

TITLE 131

RULES AND REGULATIONS FOR THE
WASTEWATER TREATMENT FACILITIES AND DRINKING WATER
CONSTRUCTION ASSISTANCE PROGRAMS

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NEBRASKA ADMINISTRATIVE CODE

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Title 131 - Rules and Regulations for the Wastewater Treatment Facilities and Drinking Water Construction Assistance Program

Chapter 1 - DEFINITIONS

001 In addition to the terms defined in this chapter, relevant definitions for loan programs authorized by the Wastewater Treatment Facilities Construction Assistance Act can be found at Neb. Rev. Stat. §81-15,149, and relevant definitions for loan programs authorized by the Drinking Water State Revolving Fund Act can be found at Neb. Rev. Stat. §71-5316.

002 "CWSRF" means the Wastewater Treatment Facilities Construction Loan Fund that will commonly be known as the Clean Water State Revolving Fund.

003 "CWSRF Act" means the Wastewater Treatment Facilities Construction Assistance Act as stated in Neb. Rev. Stat. §§81-15,147 to 81-15,157.

004 "DHHS" means the Nebraska Department of Health and Human Services Division of Public Health.

005 "DWSRF" means the Drinking Water Facilities Loan Fund and the Land Acquisition and Source Water Loan Fund that together will commonly be known as the Drinking Water State Revolving Fund.

006 "DWSRF Act" means the Drinking Water State Revolving Fund Act as stated in Neb. Rev. Stat. §§71-5314 to 71-5327.

007 "Initiation of Operation" means the date on which the loan recipient places the project in operation or the project is capable of being placed in operation for the purposes for which it was planned, designed, and built.

008 "Intended Use Plan", or "IUP" means the Intended Use Plan, a document prepared annually by the Department, after public review and comment, which identifies intended use of all State Revolving Fund program funds and describes how those uses support the overall goals of the State Revolving Fund program.

009 "Loan Applicant" or "Applicant" means any municipality, county, or any other eligible entity that applies for CWSRF or DWSRF funding.

010 "Loan Recipient" or "Recipient" means any eligible entity that receives funds from the CWSRF or DWSRF in the form of a loan and/or grant.

011 "Point source" means any discernible confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft from which pollutants are or may be discharged.

Enabling Legislation: Neb. Rev. Stat. §81-15,149; §71-5316

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NEBRASKA ADMINISTRATIVE CODE

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Title 131 - Rules and Regulations for the Wastewater Treatment Facilities and Drinking Water Construction Assistance Program

Chapter 2 - GENERAL REQUIREMENTS FOR CWSRF AND DWSRF FINANCING

001 General Requirements. Funding made from the CWSRF and the DWSRF will be limited to eligible projects and activities authorized in the Clean Water Act, Safe Drinking Water Act, CWSRF Act, DWSRF Act, and the IUP.

002 Other Funding. If a loan recipient receives any loan or grant from the CWSRF or DWSRF for facility planning, design, and/or construction and subsequently receives funding from any other funding source for any of these costs, the recipient will promptly repay the loan or grant issued by the Department to the extent these costs are covered by other funding.

003 Refinancing Existing Debt Obligation. The CWSRF may buy or refinance the debt obligation of eligible recipients to the extent permitted by federal and state laws and requirements stated in the IUP.

003.01 Refinance projects need to have been constructed in accordance with all federal, state, and grant conditions that were in effect and would have been required at time of construction.

004 Interest Rates and Administrative Fees.

004.01 The method and criteria used to establish interest rates and administrative fees to be charged on loans will be described in the IUPs. Each loan will bear interest at the rate set by the Department under procedures prescribed in the IUPs. In developing an interest rate and administrative fee, the Department will take the following items into consideration:

004.01A Loan interest and the administrative fees may be jointly considered when establishing the interest rate and administrative fee. The interest rates may be reviewed and adjusted by the Department at the end of each quarter, but should not be increased by more than 0.5 percent per quarter.

004.01B Alternate interest rate. The Department may adjust the interest rate when a loan applicant demonstrates a serious financial hardship or qualifies as a disadvantaged community, for the purposes of the DWSRF. The rate will be set by the Department according to the interest rate procedures approved by the Council in the IUPs.

004.02 An administrative fee may be assessed each year against the loan principal balance on the dates set by the Department, and payable on those dates.

005 Additional Authorities. The use of CWSRF and the DWSRF funds will be subject to the following authorities:

005.01 Age Discrimination Act, PL 94-135.

005.02 Civil Rights Act of 1964, PL 88-352.

005.03 Section 13 of PL 92-500; Prohibition against sex discrimination under the Federal Water Pollution Control Act.

005.04 Rehabilitation Act of 1973, PL 93-112.

006 Emergency Loan Assistance. An eligible applicant may apply for emergency assistance under the CWSRF and the DWSRF. The CWSRF and DWSRF may provide emergency assistance in the case of catastrophic failures of existing facilities and Public Water Systems, causing an environmental or public health threat or for unforeseen threats of contamination to the source water supply.

006.01 For emergency assistance, eligible recipients will notify the Department and DHHS of the need for emergency assistance. The notification needs to include the nature of the threat or failure, potential environmental or public health threat of the emergency, and a complete description of the proposed remedial action. Upon review of the notification and accompanying information the DHHS and Department may approve the emergency project, subject to availability of funds.

006.02 Emergency assistance cannot be used for routine maintenance of facilities.

006.03 The IUP may include criteria and the amount of funds available for providing emergency funding.

006.04 The recipient will repay the emergency assistance to the Department to the extent the recipient receives another grant, insurance settlement, or any other funds are received for the same need.

007 Environmental Assessment. The Department will conduct an environmental assessment prior to entering into a loan agreement with a loan applicant and issue an environmental document. The three categories of documents include:

007.01 Categorical Exclusion. A Categorical Exclusion, or "CatEx", means a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect on procedures adopted by the Department in implementation of these regulations and for which, therefore, neither an finding of no significant impact nor an environmental impact statement is required.

007.02 Finding of No Significant Impact. A Finding of No Significant Impact, or "FNSI", or "FONSI", means a document briefly presenting the reasons why an action, not otherwise excluded by Chapter 2, Section 007.01A, will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared. If the assessment is included, the finding need not repeat any of the discussion in the assessment but may incorporate it by reference.

007.03 Environmental Impact Statement. An Environmental Impact Statement is a report required of projects in which the proposed action will have a significant effect on human health or the human environment.

008 All loans made under the CWSRF will meet the requirements of Neb. Rev. Stat. §81-15,155, the Nebraska Wastewater Treatment Operator Certification Act, and Title 197 – Rules

and Regulations for Certification of Wastewater Treatment Operators; all loans made under the DWSRF will meet the requirements of Neb. Rev. Stat. §71-5324, the Nebraska Safe Drinking Water Act, and Title 179 – Public Water Systems; and:

008.01 Additional requirements for CWSRF and DWSRF include, but are not limited to, recipient must:

008.01A Agree to provide access to site and records to the Department, its agents, or third parties for inspections and audits of the project;

008.01B Agree to promptly initiate project construction and establish a maximum time for initiation, after which the Department may withdraw financial assistance; and

008.01C Agree to submit an annual financial statement during the term of the loan.

009 Applications. Applications will be reviewed by the Department to determine the eligibility of applicants to receive funding from the CWSRF and DWSRF. The Department may approve or deny applications. Reasons for denial may include, but not be limited to, failure to comply with applicable state and federal statutes and regulations, failure to meet financial capability requirements, availability of CWSRF and DWSRF funds, or for any other good cause as determined by the Department. Written notice of a denial of application will be given by the Department to the applicant.

010 General Terms of CWSRF and DWSRF Loans. Loans made under the CWSRF will meet the term requirements of Neb. Rev. Stat. §81-15,156 and the IUP; loans made under the DWSRF will meet the term requirement of Neb. Rev. Stat. §71-5325, and the IUP.

010.01 Additional terms and conditions for CWSRF and DWSRF loans will include, but not be limited to, the following:

010.01A The annual principal and interest payment due from a loan recipient will commence no later than one year after Initiation of Operation, one year after completion, or three years from the date of the loan, whichever occurs first. All loans will be fully amortized not later than the term of the loan.

010.01B Delinquent payment penalty and penalty interest. Payments may be considered delinquent if not received within 15 days of the due date and will be assessed with an administrative penalty not to exceed 5 percent. Interest on administrative penalties will accrue at a rate not to exceed 1 percent per month. Penalties will be assessed in accordance with the IUP and the loan agreement.

010.01C Security. The loan will contain provisions designed to ensure proper security of compliance with loan terms and repayment of principal and interest. Such provisions may include one or more of the following:

010.01C1 The filing of a lien upon the project in the amount of the loan together with any interest thereon. Such lien to attach to all project facilities, equipment, easements, real property, and any property of any kind or nature which is associated with the project. The Department will file a statement of the lien, its amounts, terms, and a description of the

project with the county register of deeds in the county which is the site of the project. The lien will be valid until the principal loan amount with all accrued interest is paid in full or otherwise discharged. The lien will be foreclosed in accordance with applicable state laws.

010.01C2 For non-compliance with terms and conditions of the loan, the Department may demand that the remaining balance of principal and interest become immediately due and payable.

010.01C3 Failure to pay any loan payment or other charges due within sixty days of the date due will be considered a delinquent account subject to state action to collect the outstanding obligation. Such amount will be paid directly to the applicable Fund, either the Drinking Water, Clean Water, or Land Acquisition and Source Water Loan Fund.

010.01D Additional terms and conditions may be established in the annual IUPs or administered through the loan agreement.

Enabling Legislation: Neb. Rev. Stat. §§81-15,151 to 81-15,154; §71-5323

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NEBRASKA ADMINISTRATIVE CODE

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Title 131 - Rules and Regulations for the Wastewater Treatment Facilities and Drinking Water Construction Assistance Program

Chapter 3- GENERAL REQUIREMENTS FOR CWSRF and DWSRF PROJECTS

001 Wastewater Treatment Works, Nonpoint Source Control System, and Public Water System Land Acquisition and Source Water Protection Projects will satisfy the following:

001.01 Procurement Standards for Engineering Services and Construction Contracts. Loan applicants will use their own procurement procedures which reflect applicable federal, state, and local laws and regulations.

001.01A For engineering services to be eligible, the loan applicant will submit to the Department the appropriate professional services agreement for planning, design, and/or construction administration services. The Department will review the agreement(s) for eligibility.

001.01B The Department will review costs and will provide assistance for engineering costs which are considered reasonable and acceptable. Costs that appear excessive or unjustified may be limited for loan participation. The Department may provide an allowance for planning and/or design costs. The Department may use 40 CFR Part 35 Appendix B dated February 17, 1984 as a tool to determine the allowance for engineering services.

001.01C For construction contracts the loan recipient will follow the procedures under Chapter 3, 002.03A.

001.02 Public Participation. Loan applicants will conduct a minimum of the following:

001.02A A public meeting when facility planning alternatives have been developed, but before an alternative has been selected, to discuss all alternatives under consideration and the reasons for rejection of others. Public notice must occur not less than 30 days prior to the public meeting.

001.02B A public hearing prior to formal adoption of a facility plan to discuss the proposed facility plan, financial aspects of the project, proposed annual residential and industrial user charges, and any needed mitigation measures. Public notice must occur at least 45 days prior to the date of the hearing.

001.03 Environmental Review. Loan applicants will conduct environmental review of projects using the following procedures.

001.03A 40 CFR Part 6 – Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions, as amended, is hereby adopted and incorporated herein.

001.04 Construction Contracts. Construction contracts are to include:

001.04A Requirements for the contractor of the construction project to post separate performance and payment bonds or other security approved by the Department in the amount of the bid;

001.04B A complete statement of work to be performed, including design drawings, specifications, and the required performance schedule;

001.04C The terms and conditions of the subagreement to be awarded;

001.04D A clear explanation of the loan recipient's method of bidding and evaluating bid prices, and its method for awarding the subagreement;

001.04E Any applicable wage determination requirements;

001.04F The deadline and place to submit bids;

001.04G Requirement for bid bond for 5% of the contractor's bid.

001.05 Contract Award and Construction Activities.

001.05A Construction Contract Procurement and Bid Document Review and Approval. Loan recipients will use their own procurement procedures which reflect applicable federal, state, and local laws and regulations.

001.05A1 The Department will review the bidding documents and authorize award of the construction contract.

001.05A2 In case of a single bid, the loan recipient may return the bid to the bidder unopened, promptly notify the Department, and re-advertise the project.

001.05B Monitoring Construction. The loan recipient is to provide and maintain competent and adequate engineering supervision and resident inspection during construction.

001.05B1 Department Inspections. Department officials will monitor and inspect project construction. Department officials may also attend construction progress meetings. The purpose of these inspections will be to ensure that construction is progressing on schedule in accordance with approved plans/specifications and to determine compliance with terms of the loan. The loan recipient is required to correct all the deficiencies which are brought to their attention as a result of Department inspection. When the project is considered substantially complete and is operating as intended, the Department will perform a final inspection.

001.05B2 Initiation of operation. The loan recipient is to notify the Department in writing of the date of initiation of operation.

001.05C Change Orders. Change orders are to be in the form of a written document, issued by the loan recipient to a contractor, which alters the price,

time of completion, or any other requirement(s) of the original contract documents.

001.05C1 The loan recipient is responsible for the adequate and prompt management of change orders.

001.05C2 Change orders will be submitted to the Department with documentation to support the cost and scope of work defined in the change order for review and approval by the Department.

001.05C3 The loan recipient may request additional funds for approved change orders if the additional work results in costs which will exceed the funds allocated to the project under the original contract.

001.05C4 Additional funds may be made available to the loan recipient if the change order costs are considered eligible and allowable subject to availability of funds.

001.05D Operation and Maintenance Manual. The operation and maintenance manual provides the information and guidance for the day-to-day effective and efficient operation and maintenance of the project. The loan recipient is to submit a draft of the manual as well as a final operation and maintenance manual to the Department.

001.05E Force Account. Project work which will be performed by the employees of the loan recipient may be categorized as force account. All significant elements of work are to be performed through the competitive bidding process.

001.05E1 The loan recipient may elect to complete certain project work by force account. In order to undertake this responsibility, the loan recipient will:

001.05E1.a Seek prior approval from the Department;

001.05E1.b Document that this work will be performed in an efficient and cost-effective manner; and

001.05E1.c Ensure that specific details of the force account effort are included in the loan as part of the project scope.

001.05E2 The loan recipient will receive loan disbursements for force account work upon receipt of documentation which verifies the costs incurred. Only direct labor and material cost is eligible for loan participation under this provision.

001.05F Small Purchases. The loan recipient may use small purchase provisions in accordance with applicable federal, state, and local laws and regulations, with prior approval of the Department. Payment for this work will require the submittal of documentation such as invoices and receipts.

002 General Requirements for Wastewater Treatment Works Projects.

002.01 Facility Planning Requirement. Loan applicants will conduct facility planning using the following procedures:

002.01A That projects apply best practicable waste treatment technology, which is the cost-effective technology that can transport and treat wastewater, separate combined sewers, and remove excessive infiltration and inflow in publicly owned Wastewater Treatment Works.

002.01B General Facility Planning Requirements. Facility planning will demonstrate the need for proposed facilities. Through a systematic evaluation of alternatives that are feasible in light of the unique demographic, topographic, hydrologic, and institutional characteristics of the area, the facility plan will demonstrate that the selected alternative is cost-effective (i.e., is the most economical means of meeting the applicable effluent, water quality, and public health requirements over the design life of the facility while recognizing environmental and other nonmonetary considerations). The facility plan will also demonstrate that the selected alternative is implementable from legal, institutional, financial, and management standpoints. All facility planning requirements may not be applicable to all types of projects. Comprehensive plans or engineering reports or studies may fulfill certain facility planning requirements.

002.01C Facility plan contents. A completed facility plan is to include:

002.01C1 A description of both the proposed Wastewater Treatment Works, and the complete Wastewater Treatment Works of which it is a part.

002.01C2 A cost-effectiveness analysis of the feasible conventional, innovative, and alternative Wastewater Treatment Works, processes and techniques capable of meeting the applicable effluent, water quality, and public health requirements over the design life of the facility while recognizing environmental and other nonmonetary considerations. The planning period for the cost-effectiveness analysis will be at least 20 years. The monetary costs to be considered must include the present worth or equivalent annual value of all capital costs and operation and maintenance costs. A cost-effectiveness analysis is to include:

002.01C2.a An evaluation of alternative flow reduction methods.

002.01C2.b A description of the relationship between the capacity of alternatives and the needs to be served, including capacity for future growth expected after the Wastewater Treatment Works become operational. This includes estimated flows from significant industrial users.

002.01C2.c Cost information on total capital costs and annual operation and maintenance costs, including estimated annual or monthly costs to residential and industrial users.

002.01C3 A demonstration of the nonexistence or possible existence of excessive infiltration/inflow in the sewer system. See Chapter 3, 002.01E.

002.01C4 An evaluation of the environmental impacts including ground water and surface water impacts of alternatives.

002.01C5 For the selected alternative, a concise description at an appropriate level of detail of at least the following:

002.01C5.a Relevant design parameters;

002.01C5.b Estimated capital construction and operation and maintenance costs, and a description of the manner in which costs will be financed;

002.01C5.c Cost impacts on Wastewater Treatment Works users; and

002.01C5.d Institutional and management arrangements necessary for successful implementation.

002.01D Submission and review of a facility plan. Each facility plan is to be submitted to the Department for review.

002.01E Infiltration/Inflow.

002.01E1 General. The loan applicant is to satisfactorily demonstrate to the Department that each sewer system discharging into the proposed Wastewater Treatment Works project is not or will not be subject to excessive infiltration/inflow. As an alternative loan applicants may propose long term program measures to limit infiltration and inflow. For previously existing combined sewers, inflow is not considered excessive in any event.

002.01E2 Inflow. If the rainfall induced peak inflow rate results or will result in chronic operational problems during storm events, or the rainfall induced total flow rate exceeds 275 gpcd (1040 lpcd) during storm events, the loan applicant may perform a study of the sewer system to determine the quantity of excessive inflow and to propose a rehabilitation program to eliminate the excessive inflow.

002.01E3 Infiltration.

002.01E3.a If the flow rate at the existing Wastewater Treatment Works is 120 gpcd (450 lpcd) or less during periods of high groundwater, the loan applicant may build the project including sufficient capacity to transport and treat any existing infiltration. However, if the loan applicant finds any specific portion of its sewer system is subject to excessive infiltration, the loan applicant may document its finding in a cost-effectiveness analysis and propose a sewer rehabilitation program to eliminate that specific excessive infiltration.

002.01E3.b If the flow rate at the existing treatment facility is more than 120 gpcd (450 lpcd) during periods of high

groundwater, the loan applicant may perform a study of the sewer system to determine the quantity of excessive infiltration and propose a sewer rehabilitation program to eliminate the excessive infiltration.

002.02 Design requirements will include, but not be limited to, the following:

002.02A A requirement that the design of Wastewater Treatment Works be by professional engineers registered in Nebraska and follow current design standards as required by the Department. The design engineer will complete the Department's design information forms and submit them to the Department with the construction contract plans and specifications.

002.02B Capacity for twenty years domestic and industrial growth or reasonable capacity as approved by the Department.

002.02C Cost and Effectiveness Analysis. Beginning October 1, 2015, loan recipients who submit an application will certify to the Department that the loan recipient:

002.02C1 Has studied and evaluated the cost and effectiveness of the processes, materials, techniques, and technologies for carrying out the proposed project or activity for which assistance is sought under this title; and

002.02C2 Has selected, to the maximum extent practicable, a project or activity that maximizes the potential for efficient water use, reuse, recapture, and conservation, and energy conservation, taking into account:

002.02C2.a The cost of constructing the project or activity;

002.02C2.b The cost of operating and maintaining the project or activity over the life of the project or activity; and

002.02C2.c The cost of replacing the project or activity.

002.03 Fiscal Sustainability Plan. Beginning October 1, 2014, loan recipients who submit an application whose projects involve the repair, replacement, or expansion of a publicly owned treatment work will develop, certify, and implement a fiscal sustainability plan that will include:

002.03A An inventory of critical assets that are a part of the treatment works;

002.03B An evaluation of the condition and performance of inventoried assets or asset groupings;

002.03C A certification that the recipient has evaluated and will be implementing water and energy conservation efforts as part of the plan; and

002.03D A plan for maintaining, repairing, and, as necessary, replacing the treatment works and a plan for funding such activities; or

002.03E Certify that the recipient has developed and implemented a plan that meets the requirements under this section.

002.04 Effect of Approval or Certification of Documents. Review or approval of facility plans, design drawings and specifications, or other documents by the Department does not relieve the loan recipient of its responsibility to properly plan, design, build, and effectively operate and maintain the Wastewater Treatment Works described in the loan in accordance with the Clean Water Act, regulations, permits, and good management practices.

002.05 Access to Individual On-Site Systems. Loan recipients receiving loans for alternatives including individual on-site systems on private property are to provide assurance of access to the systems at all reasonable times for such purposes as inspection, monitoring, building, operation, rehabilitation, and replacement.

002.06 Sewer Use Ordinances/User Charge Systems. The loan recipient is to include the following ordinance provisions for its sewer use ordinance/user charge system. These legally binding documents are to be submitted to the Department for review and be adopted and implemented by the loan recipient before the Wastewater Treatment Works is placed in operation. The loan recipient will also implement the user charge system and sewer use ordinance for the useful life of the Wastewater Treatment Works.

002.06A Sewer Use Ordinance. This legally binding ordinance will prohibit any new connections from inflow sources into the Wastewater Treatment Works and require that new sewers and connections to the Wastewater Treatment Works are properly designed and constructed. This ordinance will also require that all wastewater introduced into the Wastewater Treatment Works not contain toxics or other pollutants in amounts or concentrations that endanger public safety and physical integrity of the Wastewater Treatment Works; cause violation of effluent or water quality limitations; or preclude the selection of the most cost-effective alternative for wastewater treatment and sludge disposal.

002.06B User Charge System. The user charge system is to be designed to produce adequate revenues required for operation and maintenance (including replacement) and also to retire debt incurred due to construction of Wastewater Treatment Works if the user charge system was utilized as the dedicated revenue source. These revenues are to be maintained in at least two separate accounts, one for the operation and maintenance costs (including replacement) and the other for debt retirement costs. The requirements for the debt retirement account will be defined in the loan. Additional accounts may be provided to meet other requirements of the loan recipient.

002.06B1 The loan recipient's user charge system, based on actual or estimated use of wastewater treatment services, is to provide that each user or user class pay its proportionate share of operation and maintenance (including replacement) costs of Wastewater Treatment Works within the Municipality's or County's service area, based on the user's proportionate contribution to the total wastewater loading from all users or user classes.

002.06B2 Each user charge system is to include an adequate financial management system that will accurately account for revenues generated by the system and expenditures for operation and maintenance (including replacement) of the Wastewater Treatment Works, based on an adequate budget identifying the basis for determining the annual operation and maintenance costs and the costs of personnel, material, energy, and administration.

002.06B3 The user charge system is to provide that the costs of operation and maintenance for all flow not directly attributable to users (i.e. infiltration/inflow) be distributed among all users based upon either of the following:

002.06B3.a In the same manner that it distributes the costs for their actual use, or

002.06B3.b Under a system which uses one or any combination of the following factors on a reasonable basis: flow volume of the users, land area of the users, or number of hookups or discharges of the users.

002.06B4 After completion of building a project, revenue from the project (e.g. sale of a treatment-related byproduct) is to be used to offset the costs of operation and maintenance. The loan recipient is to proportionately reduce all user charges.

002.06B5 One or more municipal legislative enactments or other appropriate authority is to incorporate the user charge system. If the loan recipient accepts wastewater from other wastewater generators, the subscribers receiving waste treatment services from the loan recipient is to adopt user charge systems in accordance with this section. Acceptable user charge systems are also to be incorporated in appropriate municipal legislative enactments or other appropriate authority of all loan recipients contributing wastes to the Wastewater Treatment Works.

002.06B6 The user charge system will take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of this section.

003 General Requirements for Nonpoint Source Control System Projects and Land Acquisition and Source Water Protection Projects.

003.01 General Planning requirements. Loan applicants will prepare an engineering report which defines the project, its purpose, and its scope.

003.01A Alternatives will be evaluated for the project through a cost-effectiveness analysis and other non-monetary considerations of an engineering evaluation. The engineering report will demonstrate that the selected alternative is cost-effective.

003.01B An evaluation of the environmental impacts including ground water and surface water impacts of the selected alternative will be included in the engineering report.

003.01C For the selected alternative, a concise description will be provided in the engineering report of at least the following:

003.01C1 Relevant design parameters including project design life.

003.01C2 Estimated capital construction costs and the associated operation and maintenance costs, and a description of the manner in which costs will be financed.

003.01C4 Cost impacts on the entities who benefit from the Nonpoint Source Control System project or the land acquisition and source water protection project.

003.01C5 Institutional and management arrangements necessary for successful implementation.

003.01D Submission and review of the engineering report. Each engineering report will be submitted to the Department for review.

003.02 Recipients will satisfy the Cost and Effectiveness Analysis requirements in accordance with Chapter 3, 002.02C.

003.03 Loan applicants will have plans and specifications prepared by professional engineers registered in the state of Nebraska and submitted to the Department for review and approval.

003.04 Effect of Approval or Certification of Documents. Review or approval of engineering reports, design drawings and specifications, or other documents by the Department does not relieve the loan recipient of its responsibility to properly plan, design, build, and effectively operate and maintain the Nonpoint Source Control Systems and land acquisition and source water protection projects described in the loan in accordance with the CWSRF Act or DWSRF Act, regulations, permits, and good management practices.

003.05 Access to ground water monitoring wells is to be provided at all reasonable times for such purposes as inspection, monitoring, building, operation, rehabilitation, and replacement.

003.06 Use Ordinances or User Charge Systems: The loan recipient is to include ordinance provisions required by the Department for any use ordinance or user charge system enacted in relation to the nonpoint source control system or the land acquisition and source water protection project.

004 General Requirements for Public Water System Projects.

004.01 General Planning requirements. Loan applicants will prepare an engineering report which defines the project, its purpose, and its scope.

004.01A Alternatives will be evaluated for the project through a cost-effectiveness analysis and other non-monetary considerations of an engineering evaluation.

004.01B An evaluation of the environmental impacts including the beneficial and adverse consequences on the existing environment, the future environment and individual sensitive environmental issues that are identified by project management or through public participation on the alternatives of Chapter 3, 004.01A and the selected alternative will be included in the engineering report.

004.01C For the selected alternative, a concise description will be provided in the engineering report of at least the following:

004.01C1 Relevant design parameters including project design life.

004.01C2 Estimated capital construction costs and the associated operation and maintenance costs, and a description of the manner in which costs will be financed.

004.01C3 Cost impacts on the users of the Public Water System who benefit from the DWSRF project.

004.01C4 Institutional and management arrangements necessary for successful implementation.

004.01C5 Appropriate near-term and long-range measures to avoid, minimize, or mitigate adverse environmental impacts.

004.01D Submission and review of the engineering report. Each engineering report will be submitted to the Department and to DHHS for review.

004.02 Design requirements will include, but not be limited to, the following:

004.02A Loan applicants will have plans and specifications prepared by registered professional engineers and submitted to DHHS for review.

004.02B Capacity for twenty years domestic and industrial growth or reasonable capacity as approved by DHHS.

004.04 Effect of Approval or Certification of Documents. Review or approval of engineering reports, design drawings and specifications, or other documents by DHHS or by the Department does not relieve the loan recipient of its responsibility to properly plan, design, build, and effectively operate and maintain the Public Water System described in the loan in accordance with the DWSRF Act, regulations, permits, and good management practices.

004.05 Use Ordinances or User Charge Systems. The loan recipient is to include ordinance provisions required by the Department for any user charge system enacted in relation to the Public Water System. The loan recipient is to submit to DHHS for review a water system use ordinance and satisfy DHHS requirements of capacity development.

Enabling Legislation: Neb. Rev. Stat. §81-15,152; §81-15,153; §71-5318; §71-5322;§71-5324

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