED MOUNTAINS** - Will the project involve the alteration of lands with high elevations and steep slopes? Under House Bill 643, which was passed by the 1991 Session of the General Assembly, lands which lie above 2,200 feet in elevation and have slopes of twenty-five (25%) or more, are identified as Protected Mountains. In accordance with the Act, Department of Natural Resources is charged with promulgating Rules for implementation of a "Mountain Protection" program.
12. **PROTECTED SPECIES** - Will the proposed action harm or reduce the population of any protected species? Endangered species is used in both the generic sense for protected species and in a more narrow definition sense under the U.S. Endangered Species Act. With respect to the Georgia Environmental Policy Act (GEPA), the term "protected species" is more applicable. Protected species includes those plant and animal species protected by the State in accordance with the Georgia Wildflower Preservation Act of 1973 and the Georgia Endangered Wildlife Act of 1973. DNR Rules, Chapter 391-4-10, provide more detailed criteria for the state's protected species.
13. **CRITICAL HABITATS** - Is the proposed action expected to involve any critical habitats? Critical habitats are those sites on which the State's protected species are dependent for

their survival. They also include U.S. Forest lands, U.S. Wildlife Refugees, Wilderness Areas, and Wild or Scenic Rivers.

14. HISTORICAL - Will the proposed action involve disturbance of any historic property? GEPA requires consideration of any structure on or eligible for the Georgia Register of Historic Places. In addition, the regulations of the President's Advisory Council on Historic Preservation (36 CFR 800) which implements Section 106 of the National Historic Preservation Act of 1966 contains definitions and criteria of adverse effect for the protection of historic properties.

Below is a list of documentation required for the review of projects under Section 106 of the National Historic Preservation Act of 1966. The Historic Preservation Division (HPD) requires the following information.

1. A letter describing the proposed undertaking, the federal agency involved (i.e. DWSRF, EDA, etc.) and language requesting HPD's review of the undertaking.
  2. A USGS topographic map indicating the location and area of potential effect (APE) of the proposed undertaking. Please indicate the "footprint" of the proposed project (i.e. the ground disturbing area).
  3. Original 35mm or high quality digital color photographs of all buildings that appear to be fifty years old or older, which are located on, immediately adjacent to and/or within view of the project area, as well as photographs of the surrounding area to document the "setting" of the proposed undertaking. All photographs must be keyed to a floor plan indicating the location and direction of view.
    - For projects involving rehabilitation, alteration, or demolition of buildings, please provide interior and exterior photographs whenever possible (including all facades and significant details).
  4. For projects involving alteration or rehabilitation, include a detailed work write-up, existing floor plans and proposed floor plans.
  5. For projects involving the demolition of buildings that appear to be fifty years old or older, include alternatives to demolition that were considered and a discussion of why such alternatives were determined not to be feasible.
  6. For projects involving archaeological resources, include any cultural resources surveys or reports conducted on the site.
15. ARCHEOLOGICAL - Will the proposed action involve disturbance of any archeological property? Archeological properties are the physical remains of the past that can be studied by archaeologists and other scholars to answer questions about prehistory and history. In addition, the regulations of the President's Advisory Council on Historic Preservation (36 CFR 800), which implement Section 106 of the National Historic Preservation Act, contain definitions and criteria of adverse effect for the protection of archeological properties.
16. PARKS/RECREATION - Will the proposed action involve disturbance or otherwise have a significant impact on the State's cultural resources? GEPA includes cultural resources within the consider focus of a proposed government action. In addition to the archeological or historic value, cultural resources may also include parklands, preserves, and other public lands or areas of recognized scenic and/or recreational value.
17. ENERGY SUPPLIES - Will the proposed action have significant impact on the reduction in the available energy supplies? This primarily refers to the source of energy (electrical, gas/oil, solar, etc) that will be consumed by the project in relation to the total available in the area.

18. **BEACHES** - Will the proposed action involve the disturbance of any ocean beach area? The Georgia General Assembly has found that ocean beaches provide an unparalleled recreation resource vitally linked to the economy of Georgia's Coastal Zone and to that of the entire state. They are also part of the sand-sharing system that provides habitats and acts as a protective buffer for other areas. This natural resource system is costly, if not impossible to reconstruct or rehabilitate once adversely affected by man-related activities. Therefore, any action in these areas should be considered highly significant.
19. **DUNES** - Will the proposed activity alter coastal sand dunes? Coastal sand dunes, beaches, sandbars, and shoals, comprise a vital natural resource system, known as the sand-sharing system, which acts as a buffer to protect real and personal property and natural resources from the damaging effects of floods, winds, tides, and erosion. The coastal sand dunes are the most inland portion of the sand-sharing system and because they are a fragile product of shoreline evaluation, they are easily disturbed by action harming their vegetation or inhibiting their natural development. They are protected under the Georgia Shoreline Assistance Act of 1979.
20. **SHORELINE** - Will the project involve activities in the Georgia Coastal Shoreline area or in areas covered under the river corridor protection requirements of Georgia House Bill 643? In accordance with DNR Rules, Chapter 391-2-2, protective measures and procedures are provided for the implementation of the Georgia Shoreline Assistance Act. Construction, erection, or engaging in any shoreline engineering activity or land alteration that alters the natural topography or vegetation of any area is highly regulated under the Act. In addition, the 1991 General Assembly passed House Bill 643 that also provides for the protection of coastal river corridors. DNR is authorized to promulgate Rules for the implementation of House Bill 643.
21. **COASTAL MARSHLANDS** - Will the proposed action alter the Georgia coastal marshland environment? Georgia's coast contains the saltwater marshes. These marshes have been identified as one of the most extensive and productive marshlands systems in the United States. Georgia's marshes, sands, and near-shore ocean water produce more food and energy than any other estuarine zone on the eastern seaboard. They are also an essential life support system for Georgia's multi-million dollar seafood industry. Any activities that affect this area are closely regulated under the Georgia Coastal Marshlands Protection Act.
22. **FOREST LAND** - Will the proposed action involve changes in forested areas? GEPA specifically provides that a proposed government action includes the harvesting of five acres or more of trees over two inches in diameter at breast height. The secondary effects of tree removal as well as other land disturbing activities that may impact a forested area are of concern. Depending on the type of harvesting methods, tract locations and other variable criteria, there may exist a potential for erosion and sedimentation, habitat alteration, and other changes for concern. Manuals on Best Management Practices (common sense forestry associated practices which minimize the impact on the environment) are available from the Georgia Forestry Commission. These practices were developed by a statewide task force, appointed by the Governor, with input from all aspects of forestry in Georgia.
23. **BARRIER ISLAND** - Will the proposed action involve activities on or near a barrier Island? Along the Georgia Coast an extensive system of salt marshes, tidal estuaries, and sounds separate a chain of eight major and several smaller barrier islands from the mainland. Two-thirds of Georgia Barrier Islands are parks, refuges, or preserves. Sand beaches and dunes protect the islands from erosion and flooding. The islands shelter the marshes from the force

of storms. Any proposed action that involves the barrier islands should be considered highly significant.

24. AQUATIC LIFE/ TROUT STREAMS - Will the proposed action involve an action that significantly impacts freshwater aquatic life? Georgia has an abundance of freshwater lakes, streams, and bodies of water that support aquatic life. The freshwater fisheries are important for the total food chain. Primary and secondary trout streams should be protected.
25. NOISE - Will the proposed action have significant impact on the existing noise levels in the area? The potential effect of the noise associated with the machinery involved with the project such as pumps, aerators, blowers, etc. must be considered.
26. FARM LAND - Will the proposed action have a significant impact on land used for farm operation or will it be constructed on farmland?
27. SITE SAFETY - Will the characteristics of the proposed site have any effect on the safety of the work force or the surrounding residents?
28. ENERGY USE - Is the proposed action the most energy efficient option? Energy efficient equipment, as well as low energy systems, must be considered.
29. WATER CONSERVATION - Is the proposed action the most acceptable option that will enhance the water conservation efforts? State law and DNR rules require that non-agricultural water users prepare and implement water conservation plans.
30. COASTAL ZONE MANAGEMENT AREA - If the proposed project is located in the Coastal Zone Management Area, will it comply with the EPD established strategy for managing salt-water intrusion in the Upper Floridan Aquifer of Coastal Georgia? The Upper Floridan Aquifer of Coastal Georgia is susceptible to salt-water intrusion. The aquifer is a primary source of drinking water and industrial process water throughout twenty-four counties of the region. In order to protect the Upper Floridan Aquifer from salt-water intrusion, EPD developed a strategy to address this problem. Projects in the coastal area must conform to this established ground water management strategy.
31. WATER WITHDRAWAL - Does the proposed action require the water system to obtain a permit to withdraw surface and/or groundwater, or modify an existing withdrawal permit to reflect an increase in the water withdrawal amount? State law requires any person that obtains or utilizes water in excess of 100,000 gallons per day for any purpose to obtain a permit, unless exempted or specified otherwise, by law or regulations.
32. SYSTEM OPERATIONS - Does the proposed action require the water system to obtain a permit to operate a public water system or modify an existing operating permit?
33. WASTEWATER LOAD - Will the proposed action have a significant impact on the treatment capability of the existing wastewater treatment facilities? If the proposed action will generate additional amounts of wastewater, then it must be ensured that the existing wastewater treatment facilities have adequate treatment capacity to handle the additional wastewater loads.
34. CROSS-CONNECTION CONTROL PROGRAM - Will the proposed action protect the drinking water from unapproved sources or any contaminants from entering the public water system? Georgia Rules for Safe Drinking Water require that no person shall construct,

maintain or operate a physical arrangement whereby a public water system is or may be connected directly or indirectly with a nonpotable water system or non-permitted water system, or devices which contain or may contain contaminants which may be capable of imparting contamination to the public water system as the results of backflow, bypass arrangements, jumper connections, removable sections, swivel or other potential connections through which back-flow or back-siphonage could or would occur.

35. ENVIRONMENTAL JUSTICE - Will the proposed project impact minority and/or low-income populations? If so, will the proposed project pose a disproportionate risk to these populations? If minority and/or low-income populations are impacted, have these populations been offered decision making opportunities through public participation. Do these populations currently suffer or have historically suffered from environmental and health risks or hazards? If minority and/or low-income communities are affected and have not been sufficiently involved in the decision making process then additional public participation activities should be undertaken.

## E. FULL ENVIRONMENTAL REVIEW PROCESS

The following environmental review process will be used by the State to evaluate the project to determine whether the project may have a significant impact on the environment and therefore require the preparation of an EIS.

EPD will review the project planning documents (Preliminary Engineering Report) and EID to determine any potential controversial environmental issues for consultation and/or resolution. The review will be documented using the Drinking Water State Revolving Fund Planning and Environmental Information Document Checklist (see Attachment C). The review will also ensure that an appropriate alternative has been selected and that adequate public participation opportunities have been provided. For those items found in the review to be deficient, subsequent resolution should be documented by updating the checklist or by providing follow-up documentation in the project file.

EPD will require that the project planning documents and EID undergo an interdisciplinary review process for all projects funded by DWSRF. This process involves review and consultation with the State Clearinghouse and all applicable Crosscutter Authorities and Agencies. The applicant at a minimum will be required to submit the project planning documents and EID to the U.S. Army Corps of Engineers, as applicable (see below), U.S. Fish and Wildlife Service and the State Historic Preservation Division for review and/or comment. A period of not less than thirty days will be provided for these agencies to complete their review and/or comment. Any significant concerns expressed by these agencies will be addressed and satisfactorily resolved, preferably no later than the design phase of the project, but prior to the start of the construction. Copies of all relevant correspondence to and from these agencies must be provided to the State. It is the applicant's responsibility that all proper documentation from all of the reviewing agencies are submitted to the EPD. See Attachment 2 for a sample "Comment Request Letter" that can be used to contact these agencies.

**Specifics to reviews by the U.S. Army Corps of Engineers:** *If none of the construction activities or facilities themselves is to occur in a stream, lake, or other body of water or in wetlands, the applicant can satisfy the comment requirement by submitting a certified statement by a Professional Engineer (PE) licensed in the state of Georgia, stating: "None of the construction activities or facilities themselves is to occur in a stream, lake, or other body of water or in wetlands."*



*The project includes no stream crossings. Therefore, no US Army Corps of Engineers Permit is required."*

*If the project affects these waters, the applicant must contact the local US Army Corps of Engineers Regulatory Field Office responsible for the county in which the project is located to determine if a permit is required (under Section 10 of the River and Harbor Act of 1899 or Section 404 of the Clean Water Act). After consulting with the Regulatory Field Office responsible for the county in which the project lies, the applicant must provide one of the following:*

- a) A certified statement by the Professional Engineer (PE), stating: "After consultation with the US Army Corps of Engineers Regulatory Field Office, I have determined that no US Army Corps of Engineers permit is required." Related name(s) and date(s) pertaining to this consultation with the US Army Corps of Engineers must be furnished along with the PE's certification statement.*
- b) A comment letter from the Regulatory Field Office stating whether a US Army Corps of Engineers permits are needed or not for the proposed project.*
- c) A comment letter from the Regulatory Field Office stating that all required US Army Corps of Engineers permits are either "in place" or "appropriate permits can be requested during the design phase of the project once impacts have been assessed for the project area".*

*As stated above, copies of all relevant correspondence (and/or permits) to and from this agency must be provided to the EPD.*

The State will solicit comments and coordinate review by other State agencies through the State Clearinghouse process. The existing review procedures required by Executive Order 12372 will be used for this task. This process is commonly called the "A-95 Review Process". In order to accomplish this review process, the applicant must submit a minimum of eight (8) copies of the project planning documents and EID to the EPD's Drinking Water Permitting and Engineering Program. EPD will then forward six (6) copies of the planning documents and EID to the State Clearinghouse for comments by the other State agencies. The Clearinghouse will distribute the project planning documents and EID, along with a copy of the completed Drinking Water State Revolving Fund Planning and Environmental Information Document Checklist, to various State agencies for their review and/or comment. A period of not less than thirty (30) days will be provided by the State Clearinghouse to allow the State agencies to respond. Through the procedures outlined above, the project reviews will include potential impacts on historical/archaeological resources, rare and endangered species, and floodplains. Any comments received will be provided to the Loan Applicant in writing. Any significant concerns expressed by any of the reviewing agencies will be addressed and satisfactorily resolved, preferably no later than the design phase of the project, but prior to the start of the construction. Copies of all relevant correspondence to and from the State reviewing agencies shall be filed appropriately in the applicant's DWSRF Project Folder.

Upon completion of the EPD's environmental assessment of the project and review of the results of the interdisciplinary review, EPD will determine if a Notice of No Significant Impact (NONSI) to the Environment can be drafted and issued (see Attachment D), or if the preparation of an EIS is required.

When EPD determines that it is appropriate, it will issue a NONSI for the project. The NONSI will be signed by the EPD Director or his/her "designated representative", distributed to all known interested parties, and placed on EPD's web site. (Note: in this document and other DWSRF related documents, any references made to the Director's "designated representative" shall mean to include the Assistant Director of EPD, Chief of Water Resources Branch, and Program Manager II of

Drinking Water Permitting and Engineering Program). The NONSI will briefly describe the project, the cost, the significant environmental impacts, and the reason why an EIS is not required. The NONSI will provide adequate public notice of not less than thirty (30) days and will allow interested individuals and/or groups to submit comments prior to the final project action. EPD will ensure that significant objections to the project are adequately addressed. If there are no public objections, then the NONSI will be adopted without further public notice. The State will issue final approval of the applicant's planning documents and EID.

## **F. LAND ACQUISITION REQUIREMENTS**

### **General Requirements**

Land is only eligible only if it is integral to a project that is needed to meet or maintain compliance and further public health protection. In this instance, land that is integral to a project is only the land needed to locate eligible treatment or distribution projects. In addition, the acquisition has to be from a willing seller. Land that is necessary for source water protection may be eligible to receive a loan under section 1452(k). However, it should be noted that the land acquired for source protection must be maintained at least for the life of the loan through a restriction placed upon the property.

Since land acquisition is included as a CE in the State Environmental Review Process (SERP), issuance of a separate NONSI for the purchase of the property will not be required.

The cost of complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act) is an eligible cost to be included in a DWSRF program loan. The basic requirements are:

- (1) The public shall be informed by the recipient of the acquisition policies, requirements and payments that apply to the project.
- (2) Property is to be acquired by negotiations, if at all possible, rather than by litigation.
- (3) Fair treatment and protection of the rights of those from whom property is acquired is mandatory.
- (4) Recipient must inform the owner of his rights under law and must furnish the owner with a copy of 49 CFR, Part 24.
- (5) Property to be acquired shall be appraised before initiation of negotiations. The appraisal shall be updated if it is more than 6 months old. The owner or the owner's designated representative shall be given an opportunity to accompany the appraiser during the inspection of the property.
- (6) The owner shall be paid no less than the fair market value as established by the appraisal. A statement of Just Compensation must be furnished to the seller.
- (7) Property owners will be reimbursed for necessary expenses.
- (8) If the acquisition of any part of the property would leave the owner with an uneconomic remnant, an offer shall be made to include that remnant in the acquisition.
- (9) The owner shall not be required to surrender possession of real property until the recipient pays the agreed purchase price, or the appraised price is deposited with the Court in the case of condemnation, and no person shall be required to move from his dwelling or move his business or farm, generally, before 90 days.

## **Appraisals**

A licensed or certified and qualified professional appraiser shall be engaged to perform the appraisal. The required qualifications for appraisers are:

- (1) Adequate training, education and experience.
- (2) Training and experience shall be consistent with the level of difficulty of the appraisal assignment.
- (3) Experience in appraising the type of property to be acquired (farm, commercial, residential, etc.).
- (4) Is a member of the Institute of Real Estate Appraisers (MAI) and has a current certificate from American Institute of Real Estate Appraisers, and/or Society and Real Estate Appraisers (SREA). Can also be members of other appraisal organizations that provide training that includes training in appraising for federal or federally assisted land acquisition.
- (5) Spends at least 51% of his or her time doing real estate appraisals.

The appraiser's qualifications must be approved by the State prior to performing the appraisals. An appraisal must contain sufficient documentation, including valuation data and the appraiser's analysis of that data to support his or her opinion of value. At a minimum, a detailed appraisal shall contain the following items:

- (1) Purpose and or the function of the appraisal.
- (2) An adequate description of the physical characteristics of the property being appraised and at least a 5-year sales history of the property.
- (3) All relevant and reliable approaches to value consistent, with commonly accepted professional appraisal practices.
- (4) A description of comparable sales.
- (5) A statement of the value of the real property to be acquired.
- (6) The effective date of valuation, date of appraisal, signature and certification of the appraiser.

An appraisal and a review appraisal are required for a tract of land with an estimated value of \$150,000 or less. Two appraisals and a review appraisal are required for a tract of land with an estimated value in excess of \$150,000.

## **Relocation**

If relocation is necessary as a result of acquisition, a relocation program that meets the following guidelines must be developed:

- (1) Informs the person that he or she may be displaced and generally describes the best relocation procedures and benefits the owner is entitled to.
- (2) Informs the person that he or she will be given reasonable relocation advisory services including referrals to replacement properties and help in filing payment claims.
- (3) Informs the person that he or she will not be required to move in less than 90 days and that at least one comparable replacement has been made before the owner can be required to move.
- (4) Describes the person's right to appeal the recipient's decision regarding assistance eligibility.

The recipient should contract with professional relocators to accomplish relocation of persons, businesses and farm operations in accordance with 49 CFR, Part 24, subparts C, D, E and F.

## **Eligible Costs**

All costs relating to the proposed acquisition of land, that is eligible for funding under the DWSRF, must receive prior state approval. Some of the costs may include Land Survey; Title search (but not the owner's cost of providing a title); Appraisal(s); Transfer of title expenses - loan recipient/owner; Legal and Court costs (owner's cost subject to requirements of 49 CFR, Part 24.107); Costs of acquiring land by Leasehold; Negotiated price and/or amount awarded by Court in condemnation proceeding (if not reasonable, loan recipient should appeal); Costs of acquired improvements on land; Relocation and related expenses; Costs of land that must be acquired to avoid inverse condemnation; Costs of acquiring an uneconomic remnant when land is acquired for integral part of the project. Contact EPD's DWSRF Project Engineer for eligible costs relating to land acquisitions, prior to acquisition of a land.

## **Records**

The recipient shall maintain a record of the following documents and information concerning each acquisition of any interest in real property acquired for the DWSRF supported project:

- (1) Project identification and purpose.
- (2) Identification of the property and the estate or interests acquired including improvements and identification of owners and occupants.
- (3) Evidence that owner was informed of his or her rights under the Uniform Act.
- (4) The appraisal(s).
- (5) Evidence that owner was given opportunity to accompany appraiser.
- (6) The offer (Statement of Just Compensation).
- (7) The date and method of acquisition.
- (8) The date, amount, and purpose(s) of payment to owners and others.
- (9) Records of real property acquisition administrative activities.
- (10) All relocation records.
- (11) All information on leases.

## **G. PLANS AND SPECIFICATIONS FOR DWSRF PROJECTS**

Construction plans and specifications must be prepared and submitted in accordance with the latest edition of the Georgia Rules for Safe Drinking Water, Chapter 391-3-5, and conform with the requirements of the DWSRF Loan Contract. All phases of construction of the project must be completed as required by the above referenced Rules and the latest edition of the EPD's "Minimum Standards for Public Water Systems". The following list itemizes briefly these requirements.

Georgia Rules for Safe Drinking Water, Chapter 391-3-5:

- (1) **General Provisions:** For any activity to be funded by the DWSRF, an engineering report prepared by a professional engineer shall be submitted to EPD's Drinking Water Permitting & Engineering Program, prior to the preparation of the final construction plans and specifications. Plans and specifications shall be prepared by a professional engineer and submitted to EPD in duplicate, accompanied by a letter of submittal identifying the project, owner and owner's address. No construction shall be initiated without prior approval from EPD.

- (2) **Engineering report:** The engineering report shall contain a comprehensive description of the proposed activity including, but not limited to, the following, as applicable:
- (a) scope and description of proposed activity,
  - (b) description of the proposed source of water supply, and data concerning the quality of the water.
  - (c) pertinent information regarding present available sources of water supply, water treatment facilities, and existing public water systems;
  - (d) sufficient maps, diagrams, charts, tables, calculations, basis of design data and graphs to make the report readily understandable; all sheets shall be descriptively labeled and bound together or folded in a folder attached to the report;
  - (e) operational and maintenance program description;
  - (f) the known character and depth of the natural earth formations through and from which ground water sources are to be developed;
  - (g) factors that may affect the quality of a source of water supply as determined by a survey of the watershed above the surface water intake or the surrounding area of a ground water source.
- (3) **Plans and Specifications:** Plans and specifications must be prepared by a professional engineer licensed to practice in the State of Georgia and submitted in duplicate (with additional copies as may be requested), and shall include, but not be limited to the following:
- (a) map plans of the entire area to be served by the public water system, including, but not limited to: geographical location of the project, location of all existing and proposed streets in the area to be served, location of the source of water supply and the treatment facilities, and elevations of the principal parts of the public water system.
  - (b) detailed plans of the location and the construction of the storage tank, water mains, valves, fire hydrants and appurtenances.
  - (c) detailed plans of: the location and construction of the water treatment facilities including layout and relationship of the various units of the treatment facility; general piping, pumps, reservoirs, flow measuring devices, controls, points of chemical application, water sampling points, plant control laboratory, chemical feed equipment and chemical storage area. Sufficient dimensions and elevations shall be provided to make all parts of the plans readily understandable.
  - (d) the dimensions of the plan sheets must be within the following limits: twenty (20) to thirty (30) inches in height and twenty-four (24) to forty-two (42) inches in length, and shall be of sufficient clarity to be microfilmed.
  - (e) each plan sheet shall have printed thereon the name and location of the public water system, name and registration stamp of the professional engineer, scale, true and magnetic north, and shall be bound together and numbered consecutively.
  - (f) if the plans are solely for extensions to an existing public water system, only such information as is necessary for comprehension of the plans and construction of the project will be required.
  - (g) specifications will be separate from the plans and shall have printed thereon the name and location of the public water system, name and stamp of the professional engineer, and shall be bound together and numbered consecutively.
  - (h) specifications for the construction of the public water system shall accompany all plans for new or existing public water systems and shall describe the plans for the whole and for each unit or component of construction of the proposed public water system, including where necessary, testing, disinfection, painting, laboratory equipment, metering and recording devices and related material.

- (l) the specifications may be omitted for extensions or additions to existing systems provided the proposed construction is in accordance with specifications previously approved and on file with the EPD.
  - (j) manufacturers' brochures of specifications of materials are not acceptable for purposes of this requirement.
  - (k) Profiles of water mains, sewers and storm drains at the point of crossings and at surface water crossings, including of sections that are considered important to the design of the project or as required by the EPD.
- (4) **Approval of plans and specifications:** Both an Environmental Review and a Construction Review will be completed for the plans and specifications for projects funded through the DWSRF program. Approval of the plans and specifications by the EPD does not include or imply approval of the structural, electrical, mechanical, or design integrity of the water system, treatment facilities, units or equipment.
- (5) **Deviation from Approved Plans and Specifications:** No deviations from the approved plans or specifications shall be made during construction unless documentation showing that proposed changes have been submitted to and received prior approval by the EPD.
- (6) **Professional Engineer's Certification:** Upon completion of the installation of the project, the Loan Applicant and/or their consultants must send to the EPD's DWSRF Project Engineer and the Construction Management Unit, a statement certifying that the project, as installed, is in accordance with the EPD approved plans and specifications.

## H. FEDERAL CROSS CUTTERS

Listed below are the following Federal Cross-Cutting Authorities that should be adhered to:

### A. Environmental Authorities

1. Archeological and Historic Preservation Act of 1974, Pub. L 86-523, as amended
2. Clean Air Act, Pub. L. 84-159, as amended
3. Coastal Barrier Resources Act, Pub. L. 97-348
4. Coastal Zone Management Act, Pub. L. 92-583, as amended
5. Endangered Species Act, Pub. L. 93-205, as amended
6. Environmental Justice, Executive Order 12898
7. Floodplain Management, Executive Order 11988, as amended by Executive Order 12148
8. Protection of Wetlands, Executive Order 119990
9. Farmland Protection Policy Act, Pub. L. 97-98
10. Fish and Wildlife Coordination Act, Pub. L. 85-624, as amended
11. National Historic Preservation Act of 1966, PL 89-665, as amended
12. Safe Drinking Water Act, Pub. L. 93-523, as amended
13. Wild and Scenic Rivers Act, Pub. L. 90-542, as amended

### B. Economic and Miscellaneous Authorities

1. Demonstration Cities and Metropolitan Development Act of 1966, Pub. L. 89-754, as amended, Executive Order 12372
2. Procurement Prohibitions under Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans

3. Uniform Relocation and real Property Acquisition Policies Act, Pub. L. 91-646, as amended
4. Debarment and Suspension, Executive Order 12549
5. New restrictions on Lobbying, Section 319 Of Public Law 101-121

C. Social Policy Authorities

1. Age Discrimination Act of 1975, Pub. L. 94-135
2. Title VI of the Civil Rights Act of 1964, Pub. L. 88-352
3. Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (including Executive Orders 11914 and 11250)
4. The Drug-Free Workplace Act of 1988, Pub. L. 100-690 (applies only to the capitalization grant recipient)
5. Equal Employment Opportunity, Executive Order 11246
6. Women's and Minority Business Enterprise, Executive Orders 11625, 12138 and 12432
7. Section 129 of the Small Business Administration Reauthorization and Amendment Act of 1988, Pub. L. 100-590

## PART III - DWSRF PROGRAM INFORMATION

### I. ELIGIBLE PROJECTS

Examples of eligible activities under the DWSRF include public water system improvements which:

1. maintain compliance with existing standards and regulations;
2. rehabilitate or replace aging infrastructure;
3. rehabilitate or develop sources to replace contaminated sources of drinking water;
4. install or upgrade treatment facilities to improve drinking water quality;
5. install or upgrade storage facilities to prevent microbiological contaminants from entering the system,
6. install or replace transmission and distribution pipes to improve water pressure to safe level or to prevent contamination caused by leaks or breaks in the pipes;
7. consolidate water supplies where, for example, a supply is unable to maintain compliance for technical, financial, or managerial reasons;
8. upon completion, will create a community water system to address existing public health problems with serious risks caused by unsafe drinking water provided by individual wells or surface water sources;
9. implement security measures such as fencing, surveillance equipment, backflow prevention devices, and enhanced filtration/disinfection treatment.

**Projects that are primarily to serve future population growth or primarily for fire protection are not eligible for DWSRF assistance.** In addition, projects that involve: dams or rehabilitation of dams; water rights (except if the water rights are owned by a system that is being purchased through consolidation as part of a capacity development strategy); reservoirs or rehabilitation of reservoirs (except for finished water reservoirs and those reservoirs that are part of the treatment process and are on the property where the treatment facility is located); and those projects that have received assistance from the national set-asides under section 1452(i) of the Act, are not eligible for DWSRF assistance. Furthermore, public water systems that are in significant noncompliance cannot use funds from the DWSRF, unless assistance from this program will enable the system to return to compliance.

## J. DISADVANTAGED COMMUNITIES CRITERIA

To further assist communities afford the cost of making public health related environmental infrastructure improvements, a percent of each years' capitalization grant can be reserved for disadvantaged communities. Georgia has established criteria for communities that take into account both the community's financial need and a reasonable level of effort to maintain the water system. A community that meets the following target user rate maybe offered a maximum of \$500,000 in the form of a subsidized loan to assist in making a DWSRF loan affordable.

The affordability test will consist of:

- 1) determining whether a community is performing at a reasonable level of effort given its economic characteristics, based upon the minimum monthly household water bill for 6,000 gallons and
- 2) the community's 2000 Median Household Income (MHI) multiplied by 1.25% to ascertain the target user rate. Should the actual resulting user rate be higher than the target monthly water rate, the community will be eligible to be considered "disadvantaged" for the purposes of a subsidized loan not to exceed \$500,000. No community may receive more than 75% of the project cost in the form of a subsidy. Communities must receive at least 25% of the project cost in the form of a loan at 0.0% interest. No extension of loan terms beyond 20 years will be allowed.

## K. DWSRF PROGRAM POLICIES

There are certain policies that have been adopted for the administration of the DWSRF program with which you should be familiar. The policies are as follows:

- 1) The interest rate on the loan is 3% per annum, plus a one-time 2% closing fee that will be due in two quarterly payments. **The permanent loan payment will then begin with the third quarterly payment.** Thereafter, payments are due on a quarterly basis. This rate applies from the time the funds are drawn, and interest accrues during construction. **It should be noted that the above stated interest and loan fee rate might change as the future economic conditions dictate.** At the option of the community and with EPD (Municipal Engineering Program) concurrence, the loan principal may be increased by the amount of accrued interest during construction and a new repayment schedule prepared.
- 2) The amortization period for your permanent loan is twenty (20) years. All loan clients are allowed to pay off their DWSRF loans early without any prepayment penalty by paying the outstanding balance of the loan on any regular payment date.
- 3) Communities are required to begin repaying their full GEFA-DWSRF loan amount on the "date for commencing payment" that appears in the promissory note, even if the project is not complete. Thirty days before the "date for commencing payment" GEFA will provide the community with a letter giving the community the option to request one-time six-month extension or begin repayment on the "date for commencing repayment." A one-time six-month extension beyond the original "date for commencing payment" in the promissory note may be granted upon a written request from the community. Should the loan close at less than the original promissory note amount, an adjustment in the payment amount will be granted and appropriate credit will be made against the new loan principal. A description of the repayment terms will be contained in the Promissory Note that is a part of the loan



contract; and a permanent repayment schedule will be furnished after the loan is closed. Loan clients may elect to either pay the interest that has accrued during construction on or before the date for the first permanent loan payment or to include the construction interest in the loan principal and amortize it over the life of the loan. This option will be offered at the time of loan closing.

- 4) Per the DWSRF contract, all loan recipients are required to establish pre-authorized electronic debit transactions allowing GEFA to automatically debit the recipient's designated account for quarterly payments. Recipients must adopt the necessary resolutions and complete and execute the necessary documents in order for GEFA to establish pre-authorized debit transactions.
- 5) You may not pay any of your own personnel (force account labor), even though they may work on the project, with the proceeds of the DWSRF loan funds. This does not prohibit the utilization of such labor; it only means that they cannot be paid from the loan.
- 6) EPD's Construction Management Unit will evaluate all loan draw requests and will conduct periodic construction site visits to evaluate the development of the project. A community may make monthly draws against an approved project budget.
- 7) DWSRF loan funds may only be used to purchase land that is an integral portion of the project. The loan may not be used to purchase land for construction or storage of water related to reservoirs or dams, except for finished water reservoirs.
- 8) EPD's Municipal Engineering Program requires approval of the contractor prior to award of the construction contract. All documents, required by your loan agreement and EPD standard specifications required to be included in your construction contract specifications, require submittal of MBE/WBE and EEO information to EPD prior to award of contract. Attached is a copy of the guidelines to help in solicitation of MBE/WBE subcontractors and a copy of Bid Procedures as it will appear in the loan contract.
- 9) It is your responsibility as a loan recipient to monitor and insure that the contractor makes the good faith efforts outlined and that subcontracts are awarded and honored as approved. Failure to follow the procedures may result in the ineligibility of a subcontract; more serious violations could result in loan rescission.

## **L. MBE/WBE GUIDELINES**

### **1. MBE/WBE SOLICITATION**

It is the policy of the DWSRF to promote a fair share of subagreements for goods and/or services to minority and women's businesses on contracts performed under the DWSRF. The contractor must identify areas, goods and/or services, within the project that will be used to attain the goals specified in the Standard Conditions. The successful bidder must submit to EPD's Municipal Engineering Program, with copy to the owner within 10 days after bid opening, evidence of the positive steps taken to utilize minority and women's businesses. Such positive efforts shall include:

- a) Including qualified minority and women's businesses on solicitation lists;
- b) Assuring that minority and women's businesses are solicited whenever they are potential sources;

- c) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of minority and women's businesses;
- d) Establishing delivery schedules, where the requirements of the work permit, which will encourage participation by minority and women's businesses;
- e) Using the services and assistance of the U.S. Small Business Administration and the Office of Minority Business Enterprise of the U.S. Department of Commerce;
- f) Requiring each party to a subagreement to take the affirmative steps outlined in paragraphs a) through e) of this section.

The following guidelines are provided in order to maximize the solicitation of MBE/WBE subcontractors in the DWSRF program and aid in complying with the requirements.

- 1. A copy of the plans and specifications should be submitted to the Minority Business Development Center in the project area.
- 2. The fair share policy and any local project goals should be included in the bid specifications.
- 3. In addition to the Dodge report, advertisement should also appear in a newspaper of broad circulation. The Dodge report is expensive and some MBE/WBE's may not subscribe. Also advertise in other minority publications.
- 4. When the prime contractor sends solicitation letters to perspective subcontractors, complete statements of work should be provided and ample response time (15 days) should be given for bid submission.
- 5. Small subcontracting jobs should not attach heavy insurance and bonding requirements
- 6. Notify contractors that the Environmental Protection Division will hold the first loan payment request until all EEO/MBE/WBE documentation has been submitted to EPD.
- 7. Contractors should be made aware of Georgia House Bill #653, which allows a 10% tax credit to majority firms doing business with minority firms.
- 8. Notify minority trade organizations regarding the subcontracting work that is available.
- 9. Advise the contractor to call EPD's MBE/WBE coordinator at 404/675-1604 for assistance if needed, and if any approved subcontracts are not awarded.

## 2. MBE/WBE REVIEW

All loan recipients participating in the program are required by contract condition to make "**positive effort**" to solicit and award subcontracts to minority and women owned businesses. This contract condition is also passed on to the prime contractor. These subcontracts are for services and/or supplies.

The DWSRF does not include a quota or set-aside for minority or women owned businesses. However, a goal is established for MBE/WBE participation each program year. Solicitation must be made to secure MBE/WBE participation. The solicitation must be made for MBE and WBE's; compliance cannot be satisfied through solicitation of one or the other category.

If the goal objectives are not met, the prime contractor is required to submit documentation of all efforts undertaken to achieve the goals. The following are examples of documentation required:

- 1. Copies of solicitation letters mailed to certified MBE/WBE's. The letters should specifically state the type of work to be subcontracted and encourage inquires for further details. Such letters should be sent out in time to allow sufficient time to develop quotes or proposals (postmarked approximately 15 days before bids are due).
- 2. If public notices are used, a copy should be submitted.

3. An analysis of all quotes (including non-MBE/WBE firms) received to document that the subcontractor selected has the lower price and that all quotes are for the same scope of work.
4. Copy of phone logs providing names and phone numbers of MBE/WBE's contacted.
5. Copies of solicitation letters mailed to Minority Business Development centers.
6. Names of MBE/WBE's solicited who did not respond or declined to submit a quote.

Once MBE/WBE documentation has been submitted, a review is made to determine compliance. If deficiencies are found, the State notifies the loan recipient participating in the program, consulting engineer and the prime contractor. The proposed construction contract award will not be approved until the deficiencies are corrected.

After approval to award has been issued, the prime contractor must submit to the State a copy of each executed subcontract with a minority or women owned business. EPA Form 334 must be submitted for each quarter the prime contractor awards to an MBE/WBE.

When prime contractors have received compliance approval, they must report any changes in MBE/WBE subcontractors and make efforts to solicit replacement MBE/WBE subcontractors.

It is the responsibility of the loan recipient to insure that the contractor addresses all aspects of the "positive solicitation effort." Failure to adhere to the requirements may result in a determination of DWSRF ineligibility for a particular subcontract where positive effort is not made.

The MBE/WBE Coordinator at the EPD's Engineering and Technical Support Program should be contacted at 404/6756-1604, if there are any questions. Submissions should be sent to:

MBE/WBE Coordinator  
Georgia Environmental Protection Division  
Engineering and Technical Support Program  
4220 International Parkway  
Suite 101  
Atlanta, Georgia 30354

## **M. CONDITIONS OF THE DWSRF LOAN CONTRACT**

The following are required for DWSRF loan projects and will be included in "Appendix C" of the loan contracts:

1. Competitive procurement by public bidding is required for construction, construction services, materials and equipment.
2. The governmental entity contracting the work (the Owner) must advertise for bids by conspicuously posting the notice in its office and by advertising in the local newspaper that is its legal organ or on its Internet website or on an Internet site designated for its legal advertisements.
3. Advertisements must appear at least twice. The first advertisement must appear at least four weeks prior to the bid opening date. The second must follow at least two weeks after the first advertisement. Website advertisements must remain posted for at least four weeks. Plans and specifications must be available for inspection by the public on the first day of the advertisement. The advertisement must include details to inform the public of the extent and character of work to be performed, any pre-qualification requirements, any pre-bid conferences, and any federal requirements.

4. The Owner must require at least 5% Bid Bond or certified check or cash deposit equal to 5% of the contract amount.
5. Sealed bids, with a public bid opening, are required.
6. The Owner must award to the low, responsive, responsible bidder or bidders with reservation of right to reject all bids.
7. The Owner may modify bidding documents only by written addenda with notification to all potential bidders not less than 72 hours prior to the bid opening, excluding Saturdays, Sundays and legal holidays.
8. The Owner must require 100% payment and performance bonds.
9. Change orders may not be issued to evade the purposes of required bidding procedures. Change orders may be issued for changes or additions consistent with the scope of the original construction contract documents.
10. Prior to disbursement of funds, provide EPD with copies of the following:
  - a) Proof of advertising
  - b) Certified detailed bid tabulation
  - c) Engineers award recommendation
  - d) Governing Body's award resolution
  - e) Executed contract documents, including plans and specifications
  - f) Construction and payment schedules
  - g) Notice to proceed
  - h) Contractor's written oath in accordance with O.C.G.A. 36-91-21 (e). (This is an oath required by law to be provided to the Owner by the contractor. In short, this must state that the Contractor has not acted alone or otherwise to prevent or attempt to prevent competition in bidding by any means and must be signed by appropriate parties as defined by law.)
  - i) Summary of plans for on-site quality control to be provided by the Owner or Engineer - name and brief qualifications of construction inspector(s) and approximate hours per week of inspection to be provided.
11. If other funding sources are involved which have stricter bidding requirements or if applicable law or ordinances require stricter requirements, these stricter requirements shall govern.
12. If the loan recipient wishes to fund work that may not fully meet the bidding requirements of this loan contract, then prior to bidding this work, it shall submit a written request to the Georgia Environmental Facilities Authority (GEFA) that specific requirements be waived. Based on specific circumstances of the request, GEFA will require submission of additional information necessary to document that State laws and local ordinances are not violated and that the intent of the loan contract bid procedures (public, open, competitive procurement) is satisfied through alternate means.
13. The Owner is required to notify the Construction Management Unit of the Environmental Protection Division at least two weeks prior to pre-construction conferences for work funded under this loan contract and to schedule these conferences so that a representative of this Unit may participate.
14. It is the policy of the State Revolving Loan Fund (SRF) to promote a fair share award of subagreements to small and minority and women's businesses on contracts performed under the SRF. If the successful bidder plans to subcontract a portion of the project, the bidder must submit to EPD, with copy to the owner within 10 days after bid opening, evidence of the positive steps taken to utilize small, minority and women's businesses. Such positive efforts shall include:

- a) Including qualified small and minority and women's businesses on solicitation lists;
- b) Assuring that small and minority and women's businesses are solicited whenever they are potential sources;
- c) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of small and minority and women's businesses;
- d) Establishing delivery schedules, where the requirements of the work permit, which will encourage participation by small and minority and women's businesses;
- e) Using the services and assistance of the U.S. Small Business Administration and the Office of Minority Business Enterprise of the U.S. Department of Commerce;
- f) Requiring each party to a subagreement to take the affirmative steps outlined in paragraphs a) through e) of this section.

**Construction Incentive Clause:**

The project owners may include a Construction Incentive (CI) clause in any construction bid package. However, the clause may not be added after bids have been received. The CI clause allows a contractor or subcontractor to propose cost saving changes in a project and share the cost savings with the owner.

Details and guidance for the CI clause may be found in the U.S. Environmental Protection Agency publication, "Construction Incentive Guidance". This publication may be obtained directly from US EPA.

**N. STANDARD OPERATING PROCEDURES**

**1. Priority List(s) and Intended Use Plan**

- a) GEFA DWSRF Program Manager annually sends letters to all city and county governments to solicit requests to be placed on a "Comprehensive Project Priority List". (For FY 1997, a survey was sent out to all eligible water systems requesting information on proposed infrastructure compliance projects. From those communities that responded to the survey, the initial comprehensive priority list was developed.)
- b) Depending upon the responses received, any previous fiscal year's priority list will be updated, as outlined in the DWSRF Intended Use Plan (IUP), by ranking them according to the criteria outlined in the most recent version of the "Project Rating and Selection Criteria", established by the State primacy agency, Georgia EPD. All the eligible projects in this priority list must also include estimated costs associated with the proposed project. (Copies of the "Project Rating and Selection Criteria" can be obtained from GEFA, by calling (404) 656-0938). Prior year loan projects funded through the DWSRF are removed from the list.
- c) GEFA and EPD's Drinking Water Permitting & Engineering Program and the Drinking Water Compliance Program update DWSRF Intended Use Plan jointly, every year, for any changes to the program for the upcoming fiscal year.

- d) GEFA holds an annual public meeting on the proposed priority list and annual IUP. The meeting is advertised in a Statewide newspaper at least thirty (30) days in advance, with a mass mailing of the meeting notice and draft priority list, to all cities, counties, and interested parties.
- e) The meeting record is closed after the meeting. Any projects, added as a result of the meeting are incorporated into the Comprehensive Project Priority List. Both the comprehensive list and the fundable list are finalized based upon the requests received. Possible revisions to the IUP are evaluated and/or incorporated, as needed.

## 2. Application Process

- a) All communities listed on the final comprehensive priority list for the fiscal year are sent a project application form (Part I) by the GEFA DWSRF Program Manager. The application form and the "Project Performance Worksheet" (see Attachment E) must be completed and returned to GEFA. GEFA will forward the forms to EPD's DWSRF Project Engineer and/or Engineering and Technical Support Program, as appropriate.
- b) Applications received are logged in by EPD's Engineering and Technical Support Program and verified as to inclusion on that year's approved comprehensive priority list. EPD's DWSRF Project Engineer then evaluates the applications.
- c) EPD's DWSRF Project Engineer evaluates projects and assigns points, in accordance with the established "Project Rating and Selection Criteria." Upon completion of evaluations, points are tabulated and a Project Evaluation Form is completed for each project, prior to forwarding them to GEFA.
- d) Projects that rank highest within the rating criteria are sent Financial Loan Application (Part II) by GEFA. The applicant returns the financial application and accompanying documentation to GEFA for analysis. Results of the financial capability are reported to EPD by GEFA.
- e) Projects that do not pass the financial analysis are notified by GEFA.

## 3. Facilities Planning Review

- a) Applicants or their consultants submit two (2) copies of the facilities planning document along with a copy of a completed "Project Performance Worksheet" (see Attachment E) to EPD's DWSRF Project Engineer.
- b) DWSRF Project Engineer reviews the document in accordance with the State Environmental Review Process and determines if the project is eligible for a Categorical Exclusion (CE). If the project is eligible for a CE, the applicant and their consultant are notified and EPD prepares and issues the CE in accordance with these guidelines. If no significant adverse comments are received on the CE after review and consultation with the State Clearinghouse and all applicable Crosscutter Authorities and Agencies (see Section C of this document) or after the public meeting conducted by the applicant (see Item c below), the DWSRF Project Engineer sends a letter of approval to the applicant for the planning documents. If the project is not eligible for a CE or significant adverse comments are received on a

project for which a CE was issued, the applicant and their consultant are notified and required to prepare an Environmental Information Document in accordance with Section D of this document.

- c) The applicant and their consultant are also notified by the DWSRF Project Engineer to conduct at least one (1) public meeting on its proposed project. In some instances, the public meeting can be held in conjunction with a regularly scheduled "Local" city council, county commission or water authority meeting. The time and location of the meeting must be specified and the notice must be published in the local and/or regional newspaper(s) at least thirty (30) days prior to the date of the meeting. The applicant must provide to EPD a summary of the public meeting, a list of attendees, and a copy of the advertisement that was placed in the local paper. See Section B of this document for details on holding public meetings.
- d) The applicant or their consultant submits eight (8) copies of the completed Planning and Environmental Information Documents (EID) to the DWSRF Project Engineer. The applicant or their consultant also submits the project planning documents and EID to the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and the State Historic Preservation Division for review and/or comment. Copies of all correspondence to and from these agencies must be provided to the DWSRF Project Engineer. A period of not less than thirty (30) days will be provided to the above agencies to review and/or comment with the project. Any expressed concern from these agencies will be addressed and satisfactorily resolved no later than the design phase of the project, if not sooner, but prior to the start of any construction of the project. See Section E of this document for detailed explanation of this process.
- e) The DWSRF Project Engineer completes and signs the Intergovernmental Coordination Form and transmits at least six (6) copies of the Planning and Environmental Information Documents to the State Clearinghouse for review by other State agencies. Comments received through the Clearinghouse are forwarded to the community. A period of not less than thirty (30) days will be provided to the State agencies by the State Clearinghouse to review and/or comment with the project. All expressed concerns received from any of the reviewing State agencies will be addressed and satisfactorily resolved no later than the design phase of the project, if not sooner, but prior to the start of the construction. See Section E of this document for detailed explanation of this process.
- f) When all comments have been adequately addressed and the community has held at least one (1) public meeting [advertised at least thirty (30) days in advance], the DWSRF Project Engineer prepares a **Notice Of No Significant Impact (NONSI)** to be signed by either the EPD Director or his/her "designated representative". The NONSI is sent to interested parties on a specific mailing list and placed on the EPD's web site. Comments will be received for thirty (30) days.
- g) If no significant adverse comments are received on the NONSI, the DWSRF Project Engineer sends a letter of approval for the planning documents. The community, prior to approval of the planning document, must adequately address any significant environmental comments. This may require additional Clearinghouse review, coordination with federal agencies, issuance of a NONSI amendment, and/or preparation of an Environmental Impact Statement (EIS).

#### 4. Design Plans and Specifications Review

- a) The community submits a design development report (DDR) to EPD's DWSRF Project Engineer, as deemed necessary, based upon the size and complexity of the project, for review and comment.
- b) The DWSRF Project Engineer reviews the DDR for completeness and technical accuracy and provides comments to the community and their consultants, as necessary.
- c) The DWSRF Project Engineer sends a letter of concurrence with the DDR, as appropriate. Furthermore, the Project Engineer either provides or makes a copy of the "Supplemental General Conditions for federally funded SRF Projects" available to the community and/or to their consultants for inclusion in their plans and specifications
- d) The community submits plans and specifications to the DWSRF Project Engineer for review and approval.
- e) The DWSRF Project Engineer reviews and provides comments as necessary to the community and their consultants.
- f) During the review process the DWSRF Project Engineer will have the Construction Management Unit (CMU) of EPD to conduct a biddability and constructability review on projects with a high probability of funding.
- g) The DWSRF Project Engineer sends a letter of approval to the community and their consultants when the review of the engineering plans and specifications has been completed and the applicable permits and/or documents for the project have been obtained.

#### 5. Project Selection/Contract Preparation and Execution

- a) When funds are received from the U.S. Environmental Protection Agency (EPA) or as determined by the funding cycle for repaid funds, the GEFA DWSRF Program Manager requests reevaluation by the DWSRF Project Engineer of projects against the rating and selection criteria.
- b) The GEFA DWSRF Program Manager verifies financial capability of applicant and prepares list of qualified loan recipients based on points rating and current policy. The DWSRF Program Manager discusses with the GEFA Executive Director status of projects likely to be funded. The DWSRF Program Manager then submits the list to the GEFA Board of Directors.
- c) The DWSRF Program Manager prepares commitment letters or conditional approval letters that are signed by the Executive Director of GEFA. The commitment letter request information to prepare the contract and provide the loan recipient with additional information on DWSRF policy.
- d) The loan recipient submits the requested information to GEFA and EPD as instructed. The EPD's DWSRF Project Engineer prepares draft Appendices A and D. Appendix A includes the project scope of work, project schedule, and project budget. Appendix D contains any special conditions to be imposed on the project



from EPD and/or GEFA. EPD's Engineering and Technical Support Program transmits these appendices to GEFA.

- e) EPD's Engineering and Technical Support Program reviews the Civil Rights Act Compliance Form (4700-4) for accuracy and completeness and transmits to U.S. EPA. The U.S. EPA compliance officer signs upon approval and returns to EPD.
- f) GEFA verifies the adequacy of the Accountant's letter. The DWSRF Program Manager prepares the contract and transmits via the GEFA Executive Director to the loan recipient.
- g) Loan recipient signs the contract and returns it to GEFA with the Attorney's letter. GEFA evaluates adequacy of Attorney's letter and forwards the contract to EPD's Engineering and Technical Support Program for EPD's Director's or his/her designated representative's signature. Upon EPD Director's or his/her designee's signature, the contract is returned to GEFA, dated and signed. Executed contract is then distributed by GEFA to Georgia EPD and loan recipient.
- h) The closing cost amount will be billed in two quarterly payments beginning at the completion of the project. The permanent loan payment will then begin with the third quarterly payment. Thereafter, payments are due on a quarterly basis.

#### 6. Project Construction

- a) Loan recipient advertises construction and equipment purchase contracts in accordance with procedures outlined in "Appendix C" of the DWSRF loan contract.
- b) Upon receipt of bids and determination of the lowest responsive, responsible bidder, the loan recipient will notify EPD's Engineering and Technical Support Program for approval. MBE/WBE and EEO documentation is submitted to the Program's EEO/MBE/WBE Coordinator for approval (See Section G below).
- c) Representative(s) from the Construction Management Unit (CMU) of EPD attends pre-construction conference. Construction contracts are executed, notice to proceed is issued and project construction commences.

#### 7. EEO and MBE/WBE

- a) Within ten (10) days of bid opening, the loan recipient must submit the prime contractors 13 items of EEO documentation, as required by Executive Order 11246.
- b) The EPD's Engineering and Technical Support Program reviews the EEO documentation for compliance with Executive Order 11246. If the contractor plans to subcontract any portion of the job, the MBE/WBE solicitation efforts must be made in accordance with the "MBE/WBE Solicitation Guidelines" stated in this document and in the DWSRF contract.
- c) If the EEO/MBE/WBE documentation is complete, the EPD's Engineering and Technical Support Program, its EEO/MBE/WBE coordinator, sends an approval letter to the loan recipient.

- d) If the EEO/MBE/WBE documentation is not complete, the EEO/MBE/WBE coordinator notifies the loan recipient of the deficiencies with a recommendation that the contractor contact the EEO/MBE/WBE coordinator for assistance. Once the deficiencies are corrected, the EEO/MBE/WBE coordinator issues the approval letter.

## 8. Construction Inspection

- a) EPD's Construction Management Unit will conduct periodic field inspections of construction activities, placement, and stored materials as necessary to verify that the project is being constructed in accordance with industry standards, the loan agreement and approved plans, specification, special conditions and change orders.
- b) Inspections will generally be conducted monthly, dependent upon the complexity of the project and construction placement.
- c) Inspection reports will be prepared and distributed to the loan recipient and its engineer. Findings that are considered deficient during the inspection will be discussed with the loan recipient or its representative during the inspection. Correspondence will be transmitted to the loan recipient indicating areas of concern that require resolution.
- d) The most recent contractor's pay estimate will be reviewed during inspection to ensure that the pay estimate accurately reflects work in place and materials stored.
- e) At completion, a final inspection will be conducted to confirm completion of the approved project. A report with required certifications of the project completion will be prepared by EPD's Construction Management Unit for processing the final loan draw request and for project closeout.

## 9. Loan Contract Amendments

- a) Any amendment to the loan contract must be requested in writing to GEFA. EPD's Construction Management Unit will review the request, coordinate as needed with the DWSRF Project Engineer, and prepare amended contract pages as necessary upon approval of the request. CMU will forward the contract changes to GEFA, and GEFA will prepare and transmit the amendment to the contract.
- b) The following conditions may require contract amendments:
  - 1) Project Scope of Work - Any modification by change order or additional contracts not approved to be within the scope of the work defined by the loan agreement will require an amendment for inclusion into the loan. Any changes in scope to federally funded projects must be reviewed for compliance with the Equivalency Requirements imposed by the Safe Drinking Water Act.
  - 2) Project Budget - Inclusion of project expenditures not included in the project budget or revision of defined budget expenses may only be changed by amendment. In most cases construction costs are estimated and if no changes have been made in the project scope, an amendment to adjust the construction cost to as bid will not be required. An amendment in the

- budgeted amount for construction will be required if a change has been made in the defined project scope.
- 3) Project Schedule - If delays in the project exceed limitations as set forth in the loan agreement, an amendment to the project schedule will be required. Minor deviations in the project schedule will not require an amendment.
  - 4) Special Conditions - Any revisions to the special condition(s) set forth in the loan agreement will require an amendment.
  - 5) Loan Amount - Increases in the loan amount may only be accomplished by an amendment requiring the signature of GEFA's Executive Director and the EPD Director or his/her designee.

#### 10. Loan Draws

- a) Loan draw requests will be submitted to EPD's Construction Management Unit. The Construction Management Unit will review and approve the drawdown or adjust, or return the request to the loan recipient with instructions on information needed for approval.
- b) Loan draw requests will only be processed after item(s) listed in "Appendix C" of the loan contract are received.
- c) Draw requests must include contractor's estimates with invoices for stored materials. Appropriate invoices should accompany requests for engineering, inspection, or other budgeted costs. The draw will be compared to work-in place and conformance with the loan agreement.
- d) DWSRF participation will not exceed the total share of actual incurred cost in accordance with the project budget found in "Appendix A" of the loan contract. Loan recipients will be expected to contribute proportional amounts when non-DWSRF funds are utilized. Local and other funds must be utilized throughout the project when these funds are a part of the total funding package.
- e) Work-in-place and stored material must conform to contract documents and appropriate industry standards in order to be eligible for loan drawdown.
- f) Approved draw requests are forwarded to GEFA for payment.
- g) GEFA's finance department will tabulate draw requests. GEFA will request an amount of funds to be transferred from EPA's Automated Clearinghouse (ACH) System into a DWSRF checking account. Once GEFA has verified deposit of the funds, funds will be transferred electronically to the bank account designated by the loan recipient.

#### 11. Construction Completion/Loan Closing

- a) The loan recipient will certify completion of the work in accordance with the EPD approved plans and specifications and that no claims or liens are pending against the loan recipient.
- b) EPD's Construction Management Unit will conduct a final inspection to ensure project completeness in accordance with construction contract documents and the

loan agreement. The Construction Management Unit will notify GEFA and the Engineering Unit of project completion.

- c) Upon processing of the final loan draw, GEFA will prepare the final amortization schedule for loan payback and transmit to the loan recipient. GEFA will monitor the payback of the loan and maintain the DWSRF accounts.

# ATTACHMENT 1

(SAMPLE)

## PUBLIC MEETING

The City of Anytown (*insert APPLICANT'S NAME*) hereby gives notice that a public meeting will be held to discuss water improvements project funded by Georgia's Drinking Water State Revolving Fund (DWSRF) on (*insert DATE*) at (*insert TIME*) in the (*insert PLACE, i.e. Anytown City Hall at 101 Anytown Main Street*).

The proposed project includes (*insert DETAILED PROJECT DESCRIPTION AND THE NEED FOR THE PROJECT*) construction of a new 100,000 gallon elevated storage tank and the installation of approximately 21,000 L.F. of 6-inch water line to replace the existing inadequate and deteriorated distribution system. The new tank is needed to replace the existing inadequate and deteriorated 5,000-gallon hydropneumatic tank. The new mains are needed to provide adequate water pressures under all conditions of flow throughout the distribution system to comply with the Environmental Protection Division's minimum standards. The anticipated cost of the project is \$ 700,000).

The purposes of the public meeting are to:

- 1) Inform the public of the need for improvements to the City's water system.
- 2) Comply with the requirements of the Georgia's Rules for Safe Drinking Water and with the public participation requirements of Georgia's Drinking Water State Revolving Fund (DWSRF) Environmental Review Process.
- 3) Encourage public involvement in the development of a plan to improve the water system.

During the public meeting the City will attempt to identify public preferences for alternative methods of improving the City's water facilities. These alternatives will be evaluated and included in the City's Facilities Plan and Environmental Information Document, the major planning document covering the water system. These documents are available for public inspection through the date of the public meeting at (*insert ADDRESS OF THE PLACE*) during the normal business hours.

Your participation is encouraged and considered essential to the selection and development of the final plan to be adopted prior to its approval by the State of Georgia, Department of Natural Resources.

For additional information, contact (*insert NAME, i.e. Anytown City Hall*) at (area code) – (phone number).

(SAMPLE)

# ATTACHMENT 2

## Sample Comment Request Letter

DATE

APPLICANT NAME AND ADDRESS

CONTACT NAME AND ADDRESS

Dear CONTACT:

We are required to submit project planning documents and Environmental Information Documents (EID) to the Georgia Environmental Protection Division (EPD) for projects that are to be funded under the federal Drinking Water State Revolving Fund (DWSRF). As part of the review process, EPD requires that the project planning documents and EID undergo an interdisciplinary review process. This process involves review and consultation with the State Clearinghouse and all applicable Crosscutter Authorities and Agencies. We are required to submit the project planning documents and EID to your agency, under the State Environmental Review Procedures (SERP) agreed to by the USEPA. Before issuing a "Notice of No Significant Impact" (NONSI) for the project, EPD requires a comment letter from your agency.

To allow the issuance of NONSI, please review and comment on the attached documents within 30 Days (no later than TYPE DUE DATE HERE). Your comment letter will be included as part of the EID to be submitted to EPD for review and issuance of a NONSI. **To enable the project to move forward, please issue your comment letter even if you have no comments.** If you choose, and if you have no comments, you may just check the "no comments" box below, and then either stamp this letter with your agency's stamp or sign and date it at the space provided and return this letter to the address below.

Specific project information is outlined below:

Project Information

Project Name: THE APPLICANT IS TO PLACE PROJECT'S NAME HERE

Applicant: THE APPLICANT IS TO PLACE ITS FULL FORMAL NAME HERE

County: THE APPLICANT IS TO PLACE THE NAME (OR NAMES) OF THE COUNTY (OR COUNTIES) IN WHICH THE PROJECT WILL BE CONSTRUCTED HERE

Project Description: THE APPLICANT IS TO PLACE A DETAILED PROJECT DESCRIPTION HERE

Additional Information (if applicable): (APPLICANT WILL ATTACH COPIES OF PLANNING DOCUMENTS AND ENVIRONMENTAL IMPACT DOCUMENTS TO THIS LETTER)

Applicant Contact Information or Project Engineer Contact Information

THE APPLICANT IS TO PLACE DETAILED CONTACT INFORMATION INCLUDING THE CONTACT'S NAME, MAILING ADDRESS, PHONE, FAX AND E-MAIL IN THIS SECTION.

Thank you for your consideration.

Sincerely,

APPLICANT or Applicant's ENGINEER

Enclosure: Planning Documents, EID

cc: Drinking Water Permitting & Engineering Program, EPD

\*\*\*\*\*

NO COMMENTS

Name of the Person Representing the Agency:

Signature:

Date:

### ATTACHMENT 3

#### GEORGIA ENVIRONMENTAL FACILITIES AUTHORITY DRINKING WATER STATE REVOLVING LOAN FUND

#### SAMPLE PROJECT BUDGET OUTLINE

ITEM	TOTAL COST	FUNDING SOURCE I  (SRF) LEVEL OF FUNDING SOURCE PARTICIPATION 43.1%	FUNDING SOURCE II  LEVEL OF FUNDING SOURCE PARTICIPATION 12.9%	FUNDING SOURCE III  LOCAL LEVEL OF FUNDING SOURCE PARTICIPATION 44.0%
Construction	\$ 739,000	\$ 340,000	\$ 80,888	\$ 318,112
Contingency	74,000	17,000	-0-	57,000
Engineering/Inspection	78,000	39,000	39,000	-0-
Administrative/Legal	37,000	4,000	-0-	33,000
<b>SUBTOTAL</b>	<b>\$ 928,000</b>	<b>\$ 400,000</b>	<b>\$ 119,888</b>	<b>\$ 408,112</b>
SRF LOAN FEE (2%)	8,000	8,000	-0-	-0-
<b>TOTAL</b>	<b>\$ 936,000</b>	<b>\$ 408,000</b>	<b>\$ 119,888</b>	<b>\$ 408,112</b>

Note: Many projects financed by GEFA have no other funding source. In these instances, the project budgets will have GEFA as the only funding source.

# **ATTACHMENT B**

## **CATEGORICAL EXCLUSION DETERMINATION**



## CATEGORICAL EXCLUSION DETERMINATION

For the Proposed Project of Anytown, Georgia  
DWSRF Loan #

The Georgia Environmental Protection Division (EPD) has conducted a review of the above subject project in accordance with the State's Environmental Review Process (SERP) for Drinking Water State Revolving Fund (DWSRF) projects. The EPD has determined that this project is eligible for a categorical exclusion. Accordingly, the EPD is exempting the project from further substantive environmental review requirements under Georgia's SERP.

The proposed DWSRF project consists of upgrading Anytown's water distribution system. The upgrading will include: replacement of approximately 20,600 linear feet (LF) of existing asbestos cement and undersized water lines with 6-inch PVC lines, complete with valves, hydrants and appurtenances.

This project is eligible for a categorical exclusion because it meets the following specific criteria, outlined in the DWSRF SERP: Replacement of existing water lines, valves, hydrants and appurtenances in existing rights-of-way for streets or utilities to serve existing customers, as well as, modest growth (less than 10%) within the existing service area resulting in no change in existing land use. Furthermore:

- The project will not require issuance of a new or modification of an existing ground water or surface water withdrawal permit;
- The project is not known or expected to have a significant adverse effect on the quality of the human environment, either individually, cumulatively over time, or in conjunction with other Federal, State, local or private actions;
- The project is not known or expected to directly or indirectly have a significant adverse effect on: cultural resource areas, such as archaeological and historic sites; habitats of endangered or threatened species; or environmentally important natural resource areas, such as floodplains, wetlands, important farmlands or aquifer recharge areas; and
- The action is cost-effective and is not expected to cause significant public controversy.

This determination shall become effective after thirty (30) days following its distribution by EPD and can be revoked if significant adverse information is made available. The documentation to support this decision is on file with the Georgia Environmental Protection Division and is available for public scrutiny upon request. A copy of the proposed project documentation is also available for review at the City Hall in Anytown, Georgia.

All interested agencies, groups and persons supporting or disagreeing with this decision are invited to submit written comments, within thirty (30) days of the publish date of this notice to:

Georgia Environmental Protection Division  
John Doe, Environmental Engineer  
Drinking Water Permitting and Engineering Program  
2 Martin Luther King, Jr. Drive, SE - Suite 1362 East  
Atlanta, Georgia 30334-9000

After evaluating the comments received, EPD will make a final decision regarding approval of the project planning documents. No administrative action will be taken on the project for thirty (30) calendar days after publication of this Notice in a local newspaper that serves the Anytown area.

Publish Date: \_\_\_\_\_

\_\_\_\_\_  
Name (EPD Director or his/her designee), Title  
Georgia Environmental Protection Division

# **ATTACHMENT C**

## **DRINKING WATER STATE REVOLVING FUND**

### **PLANNING and ENVIRONMENTAL INFORMATION DOCUMENT CHECKLIST**

**DRINKING WATER STATE REVOLVING FUND  
PLANNING DOCUMENT CHECKLIST**

Loan Applicant:

WSID#:

County:

Consulting Engineer:.

Phone:

Present Population in Planning Area:

Permitted Capacity of Current Water Treatment Facility(s):

Capacity of Future (proposed) Water Treatment Facility(s):

Project Number:

DWPEP:

It is recommended that the reviewer use this checklist. Check the following items. Explain all "inadequate" answers using additional sheets as necessary. If an item is not applicable, put a "N/A" between the boxes.

		Adequate	Not Adequate	N/A
1.	Summary, Conclusions, Recommendations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	General			
	2.1 Project Purpose and Need	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	2.2 Planning Area Description (including a map)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	2.3 Project Name	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	2.4 Owner and Operator of the Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	2.5 Location of the Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Existing Situation and Trends			
	3.1 Compliance with SDWA primary MCLs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3.2 Compliance with SDWA secondary MCLs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3.3 Current Compliance with SDWA requirements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3.4 Protect. of Public Health thru compliance Assurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3.5 Conditions considered as acute health concerns	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3.6 Conditions considered as chronic health concerns	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3.7 Current Environmental Conditions in Planning Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3.8 Water supply sources and treatment processes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3.9 Water treatment capacity, storage, and distribution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3.10 Condition of water system infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Future Conditions			
	4.1 Planning Period	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	4.2 Population Forecast	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	4.3 Water Use and Water Demand Projections	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	4.4 Future Compliance with SDWA without the Project	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	4.5 Protection of Public Health without the Project	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	4.6 Condition of the infrastructure without the Project	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	Alternatives Considered			
	5.1 No Action	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	5.2 Optimum Performance of Existing Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	5.3 Infrastructure imps. to provide safe drinking water	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	5.4 Development of alternate/additional water sources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	5.5 Water Plant Upgrade to improve water quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	5.6 Land acquisition for planned infrastructure imps.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	5.7 Water Treatment Plant and processes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	5.8 Consolidation of non-viable water systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5.9	Establish a viable system to serve non-viable systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.10	Provides water to facilities with inadequate supplies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.11	Water extension to replace a non-compliant system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.12	Regional Solutions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.13	Innovative and Alternative Technologies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.14	Evaluation of Alternatives (monetary, environmental)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.15	Capital Costs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.16	Operation and Maintenance Costs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	Evaluation of Principal Alternatives			
6.1	Engineering Evaluation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	a. Reliability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Energy Use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Drinking Water Standards	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Water Treatment Process Complexity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. Protection of Public Health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	f. Compliance assurance with SDWA standards	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	g. Availability of Water Supply	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.2	Environmental Impacts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.3	Conform. with Coastal Zone Management Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.4	Public Participation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.5	Implementability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.6	Plan Selection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	Selected Plan Description			
7.1	Relevant Design Parameters and Description	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.2	General Layout or Flow Schematic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.3	Water sources and availability of supplies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.4	Financial, Managerial and Technical Capability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	a. Cost Information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Financial Capability Demonstration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Capital Financing Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Managerial Capability to assure Operation in Compliance with Drinking Water Regulations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. Technical Capability Demonstration to insure Compliance and protection of Public Health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	Arrangements for Implementation			
8.1	Governmental Jurisdictions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.2	Implementation Steps	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.3	Financial Requirements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	Environmental Impacts			
9.1	Conformance with the prepared Environmental Information Document (EID)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.2	Direct or Indirect Impacts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.3	Present and Future Impacts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.4	Cumulative Impacts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Signature of Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

NOTES: Planning documents are subject to at least one Public Meeting prior to final approval. The Public Meeting must be advertised at least 30-days in advance.

Some items may not apply to a particular project and additional items may be necessary for a comprehensive engineering and environmental review of a project.

ALL INADEQUATE RESPONSES OR CONCERNS MUST BE ADDRESSED AND DOCUMENTED.  
SUFFICIENT DOCUMENTATION MUST BE PROVIDED TO INDICATE THAT ADEQUATE FOLLOW-UP ACTIONS ARE TAKEN ON THE COMMENTS AND CONCERNS EXPRESSED BY THE STATE CLEARINGHOUSE AND CROSSCUTTING AGENCIES.

# **ATTACHMENT D**

## **NOTICE OF NO SIGNIFICANT IMPACT ON THE ENVIRONMENT (NONSI)**

## NOTICE OF NO SIGNIFICANT IMPACT ON THE ENVIRONMENT

### TO ALL INTERESTED AGENCIES, GROUPS, AND PERSONS

The City of Anytown has made application to the Georgia Environmental Facilities Authority (GEFA) and the Georgia Department of Natural Resources, Environmental Protection Division (EPD) for a loan through the Drinking Water State Revolving Loan Fund (DWSRF). The loan is for the City to construct a new elevated water storage tank to replace an existing tank and to replace approximately 21,000 feet of inadequate water lines in order to provide adequate pressures and flows throughout the existing distribution system. The applicant has certified that the project is environmentally sound. As required by the Federal Safe Drinking Water Act and the Drinking Water State Revolving Fund Program Guidelines, an environmental review has been performed on the project described below:

Project Name:	City of Anytown -Water System Improvements
Project Location:	Anytown, Georgia
Total Project Cost:	\$700,000
Anticipated DWSRF Loan Amount:	\$700,000

#### **Project Description**

Under this project the City of Anytown will construct a new 100,000 gallon elevated storage tank to replace an existing inadequate and deteriorated 5,000 gallon hydro-pneumatic tank. This new tank is needed to provide adequate water storage capacity for the City as required by Environmental Protection Division's minimum standards and to provide adequate pressures under all conditions of flow throughout the distribution system. The project also includes the installation of approximately 21,000 L.F. of 6-inch water line to replace the existing inadequate and deteriorated distribution system.

#### **Anticipated Impacts**

This project will provide adequate water storage capacity for the City as required by EPD's minimum standards and significantly improve the City's ability to provide adequate pressures under all conditions of flow throughout the existing distribution system. This project will benefit an estimated population of 250 and the more than 100 existing water customers. The overall impact of the proposed project will be beneficial. There will be no significant adverse secondary impacts associated with this project. Consequently, a preliminary decision not to prepare an Environmental Impact Statement has been made.

The reasons for such a decision not to prepare such a statement is as follows: No project activity is anticipated to result in adverse environmental impacts, which cannot be easily mitigated with minimal extra expense or delay in project implementation. The project's construction will occur in existing right-of-ways and/or on land, which has already been disturbed by previous clearing and/or construction; therefore, temporary impacts due to construction can be minimized.

EPD's Drinking Water Permitting and Engineering Program has performed a review of the Preliminary Engineering Report and Environmental Information Document for the proposed project. The review of the above referenced Documents explains in more detail why an environmental impact statement is not required. Copies of the Preliminary Engineering Report

and Environmental Information Document are available for public examination upon request at EPD between the hours of 8:30 a.m. and 4:00 p.m. Monday through Friday and at the City of Anytown's City Hall during normal business hours. The addresses where copies of the referenced documents are available are listed below.

On January 29, 2002, the City conducted a public meeting in accordance with the requirements of the DWSRF project guidelines in order to inform the public about the project. The City received no adverse comments. The project has undergone an Executive Order 12372 Review through the Georgia State Clearinghouse. No adverse comments to prevent the project from going forward have been received from the Clearinghouse. The project has also been submitted to the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and the Georgia Historic Preservation Division for review and no adverse comments to prevent the project from going forward have been received. No further environmental review of the project is proposed to be conducted prior to the release of loan funds.

All interested agencies, groups and persons supporting or disagreeing with this decision are invited to submit written comments, within thirty (30) days of the issuance date of this notice to:

Georgia Environmental Protection Division  
ATTN: John Doe, Engineer  
Drinking Water Permitting and Engineering Program  
2 Martin Luther King, Jr. Drive, SE - Suite 1362 East  
Atlanta, Georgia 30334

After evaluating the comments received, EPD will make a final decision regarding approval of the project planning documents. No administrative action will be taken on the project for thirty (30) calendar days after issuance of this Notice.

---

Name (EPD Director or his/her designee), Title  
Georgia Environmental Protection Division

Issue Date: January 14, 2004

Loan Recipient: City of Anytown  
Honorable John Doe  
Mayor, City of Anytown  
City Hall  
Anytown, Georgia 30000-0000

# **ATTACHMENT E**

## **PROJECT PERFORMANCE WORKSHEET**



Applicant Name: \_\_\_\_\_ WSID# \_\_\_\_\_ DWSRF Project #: \_\_\_\_\_

County: \_\_\_\_\_

**PROJECT PERFORMANCE WORK SHEET**  
Complete Appropriate Sections – To be Completed by Applicant

**DRINKING WATER STATE REVOLVING FUND (DWSRF) FEDERAL FUNDS**

1. The project proposed in this application is to/will eliminate (**check all that apply**):

- |  |   |
|--|---|
| _____ Meet EPD Minimum Standards for Public Water Systems    | _____ Administrative Order                    |
| _____ Comply with Rules for Safe Drinking Water Requirements | _____ Court Order                             |
| _____ Sanitary Survey Deficiency                             | _____ Improve Security (including redundancy) |
| _____ Notice of Violation                                    | _____ Consolidate Systems                     |
| _____ Consent Order  | _____ Upgrade/rehabilitate Infrastructure     |

2. If the project proposed in this application will construct any of the following, please check all that apply and indicate amount:

**Check all that apply:**

**Indicate amount:**

- |                                    |                                 |
|------------------------------------|---------------------------------|
| • Well _____                       | Gallons/day _____               |
| • Water Treatment Plant _____      | Gallons to be treated/day _____ |
| • Water Lines _____                | Linear feet _____               |
| • Water Storage Tank _____         | Gallons/storage _____           |
| • Pumping Station/Pump House _____ | Gallons/day _____               |

3. If the project proposed in this application will upgrade/rehabilitate any of the following, please check all that apply and indicate amount:

**Check all that apply:**

**Indicate amount:**

- |                                    |                                 |
|------------------------------------|---------------------------------|
| • Well _____                       | Gallons/day _____               |
| • Water Treatment Plant _____      | Gallons to be treated/day _____ |
| • Water Lines _____                | Linear feet _____               |
| • Water Storage Tank _____         | Gallons/storage _____           |
| • Pumping Station/Pump House _____ | Gallons/day _____               |

4. If the project proposed in this application is to improve system security please check all that apply and indicate amount:

**Check all that apply:**

**Indicate amount:**

- |                                     |                         |
|-------------------------------------|-------------------------|
| • Backflow Prevention Devices _____ | Number of units _____   |
| • Fencing _____                     | Feet of fencing _____   |
| • Monitoring Equipment _____        | Number of cameras _____ |
| • Other _____                       |                         |

5. General project questions:

- Population served by the system \_\_\_\_\_
- Number of new customers added to the system by this project \_\_\_\_\_
- Number of private wells eliminated by this project \_\_\_\_\_