

Best management practices should be utilized to reduce runoff from project construction activities into nearby waters. Questions should be directed to Andrea Fredenburg, Water Quality Branch, (502) 782-6950, [Andrea.Fredenburg@ky.gov](mailto:Andrea.Fredenburg@ky.gov).

**Water Resources Branch:**

For pipeline stream crossings that are not covered under 401 KAR 4:050, a Kentucky DOW Application for Permit to Construct Across or Along a Stream must be submitted. The Freedom Lane section, the section of KY 805 200 feet west of the 805/East Jenkins Hill Lane, the section of KY 805 crossing Little Potter Branch adjacent to the 805/Rocky Hollow intersection, and the sections adjacent to the intersection of Store Hill Road and Tin Can Hollow of the proposed project will require a Kentucky DOW Application for Permit to Construct Across or Along a Stream. Questions should be directed to Ron Dutta, Floodplain Management Section, (502) 782-6941, [Ramendra.Dutta@ky.gov](mailto:Ramendra.Dutta@ky.gov).

**Watershed Management:**

The Water Supply Section strongly supports this project that prioritizes water loss, which is reportedly 33% for the Jenkins Water System. This proposed project is not within a designated Source Water Protection Area. Questions should be directed to Chloe Brantley, Water Supply Section, (502) 782-6898, [Chloe.Brantley@ky.gov](mailto:Chloe.Brantley@ky.gov).

The proposed work is endorsed by the Groundwater Section of the Watershed Management Branch. However, it is our recommendation that site be made aware of the requirements of 401 KAR 5:037 and the need to develop a Groundwater Protection Plan (GPP) for the protection of groundwater resources within that area. Questions should be directed to Kurtis Spears, Groundwater Section, (502) 782-7119, [Kurtis.Spears@ky.gov](mailto:Kurtis.Spears@ky.gov) or David Jackson, Groundwater Section, (502) 782-6986, [DavidA.Jackson@ky.gov](mailto:DavidA.Jackson@ky.gov).

**Field Operations Branch:**

Endorse. Questions should be directed to Daniel Fraley, Field Operations Branch, (606) 783-8655, [Daniel.Fraley@ky.gov](mailto:Daniel.Fraley@ky.gov).

**Enforcement Branch:**

The Division of Enforcement does not object to the project proposed by the applicant. Questions should be directed to Tim Harrod, Division of Enforcement, (502) 782-6858, [Timothy.Harrod@ky.gov](mailto:Timothy.Harrod@ky.gov).

**Division of Waste Management**

UST Branch records indicate the following underground storage tank site issues identified within the project impact area:

Closed:

**Mountain Side Gas & Mini Mart**

MASTER AI ID: 59868

LONGITUDE: -82.594946

LATITUDE: 37.19360899999995

Bill Potter Garage

MASTER AI ID: 59952

LONGITUDE: -82.609624

LATITUDE: 37.185579

If any UST's are encountered during the project construction they should be reported to KDWM. Any UST issues or questions should be directed to the UST Branch.

Superfund Branch records indicate no superfund site issue identified within the project impact area. Any superfund issues or questions should be directed to the Superfund Branch.

Solid Waste Branch records indicate no active or historic landfill sites within the project impact area. Any solid waste issues or questions should be directed to the Solid Waste Branch.

Hazardous Waste Branch records indicate no hazardous waste issues identified within the project impact area. Any hazardous waste issues or questions should be directed to the Hazardous Waste Branch.

RLA Branch records indicate no RLA tracked open dump sites within the project impact area: Any questions or issues should be directed to the RLA Branch.

All solid waste generated by this project must be disposed of at a permitted facility.

If asbestos, lead paint and/or other contaminants are encountered during this project contact the Division of Waste Management for proper disposal and closure.

The information provided is based on those facilities or sites that KDWM currently has in its database. If you would like additional information on any of these facilities or sites, you may contact the file room custodian at (502) 782-6357. Please keep in mind additional locations of releases, potential contamination or waste facilities may be present but unknown to the agency. Therefore, it is recommended that appropriate precautions be taken during construction activities. Please report any evidence of illegal waste disposal facilities and releases of hazardous substances, pollutants, contaminants or petroleum to the 24-hour Environmental Response Team at 1-800-928-2380.

#### Division for Air Quality

401 KAR 63:010, Fugitive Emissions, states that no person shall cause, suffer, or allow any material to be handled, processed, transported, or stored without taking reasonable precaution to prevent particulate matter from becoming airborne. Additional requirements include the covering of open bodied trucks, operating outside the work area transporting materials likely to become airborne, and that no one shall allow earth or other material being transported by truck or earth-moving equipment to be deposited onto a paved street or roadway. Please note the Fugitive Emissions Fact Sheet located at <https://eec.ky.gov/Environmental-Protection/Air/Documents/Fugitive%20Dust%20Fact%20Sheet.pdf>

401 KAR 63:005 states that open burning shall be prohibited except as specifically provided. Open Burning is defined as the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney. However, open burning may be utilized for the expressed purposes listed on the Open Burning Brochure located at <https://eec.ky.gov/Environmental-Protection/Air/Pages/Open-Burning.aspx>

The Division would like to offer the following suggestions on how this project can help us stay in compliance with the NAAQS. These air quality control strategies are beneficial to the health of citizens of Kentucky.

- Utilize alternatively fueled equipment.
- Utilize other emission controls that are applicable to your equipment.
- Reduce idling time on equipment.

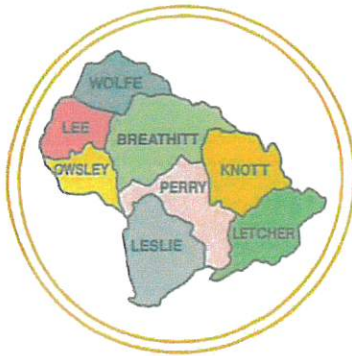
The Division also suggests an investigation into compliance with applicable local government regulations.

This review is based upon the information that was provided by the applicant. An endorsement of this project does not satisfy, or imply, the acceptance or issuance of any permits, certifications or approvals that may be required from this agency under Kentucky Revised Statutes or Kentucky Administrative Regulations. Such endorsement means this agency has found no major concerns from the review of the proposed project as presented other than those stated as conditions or comments. If you should have any questions, please contact me at (502) 782-0863.

Sincerely,



Louanna Aldridge



# Kentucky River

AREA  
DEVELOPMENT  
DISTRICT

941 N. MAIN ST. • HAZARD, KENTUCKY 41701 • PHONE 606-436-3158

October 7<sup>th</sup>, 2019

**CHAIRMAN**  
Pam Pilgrim  
**VICE-CHAIRMAN**  
Tracy Neice  
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**TREASURER**  
Terry Adams  
Judge/Executive  
**SECRETARY**  
Gregory Whitson  
**PARLIAMENTARIAN**  
Laura Thomas  
Mayor

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Neil Napier  
Gregory Whitson  
Meriwether Wash-Hall  
Pam Pilgrim  
Shirley Halcomb

**Executive Director**

Michelle Allen

E-Mail: michelle@kradd.org  
FAX NUMBER 606-436-2144  
TDD NUMBER 1-800-247-2510  
(Hearing Impaired)

Department for Environmental Protection  
Division of Waste Management  
300 Sower Blvd, 2<sup>nd</sup> Floor  
Frankfort, KY 40601

**RE: Waterline Replacement Phase V (KY 805 Crossing and Side Roads in Burdine) Project**

Dear Sir or Madam:

The City of Jenkins has been approved for an Appalachian Regional Commission Grant for the above referenced project. This project will replace aging waterlines in the area. The waterlines in the project area are over 60 years old. The City of Jenkins experiences a lot of water outages and line breaks due to the age of the lines. This results in extensive repair costs due to line breaks. The project will provide 159 residents, within the Burdine area, with improved water services. This will be a dig and replace project, the land has previously been disturbed.

The Kentucky River Area Development District has been asked to undertake an environmental review of this project to ascertain the impact of the proposed activities. I would appreciate your office reviewing this project in relation to its potential impact(s) on any solid waste issue for Perry County or the state. I have enclosed a project location map and project description for your reference.

Your comments may address beneficial or adverse impacts or, both. I would appreciate receiving your comments in the near future. I will assume if I have not received a response from you within 30 days of this letter, that your office does not anticipate any negative environmental impacts from this project, per your area(s) of responsibility. Responses can be sent by email to:

[shana@kradd.org](mailto:shana@kradd.org).

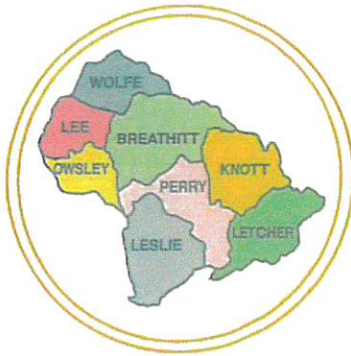
Thank you, for your time and assistance.

Sincerely,

Shana Agee  
Public Administration Specialist

Enclosures

Exhibit 13  
FEMA Correspondence



# Kentucky River

AREA  
DEVELOPMENT  
DISTRICT

941 N. MAIN ST. • HAZARD, KENTUCKY 41701 • PHONE 606-436-3158

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Laura Thomas  
Mayor

Federal Emergency Management Agency  
Region IV  
3003 Chamblee Tucker Road  
Atlanta GA 30341

**RE: Waterline Replacement Phase V (KY 805 Crossing and Side Roads in Burdine) Project**

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The Kentucky River Area Development District has been asked to undertake an environmental review of this project to ascertain the impact of the proposed activities. I would appreciate your office reviewing this project in relation to its potential impact(s) on any issues under your jurisdiction for Perry County or the Commonwealth of Kentucky. I have enclosed a project location map and project description for your reference.

Your comments may address beneficial or adverse impacts or, both. I would appreciate receiving your comments in the near future. I will assume if I have not received a response from you within 30 days of this letter, that your office does not anticipate any negative environmental impacts from this project, per your area(s) of responsibility. Responses can be sent by email to: [shana@kradd.org](mailto:shana@kradd.org).

Thank you, for your time and assistance.

Sincerely,

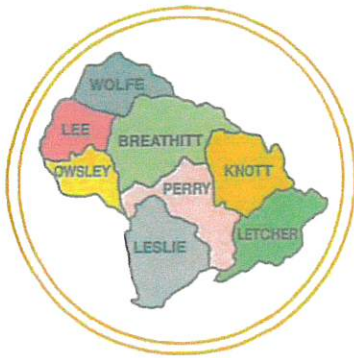
Shana Agee  
Public Administration Specialist

**Executive Director**  
Michelle Allen

E-Mail: [michelle@kradd.org](mailto:michelle@kradd.org)  
FAX NUMBER 606-436-2144  
TDD NUMBER 1-800-247-2510  
(Hearing Impaired)

Enclosures

Exhibit 14  
HUD Correspondence



# Kentucky River

AREA  
DEVELOPMENT  
DISTRICT

941 N. MAIN ST. • HAZARD, KENTUCKY 41701 • PHONE 606-436-3158

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Michelle Allen

E-Mail: michelle@kradd.org  
FAX NUMBER 606-436-2144  
TDD NUMBER 1-800-247-2510  
(Hearing Impaired)

US Department of Housing and Urban Development  
Fair Housing Division  
601 W. Broadway 110  
Louisville KY 40201

**RE: Waterline Replacement Phase V (KY 805 Crossing and Side Roads in Burdine) Project**

Dear Sir or Madam:

The City of Jenkins has been approved for an Appalachian Regional Commission Grant for the above referenced project. This project will replace aging waterlines in the area. The waterlines in the project area are over 60 years old. The City of Jenkins experiences a lot of water outages and line breaks due to the age of the lines. This results in extensive repair costs due to line breaks. The project will provide 159 residents, within the Burdine area, with improved water services. This will be a dig and replace project, the land has previously been disturbed.

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Thank you, for your time and assistance.

Sincerely,

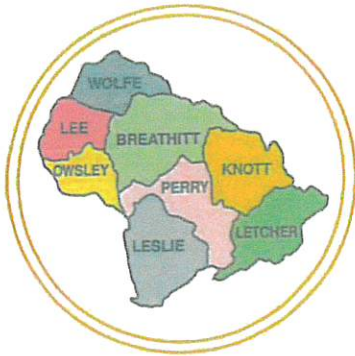
Shana Agee  
Public Administration Specialist

Enclosures



---

**Exhibit 15**  
**Tribal Historic Preservation Office**



# Kentucky River

AREA  
DEVELOPMENT  
DISTRICT

941 N. MAIN ST. • HAZARD, KENTUCKY 41701 • PHONE 606-436-3158

October 7<sup>th</sup>, 2019

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Michelle Allen  
E-Mail: michelle@kradd.org  
FAX NUMBER 606-436-2144  
TDD NUMBER 1-800-247-2510  
(Hearing Impaired)

Yolanda Saunooke  
Eastern Band of Cherokee Indians  
Tribal Historic Preservation Office  
PO Box 455  
Cherokee, NC 28719

**RE: Waterline Replacement Phase V (KY 805 Crossing and Side Roads in Burdine) Project**

Dear Yolanda:

The City of Jenkins has been approved for an Appalachian Regional Commission Grant for the above referenced project. This project will replace aging waterlines in the area. The waterlines in the project area are over 60 years old. The City of Jenkins experiences a lot of water outages and line breaks due to the age of the lines. This results in extensive repair costs due to line breaks. The project will provide 159 residents, within the Burdine area, with improved water services. This will be a dig and replace project, the land has previously been disturbed.

The Kentucky River Area Development District has been asked to undertake an environmental review of this project to ascertain the impact of the proposed activities. I would appreciate your office reviewing this project in relation to its potential impact(s) on any historic properties in the project area that may have religious and cultural significance to your tribe. I have enclosed a project location map and project description for your reference.

Your comments may address beneficial or adverse impacts or, both. I would appreciate receiving your comments in the near future. I will assume if I have not received a response from you within 30 days of this letter, that your office does not anticipate any negative environmental impacts from this project, per your area(s) of responsibility. Responses can be sent by email to: [shana@kradd.org](mailto:shana@kradd.org).

Thank you, for your time and assistance.

Sincerely,  
*Shana Agee*

Shana Agee  
Public Administration Specialist

Enclosures

Exhibit 16  
US Army Corps of Engineers

## Shana Agee

---

**From:** Jim Sparks  
**Sent:** Wednesday, March 25, 2020 8:10 AM  
**To:** Branham, Justin L CIV USARMY CELRL (USA)  
**Cc:** Paul Nesbitt; Matt Steen  
**Subject:** RE: LRL-2019-1063 - City of Jenkins Waterline Project in Burdine

Justin,

Received your e-mail. This appears to be sufficient for our use.

Thanks,

James Sparks, P.E.  
Project Manager

nesbitt engineering, inc.

main: (859) 233-3111  
direct: (859) 685-4513  
cell: (859) 494-7088

-----Original Message-----

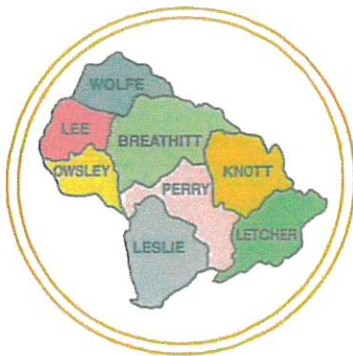
From: Branham, Justin L CIV USARMY CELRL (USA) <[Justin.L.Branham@usace.army.mil](mailto:Justin.L.Branham@usace.army.mil)>  
Sent: Wednesday, March 25, 2020 12:08 AM  
To: Jim Sparks <[jsparks@nei-ky.com](mailto:jsparks@nei-ky.com)>  
Cc: [shana@kradd.org](mailto:shana@kradd.org)  
Subject: LRL-2019-1063 - City of Jenkins Waterline Project in Burdine

Mr. Sparks,

After reviewing all available information, it does not appear that a permit would be required for this proposal. This serves as our official response to this request. If official letterhead is required, please inform me by email. As the COVID 19 pandemic has our office closed we are remaining connected via telework, email and personal cellphones. I would also request that you email me and let me know that you received this response and that it is sufficient for your proposal.

Thank you,

Justin Branham  
Team Leader / Regulatory Specialist  
U.S. Army Corps of Engineers - Louisville District Eastern Kentucky Regulatory Office  
845 Sassafras Creek Road  
Sassafras, KY 41759  
Phone: 606-642-3208  
Email: [Justin.L.Branham@usace.army.mil](mailto:Justin.L.Branham@usace.army.mil)  
Comments on our Regulatory Services are invited:  
[http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey)



# Kentucky River

AREA  
DEVELOPMENT  
DISTRICT

941 N. MAIN ST. • HAZARD, KENTUCKY 41701 • PHONE 606-436-3158

October 7<sup>th</sup>, 2019

Jane Archer  
US Army Corps of Engineers  
Regulatory Branch  
PO Box 59  
Louisville KY 40201-0059

**RE: Waterline Replacement Phase V (KY 805 Crossing and Side Roads in Burdine) Project**

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Michelle Allen

E-Mail: michelle@kradd.org  
FAX NUMBER 606-436-2144  
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(Hearing Impaired)

Dear Ms. Archer:

The City of Jenkins has been approved for an Appalachian Regional Commission Grant for the above referenced project. This project will replace aging waterlines in the area. The waterlines in the project area are over 60 years old. The City of Jenkins experiences a lot of water outages and line breaks due to the age of the lines. This results in extensive repair costs due to line breaks. The project will provide 159 residents, within the Burdine area, with improved water services. This will be a dig and replace project, the land has previously been disturbed.

The Kentucky River Area Development District has been asked to undertake an environmental review of this project to ascertain the impact of the proposed activities. I would appreciate your office reviewing this project in relation to its potential impact(s) on any wetlands or permit issues under your jurisdiction. I have enclosed a project location map and project description for your reference.

Your comments may address beneficial or adverse impacts or, both. I would appreciate receiving your comments in the near future. I will assume if I have not received a response from you within 30 days of this letter, that your office does not anticipate any negative environmental impacts from this project, per your area(s) of responsibility. Responses can be sent by email to: [shana@kradd.org](mailto:shana@kradd.org).

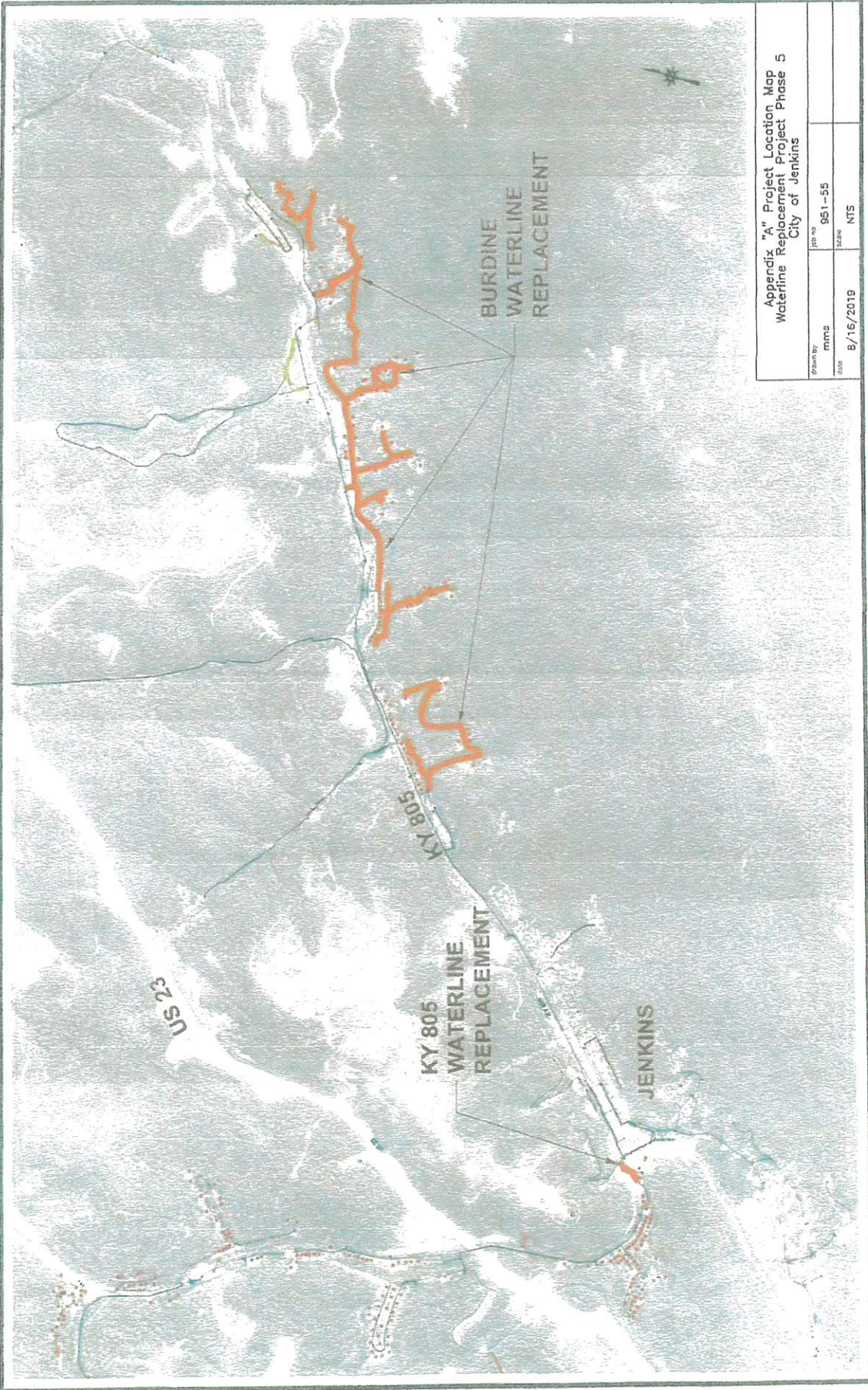
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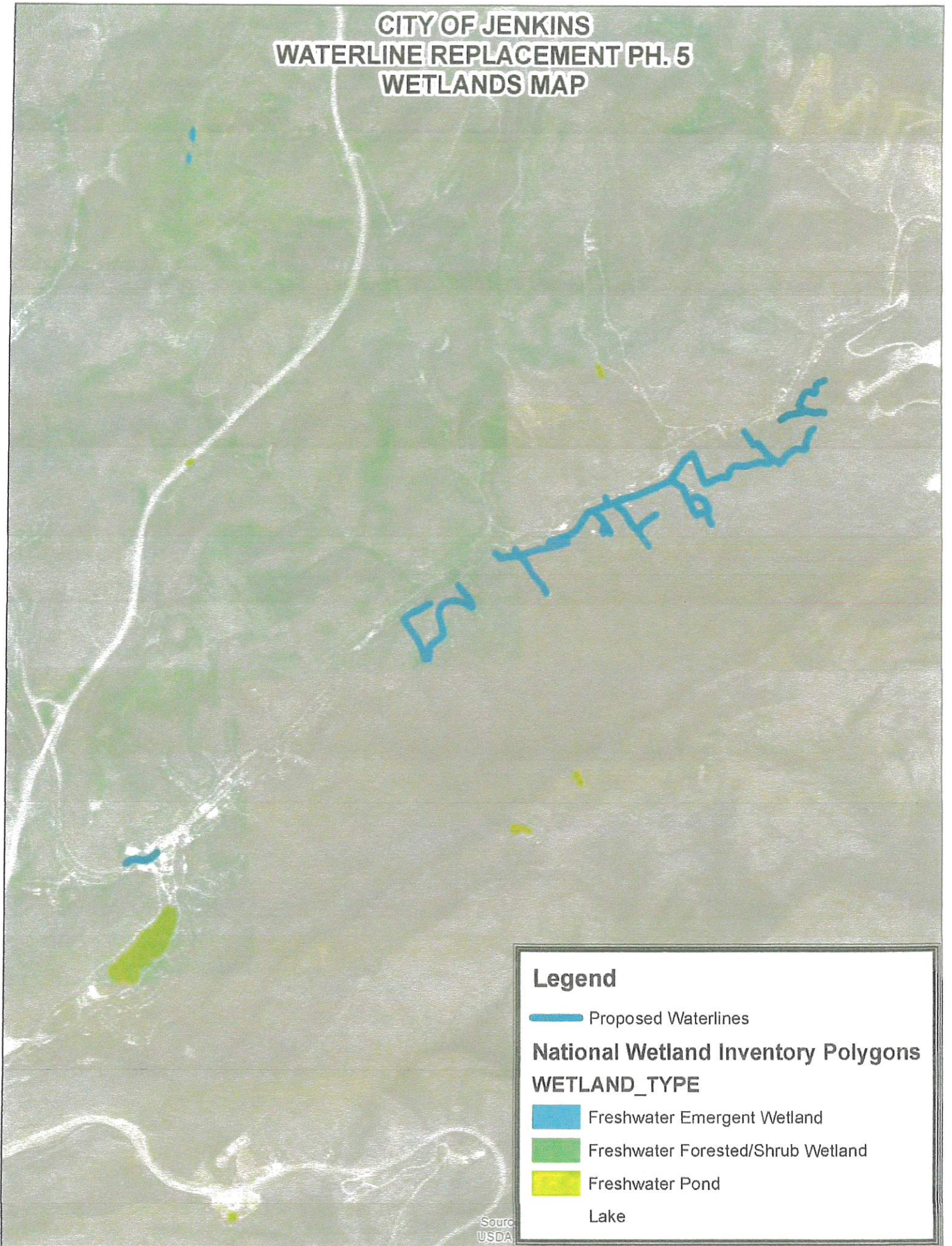
Enclosures

**Exhibit 17**  
**Project Maps**



Appendix "A" Project Location Map Waterline Replacement Project Phase 5 City of Jenkins	
Drawn by mms	job no 951-55
Date 8/16/2019	scale NTS

CITY OF JENKINS  
WATERLINE REPLACEMENT PH. 5  
WETLANDS MAP



**Legend**

- Proposed Waterlines

**National Wetland Inventory Polygons**

**WETLAND\_TYPE**

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake

Source  
USDA



CITY OF JENKINS  
WATERLINE REPLACEMENT PH. 5  
FLOODPLAINS MAP



**Legend**

— Proposed Waterlines

**FLOODWAY**

 FLOODWAY

**FEMA DFIRM - Floodplain**

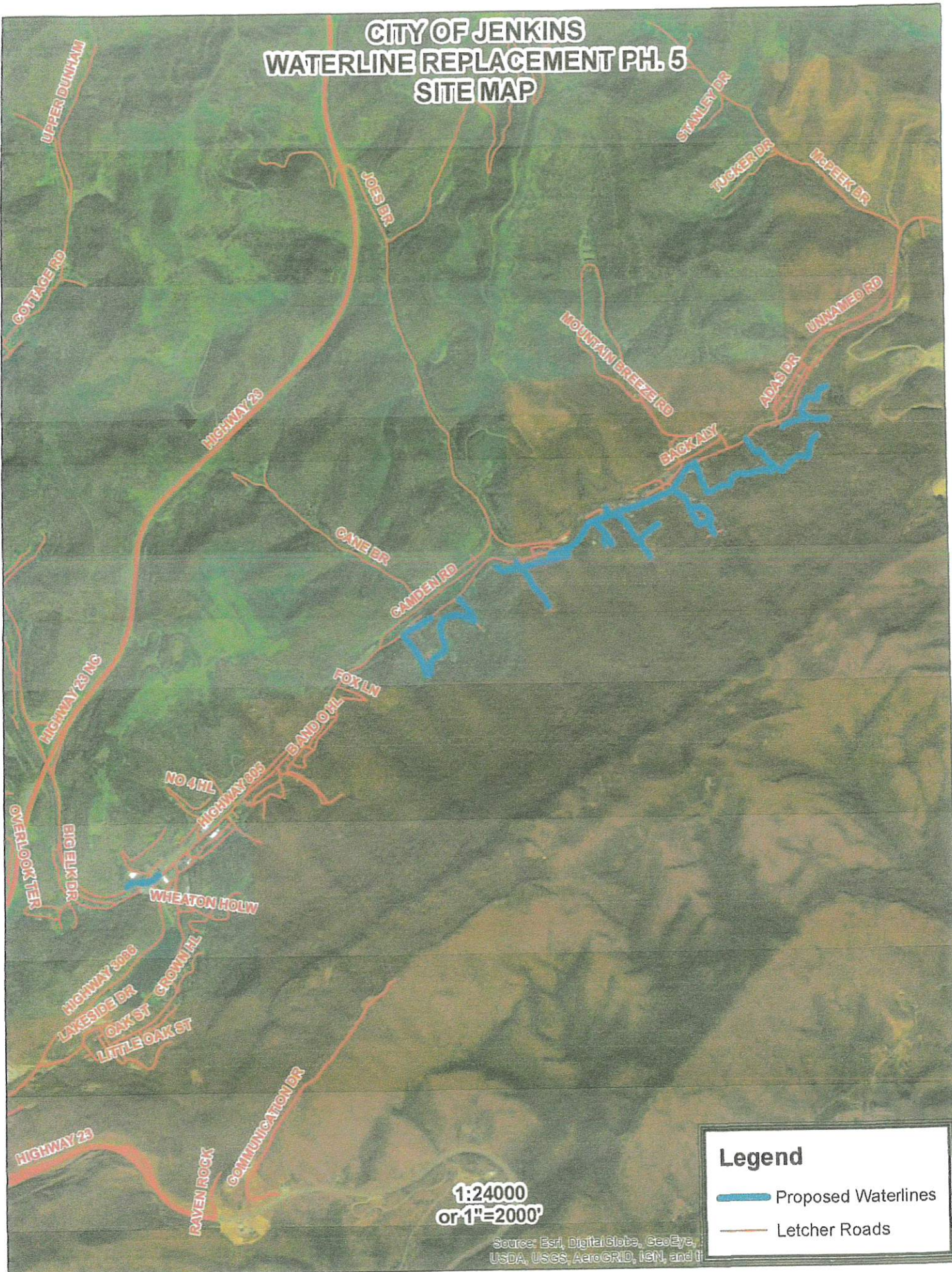
**FLD\_ZONE**

 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

 A

 AE

# CITY OF JENKINS WATERLINE REPLACEMENT PH. 5 SITE MAP



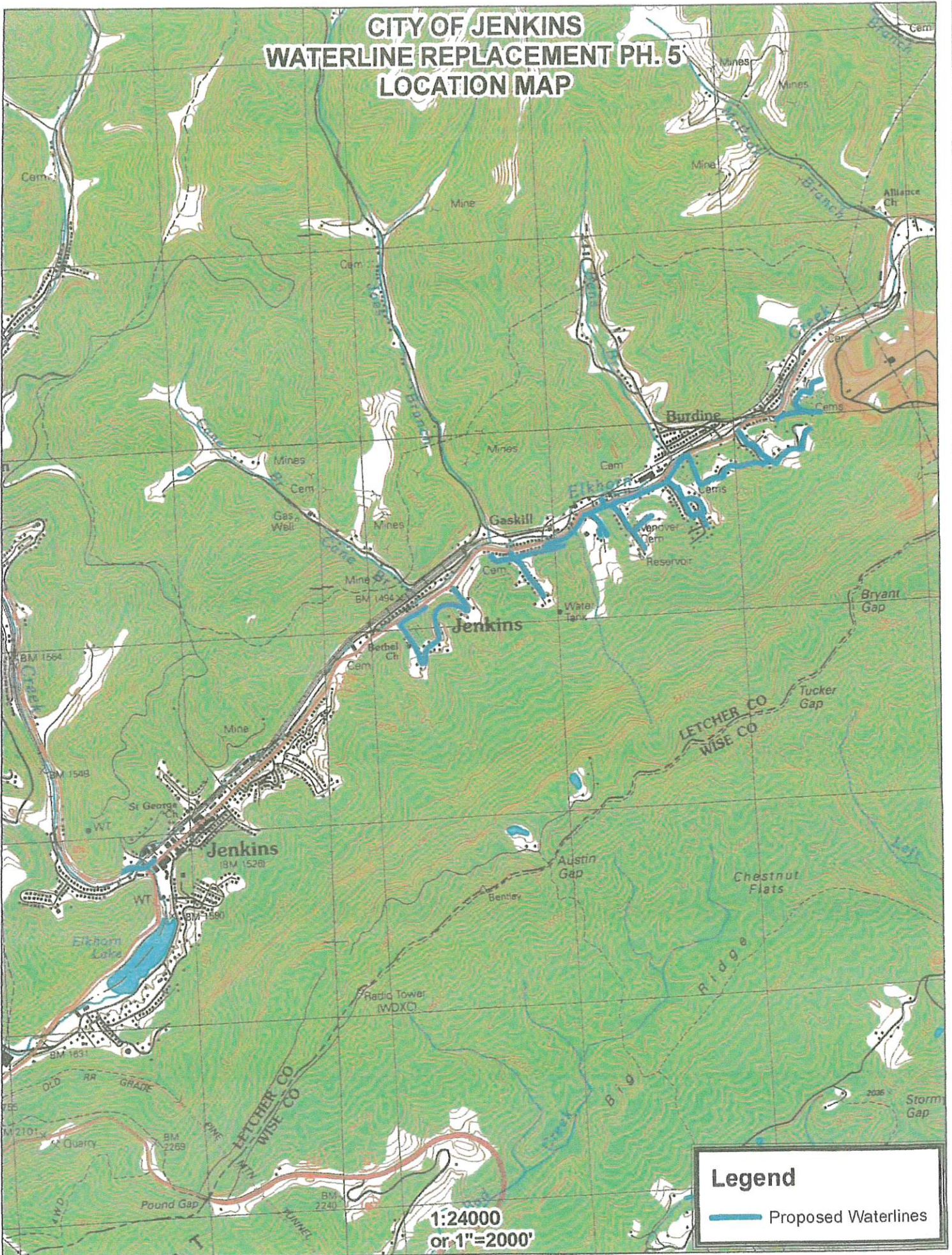
1:24000  
or 1"=2000'

Source: Esri, DigitalGlobe, GeoEye,  
USDA, USGS, AeroGRID, IGN, and the

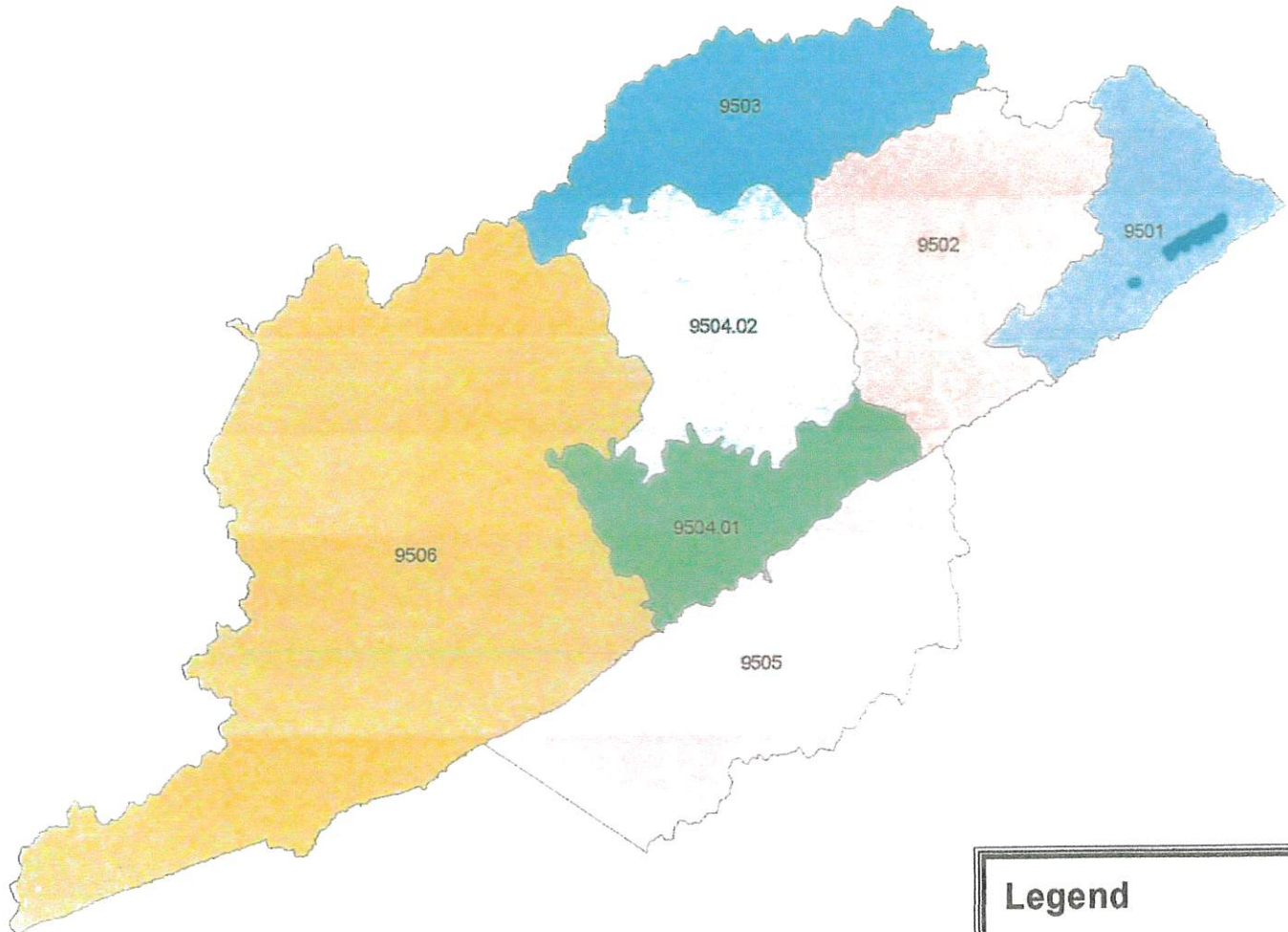
**Legend**

- Proposed Waterlines
- Letcher Roads

# CITY OF JENKINS WATERLINE REPLACEMENT PH. 5 LOCATION MAP










CITY OF JENKINS  
WATERLINE REPLACEMENT PH. 5  
CENSUS TRACT MAP



**Legend**

— Proposed Waterlines

**NAME10**

	9501
	9502
	9503
	9504.01
	9504.02
	9505
	9506

**Exhibit 18**

**Combined Notice to Public of No Significant Impact and  
Notice to Public of Request for Release of Funds and  
Tear Sheet**

**COMBINED NOTICE**  
**NOTICE TO PUBLIC OF NO SIGNIFICANT IMPACT ON THE ENVIRONMENT**  
**AND NOTICE TO PUBLIC OF REQUEST FOR RELEASE OF FUNDS**

Date 07/01/2020

City of Jenkins

(Name of Applicant)

P.O. Box 568, Jenkins, Kentucky 41537

(Street, City, Zip Code)

(606) 832-2141

(Telephone #)

These notices shall satisfy two separate but related procedural requirements for the activities to be undertaken by the City of Jenkins.

TO ALL INTERESTED AGENCIES, GROUPS, AND PERSONS:

Request for Release of Funds

On or about 07/17/2020 the City of Jenkins will submit a request to the Department for Local Government for the release of the Appalachian Regional Commission (ARC) funds under Title 1 of the Housing and Community Development Act of 1974 (PI 93-383) to undertake the following project:

Waterline Replacement Phase V (KY 805 Crossing and Side Roads Burdine)

(Project Title or Name)

Replacement of waterlines in the Burdine/Jenkins area.

(Purpose or Nature of the Project)

Jenkins, Kentucky 41537

(Location – City, County, State – of Project)

9501

(Census Tract(s))

Finding of No Significant Impact

The City of Jenkins has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) (PL-91-190) is not required. An Environmental Review Record (ERR) respecting the within project has been made by the City of Jenkins which documents the environmental review of the project and more fully sets forth the reasons why such Statements is not required. This Environmental Review Record is on file at the City's office at 853 Lake Side Drive, Jenkins, Kentucky 41537 and is available at [www.kradd.org](http://www.kradd.org) and [www.JenkinsCity.us/](http://www.JenkinsCity.us/) for public examination and copying, or upon request at the City's office between the hours of 8:00 AM and 4:00 PM.

No further environmental review of such project is proposed to be conducted.

### Public Comments

All interested agencies, groups and persons disagreeing with the ERR decision are invited to submit written comments for consideration by the City of Jenkins to the City's office. Such written comments should be received at 853 Lake Side Drive, Jenkins, Kentucky 41537 or [shana@kradd.org](mailto:shana@kradd.org) on or before 07/16/2020. All such comments so received will be considered prior to authorizing submission of a request for a release of funds or taking any administrative action on the within project prior to the date specified on the proceeding sentence. Comments should specify which Notice they are addressing.

### Environmental Certification

The City of Jenkins will undertake the project described above with Appalachian Regional Commission funds from the Department for Local Government under Title I of the Housing and Community Development Act of 1974. The City of Jenkins is certifying to the state that the City of Jenkins and Todd DePriest, in his official capacity as Mayor consent to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision making and action; and that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval the City of Jenkins may use the Appalachian Regional Commission funds and the state and HUD will have satisfied their responsibilities under the National Environmental Policy Act of 1969 and related laws and authorities.

### Objection to Release of Funds

The state will accept objections to its release of funds and the City of Jenkins certification for a period of fifteen days following the anticipated submission dates or it's actual receipt for the request (whichever is the later) only if they are on one of the following bases:

- (a) The certification was not in fact executed by the City of Jenkin's Certifying Officer.
- (b) The City of Jenkins has failed to make one of the two findings pursuant to S58.41 or to make the written determination decision required by SS578.57, 58.53 or 58.64 for the project, as applicable.
- (c) The City of Jenkins has omitted one or more of the steps set forth at Subparts F and G for the preparation and completion of an EA.
- (d) No opportunity was given to the Advisory Council on Historic Preservation or its Executive Director to review the effect of the project on a property listed on the National Register of Historic Places, or found to be eligible for such listing by the Secretary of the Interior, in accordance with 36 CFR Part 800.
- (e) The recipient or other participants in the development process have

committed funds, incurred costs or undertaken activities not authorized by 24 CFR part 58 before approval of the release of funds and approval of the Environmental Certification by HUD or the State.

- (f) Another Federal Agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to the Department for Local Government, Office of Federal Grants, 100 Airport Drive, 3<sup>rd</sup> Floor Frankfort, Kentucky 40601.

Objections to the release of funds on bases other than those stated above will not be considered by the state. No objection received after 08/10/2020 will be considered by the state. Potential objectors should contact the Department for Local Government to verify the actual last day of the state Comment period.

Todd DePriest

(Name of Certifying Officer of Applicant/Title)

853 Lake Side Drive

(Address)

Jenkins, KY 41537