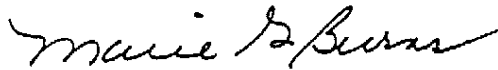


This letter does not give absolute authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone or floodway area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program. If the local office cannot provide you the necessary information, you may provide this office a letter with a small scale map showing the location of the site, requesting a flood-hazard evaluation of the site. The request should be addressed to the Chief, Flood Control and Floodplain Management Branch, Jacksonville District, U.S. Army Corps of Engineers, P.O. Box 4970, Jacksonville, Florida 32232-0019.

This letter does not obviate the requirement to obtain any State or local permits which may be necessary for your proposed work. You should check State permitting requirements with the Florida Department of Environmental Regulation. A list of addresses of the appropriate State offices is enclosed for your information and use.

Thank you for your cooperation with our permit program.

Sincerely,



Marie G. Burns
Chief, North Permits Branch

Enclosures

Copy Furnished:

Mr. Douglas C. Miller
England, Thims & Miller
Incorporated
3131 St. John's Bluff Road South
Jacksonville, Florida 32216-9999

PART 330—NATIONWIDE PERMITS

See

- 330.1 General.
- 330.2 Definitions.
- 330.3 Activities occurring before certain dates.
- 330.4 Public notice.
- 330.5 Nationwide permits.
- 330.6 Management practices.
- 330.7 Notification procedures.
- 330.8 Discretionary Authority.
- 330.9 State water quality certification.
- 330.10 Coastal Zone Management consistency determination.
- 330.11 Nationwide permit verification.
- 330.12 Expiration of nationwide permits.

Authority: 33 U.S.C. 401 et seq.; 33 U.S.C. 1344; 33 U.S.C. 1413.

§ 330.1 General.

The purpose of this regulation is to describe the Department of the Army's (DA) nationwide permit program and to list all current nationwide permits which have been issued by publication herein. A nationwide permit is a form of general permit which may authorize activities throughout the nation. (Another type of general permit is a "regional permit" and is issued by division or district engineers on a regional basis in accordance with 33 CFR Part 325). Copies of regional conditions and

modifications, if any, to the nationwide permits can be obtained from the appropriate district engineer. Nationwide permits are designed to allow certain activities to occur with little, if any, delay or paperwork. Nationwide permits are valid only if the conditions applicable to the nationwide permits are met. Failure to comply with a condition does not necessarily mean the activity cannot be authorized but rather that the activity can only be authorized by an individual or regional permit. Several of the nationwide permits require notification to the district engineer prior to commencement of the authorized activity. The procedures for this notification are located at § 330.7 of this Part. Nationwide permits can be issued to satisfy the requirements of section 10 of the Rivers and Harbors Act of 1899, section 404 of the Clean Water Act, and/or section 103 of the Marine Protection, Research and Sanctuaries Act. The applicable authority is indicated at the end of each nationwide permit.

§ 330.2 Definitions.

(a) The definitions of 33 CFR Parts 321-329 are applicable to the terms used in this Part.

(b) The term "headwaters" means the point on a non-tidal stream above which the average annual flow is less than five cubic feet per second. The district engineer may estimate this point from available data by using the mean annual area precipitation, area drainage basin maps, and the average runoff coefficient, or by similar means. For streams that are dry for long periods of the year, district engineers may establish the "headwaters" as that point on the stream where a flow of five cubic feet per second is equaled or exceeded 50 percent of the time.

(c) Discretionary authority means the authority delegated to division engineers in § 330.8 of this part to override provisions of nationwide permits, to add regional conditions, or to require individual permit application.

§ 330.3 Activities occurring before certain dates.

The following activities were permitted by nationwide permits issued on July 19, 1977, and unless modified do not require further permitting:

(a) Discharges of dredged or fill material into waters of the United States outside the limits of navigable waters of the United States that occurred before the phase-in dates which began July 25, 1975, and extended section 404 jurisdiction to all waters of the United

States. (These phase-in dates are: After July 25, 1973, discharges into navigable waters of the United States and adjacent wetlands; after September 1, 1976, discharges into navigable waters of the United States and their primary tributaries, including adjacent wetlands, and into natural lakes, greater than 5 acres in surface area; and after July 1, 1977, discharges into all waters of the United States.) (Section 404)

(b) Structures or work completed before December 18, 1968, or in waterbodies over which the district engineer had not asserted jurisdiction at the time the activity occurred provided, in both instances, there is no interference with navigation. (Section 10)

§ 330.4 Public notice.

(a) *Chief of Engineers.* Upon proposed issuance of new nationwide permits, modification to, or reissuance of, existing nationwide permits, the Chief of Engineers will publish a notice in the *Federal Register* seeking public comments and including the opportunity for a public hearing. This notice will state the availability of information at the Office of the Chief of Engineers and at all district offices which reveals the Corps' provisional determination that the proposed activities comply with the requirements for issuance under general permit authority. The Chief of Engineers will prepare this information which will be supplemented, if appropriate, by division engineers.

(b) *District engineers.* Concurrent with publication in the *Federal Register* of proposed, new, or reissued nationwide permits by the Chief of Engineers, district engineers will so notify the known interested public by an appropriate notice. The notice will include regional conditions, if any, developed by the division engineer.

§ 330.5 Nationwide permits.

(a) *Authorized activities.* The following activities are hereby permitted provided they meet the conditions listed in paragraph (b) of this section and, where required, comply with the notification procedures of § 330.7.

(1) The placement of aids to navigation and regulatory markers which are approved by and installed in accordance with the requirements of the U.S. Coast Guard (33 CFR Part 66, Subchapter C). (Section 10)

(2) Structures constructed in artificial canals within principally residential developments where the connection of the canal to a navigable water of the United States has been previously authorized (see 33 CFR Part 322.5(g)). (Section 10)

(3) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable, structure or fill, or of any currently serviceable structure or fill constructed prior to the requirement for authorization, provided such repair, rehabilitation, or replacement does not result in a deviation from the plans of the original structure or fill, and further provided that the structure or fill has not been put to uses differing from uses specified for it in any permit authorizing its original construction. Minor deviations due to changes in materials or construction techniques and which are necessary to make repair, rehabilitation, or replacement are permitted. Maintenance dredging and beach restoration are not authorized by this nationwide permit. (Section 10 and 404)

(4) Fish and wildlife harvesting devices and activities such as pound nets, crab traps, eel pots, lobster traps, duck blinds, and clam and oyster digging. (Section 10)

(5) Staff gages, tide gages, water recording devices, water quality testing and improvement devices, and similar scientific structures. (Section 10)

(6) Survey activities including core sampling, seismic exploratory operations, and plugging of seismic shot holes and other exploratory-type bore holes. Drilling of exploration-type bore holes for oil and gas exploration is not authorized by this nationwide permit; the plugging of such holes is authorized. (Sections 10 and 404)

(7) Outfall structures and associated intake structures where the effluent from that outfall has been permitted under the National Pollutant Discharge Elimination System program (Section 402 of the Clean Water Act) (see 40 CFR Part 122) provided that the district or division engineer makes a determination that the individual and cumulative adverse environmental effects of the structure itself are minimal in accordance with § 330.7 (c)(2) and (d). Intake structures per se are not included—only those directly associated with an outfall structure are covered by this nationwide permit. This permit includes minor excavation, filling and other work associated with installation of the intake and outfall structures. (Sections 10 and 404)

(8) Structures for the exploration, production, and transportation of oil, gas, and minerals on the outer continental shelf within areas leased for such purposes by the Department of Interior, Mineral Management Service, provided those structures are not placed within the limits of any designated shipping safety fairway or traffic

separation scheme (where such limits have not been designated or where changes are anticipated, district engineers will consider recommending the discretionary authority provided by 330.8 of this Part, and further subject to the provisions of the fairway regulations in 33 CFR 322.5(1) (Section 10).

(9) Structures placed within anchorage or fleeting areas to facilitate moorage of vessels where such areas have been established for that purpose by the U.S. Coast Guard. (Section 10)

(10) Non-commercial, single-boat, mooring buoys. (Section 10)

(11) Temporary buoys and markers placed for recreational use such as water skiing and boat racing provided that the buoy or marker is removed within 30 days after its use has been discontinued. At Corps of Engineers reservoirs, the reservoir manager must approve each buoy or marker individually. (Section 10)

(12) Discharge of material for backfill or bedding for utility lines, including outfall and intake structures, provided there is no change in preconstruction bottom contours (excess material must be removed to an upland disposal area). A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquifiable, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone and telegraph messages, and radio and television communication. (The utility line and outfall and intake structures will require a Section 10 permit if in navigable waters of the United States. See 33 CFR Part 322. See also paragraph (a)(7) of this section). (Section 404)

(13) Bank stabilization activities provided:

(i) The bank stabilization activity is less than 500 feet in length;

(ii) The activity is necessary for erosion prevention;

(iii) The activity is limited to less than an average of one cubic yard per running foot placed along the bank within waters of the United States;

(iv) No material is placed in excess of the minimum needed for erosion protection;

(v) No material is placed in any wetland area;

(vi) No material is placed in any location or in any manner so as to impair surface water flow into or out of any wetland area;

(vii) Only clean material free of waste metal products, organic materials, unsightly debris, etc. is used; and

(viii) The activity is a single and complete project. (Sections 10 and 404)

(14) Minor road crossing fills including all attendant features, both temporary and permanent, that are part of a single and complete project for crossing of a non-tidal waterbody, provided that the crossing is culverted, bridged or otherwise designed to prevent the restriction of, and to withstand, expected high flows and provided further that discharges into any wetlands adjacent to the waterbody do not extend beyond 100 feet on either side of the ordinary high water mark of that waterbody. A "minor road crossing fill" is defined as a crossing that involves the discharge of less than 200 cubic yards of fill material below the plane of ordinary high water. The crossing may require a permit from the US Coast Guard if located in navigable waters of the United States. Some road fills may be eligible for an exemption from the need for a Section 404 permit altogether (see 33 CFR 323.4). District engineers are authorized, where local circumstances indicate the need, to define the term "expected high flows" for the purpose of establishing applicability of this nationwide permit. (Sections 10 and 404)

(15) Discharges of dredged or fill material incidental to the construction of bridges across navigable waters of the United States, including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills, provided such discharge has been authorized by the US Coast Guard as part of the bridge permit. Causeways and approach fills are not included in this nationwide permit and will require an individual or regional Section 404 permit. (Section 404)

(16) Return water from an upland, contained dredged material disposal area (see 33 CFR 323.2(d)) provided the state has issued a site specific or generic certification under section 401 of the Clean Water Act (see also 33 CFR 325.2(b)(1)). The dredging itself requires a Section 10 permit if located in navigable waters of the United States. The return water or runoff from a contained disposal area is administratively defined as a discharge of dredged material by 33 CFR 323.2(d) even though the disposal itself occurs on the upland and thus does not require a section 404 permit. This nationwide permit satisfies the technical requirement for a section 404 permit for the return water where the quality of the return water is controlled by the state through the section 401 certification procedures. (Section 404)

(17) Fills associated with small hydropower projects at existing reservoirs where the project which

includes the fill is licensed by the Federal Energy Regulatory Commission (FERC) under the Federal Power Act of 1920, as amended; has a total generating capacity of not more than 1500 kw (2,000 horsepower); qualifies for the short-form licensing procedures of the FERC (see 18 CFR 4.61); and the district or division engineer makes a determination that the individual and cumulative adverse effects on the environment are minimal in accordance with § 330.7 (c)(2) and (d). (Section 404)

(18) Discharges of dredged or fill material into all waters of the United States other than wetlands that do not exceed ten cubic yards as part of a single and complete project provided the material is not placed for the purpose of stream diversion. (Sections 10 and 404)

(19) Dredging of no more than ten cubic yards from navigable waters of the United States as part of a single and complete project. This permit does not authorize the connection of canals or other artificial waterways to navigable waters of the United States (see Section 33 CFR 322.5(g)). (Section 10)

(20) Structures, work, and discharges for the containment and cleanup of oil and hazardous substances which are subject to the National Oil and Hazardous Substances Pollution Contingency Plan. (40 CFR Part 300), provided the Regional Response Team which is activated under the Plan concurs with the proposed containment and cleanup action. (Sections 10 and 404)

(21) Structures, work, discharges associated with surface coal mining activities provided they were authorized by the Department of the Interior, Office of Surface Mining, or by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977; the appropriate district engineer is given the opportunity to review the Title V permit application and all relevant Office of Surface Mining or state (as the case may be) documentation prior to any decision on that application; and the district or division engineer makes a determination that the individual and cumulative adverse effects on the environment from such structures, work, or discharges are minimal in accordance with §§ 330.7 (c) (2) and (3) and (d). (Sections 10 and 404)

(22) Minor work, fills, or temporary structures required for the removal of wrecked, abandoned, or disabled vessels, or the removal of man-made obstructions to navigation. This permit does not authorize maintenance dredging, shoal removal, or river bank snagging. (Sections 10 and 404)

(23) Activities, work, and discharges undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another federal agency or department where that agency or department has determined, pursuant to the CEQ Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR Part 1500 et seq.), that the activity, work, or discharge is categorically excluded from environmental documentation because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment, and the Office of the Chief of Engineers (ATTN: DAEN-CWO-N) has been furnished notice of the agency's or department's application for the categorical exclusion and concurs with that determination. Prior to approval for purposes of this nationwide permit of any agency's categorical exclusions, the Chief of Engineers will solicit comments through publication in the Federal Register. (Sections 10 and 404)

(24) Any activity permitted by a state administering its own Section 404 permit program for the discharge of dredged or fill material authorized at 33 U.S.C. 1344(g)-(i) is permitted pursuant to section 10 of the Rivers and Harbors Act of 1899. Those activities which do not involve a section 404 state permit are not included in this nationwide permit but many will be exempted by section 154 of Pub. L. 94-587. (See 33 CFR 322.3(a)(2)). (Section 10)

(25) Discharge of concrete into tightly sealed forms or cells where the concrete is used as a structural member which would not otherwise be subject to Clean Water Act jurisdiction. (Section 404)

(26) Discharges of dredged or fill material into the waters listed in paragraphs (a)(26) (i) and (ii) of this section except those which cause the loss or substantial adverse modification of 10 acres or more of such waters of the United States, including wetlands. For discharges which cause the loss or substantial adverse modification of 1 to 10 acres of such waters, including wetlands, notification to the district engineer is required in accordance with section 330.7 of this section. (Section 404)

(i) Non-tidal rivers, streams, and their lakes and impoundments, including adjacent wetlands, that are located above the headwaters.

(ii) Other non-tidal waters of the United States, including adjacent wetlands, that are not part of a surface tributary system to interstate waters or

navigable waters of the United States (i.e., isolated waters).

(b) *Conditions.* The following special conditions must be followed in order for the nationwide permits identified in paragraph (a) of this section to be valid:

(1) That any discharge of dredged or fill material will not occur in the proximity of a public water supply intake.

(2) That any discharge of dredged or fill material will not occur in areas of concentrated shellfish production unless the discharge is directly related to a shellfish harvesting activity authorized by paragraph (a)(4) of this section.

(3) That the activity will not jeopardize a threatened or endangered species as identified under the Endangered Species Act (ESA), or destroy or adversely modify the critical habitat of such species. In the case of federal agencies, it is the agencies' responsibility to comply with the requirements of the ESA. If the activity may adversely affect any listed species or critical habitat, the district engineer must initiate Section 7 consultation in accordance with the ESA. In such cases, the district engineer may:

(i) Initiate section 7 consultation and then, upon completion, authorize the activity under the nationwide permit by adding, if appropriate, activity specific conditions, or

(ii) Prior to or concurrent with section 7 consultation he may recommend discretionary authority (See section 330.8) or use modification, suspension, or revocation procedures (See 33 CFR 325.7).

(4) That the activity shall not significantly disrupt the movement of those species of aquatic life indigenous to the waterbody (unless the primary purpose of the fill is to impound water);

(5) That any discharge of dredged or fill material shall consist of suitable material free from toxic pollutants (see section 307 of the Clean Water Act) in toxic amounts;

(6) That any structure or fill authorized shall be properly maintained.

(7) That the activity will not occur in a component of the National Wild and Scenic River System; nor in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status;

(8) That the activity shall not cause an unacceptable interference with navigation;

(9) That, if the activity may adversely affect historic properties which the National Park Service has listed on, or determined eligible for listing on, the National Register of Historic Places, the permittee will notify the district

engineer. If the district engineer determines that such historic properties may be adversely affected, he will provide the Advisory Council on Historic Preservation an opportunity to comment on the effects on such historic properties or he will consider modification, suspension, or revocation in accordance with 33 CFR 325.7.

Furthermore, that, if the permittee before or during prosecution of the work authorized, encounters a historic property that has not been listed or determined eligible for listing on the National Register, but which may be eligible for listing in the National Register, he shall immediately notify the district engineer.

(10) That the construction or operation of the activity will not impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights;

(11) That in certain states, an individual state water quality certification must be obtained or waived (See § 330.9);

(12) That in certain states, an individual state coastal zone management consistency concurrence must be obtained or waived (See § 330.10);

(13) That the activity will comply with regional conditions which may have been added by the division engineer (See § 330.8(a)); and

(14) That the management practices listed in § 330.6 of this part shall be followed to the maximum extent practicable.

(c) *Further information.* (1) District engineers are authorized to determine if an activity complies with the terms and conditions of a nationwide permit unless that decision must be made by the division engineer in accordance with § 330.7.

(2) Nationwide permits do not obviate the need to obtain other Federal, state or local authorizations required by law.

(3) Nationwide permits do not grant any property rights or exclusive privileges.

(4) Nationwide permits do not authorize any injury to the property or rights of others.

(5) Nationwide permits do not authorize interference with any existing or proposed Federal project.

(d) *Modification, Suspension or Revocation of Nationwide Permits.* The Chief of Engineers may modify, suspend, or revoke nationwide permits in accordance with the relevant procedures of 33 CFR 325.7. Such authority includes, but is not limited to: adding individual, regional, or nationwide conditions; revoking authorization for a category of activities

or a category of waters by requiring individual or regional permits; or revoking an authorization on a case-by-case basis. This authority is not limited to concerns for the aquatic environment as is the discretionary authority in § 330.8.

§ 330.6 Management practices.

(a) In addition to the conditions specified in § 330.5 of this Part, the following management practices shall be followed, to the maximum extent practicable, in order to minimize the adverse effects of these discharges on the aquatic environment. Failure to comply with these practices may be cause for the district engineer to recommend, or the division engineer to take, discretionary authority to regulate the activity on an individual or regional basis pursuant to § 330.8 of this Part.

(1) Discharges of dredged or fill material into waters of the United States shall be avoided or minimized through the use of other practical alternatives.

(2) Discharges in spawning areas during spawning seasons shall be avoided.

(3) Discharges shall not restrict or impede the movement of aquatic species indigenous to the waters or the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).

(4) If the discharge creates an impoundment of water, adverse impacts on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized.

(5) Discharge in wetlands areas shall be avoided.

(6) Heavy equipment working in wetlands shall be placed on mats.

(7) Discharges into breeding areas for migratory waterfowl shall be avoided.

(8) All temporary fills shall be removed in their entirety.

§ 330.7 Notification procedures.

(a) The general permittee shall not begin discharges requiring pre-discharge notification pursuant to the nationwide permit at § 330.5(a)(26):

(1) Until notified by the district engineer that the work may proceed under the nationwide permit with any special conditions imposed by the district or division engineer; or

(2) If notified by the district or division engineer that an individual permit may be required; or

(3) Unless 20 days have passed from receipt of the notification by the district engineer and no notice has been

received from the district or division engineer.

(b) Notification pursuant to the nationwide permit at § 330.5(a)(26) must be in writing and include the information listed below. Notification is not an admission that the proposed work would result in more than minimal impacts to waters of the United States; it simply allows the district or division engineer to evaluate specific activities for compliance with general permit criteria.

(1) Name, address, and phone number of the general permittee;

(2) Location of the planned work;

(3) Brief description of the proposed work, its purpose, and the approximate size of the waters, including wetlands, which would be lost or substantially adversely modified as a result of the work; and

(4) Any specific information required by the nationwide permit and any other information that the permittee believes is appropriate.

(c) *District engineer review of notification.* Upon receipt of notification, the district engineer will promptly review the general permittee's notification to determine which of the following procedures should be followed:

(1) If the nationwide permit at § 330.5(a)(26) is involved and the district engineer determines either, (i) the proposed activity falls within a class of discharges or will occur in a category of waters which has been previously identified by the Regional Administrator, Environmental Protection Agency; the Regional Director, Fish and Wildlife Service; the Regional Director, National Marine Fisheries Service; or the heads of the appropriate state natural resource agencies as being of particular interest to those agencies; or (ii) the particular discharge has not been previously identified but he believes it may be of importance to those agencies, he will promptly forward the notification to the division engineer and the head and appropriate staff officials of those agencies to afford those agencies an adequate opportunity before such discharge occurs to consider such notification and express their views, if any, to the district engineer concerning whether individual permits should be required.

(2) If the nationwide permits at § 330.5(a)(7), (17), or (21) are involved and the Environmental Protection Agency, the Fish and Wildlife Service, the National Marine Fisheries Service or the appropriate state natural resource or water quality agencies forward concerns to the district engineer, he will forward those concerns to the division engineer

together with a statement of the factors pertinent to a determination of the environmental effects of the proposed discharges, including those set forth in the 404(b)(1) guidelines, and his views on the specific points raised by those agencies.

(3) If the nationwide permit at § 330.5(a)(21) is involved the district engineer will give notice to the Environmental Protection Agency and the appropriate state water quality agency. This notice will include as a minimum the information required by paragraph (b) of this section.

(d) *Division engineer review of notification.* The division engineer will review all notifications referred to him in accordance with paragraph (c)(1) or (c)(2) of this section. The division engineer will require an individual permit when he determines that an activity does not comply with the terms or conditions of a nationwide permit or does not meet the definition of a general permit (see 33 CFR 322.2(f) and 323.2(n)) including discharges under the nationwide permit at § 330.5(a)(26) which have more than minimal adverse environmental effects on the aquatic environment when viewed either cumulatively or separately. In reaching his decision, he will review factors pertinent to a determination of the environmental effects of the proposed discharge, including those set forth in the 404(b)(1) guidelines, and will give full consideration to the views, if any, of the federal and state natural resource agencies identified in paragraph (c) of this section. If the division engineer decides that an individual permit is not required, and a federal or appropriate state natural resource agency has indicated in writing that an activity may result in more than minimal adverse environmental impacts, he will prepare a written statement, available to the public on request, which sets forth his response to the specific points raised by the commenting agency. When the division engineer reaches his decision he will notify the district engineer, who will immediately notify the general permittee of the division engineer's decision.

§ 330.8 Discretionary authority.

Except as provided in paragraphs (c) (2) and (d) of this section, division engineers on their own initiative or upon recommendation of a district engineer are authorized to modify nationwide permits by adding regional conditions or to override nationwide permits by requiring individual permit applications on a case-by-case basis, for a category of activities, or in specific geographic areas. Discretionary authority will be

based on concerns for the aquatic environment as expressed in the guidelines published by EPA pursuant to section 404(b)(1). (40 CFR Part 230)

(a) *Activity Specific conditions.* Division engineers are authorized to modify nationwide permits by adding individual conditions on a case-by-case basis applicable to certain activities within their division. Activity specific conditions may be added by the District Engineer in instances where there is mutual agreement between the district engineer and the permittee. Furthermore, district engineers will condition NWP's with conditions which have been imposed on a state section 401 water quality certification issued pursuant to § 330.9 of this Part.

(b) *Regional conditions.* Division engineers are authorized to modify nationwide permits by adding conditions on a generic basis applicable to certain activities or specific geographic areas within their divisions. In developing regional conditions, division and district engineers will follow standard permit processing procedures as prescribed in 33 CFR Part 325 applying the evaluation criteria of 33 CFR Part 320 and appropriate parts of 33 CFR Parts 321, 322, 323, and 324. Division and district engineers will take appropriate measures to inform the public of the additional conditions.

(c) *Individual permits—(1) Case-by-Case.* In nationwide permit cases where additional individual or regional conditioning may not be sufficient to address concerns for the aquatic environment or where there is not sufficient time to develop such conditions under paragraphs (a) or (b) of this section, the division engineer may suspend use of the nationwide permit and require an individual permit application on a case-by-case basis. The district engineer will evaluate the application and will either issue or deny a permit. However, if at any time the reason for taking discretionary authority is satisfied, then the division engineer may remove the suspension, reactivating authority under the nationwide permit. Where time is of the essence, the district engineer may telephonically recommend that the division engineer assert discretionary authority to require an individual permit application for a specific activity. If the division engineer concurs, he may orally authorize the district engineer to implement that authority. Oral authorization should be followed by written confirmation.

(2) *Category.* Additionally, after notice and opportunity for public hearing, division engineers may decide that individual permit applications

should be required for categories of activities, or in specific geographic areas. However, only the Chief of Engineers may modify, suspend, or revoke nationwide permits on a statewide or nationwide basis. The division engineer will announce the decision to persons affected by the action. The district engineer will then regulate the activity or activities by processing an application(s) for an individual permit(s) pursuant to 33 CFR Part 325.

(d) For the nationwide permit found at § 330.5(a)(26), after the applicable provisions of § 330.7(a) (1) and (3) have been satisfied, the permittee's right to proceed under the general permit may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 325.7.

(e) A copy of all modifications or revocations of activities covered by nationwide permits will be forwarded to the Office of the Chief of Engineers, ATTN: DAEN-CWO-N.

§ 330.9 State water quality certification.

(a) State water quality certification is required for nationwide permits which may result in any discharge into waters of the United States. If a state issues a water quality certification which includes special conditions, the district engineer will add these conditions as conditions of the nationwide permit in that state. However, if such conditions do not comply with the provisions of 33 CFR 325.4 or if a state denies a required 401 certification for a particular nationwide permit, authorization for all discharges covered by the nationwide permit within the state is denied without prejudice until the state issues an individual or generic water quality certification or waives its right to do so. A district engineer will not process an individual permit application for an activity for which authorization has been denied without prejudice under the nationwide permit program. However, if the division engineer determines that it would otherwise be appropriate to exercise his discretionary authority, pursuant to § 330.8, to override the nationwide permit or permits in question, he may do so, and the district engineer may proceed with the processing of individual permit applications. In instances where a state has denied the 401 water quality certification for discharges under a particular nationwide permit, applicants must furnish the district engineer with an individual or generic 401 certification or a copy of the application to the state for the certification. If a state fails to act within a reasonable period of time (see § 325.2(b)(1)(ii)), a waiver will be

presumed. Upon receipt of an individual or generic certification or a waiver of certification, the proposed work is authorized under the nationwide permit. If a state issues a conditioned individual certification, the district engineer will include those conditions that comply with 33 CFR 325.4 as special conditions of the nationwide permit (see 33 CFR Part 330.8(a)) and notify the applicant that the work is authorized under the nationwide permit provided all conditions are met.

(b) Certification requirements for nationwide permits fall into the following general categories:

(1) *No certification required.* Nationwide permits numbered 1, 2, 4, 5, 8, 9, 10, 11, and 19 do not involve activities which may result in a discharge and therefore 401 certification is not applicable.

(2) *Certification sometimes required.* Nationwide permits numbered 3, 6, 7, 13, 20, 21, 22, and 23 each involve various activities, some of which may result in a discharge and require certification, and others of which do not. State denial of certification for any specific nationwide permit in this category affects only those activities involving discharges. Those not involving discharges remain in effect.

(3) *Certification required.* Nationwide permits numbered 12, 14, 15, 16, 17, 18, 24, 25, and 26 involve activities which would result in discharges and therefore 401 certification is required.

(c) District engineers will take appropriate measures to inform the public of which waterbodies or regions within the state, and for which nationwide permits, an individual 401 water quality certification is required.

§ 330.10 Coastal zone management consistency determination.

In instances where a state has not concurred that a particular nationwide permit is consistent with an approved coastal zone management plan, authorization for all activities subject to such nationwide permit within or affecting the state coastal zone agency's area of authority is denied without prejudice until the applicant has furnished to the district engineer a coastal zone management consistency determination pursuant to section 307 of the Coastal Zone Management Act and the state has concurred in it. If a state does not act on an applicant's consistency statement within six months after receipt by the state, consistency shall be presumed. District engineers will take appropriate measures to inform the public of which waterbodies or regions within the state, and for which nationwide permits, such individual

consistency determination is required. District engineers will not process any permit application for an activity which has been denied without prejudice under the nationwide permit program. However, if the division engineer determines that it would otherwise be appropriate to exercise his discretionary authority, pursuant to § 330.8, to override the nationwide permit or permits in question, he may do so, and the district engineer may proceed with the processing of individual permit applications.

§ 330.11 Nationwide permit verification.

(a) General permittees may, and in some cases must, request from a district engineer confirmation that an activity complies with the terms and conditions of a nationwide permit. District engineers will respond promptly to such requests. The response will state that the verification is valid for a period of no more than two years or a lesser period of time if deemed appropriate. Section 330.12 takes precedence over this section, therefore, it is incumbent upon the permittee to remain informed of changes to nationwide permits.

(b) If the district engineer decides that an activity does not comply with the terms or conditions of a nationwide permit, he will so notify the person desiring to do the work and indicate that an individual permit is required (unless covered by a regional permit).

(c) If the district engineer decides that an activity does comply with the terms and conditions of a nationwide permit he will so notify the general permittee. In such cases, as with any activity which qualifies under a nationwide permit, the general permittee's right to proceed with the activities under the nationwide permit may be modified, suspended, or revoked only in accordance with the procedures of 33 CFR 325.7.

§ 330.12 Expiration of nationwide permits.

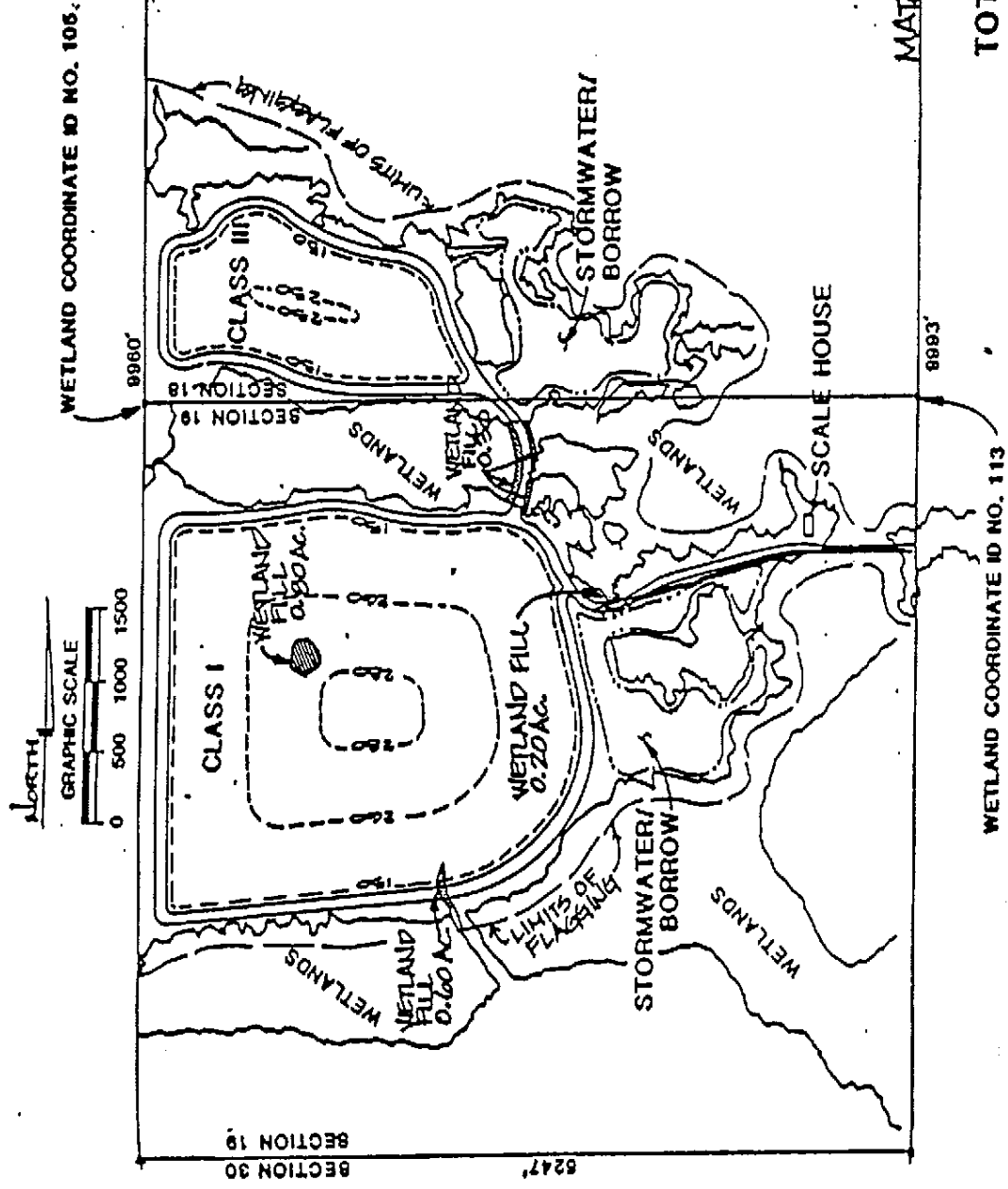
The Chief of Engineers will review nationwide permits on a continual basis, and will decide to either modify, reissue (extend) or revoke the permits at least every five years. If a nationwide permit is not modified or reissued within five years of publication in the Federal Register, it automatically expires and becomes null and void. Authorization of activities which have commenced or are under contract to commence in reliance upon a nationwide permit will remain in effect provided the activity is completed within twelve months of the date a nationwide permit has expired or was revoked unless discretionary permit authority has been exercised in

accordance with § 330.8 of this Part or modification, suspension, or revocation procedures are initiated in accordance with the relevant provisions of 33 CFR 325.7. Activities completed under the authorization of a nationwide permit which was in effect at the time the activity was completed continue to be authorized by that nationwide permit.

[FR Doc. 86-25301 Filed 11-12-86; 8:45 am]

SELLING CODE 3770-43-41

89N00-91177

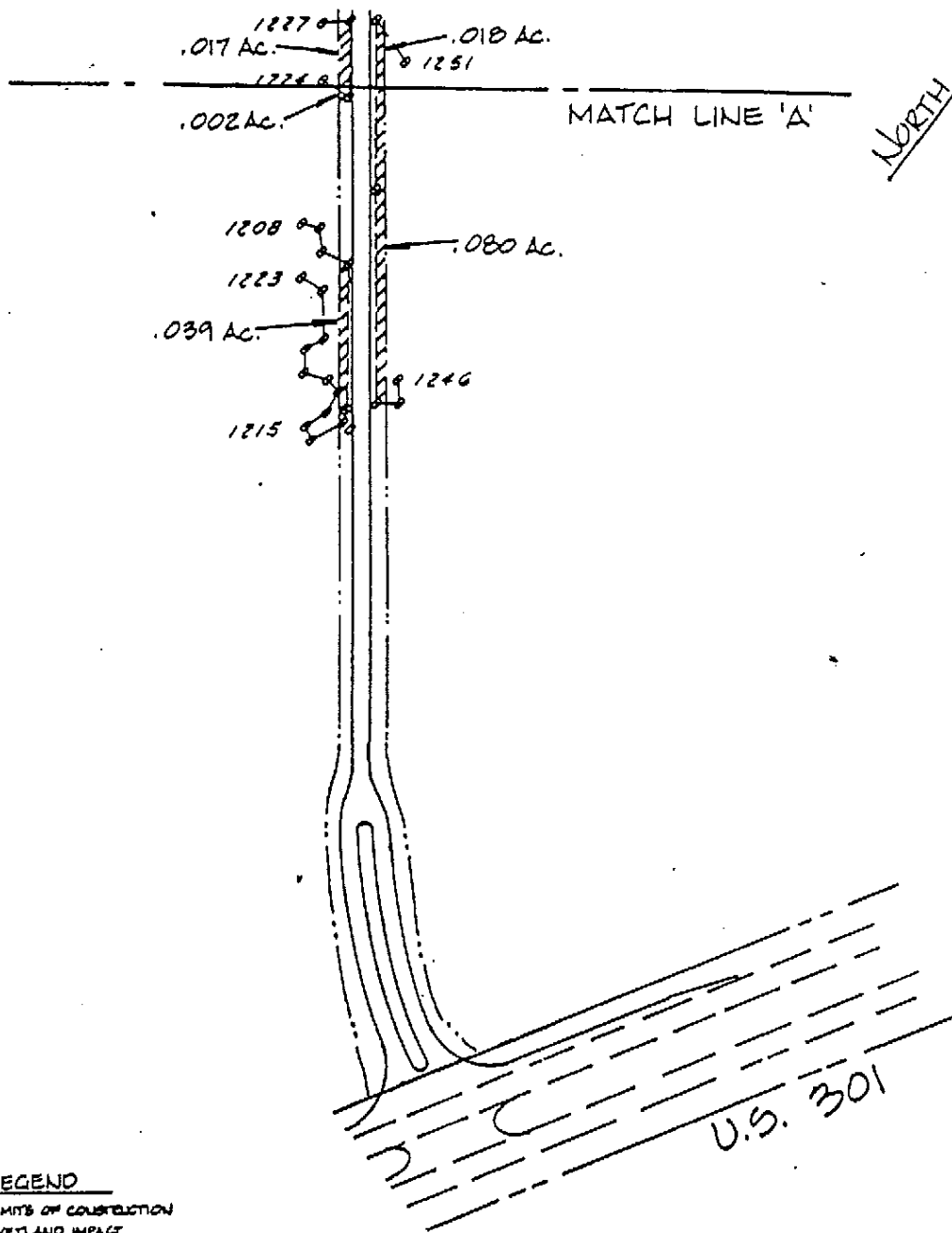


TOTAL WETLAND IMPACT
1.8 ACRES

England-Thims & Miller, Inc.
Consulting & Design Engineers
 3031 St. Johns River Rd. So., Jacksonville, FL 32216

SITE PLAN
 TRAIL RIDGE LANDFILL

PROJ. NO. E89-113
DATE DEC., 1989
SCALE SEE GRAPHIC
DRAWING NO. '1



LEGEND
 - - - - - LIMITS OF CONSTRUCTION
 // // // // WETLAND IMPACT
 = = = = = PROPOSED 24' ASPHALT PAVT.

TOTAL WETLAND IMPACT 2.54 Acres

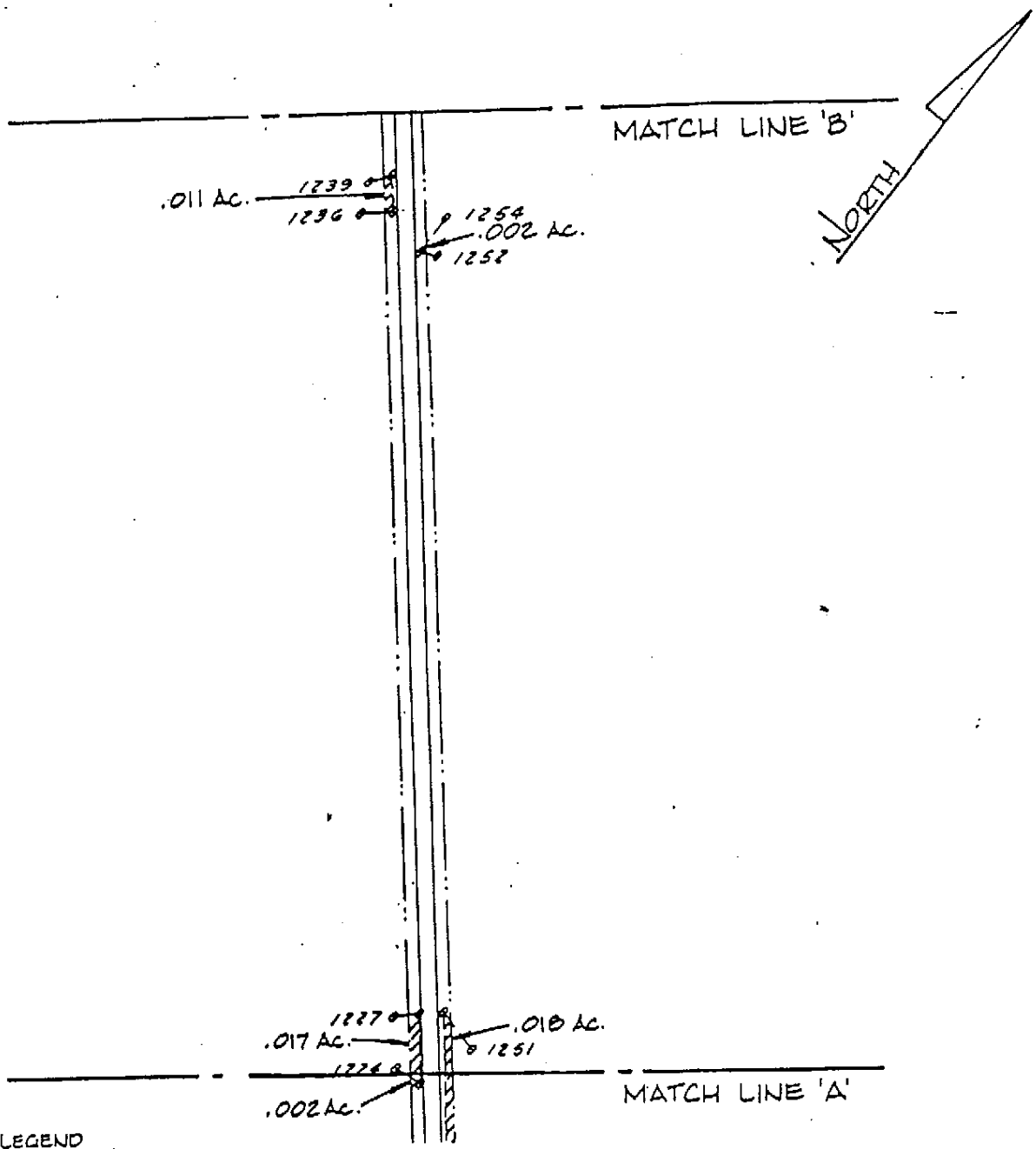

 England-Thimys
 & Miller, Inc.
Consulting & Design Engineers

SITE PLAN

TRAIL RIDGE LANDFILL
 TRAIL RIDGE LANDFILL, INC.

PROJ. NO. E 89-103
DATE DEC., 1989
SCALE 1"=200'
DRAWING NO. 2

89NW2-91177



LEGEND

- LIMITS OF CONSTRUCTION
- ////// WETLAND IMPACT
- ==== PROPOSED 24' ASPHALT PAVT.


**England-Thims
& Miller, Inc.**
 Consulting & Design Engineers

SITE PLAN

TRAIL RIDGE LANDFILL
 TRAIL RIDGE LANDFILL, INC.

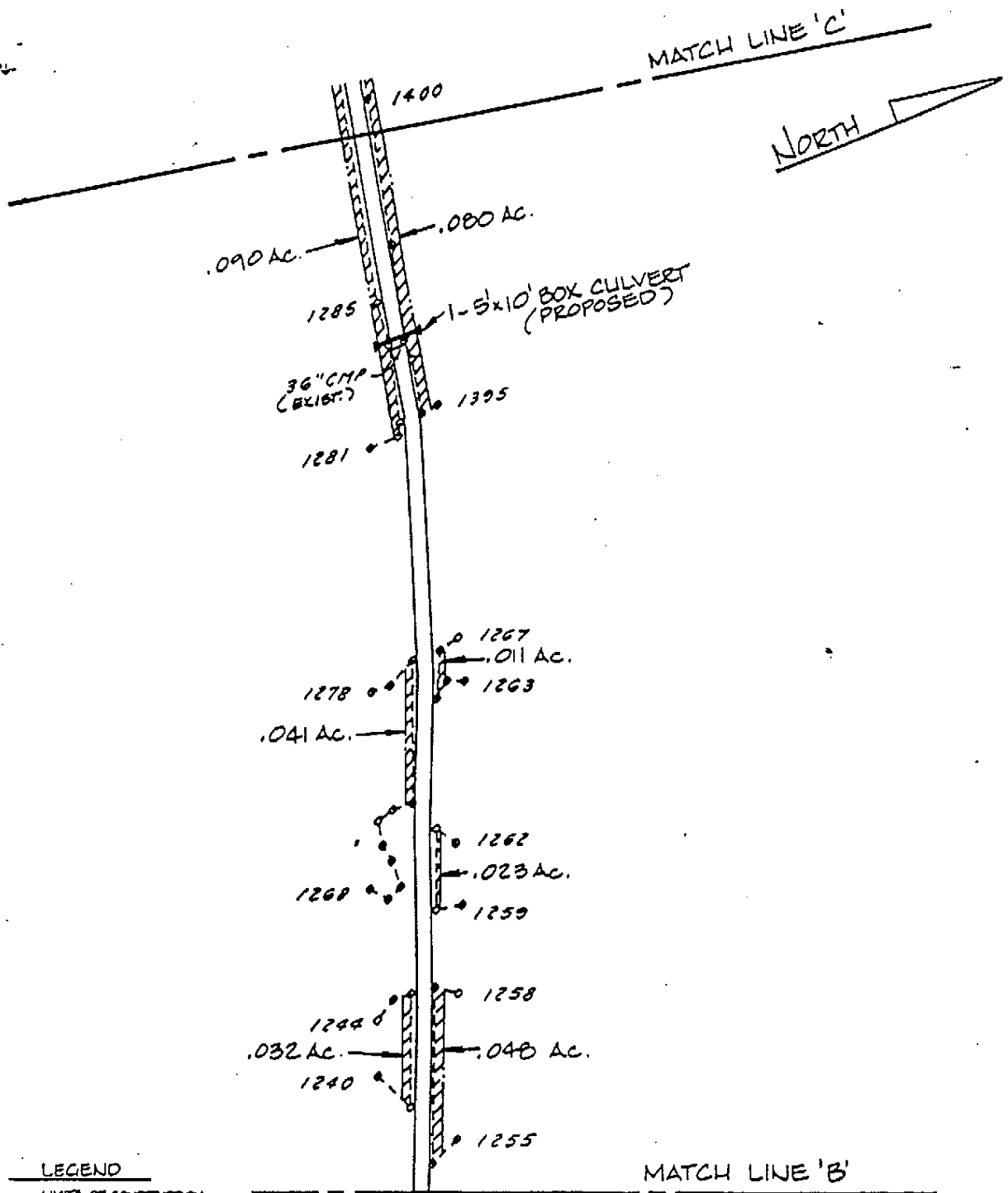
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DATE DEC., 1989

SCALE 1"=200'

DRAWING NO. 3

89N-00-911-77



LEGEND

- LIMITS OF CONSTRUCTION
- ////// WETLAND IMPACT
- ==== PROPOSED 24' ASPHALT PAVT.


**England-Thims
& Miller, Inc.**
Consulting & Design Engineers

SITE PLAN

TRAIL RIDGE LANDFILL
 TRAIL RIDGE LANDFILL, INC.

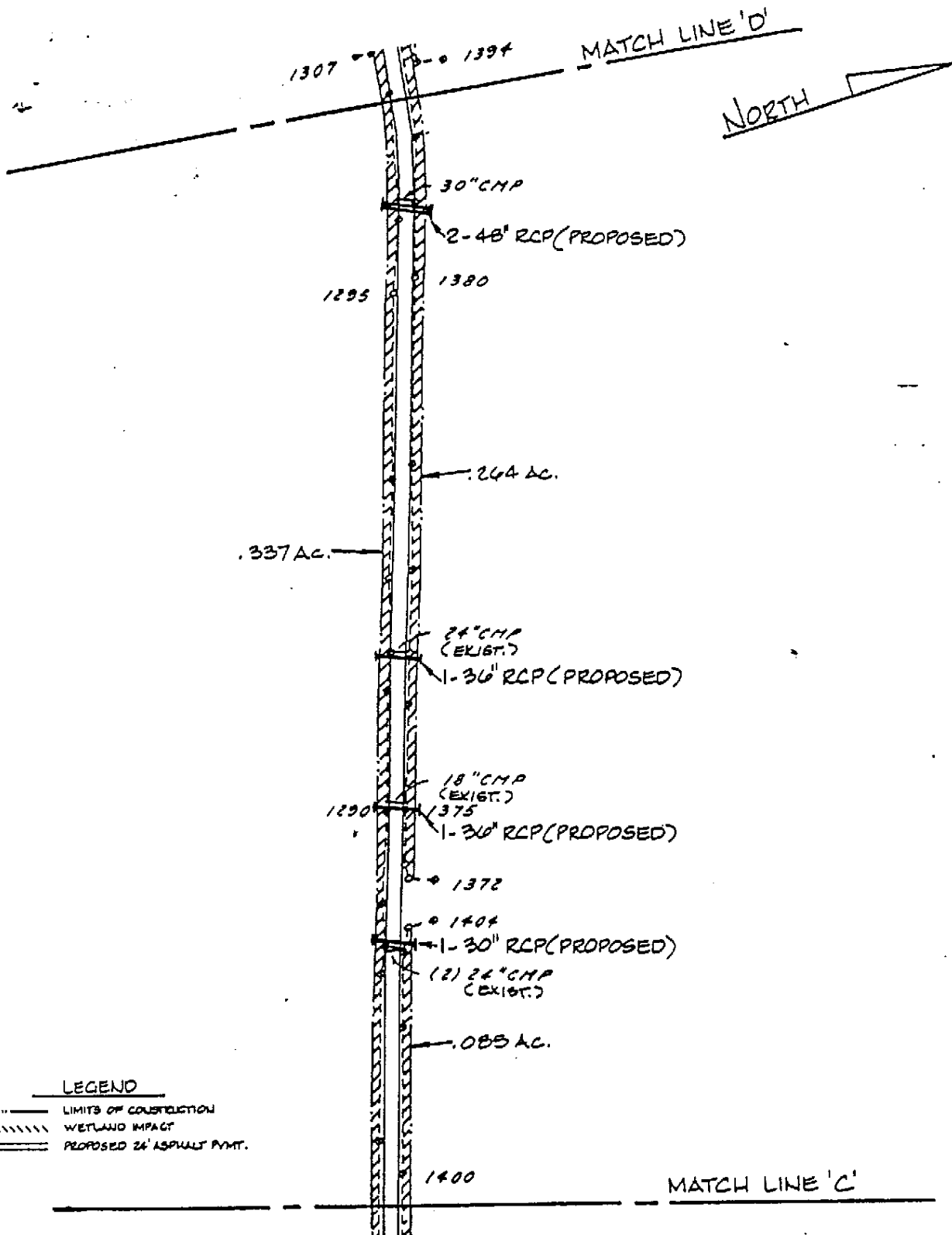
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DATE DEC., 1989

SCALE 1"=200'

DRAWING NO. 4

89NWD-91177



LEGEND

- LIMITS OF CONSTRUCTION
- ////// WETLAND IMPACT
- ===== PROPOSED 24' ASPHALT PAVT.



SITE PLAN

TRAIL RIDGE LANDFILL
TRAIL RIDGE LANDFILL, INC.

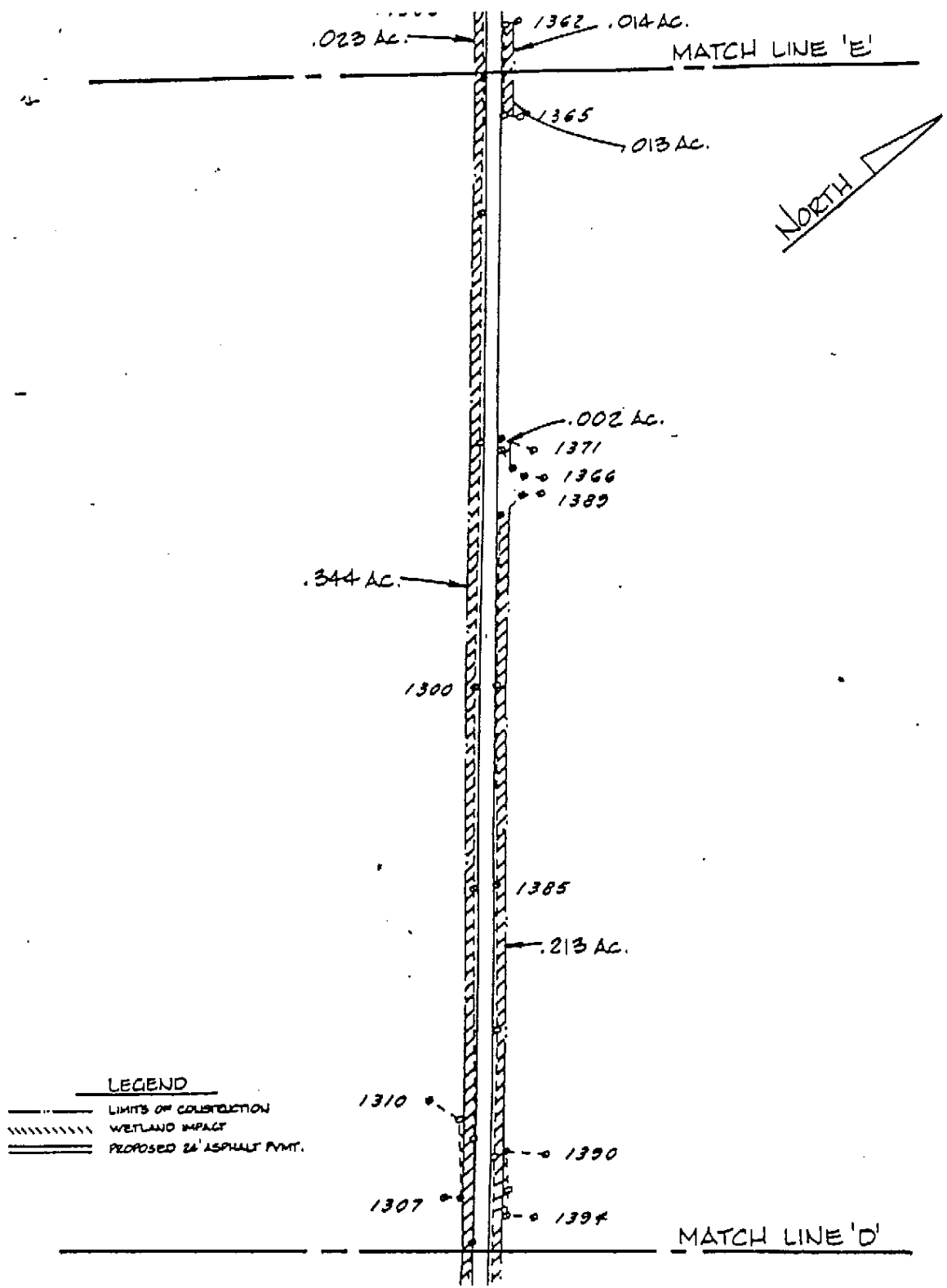
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DATE DEC., 1989

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89NWQ-91177

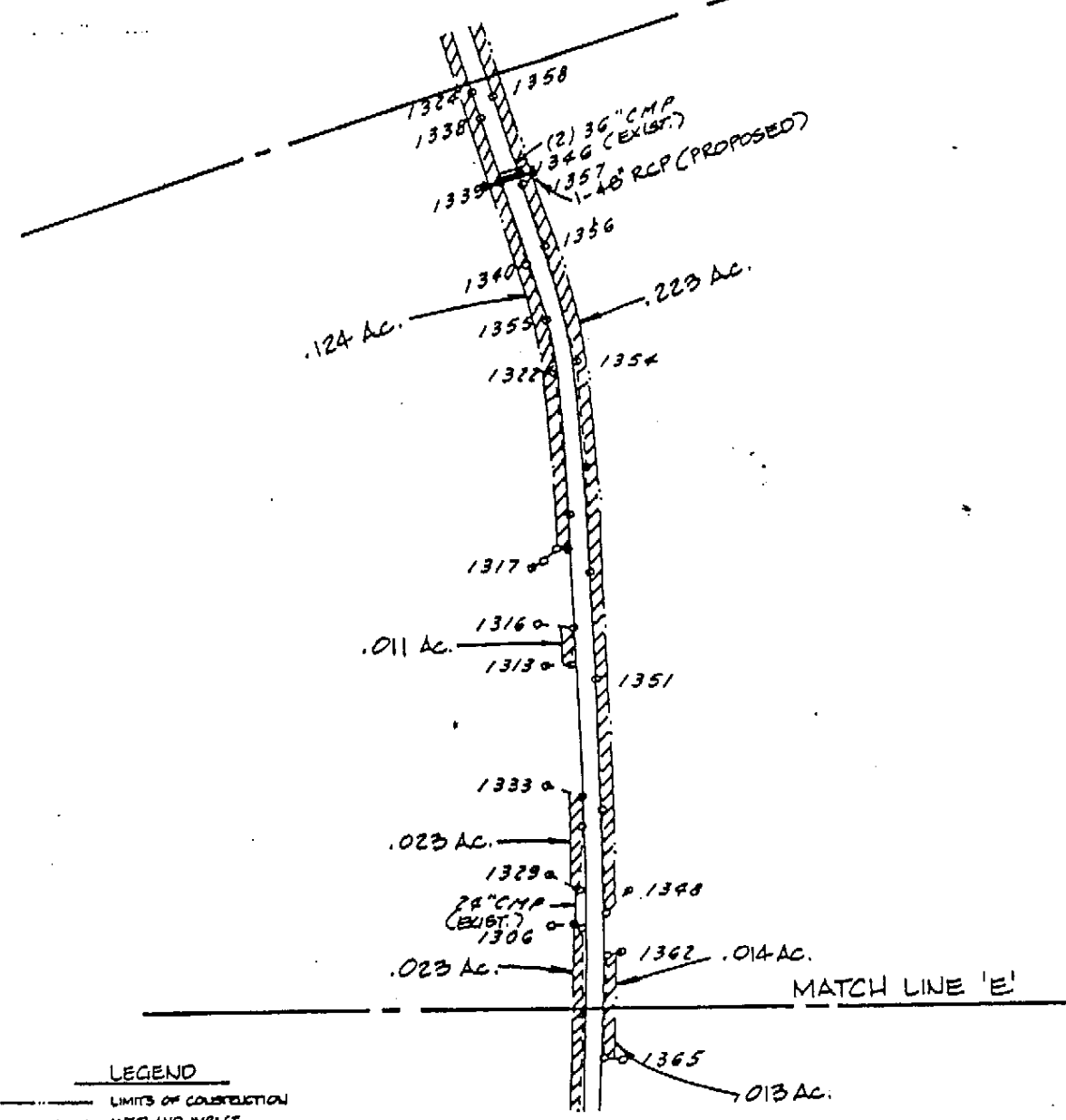


	SITE PLAN TRAIL RIDGE LANDFILL TRAIL RIDGE LANDFILL, INC.	PROJ. NO. E 89-103
		DATE DEC., 1989
		SCALE 1"=200'
		DRAWING NO. 6

89.NWD-91177

NORTH

MATCH LINE 'F'



LEGEND

- LIMITS OF CONSTRUCTION
- ////// WETLAND IMPACT
- ===== PROPOSED 26' ASPHALT PAVT.

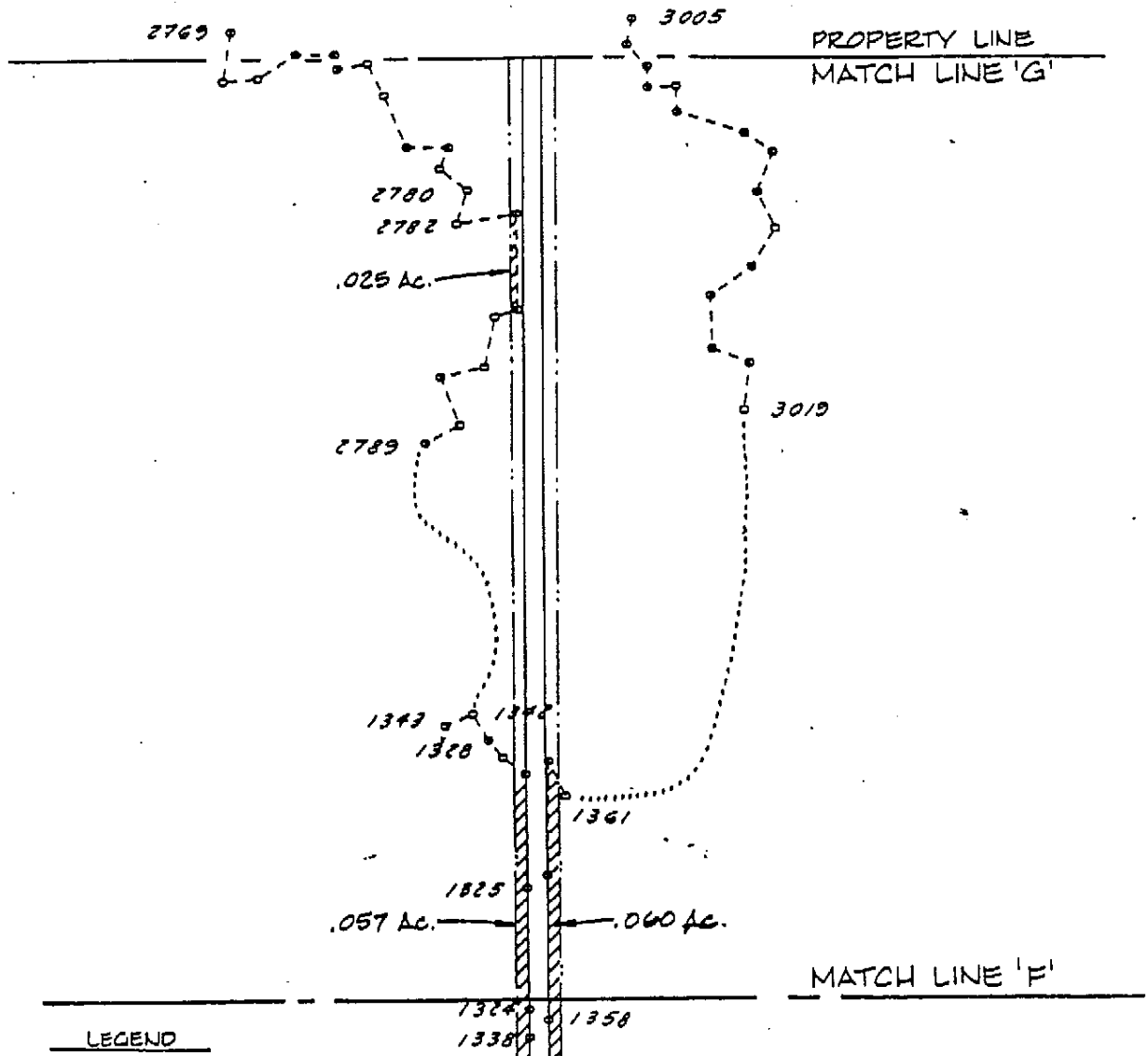
England-Thimby
& Miller, Inc.
Consulting & Design Engineers

SITE PLAN
TRAIL RIDGE LANDFILL
TRAIL RIDGE LANDFILL, INC.

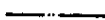
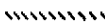

PROJ. NO. E 89-103
DATE DEC., 1989
SCALE 1"=200'
DRAWING NO. 7

89N.W.D. 91177

NORTH 



LEGEND

-  LIMITS OF CORRELATION
-  WETLAND IMPACT
-  PROPOSED 26' ASPHALT PAVT.

 England-Thimms
& Miller, Inc.
Consulting & Design Engineers

SITE PLAN

TRAIL RIDGE LANDFILL
TRAIL RIDGE LANDFILL, INC.

PROJ. NO. E 89-103

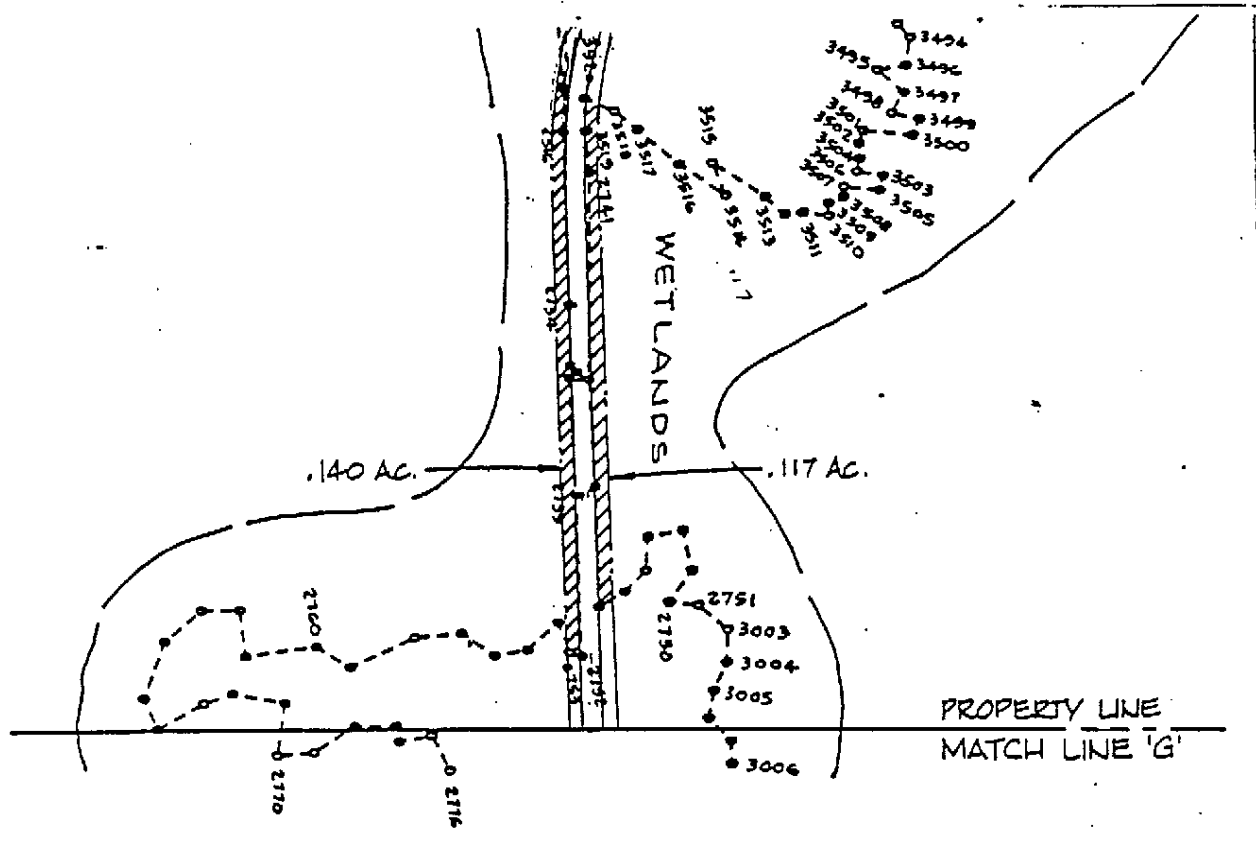
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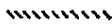

DRAWING NO. 8

89NW0-91177

NORTH 



LEGEND

-  LIMITS OF CONSTRUCTION
-  WETLAND IMPACT
-  PROPOSED 26' ASPHALT PAVT.



SITE PLAN

TRAIL RIDGE LANDFILL
TRAIL RIDGE LANDFILL, INC.

PROJ. NO. E 89-103

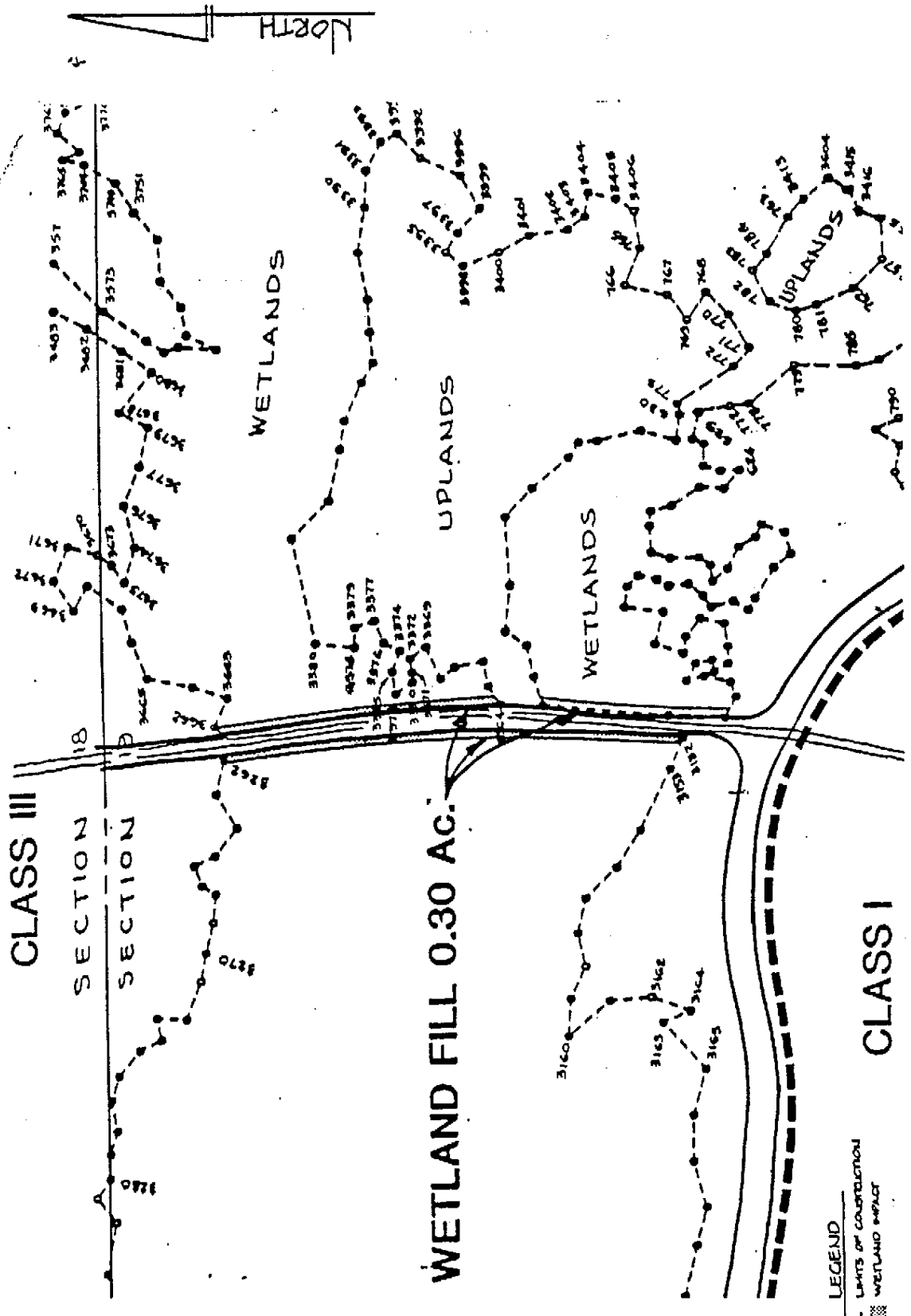
DATE DEC., 1989

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89NWD-91177

22115-0NB8



CLASS III

SECTION 18

SECTION 19

WETLAND FILL 0.30 AC.

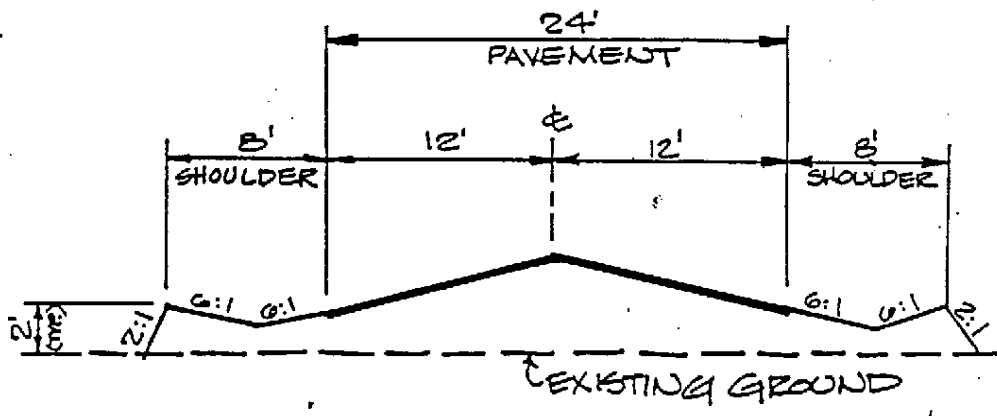
CLASS I

LEGEND
 LIMITS OF CORRELATION
 WETLAND IMPACT

England-Thims & Miller, Inc.
 Consulting & Design Engineers
 3131 St. Johns Bluff Rd. SE, Jacksonville, FL 32216

SITE PLAN
 TRAIL RIDGE LANDFILL

PROJ. NO.	E89-113
DATE	DEC., 1989
SCALE	1"=200'
DRAWING NO.	10



England Thims
& Miller, Inc.
Consulting & Design Engineers

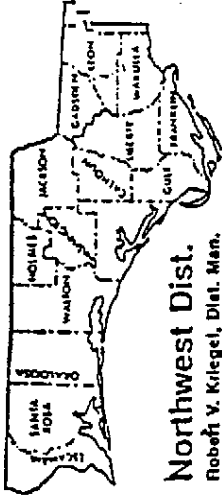
TYPICAL ENTRANCE
ROADWAY SECTION

PROJ. NO. E 89-113
DATE DEC., 1989
SCALE 1" = 10'
DRAWING NO. 11

TRAIL RIDGE LANDFILL

89N00-91177

Department of Environmental Regulation
 Twin Towers Office Building
 2600 Blair Stone Road
 Tallahassee, Florida 32399-2400
 904-488-4805

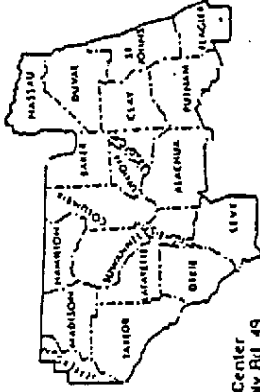


Northwest Dist.

Robert V. Krieger, Dist. Man.
 100 Governmental Center
 Pensacola, Florida 32501-5794
 904-436-8300
 (Suncom 695-8300)

Northwest Dist. Branch Office
 340 W 23rd Street, Suite E.
 Panama City, Florida 32405
 904-872-4375
 (Suncom 777-4375)

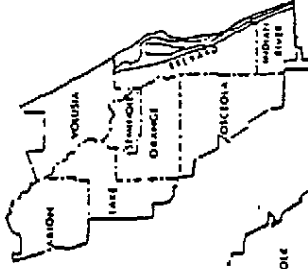
Northwest Dist. Branch Office
 1847 Capital Circle N.E.
 Tallahassee, Florida 32308-4419
 904-488-3704
 (Suncom 278-3704)



Northeast Dist.

Ernest E. Frey, Dist. Man.
 3426 BHS Rd
 Jacksonville, Florida 32207
 904-798-4200
 (Suncom 821-5295)

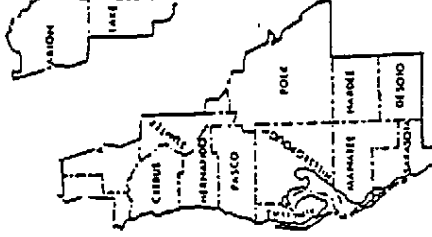
Northeast Dist. Branch Office
 5700 S.W. 34th Street, Suite 1204
 Gainesville, Florida 32608
 904-336-2095
 (Suncom 625-2095)



Central Florida Dist.

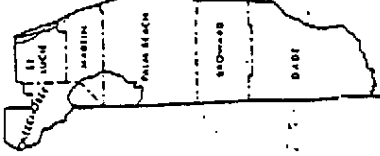
Alex Alexander, Dist. Man.
 3315 Maguire Blvd., Suite 232
 Orlando, Florida 32803-3767
 305-894-7555
 (Suncom 325-1011)

Central Florida Dist. Branch Office
 11 East Melbourne Ave.
 Melbourne, Florida 32901
 305-768-7611



Southwest Dist.

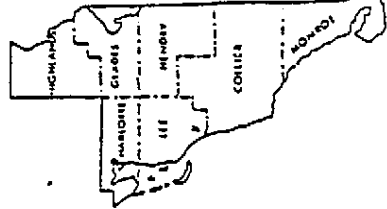
Dr. Richard D. Garrity, Dist. Man.
 4520 Oak Fair Boulevard
 Tampa, Florida 33610-7347
 813-623-5561
 (Suncom 552-7612)



Southeast Florida Dist.

Scott Benyon, Dist. Man.
 1900 S. Congress Ave., Suite A
 West Palm Beach, Florida 33406
 305-964-9608
 (Suncom 221-5005)

Southeast Florida Dist. Branch Office
 2745 S.E. Morningside Blvd.
 Fort St. Lucie, Florida 34952
 305-878-3890/335-4310
 (Suncom 221-5053)



South Florida Dist.

Phillip R. Edwards, Dist. Man.
 2269 Bay St
 Fort Myers, Florida 33901-2896
 813-332-2667
 (Suncom 721-7900)

South Florida Dist. Branch Office
 7451 Golf Course Blvd.
 Punta Gorda, Florida 33982-9359
 813-639-4907
 (Suncom 721-7638)

South Florida Dist. Branch Office
 11400 Overseas Highway
 Suites 219 224
 Marathon, Florida 33050
 305-743-5955/4334
 (Suncom 451-5091)

**EXHIBIT III
TRAIL RIDGE LANDFILL
CONSTRUCTION DRAWINGS**

1. Trail Ridge Landfill Plan "A" Construction Drawings

<u>DRAWING NO.</u>	<u>DESCRIPTION</u>
1	COVER SHEET
2	AERIAL PHOTOGRAPH
3	AERIAL PHOTOGRAPH
4	BOUNDARY SURVEY
5	TOPOGRAPHIC/WETLAND SURVEY
6	SITE PLAN
7	GEOMETRY PLAN
8	BASE GRADES PLAN
9	GROUNDWATER CONTROL PLAN
10	BOTTOM LINER PHASING PLAN
11	CROSS-SECTION
12	CROSS-SECTION
13	CROSS-SECTION
14	CROSS-SECTION
15	GAS EXTRACTION WELL LOCATIONS
16	GROUNDWATER CONTROL DETAILS
17	PHASING DETAILS
18	LINER DETAILS
19	LEACHATE COLLECTION DETAILS
20	LEACHATE COLLECTION DETAILS
21	LEACHATE CONTAINMENT AREA DETAILS
22	LEACHATE CONTAINMENT AREA DETAILS
23	GAS EXTRACTION WELL DETAILS
24	FINAL CONTOUR PLAN
24A	NORTH BORROW AREA
25	STORMWATER MANAGEMENT PLAN
26	ENTRANCE ROAD AT U.S. 301/S.R. 200
27	PLAN/PROFILE ENTRANCE ROAD
28	PLAN/PROFILE ENTRANCE ROAD
29	PLAN/PROFILE ENTRANCE ROAD
30	PLAN/PROFILE ENTRANCE ROAD
31	PLAN/PROFILE ENTRANCE ROAD
32	PLAN/PROFILE ENTRANCE ROAD
33	PLAN/PROFILE ENTRANCE ROAD
34	PLAN/PROFILE ENTRANCE ROAD
35	SCHEDULE OF STORM DRAINAGE STRUCTURES
36	PAVING AND DRAINAGE DETAILS
37	PAVING AND DRAINAGE DETAILS
38	PAVING AND DRAINAGE DETAILS
39	PAVING AND DRAINAGE DETAILS
40	CLASS I FILTER BED SYSTEM DETAILS
41	CLASS III FILTER BED SYSTEM DETAILS

2. Trail Ridge Landfill Ancillary Facilities Construction Drawings

<u>DRAWING NO.</u>	<u>DESCRIPTION</u>
1	COVER SHEET
2	ANCILLARY FACILITIES GRADING, PAVING, DRAINAGE AND UTILITIES
3	ANCILLARY FACILITIES GRADING, PAVING, DRAINAGE AND UTILITIES
4	FLOOR PLANS AND ELEVATION
5	ENTRANCE LANDSCAPE PLAN
6	ANCILLARY FACILITIES SITE LANDSCAPE PLAN
7	ANCILLARY FACILITIES SITE LANDSCAPE PLAN

**EXHIBIT IV
TRAIL RIDGE LANDFILL
TECHNICAL SPECIFICATIONS**

(ATTACHED)

TECHNICAL SPECIFICATIONS

FOR

**CITY OF JACKSONVILLE
TRAIL RIDGE LANDFILL**



SUBMITTED BY

TRAIL RIDGE LANDFILL, INC.
Jacksonville, Florida



England-Thimms & Miller, Inc.

Consulting & Design Engineers
3131 St. Johns Bluff Road So. Jacksonville, FL 32216

Date: JANUARY, 1991

Project No.: E89-113-06

Revised 2-22-91

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DIVISION II SPECIAL CONDITIONS	
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Special Requirements	31-1 - 31-11
Permit Documents	33-1 - 33-1
DIVISION III TECHNICAL REQUIREMENTS	
Paving City of Jacksonville Standard Specifications (Latest Edition)	100-199
Drainage City of Jacksonville Standard Specifications (Latest Edition)	200-299
Water City of Jacksonville Standard Specifications (Latest Edition)	300-399
Sewer City of Jacksonville Standard Specifications (Latest Edition)	400-499
Traffic City of Jacksonville Standard Specifications (Latest Edition)	500-599
Ancillary Facilities	600-1 - 600-19
Landfill Facilities	Trail Ridge Landfill Plan "A" Permit Documents Volumes I and II, dated July, 1990

DIVISION I
GENERAL CONDITIONS

DIVISION I

SECTION 10

GENERAL CONDITIONS

10.1 PARTIES TO AGREEMENT

- 10.1.1 The parties to the Design and Construction Agreement are the CITY and the CONTRACTOR as those terms are defined in Article 1.0, Definitions, of the Agreement.
- 10.1.2 The DESIGN ENGINEER is so defined in Article 1.0, Definitions, of the Agreement.
- 10.1.3 These Specifications may, in various sections, use the term "Contractor" to refer to a party performing work or supplying materials, equipment or services for incorporation into the Work. In any cases where the intent or application of such references is construed or applied to mean any party other than the CONTRACTOR, as defined in Paragraph 10.1.1, any such other party shall be understood to be a Subcontractor or Supplier as those respective terms are defined in Article 1.0, Definitions, of the Agreement.
- 10.1.4 As indicated in Article 3.9, Concerning Subcontractors, of the Agreement, the CONTRACTOR is wholly responsible for the work of Subcontractors, and no provisions of the Agreement or these Specifications create any direct contractual relationship between the CITY and any Subcontractor. For purposes of applying and interpreting the provisions of Article 3.9 of the Agreement, the DESIGN ENGINEER shall be understood to be a professional services Subcontractor.
- 10.1.5 Particular reference is made to the Synthetic Liner QA Manual cited in Appendix VII titled "Quality Assurance Manual for Installation of Geosynthetic Lining System" of the "Permit Documents for Trail Ridge Landfill, Volume I". That manual is a generic corporate standard prepared by the CONTRACTOR and refers therein to the CONTRACTOR as "Owner". Such referenced shall be understood to mean CONTRACTOR as that term is defined as a party to this Agreement.

DIVISION II
SPECIAL CONDITIONS

SECTION 30
SCOPE OF WORK

TRAIL RIDGE LANDFILL

SCOPE OF WORK SECTION 30

1.1. SCOPE

The work covered by these specifications consists of furnishing all labor, materials and equipment to construct a Class I (Phase I) and Class III Municipal Solid Waste landfill in accordance with the construction plans, permits and permit documents. The construction shall include but not be limited to:

1. Ancillary Facilities
 - a. Administration Building
 - b. Operations Building
 - c. Scale House and Scales
 - d. Fueling Station
 - e. Non-Contract Hauler Drop-off Area
 - f. Fencing
2. Leachate Collection System - Phase I
 - a. 8" HDPE Collection Pipe
 - b. Primary and Secondary Collection Sumps
 - c. 4" HDPE Leachate Force Main
 - d. Leachate Storage Facility
3. Storm Drainage System Phase I
 - a. Piping
 - b. Inlets
 - c. Stormwater Pump Stations (2)
4. Earthwork, Excavation and Paving
 - a. Clear and Grub
 - b. Silt Fence
 - c. Excavation
 - d. Clay Cap
 - e. Fill
 - f. Seed and Mulch
 - g. Final Dressing
 - h. 12" Stabilization
 - i. 8" Lime Rock Base
 - j. 1.5" S-1 Asphalt
 - k. Concrete Ditch Pavement
 - l. Enkamat
 - m. U.S. 301 Improvements
 - n. Pavement Markings

5. Water Treatment Plant and Distribution System
 - a. Piping
 - b. Fire Hydrants
 - c. Well Supply
 - d. Treatment and Pumping
 - e. Fire Pump
6. Electrical Systems
 - a. Lighting
 - b. Emergency Generator
7. Irrigation and landscaping
 - a. Entrance
 - b. Administration Building
 - c. Operations Building
 - d. Wetland Mitigation
8. Liner System (Phase I)
 - a. Membrane Liner inclusive of geotextile, polynet and claymax
 - b. Protective Sand Cover and Clay Liner

2.1 Intent of Project

It is the intent of this project to provide the CITY of Jacksonville with a fully operational Class I and Class III Municipal Solid Waste Landfills with all appurtenances and ancillary facilities.

SECTION 31
SPECIAL REQUIREMENTS

TRAIL RIDGE LANDFILL

SECTION 31
SPECIAL REQUIREMENTS

31.1 APPLICATION OF SECTION 31, SPECIAL CONDITIONS:

31.1.1 Wherever conflict may exist with the Special Conditions and other parts of Sections of the Contract Documents, the order of precedence, shall be as follows:

1. Approved change orders, if any, in reverse chronological order
2. Division I - General Conditions
3. Division II - Special Conditions
 - a. Section 33 - Permit Documents
 - b. Section 31 - Special Requirements
4. Division III - Technical Requirements
5. Approved CONTRACTOR submittals

31.2 ADDITIONAL APPLICABLE SPECIFICATIONS:

31.2.1 Class I and III - Landfill Construction

The Class I and III Landfill construction shall be governed by the construction drawing and the following specifications.

1. Trail Ridge Landfill Plan A Permit Documents
Volume I, July, 1990
2. Trail Ridge Landfill Plan A Permit Documents
Volume II, July, 1990
3. Exhibit III of the Agreement

In particular, liner system material and liner system installation shall be as specified in the Quality Assurance Manual for Installation of Geosynthetic Lining System Section of the referenced permit documents.

31.2.2 U.S. 301 Improvements

In addition, the "Florida Department of Transportation Standard Specifications for Road and Bridge Construction", dated 1986 shall be considered a part of the contract documents and specifications for the work effort within the right-of-way of U.S. 301:

31.2.3 CITY of Jacksonville Standard Specifications and Details

Where CITY of Jacksonville Standard Specifications are referenced in the Division III - Technical Requirements, the term CITY Engineer shall be changed to DESIGN ENGINEER. The methods and measurement for payment contained in those documents shall not apply for this project.

31.3 LINER INSTALLATION

31.3.1 The CONTRACTOR-prepared soil consultant's report and/or soils quality assurance plan shall specify optimum moisture content of soils in the landfill liner base, said optimum moisture content to be established based on considerations of both soil workability and compaction. A one-day extension of time will be justified for each day in which all three of the following conditions are met:

- (a) Work on the liner system was scheduled.
- (b) The scheduled work was not performed, and,
- (c) Actual soil moisture content exceeded optimum moisture content by at least two percent (2.0%) as the average of all samples and in at least fifty percent of individual samples, based on analysis of at least four surface samples collected at representative locations agreed upon by the DESIGN ENGINEER and the RESIDENT PROJECT REPRESENTATIVE.

31.3.2 Any application for change order to extend the contract time based on the provisions of Paragraph 31.3.1 shall be supported by the DESIGN ENGINEER's certification that the three conditions were actually met and copies of laboratory test reports demonstrating actual moisture contents of all samples collected and tested for each day for which time extension is requested.

31.4 CONSTRUCTION DRAWINGS:

31.4.1 The Construction Drawings consist of the following:

Trail Ridge Landfill Plan "A" Construction Drawings

<u>DRAWING NO.</u>	<u>DESCRIPTION</u>
1	COVER SHEET
2	AERIAL PHOTOGRAPH
3	AERIAL PHOTOGRAPH
4	BOUNDARY SURVEY
5	TOPOGRAPHIC/WETLAND SURVEY
6	SITE PLAN
7	GEOMETRY PLAN
8	BASE GRADES PLAN
9	GROUNDWATER CONTROL PLAN
10	BOTTOM LINER PHASING PLAN
11	CROSS-SECTION
12	CROSS-SECTION
13	CROSS-SECTION
14	CROSS-SECTION
15	GAS EXTRACTION WELL LOCATIONS
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32	PLAN/PROFILE ENTRANCE ROAD
33	PLAN/PROFILE ENTRANCE ROAD
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Trail Ridge Landfill Ancillary Facilities Construction Drawings

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1	COVER SHEET
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3	ANCILLARY FACILITIES GRADING, PAVING, DRAINAGE AND UTILITIES
4	FLOOR PLANS AND ELEVATION
5	ENTRANCE LANDSCAPE PLAN
6	ANCILLARY FACILITIES SITE LANDSCAPE PLAN
7	ANCILLARY FACILITIES SITE LANDSCAPE PLAN

31.5 EXISTING UTILITIES:

31.5.1 Known surface and sub-surface utilities are shown or noted on the Drawings as accurately as available information will permit. The CITY does not guarantee the information shown or noted, or that utilities other than those indicated do not exist.

It is the responsibility of the CONTRACTOR to notify each utility at least 72 hours prior to construction and request that the location of their respective utility or material be located and staked in the field. Should the CONTRACTOR encounter any unidentified utility, work in the immediate area shall promptly cease, and the DESIGN ENGINEER be advised. The DESIGN ENGINEER shall investigate the condition and propose remedial action. The CONTRACTOR is reminded the laws of Florida require him to notify any gas company which may have underground lines in the work area at least 48 hours in advance of any digging operation.

It is the CONTRACTOR's responsibility to request line rubber protection (when needed) from the electric utility at least ten (10) working days in advance.

31.6 SITE PREPARATION:

31.6.1 Site Preparation shall conform to Section 102 of the Specifications. Included in Site Preparation shall be mobilization, surveying, tree removal, removing old pipes, headwalls, and paving cuts and like items. CONTRACTOR shall remove all trees as required by the construction. The CONTRACTOR shall bear the expense and ownership of all trees to be removed.

31.7 MAINTENANCE OF TRAFFIC:

31.7.1 The CONTRACTOR shall maintain construction access between U.S. 301 and the Class I landfill site at all times during the term of the construction contract.

31.8 SURVEYS AND GRADE STAKES:

31.8.1 The CONTRACTOR shall be responsible for setting all grade stakes, lines and levels. Any reference points, points of intersection, property corners, or bench marks which are disturbed during construction shall be restored by a land surveyor registered to practice in the State of Florida, and all costs thereof shall be borne by the CONTRACTOR.

31.9 STORAGE OF EQUIPMENT AND MATERIALS:

31.9.1 The CONTRACTOR is reminded that these projects are on public property. For this reason, the CONTRACTOR shall use due care in safe operations and shall provide adequate facilities for proper storage of materials, tools and/or equipment, and it shall be the responsibility of the CONTRACTOR to provide locked storage and/or sufficient guards to prevent injury or vandalism. The CONTRACTOR shall not (except after written consents from the property owner) enter or occupy with men, tools or equipment, any land outside the rights-of-way or property of the CITY. A copy of the written consent shall be given to the DESIGN ENGINEER. Two of the six sets retained by the DESIGN ENGINEER shall be submitted to the CITY and one copy shall be submitted to the RESIDENT PROJECT REPRESENTATIVE.

31.10 DUST CONTROL:

31.10.1 If the DESIGN ENGINEER determines it is necessary to control dust from time to time during the progress of work, the CONTRACTOR shall do so with a method approved by the DESIGN ENGINEER at no additional cost to the CITY.

31.11 GRASSING:

31.11.1 Sodding: Sod to be placed at location as indicated in the plans or as directed by the DESIGN ENGINEER shall be in accordance with Section 140 of the CITY Standard Grassing Specifications.

31.11.2 All disturbed unpaved areas within the limits of construction that are not sodded shall be seeded and mulched in accordance with Section 140 of these Specifications.

31.12 SHOP DRAWINGS:

31.12.1 The CONTRACTOR is reminded that approved Shop Drawings are required for structures, materials, mixes, and all manufactured and fabricated items, prior to Purchase. Six (6) sets of approved Shop Drawings shall be required. Any Shop Drawings required for return to the CONTRACTOR shall be submitted in addition to the six (6) sets which will be retained for use by the DESIGN ENGINEER. Two of the six sets retained by the DESIGN ENGINEER shall be submitted to the CITY and one copy shall be submitted to the RESIDENT PROJECT REPRESENTATIVE.

31.13 PIPE:

31.13.1 Reinforced Concrete Pipe (RCP):

All reinforced concrete pipe (RCP.) and elliptical reinforced concrete pipe (ERCPC) shall be in accordance with Sections 201 and 206 of the CITY Standard Specifications. All pipes shall be Class III. (Wall B)

31.13.2 High Density Polyethylene (HDPE):

All HDPE piping and fittings shall be SDR 11 and conform to ASTM D2321 for installation.

31.13.3 Leachate Collection System Piping:

All leachate collection system piping shall be HDPE SDR 11. However, leachate piping within the leachate storage and containment area maybe SCH 80 CPVC in lieu of HDPE.

31.13.4 Pipe Supports:

All above ground piping shall be installed with proper pipe supports in accordance with the manufacturer's recommendation.

31.14 SILTATION AND EROSION:

31.14.1 The CONTRACTOR shall take steps and make suitable provisions to minimize siltation and erosion of waterways which may result from, or as a result of, his construction operation during the course of construction of this project. The CONTRACTOR is hereby advised that silt barriers are to be used at all times during construction that siltation or erosion may occur. The CONTRACTOR shall submit his own turbidity control plan in detail to the DESIGN ENGINEER for approval. The DESIGN ENGINEER's approval shall not relieve the CONTRACTOR of liability in case of a citation by the appropriate regulatory agencies.

31.15 TESTING:

31.15.1 All materials and equipment prior to being incorporated in the work, shall be tested for conformance with contractual requirements. Standard items of a uniform nature may be accepted on the manufacturer's certification. Where specific performance and/or quality is referred to, it is the CONTRACTOR's responsibility to notify the DESIGN ENGINEER and CITY at least 48 hours in advance of work requiring testing. A copy of the certified test results will be provided to the DESIGN ENGINEER for his review. A copy shall also be provided by the laboratory directly to the CITY. All tests shall be performed in accordance with referenced standards or in accordance with the methods prescribed by the American Society for Testing and Material or such other organizations as would be acceptable.

31.16 DEWATERING

31.16.1 The CONTRACTOR shall be responsible for maintaining dry excavations during the performance and inspection of the work. It shall also be the CONTRACTOR's responsibility to select a dewatering system suitable to the work being performed and the soils being dewatered. At no time should water be allowed to rise into the excavation during construction and water levels shall be maintained to such a level that will prevent the bottom of the excavation from pumping and/or deteriorating. Should the CONTRACTOR fail to maintain groundwater at sufficient elevations in the opinion of the DESIGN ENGINEER, modifications or changes to the dewatering system shall be required as directed by the DESIGN ENGINEER.

31.17 CORRESPONDENCE:

All correspondence and/or drawings pertinent to the work shall bear the following information:

Project description, CITY recipients name,
CONTRACTOR'S name and DESIGN ENGINEER'S name

Correspondence to the DESIGN ENGINEER shall be directed to:

England, Thims & Miller, Inc.
Attention: Douglas C. Miller, P.E.
3131 St. Johns Bluff Road South
Jacksonville, Florida 32216
904-642-8990

Correspondence to the CITY shall be directed to:

CITY OF JACKSONVILLE
Attn: Scott D. Kelly, P.E.
Deputy Director of Public Utilities
219 Newnan Street
Jacksonville, Florida 32202

Correspondence to the CONTRACTOR shall be addressed to:

TRAIL RIDGE LANDFILL, INC.
C/O Waste Management of North America, Inc.
500 Cypress Creek Road, W., Suite 300
Ft. Lauderdale, Florida 33309

31.18 PERMITS

31.18.1 The CONTRACTOR is reminded that Exhibit II of the Agreement references copies of Florida Department of Transportation Driveway Permit, Florida Department of Environmental Regulation Landfill and Management and Storage of Surface Waters Permit, Florida Department of Environmental Regulation Dredge and Fill Permit and the Army Corps of Engineers Dredge and Fill Permit. The CONTRACTOR is responsible for constructing this project in accordance with the conditions set forth by the permitting agencies.

31.19 AS-BUILT DRAWINGS

31.19.1 The CONTRACTOR shall prepare "As-Built" Drawings on reproducible mylar and submit to the DESIGN ENGINEER AND CITY. The cost of preparation and certification of "As-Built" drawings shall be paid by the CONTRACTOR. All "As-Built Drawings" shall bear the seal of a Registered Land Surveyor in the State of Florida. Chapter 472, Florida Statutes, states "As-Built Drawings" for roads and utilities are the providence of Land Surveyors and the production of such "As-Built Drawings" by any person other than a Land Surveyor registered pursuant to S.S. 472.0-01-472.039, F.S., is guilty of a misdemeanor of the first degree.

In preparation of "As-Built Drawings", the designated elevation and distance changed shall be crossed through (not erased) and the actual elevation or distance written in. The drawings shall show the exact size, elevation and location of all finish grades, road elevations, lake elevations, base grades, lines, valves, manholes, fire hydrants, fittings, deflections in the pipe and other appropriate items.

Drawings shall show accurate dimensions of concealed materials from right-of-way lines or centerline of rights-of-way. Dimensions of all valves and fittings must be shown; disclaimers will not be allowed. "As-Built" drawings shall be submitted at least ten (10) working days prior to final inspection. Final payment will not be made until the "As-Built" drawings have been approved by DESIGN ENGINEER.

One set of reproducible mylar "As-Built" Drawings shall be delivered to the CITY with 10 days of final approval by the DESIGN ENGINEER.

31.20 WHEELCHAIR RAMPS:

31.20.1 Wheelchair ramps shall be constructed in accordance with Index No. 304 (Sheet 2 of 2) of the Florida Department of Transportation Roadway and Traffic Design Standards, dated January, 1988.

31.21 PROTECTION OF EXCAVATIONS

The CONTRACTOR shall be solely responsible for providing safe and acceptable support of the excavation for the protection of workmen, proposed work, existing structures, existing utilities, trees or any other existing or new element requiring protection.

The elected method of support utilized by the CONTRACTOR shall meet OSHA requirements and be sufficient to allow for proper installation and inspection of the work. The CONTRACTOR is reminded that excavation shall be in accordance with the latest State Statutes and requirements.

The cost for whatever method of excavation support the CONTRACTOR elects to utilize shall be included in the cost of the item being installed.

31.22 TEMPORARY UTILITIES

All water, electricity and other utilities required in accomplishing the work shall be furnished and installed by the CONTRACTOR.

31.23 EARTHWORK

31.23.1 UNSUITABLE MATERIAL:

All unsuitable material as determined by the DESIGN ENGINEER encountered during excavation shall become the property of the CONTRACTOR shall be stockpiled on-site as directed by the DESIGN ENGINEER.

31.24 ROADWAY CONSTRUCTION

31.24.1 TYPE S-1 ASPHALTIC CONCRETE:

Type S-1 Asphaltic Concrete shall be in accordance with Section 331 of the Florida Department of Transportation Standard Specifications, dated 1986.

31.24.2 TYPE III ASPHALTIC CONCRETE:

Type III Asphaltic Concrete shall be in accordance with Section 333 of the Florida Department of Transportation Standard Specifications, dated 1986.

31.25 EXTENSION OF TIME FOR UNFORESEEABLE CAUSES

31.25.1 The CONTRACTOR shall not be entitled to any extension of time for completion of the work as herein above specified unless the CONTRACTOR, within ten (10) days from the beginning of any delay, notifies the CITY and the DESIGN ENGINEER in writing of such delay and the cause thereof and the DESIGN ENGINEER shall determine:

31.25.1.1 That such delay arises from unforeseeable causes beyond the control and without the fault or negligence of the CONTRACTOR, including but not restricted to, acts of God, acts of public enemy, acts of the Government in it's sovereign capacity, acts of another contractor in the performance of a contract with the CITY, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather, or delays of Subcontractors arising from such unforeseeable causes beyond the control and without the fault or negligence of both the CONTRACTOR and such Subcontractors; and

31.25.1.2 That the work cannot be completed by CONTRACTOR within the time specified solely by reason of such causes.

- 31.25.2 No extension of time shall be granted for material delays or deliveries except in the case of national emergency or documented labor strikes.
- 31.25.3 The DESIGN ENGINEER acting reasonably and in his or her capacity as a Professional Engineer and not as a subcontractor or employee of CONTRACTOR shall make a determination as soon as practicable after the CONTRACTOR'S notice is received and shall decide the amount of additional time, if any, for completion of the work which conditions justify.
- 31.25.4 The CONTRACTOR'S only remedy for delays described herein shall be an extension of the time limit to perform the work as determined by the DESIGN ENGINEER, and such delays shall not be the basis for an increase in the Contract Amount.
- 31.25.5 All extensions of time for reasons of unusually severe weather granted by the DESIGN ENGINEER pursuant to this Section 31.25 shall be subject to the approval of the RESIDENT PROJECT REPRESENTATIVE, acting reasonably and in his or her capacity as a Professional Engineer and not as a CITY employee. In the event the RESIDENT PROJECT REPRESENTATIVE and the DESIGN ENGINEER are unable to agree on the proper extension of time due to unusually severe weather, the DESIGN ENGINEER and the Resident project Representative shall select an independent professional engineer who shall be presented with the facts concerning the subject time extension request. The decision of the independent professional engineer for the subject time extension request shall be binding on all parties. The cost of the independent professional engineer shall be borne equally by the CITY and the CONTRACTOR.

SECTION 33
PERMIT DOCUMENTS

TRAIL RIDGE LANDFILL

SECTION 33 PERMIT DOCUMENTS

33.1 GENERAL

The permits and permit documents referenced in Section 33 shall become part of the Technical Specifications for the construction of the Trail Ridge Landfill. Permits that become final after the execution of the Agreement are to be included in their final form.

33.2 PERMITS

The following are required permits for the Trail Ridge Landfill and include but not limited to.

- 33.2.1 Florida Department of Environmental Regulation Dredge and Fill Permit
- 33.2.2 Florida Department of Environmental Regulation Solid Waste Facility Construction Permit including
 - a) Trail Ridge Landfill Plan A Permit Document Volume I, July, 1990
 - b) Trail Ridge Landfill Plan A Permit Document Volume II, July, 1990
- 33.2.3 Corps of Engineers Dredge and Fill Permit
- 33.3.4 Florida Department of Transportation Connection Permit

DIVISION III
TECHNICAL REQUIREMENTS

SECTION 100

**PAVING CITY OF JACKSONVILLE
STANDARD SPECIFICATIONS (LATEST EDITION)**

SECTION 200

**DRAINAGE CITY OF JACKSONVILLE
STANDARD SPECIFICATIONS (LATEST EDITION)**

SECTION 300

**WATER CITY OF JACKSONVILLE
STANDARD SPECIFICATIONS (LATEST EDITION)**

SECTION 400
SEWER CITY OF JACKSONVILLE
STANDARD SPECIFICATIONS (LATEST EDITION)

SECTION 500

**TRAFFIC CITY OF JACKSONVILLE
STANDARD SPECIFICATIONS (LATEST EDITION)**