

**WESTERN LEE COUNTY WASTEWATER TREATMENT PLANT & SEWAGE COLLECTION SYSTEM
PROPERTY OWNER'S RIGHTS-OF-ENTRY
FACT SHEET – PHASE 1.A**

Project Need & Purpose:

- Residents in Western Lee County are not served by a public wastewater collection and/or treatment system at this time.
- Wastewater treatment is provided by individual septic tank/drain field systems.
- Satisfactory soil conditions and sufficient land area to construct or expand properly functioning subsurface treatment systems is not available to a majority of those residing in the project area due to the presence of poor soils and shallow depth to rock.
- The Western Lee County WWTP & Sewage Collection System Project will serve local residential clusters, commercial, institutional, and other development along the US Route 58 corridor in Lee County, extending from the Tennessee/Virginia state line near Harrogate, Tennessee, approximately 15 miles east to the Ewing Community.
- The 2018 Virginia Department of Environmental Quality *Watershed Implementation Plan* for the Powell River and its tributaries identifies segments Indian Creek as “impaired,” due primarily to fecal coliform, much of it sourced from domestic human waste.
- Without an adequate wastewater collection and treatment, the risk to public health will increase and, surface and groundwater quality will further diminish.
- Implementation of the project will improve public health and enhance water quality.
- Construction and operation of a public wastewater treatment and collection system will create new opportunities for economic growth in Western Lee County.

Authorization:

- The US Army Corps of Engineers (USACE) is authorized under Section 219 of the Water Resources Development Act of 1992, Public Law 103-580, as amended, to provide grant funds for design and construction assistance for water-related environmental infrastructure projects. As such, USACE is the designated Federal Sponsor. “Section 219” is referenced in the Right-of-Entry (ROE) heading. Note: This Act, passed by the US Congress in 1992, specifically names Lee County, Virginia as a direct beneficiary, along with limited other localities nation-wide.
- The Lee County Board of Supervisors is USACE’s Local Sponsor.

Operation & Maintenance:

- The Lee County PSA will own and operate the Western Lee County WWTP & Sewage Collection System.

Project Scope – Phases:

Phase 1 is comprised of three sub-phases: Phase 1.A is the focus of the current initiative to secure ROE; Phases 1.B and 1.C will follow. The three sub-phases are subject to change; however, are generally described as:

• Phase 1.A (Main Trunk Line)

Constructs the WWTP and provides for “Trunk Line” conveyance of the wastewater from the LMU Main campus discharging into Station Creek Pump Station and the LMU Vet School to the collection system. This include includes the force main and gravity sewer, with available service connections along the route. Pump Stations to be constructed are:

- Station Creek
- Gibson Station
- Vet School
- Elydale
- Route 691

ROEs for the Phase I.A WWTP and pump station sites are critical for pump station site geotechnical investigations and USACE’s environmental studies.

• Phase I.B

Phase 1.B includes those property owners in the Elydale and Mandarin Communities. Wastewater collection will consist of connecting those properties with access to the gravity sewer sections of the Trunk Line, consisting of the following:

- Elydale: gravity collection.
- Mandarin Pump Station: gravity collection, and force main.
- Route 691: gravity collection.
- Gibson Station: gravity collection.

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Project Scope – Phases, cont'd.:

- **Phase I.C**
Phase 1.C includes the Pump Stations service areas for the following:
 - Chadwell Station Pump Station: gravity collection, and force main.
 - Caylor Pump Station: gravity collection, and force main.
 - Route 811 Pump Station: gravity collection, and force main. Route 811 Pump Station: gravity collection, and force main.
 - Walnut Hill Pump Station: gravity collection, and force main.
- Phase 2 is beyond the current planning horizon.

Rights-of-Entry:

- The ROE allows USACE on the property to conduct environmental and cultural resource studies and investigations and The Lane Group to conduct design surveying throughout and WWTP and pump station site geotechnical investigations.
- ROEs are valid for a period of 2 years to allow for the studies and investigations.
- ROEs are not easements. ROEs are not a commitment to take sewer service.
- Local Sponsor Contact:
Mike Brindle, Operations Manager
Lee County Public Service Authority
PO Box 830
2 Park Street
Jonesville, Virginia 24263
Phone: 276.346.7775 / Email: mbrindle@leecopsa.org
- USACE Contact:
William (Bill) Avant, Realty Specialist
Real Estate Division
US Army Corps of Engineers Nashville District
110 9th Ave South Suite A405
Nashville, Tennessee 37203-3852
Phone: 615.736.5683 / Email: william.r.avant@usace.army.mil

Schedule:

- Phase 1.A – Final Design complete, Summer 2024; Advertising, Bidding, Award, and Construction to be determined. Once the construction contract is awarded, full operations is anticipated to begin in 18 to 24 months.
- Phase 1.B – To be determined.
- Phase 1.C – To be determined.

Frequently Asked Questions:

1. *“Where are the lines going to be installed?”*
To the extent possible, gravity sewer and force main lines will be located in existing VDOT rights-of-way or those in private subdivisions. Topography and line slope will dictate gravity sewer line location. This requires crossing some properties to allow for proper flow. An easement, to be acquired in the future after detailed design, may be required.
2. *“Where can I see the maps showing the sewer lines on my property?”*
Maps with the sewer alignments will be posted on the PSA website. In addition, hard copies of the mapping will be available for review at the PSA office in Jonesville during normal business hours.
3. *“How much will it increase my monthly bill from the PSA?”*
The sewer bill will be based on the water used (water bill) at the rate for sewer in effect at the time of connection. The current PSA residential sewer rate is a base rate of \$39.64 and \$10.73 per 1,000 gallons thereafter. Using your water bill, you can calculate the additional cost for sewage treatment at the current rate. For customers using wells for domestic water, the flat rate is \$55.80 per month.

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4. *“Who can I talk to about this project and how it may affect my property?”*
Mike Brindle (LCPSA) is available to answer questions: phone 276.346.7775, email mbrindle@leecopsa.org. In addition, there will be a Public Meeting held, date and location yet to be determined, where USACE, The Lane Group (engineers), PSA, Board of Supervisors members, and others involved with the project will be present to address questions and concerns. Right-of-Entry forms, with property maps, will be available for signature for properties located in Phase 1.A.
5. *“Why can't you relocate the line off my property?”*
To the extent possible, gravity sewer and force main lines will be located in existing VDOT rights-of-way or those in private subdivisions. Topography dictates the location of gravity sewer lines; therefore, relocation, if any, is minimal, to allow for proper flow per the regulations. Easements, if necessary, will be identified after detailed design and cannot be addressed at this time.
6. *“What if I don't sign or give permission for the Right-of-Entry survey and other work.”*
Lee County will work with USACE and the engineers to determine an alternative route where possible. However, if a property owner refuses to sign a Right-of-Entry; the sewer collection line cannot be rerouted; and the property is considered critical to the project, the County will employ more formal legal options, based the nature of the need to access the property. Please Note: Even if you do not want or need sewer service, the Community as a whole benefits: your family, friends, and neighbors. It provides an opportunity for diversified job growth in Western Lee County.
7. *“Can you condemn portions of my property to gain access?”*
The Board of Supervisors, PSA, and USACE have no desire to condemn property and will work with property owners to the extent possible. Condemnation is a last resort after other all options to achieve an agreement fail. Should access be denied and the location on the property is required for investigation or construction and operation, condemnation is a possibility. Should condemnation be necessary, the fair market value (FMV) for the property will be determined for that portion/area of the property required for the project.
8. *Do we have to tap in? Is it mandatory?”*
The answer is no. However, it is highly recommended that if you are considering, you request a tap. Future funding may allow construction of the service at no cost to the property owner from the discharge point at the structure to the sewer main at the time of construction. If sewer is desired after the completion of construction, there will be a LCPSA tap fee; the property owner will have to make its own tap at the discharge point; capture the discharge of any “gray water” lines; and install the line to the sewage collection system. The current PSA cost for a sewer tap is \$1,000 and \$100 deposit. This only provides a connection to sewer, the line to the cleanout, and a cleanout at the property line.
9. *“Am I going to be able to tap in?”*
This cannot be determined until the 60% design complete and approved by USACE. The project is currently in the 30% design phase. The ROE will assist the engineers in determining if sewer can be provided.
In some cases, where an individual property's connection is below the sewer main, service will require installation of a small grinder pump to access the collection line. Older homes may also need new electric panel. Both the grinder pump and electric service upgrade, if required, may be installed during construction at no cost to the property owner depending on the project funding sources. Once installed, ownership of the grinder pump will be transferred to the property owner. The property owner will be responsible for future maintenance and electricity to operate the pump. The typical life of a pump is 10 to 15 years. Power to operate is approximately \$1.50 per month based on average residential use.
10. *“What happens to my septic tank?”*
Once connected to the system, the septic tank may be caved in, filled with gravel, covered with dirt, and the area reseeded.
11. *“I may or may not want to have a connection. My worry is the sewer line will go through my septic lines and my system will not work properly whether if I choose a connection or not.”*
A specific detail will be included in the construction plans to address this issue. The drain lines will be placed back in working order whether or not you choose to connect to the system.

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12. *"What if my fence, garden or other feature on my property is in the line of construction?"*

The engineers will do their best to avoid fences, gardens, shrubs, and other on-property amenities. The surveyors will locate to the extent possible for design; a reason for the ROE. Should avoidance not be possible, during construction fences will be removed, stored on-site and reinstalled. Gardens and planting materials will be removed from the construction area, stored on-site and reinstalled upon construction completion. Other amenities will be addressed in a similar manner. Prior to construction, the contractor is mandated to make a video of the entire project as documentation of the existing conditions.

13. *"What if I have a large tree in the way?"*

The engineers will do their best to avoid large trees. The surveyors will locate to the extent possible for design; a reason for the ROE. However, in some cases avoidance may not be possible. Working with the property owner, the contractor will remove and dispose of any unwanted wood and debris and restore the area.

14. *"I have a concrete driveway. Are they going to cut through it?"*

The engineers will do their best to avoid concrete driveways. However, if this cannot be avoided, the existing concrete will be cut by a saw and the concrete replaced in-kind. Similarly, if the driveway is asphalt or gravel, it will be replaced in-kind. During construction stone will be placed over the cut to allow access prior to resurfacing.

15. *"How will the discharge from the WWTP impact Indian Creek?"*

A Virginia Pollution Discharge Elimination System (VPDES) permit has been issued by the Virginia Department of Environmental Quality for the project. VDEQ has coordinated with the Tennessee Department of Environment and Conservation (TDEC) Division of Water Resources. Per TDEC, *"Tennessee regulations state that in Exceptional Tennessee Waters, degradation cannot be authorized unless 1) there is no reasonable alternative to the proposed activity that would render it non-degrading and 2) the activity is in the economic or social interest of the public. Tennessee water quality standards define degradation as use of more than 5% of assimilative capacity for any substance by a single activity and of more than 10% assimilative capacity from multiple activities."* VDEQ and TDEC have jointly developed wastewater discharge criteria that meet this criteria and will protect the aquatic resources of Indian Creek. This is the basis for the design of the wastewater treatment plant.

16. *"I have a beautiful lawn I have worked hard to get. What happens to my lawn during and after construction?"*

The construction documents will require lawns be disturbed to the minimum extent possible and they be restored to their pre-construction condition. Prior to construction, the contractor is mandated to make a video of the entire project as documentation of the existing conditions.

17. *"How are you addressing threatened and endangered species, wetlands, and other environmental concerns I have?"*

USACE is generating a National Environmental Policy Act (NEPA) Environmental Assessment for the project. It will address potential impacts to the existing environment for threatened and endangered species, wetlands, air, noise, social justice, and other NEPA requirements. USACE will prepare a Draft Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) that addresses potential impacts of the project to the local environment. The Draft EA will be advertised for a 30-day public comment period. USACE will also contact local, state, and federal agencies requesting comment. After comments have been considered, a Final EA will be drafted which will either conclude a Finding of No Significant Impact (FONSI) or that a more comprehensive environmental review must be conducted through an Environmental Impact Statement (EIS). The project is also required to comply with other environmental regulations including: the Clean Water Act, the National Historic Preservation Act, and the Endangered Species Act.

18. *"What sort of studies will be conducted? How will they be conducted and what will they do on and to my property?"*

Archaeological field investigations will consist of an initial Phase I Archaeological Survey to determine and identify the potential presence of archaeological materials. A Phase I Survey typically involves a subsurface investigation, through systematically spaced shovel test pits (STP) at 20 to 30 foot intervals. The STP consists of excavating a shallow hole with a shovel measuring approximately 14 inches in diameter to a depth of approximately 3.28 feet or 1 meter. Soil excavated from the STPs will be sifted through a metal screen mesh over a plastic tarp. Artifacts identified during the excavation, if found, will be collected for later analysis. Upon completion the Survey, the archaeologist will place the sifted soil back into the excavated STP; tamp it down flush with the ground surface; and replace the grass plug initially excavated over the test site. Use of a plastic tarp allows for soil to be placed back in the hole more efficiently and minimizes damage to the pre-existing surface, lawns, field, etc. In rare cases archaeologists may need to conduct additional field investigations involving more intensive ground excavations should significant archaeological deposits be identified during the initial Phase I Survey.

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Wetlands will also be inventoried along the sewage collection route by USACE, at pump stations, and the wastewater treatment plant site. The engineers will avoid construction in wetlands to the extent possible. Prior to construction, all construction documents will comply with the Clean Water Act relative to wetlands.

Stream crossings are minimized to the extent possible. However, due to the nature of the project, there will be crossings of minor streams and Indian Creek. USACE biologists may conduct flora, fauna, and aquatic stream studies relative to federal and state species of concern and threatened and endangered species in full compliance with NEPA. All investigations and stream crossing design/construction will be permitted through USACE and agencies of the Commonwealth of Virginia such as VA Department of Game and Inland Fisheries, VA Department of Conservation and Recreation, VA Department of Environmental Quality, VA Marine Resource Commission, and the US Fish and Wildlife Service.