NORTH CAROLINA **SPECIAL AGREEMENT**

PITT COUNTY

DATE: 5/8/2015

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Project: U-3315

AND WBS Element: 35781.3.FD1

GREENVILLE UTILITIES COMMISSION

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the Greenville Utilities Commission, hereinafter referred to as the "GUC";

W I T N E S S E T H:

WHEREAS, the Department has prepared and adopted plans to make certain street and highway improvements under Project U-3315, in Pitt County, said plans consist of construction of the Tenth Street Connector from US 13/NC 11 (Memorial Drive) to SR 1702 (Evans Street) in Greenville; and,

WHEREAS, Greenville Utilities Commission (GUC) grants conditional approval to discharge contaminated ground water generated from dewatering operations associated with the construction of U-3315, Tenth Street Connector, under the following conditions as hereinafter set out;

NOW, THEREFORE, it is agreed as follows:

1. Each storage tank shall be sampled by NCDOT and analyzed according to GUC's requirements listed below.

    A. Tank contents must be representative of discharge to GUC sewer.

    B. Analysis shall be performed by a North Carolina certified laboratory using approved procedures as set forth in 40 CFR Part 136.

    C. In all source areas, Method 8260B shall be used.

    D. In petroleum source areas Method 8260B shall be used with a Method 624 analyte list.

    E. pH at time of discharge shall be between 6-10 S.U.

F. The laboratory shall submit their report to NCDOT no later than 15 days after the sample collection date.

G. NCDOT shall submit the laboratory report to GUC within five (5) business days of receiving the report from the laboratory. Reports shall include a chain of custody and the laboratory analysis report.

2. NCDOT shall notify GUC of contractor selected for dewatering operations associated with the construction of U-3315 within two (2) weeks of selection. Notification must include primary contact person's complete contact information.

   A. GUC shall issue a Special Use Permit (SUP) to contractor responsible of operations and oversight of Special Agreement # 5633.

   B. The SUP shall be in place prior to commencement of discharge of contaminated groundwater.

3. NCDOT shall notify GUC 24 hours prior to pending sampling activities.

   A. GUC reserves the right to observe the sampling and to collect duplicate samples. GUC will assess a fee of $200.00 per sampling event and the direct analytical fees charged by the certified Laboratory.

   B. GUC will assess an administrative fee of $40.00 per hour for billing and analysis review.

4. Any petroleum contaminated site concentrations above the most restrictive of 15A NCAC 2B Water Supply or Fresh Water Aquatic Life Standard and below the 15A NCAC 2B Human Health Standard as shown in Table 1 (attached Appendix "A") are acceptable to discharge to sanitary sewer. If target analytes are below the 2B standards, discharge shall be to the storm water system.

5. Any chlorinated organic contaminant concentrations below the 15A NCAC 2B Human Health Standard as shown in Table 1 are acceptable to discharge to sanitary sewer. If target analytes are above the Human Health Standards after treatment, an alternate mode of disposal shall be used.

6. GUC shall issue a Go or No-Go authorization to discharge on each tank based on:

   A. the analysis as compared to Table 1,

   B. the plant's current performance and/or,

   C. environmental conditions at time of discharge, including major rainfall events.

7. GUC shall issue the Go or No-Go authorization within 2 hours if the analytical results are received during the normal business hours of 8:00am to 5:00pm, Monday through Friday.

8. The ground water may be released through a meter capable of measuring the discharge volume and approved by GUC. The discharge shall be verified by either a timestamp on the meter or the meter shall be capable of providing the release volumes via telemetry. GUC may choose to witness the discharge.

9. In the event that an acceptable meter is not in place, GUC will assess a flat fee based on the tank's rated volume regardless of the actual volume discharged. GUC reserves the right to verify the discharge with an onsite representative and assess an administrative fee of $40.00 per hour to witness the discharge.

10. GUC shall read and record the flow meter(s) on a monthly basis and reconcile the volumes with the release authorizations. GUC shall invoice NCDOT monthly based on the meter reading at a cost of $0.045 per gallon and any additional laboratory analysis or labor charges as described in items 2, 7, and 8 above.

11. Tanks receiving a No-Go for discharge shall be documented by NCDOT as to the fate of the tank's contents. Acceptable fates include:

    A. hold tank contents until plant conditions improve to acceptable level and GUC approval,

    B. onsite treatment and resubmission for GUC approval,

    C. onsite treatment and released to storm water, or

    D. off-site disposal.

12. Shipping and Disposal manifests shall be provided to the GUC on a monthly basis.

13. Any discharge which alone or in conjunction with other discharges which may cause interference, inhibition, pass-through and/or a NPDES violation or any discharge which compromises worker health and safety will be subject to enforcement action by GUC according to the Sewer Use Ordinance.

14. Any violation of the terms of this Agreement shall subject NCDOT, and/or agents acting on NCDOT's behalf, to the enforcement authority outlined in the Sewer Use Ordinance. Such action may include, but is not limited to such fines, penalties and assessments as are set forth in the Sewer Use Ordinance GUC, and available here: http://www.guc.com/water-sewer-rates.

14. By Executive Order 24, issued by Governor Perdue, and N.C. G.S.§ 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Agency by authority duly given.

L.S. ATTEST:

GREENVILLE UTILITIES COMMISSION

BY: Amy Carson Quinn

BY:

TITLE: Executive Secretary

TITLE: General Manager/CEO

DATE: 6/24/15

GREENVILLE UTILITIES COMMISSION Established 1905 OFFICIAL SEAL Greenville, North Carolina

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by Anthony C. Cannon of the local governing body of the Greenville Utilities Commission as attested to by the signature of the General Manager/CEO of said governing body on 6/24/15 (Date)

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

56-6000517

Approved as to Form

Phillip R. Dixon
General Counsel

Remittance Address:

Greenville Utilities Commission
P.O. Box 1847
Greenville, NC 27835-1847

DEPARTMENT OF TRANSPORTATION

BY:

(CHIEF ENGINEER)

DATE: 7/6/15

APPROVED BY BOARD OF TRANSPORTATION ITEM O: May 7, 2015 (Dale)

Appendix A: Summary Table of Surface Water Standards

Disclaimer: This table is intended to provide summary information only. It does not substitute for any written regulation, nor is it a regulation itself.

Pollutant	CAS #	Freshwater Aquatic Life	Saltwater Aquatic Life	Water Supply (WS) [1]	Human Health (HH) [2]	Trout Waters (Tr)	High Quality Waters (HQW)	Swamp Waters (Sw)
		ug/l (unless noted)	ug/l (unless noted)	ug/l (unless noted)	ug/l (unless noted)	ug/l (unless noted)	ug/l (unless noted)	ug/L (unless noted)
Aldrin	309-00-2	0.002	0.003	0.05 ng/L	0.05 ng/L			
Arsenic	7440-38-2	50	50	10	10			
Barium	7440-39-3			1.0 mg/L				
Benzene	71-43-2			1.19	51			
Beryllium	7440-41-7	6.5						
Cadmium	7440-43-9	2 (N)	5 (N)			0.4 (N)		
Carbon Tetrachloride	56-23-5			0.254	1.6			
Chlordane	57-74-9	0.004	0.004	0.8 ng/L	0.8 ng/L			
Chloride	16887-00-6	230 mg/L (AL)		250 mg/L				
Chlorine (TRC)	7782-50-5	17						
Chlorinated Benzenes				488				
Chlorinated Phenols				1.0 (N)				
Chlorophyll-a, corrected		40 (N)	40 (N)			15 (N)		
Chromium		50	20					
Copper	7440-50-8	7 (AL)	3 (AL)					
Cyanide	57-12-5	5 (N)	1					
D, 2,4-	94-75-7			100				

Pollutant	CAS #	Freshwater Aquatic Life	Saltwater Aquatic Life	Water Supply (WS) [1]	Human Health (HH) [2]	Trout Waters (Tr)	High Quality Waters (HQW)	Swamp Waters (Sw)
		ug/l (unless noted)	ug/l (unless noted)	ug/l (unless noted)	ug/l (unless noted)	ug/l (unless noted)	ug/l (unless noted)	ug/L (unless noted)
DDT, 4,4'-	50-29-3	0.001	0.001	0.2 ng/L	0.2 ng/L			
Demeton	8065-48-3	0.1	0.1					
Dieldrin	60-57-1	0.002	0.002	0.05 ng/L	0.05 ng/L			
Dioxin (2,3,7,8-TCDD)	1746-01-6			0.000005 ng/L	0.000005 ng/L			
Dissolved Gases		110% sat (N)	110% sat (N)					
Dissolved Oxygen		not less than 5.0 mg/L (N)	not less than 5.0 mg/L (N)			not less than 6.0 mg/L (N)	not less than 6.0 mg/L (E)	(N)
Endosulfan	115-29-7	0.05	0.009					
Endrin	72-20-8	0.002	0.002					
Enterococcus					geomean of 35 organisms/100 mL (applicable to class SA, SB, and SC Saltwaters) (N)			
Fecal Coliform (MFTCC/100mL)[3]				geomean of 50 organisms/100 mL (N)	geomean of 200 organisms/100 mL in Class C Freshwaters (N); and a geomean of 14 organisms/100 mL in class SA Saltwaters (N)			

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		ug/l (unless noted)	ug/l (unless noted)	ug/l (unless noted)	ug/l (unless noted)	ug/l (unless noted)	ug/l (unless noted)	ug/L (unless noted)
Fluoride		1.8 mg/L						
Guthion	86-50-0	0.01	0.01					
Hardness, Total				100 mg/L Calcium Carbonate				
Heptachlor	76-44-8	0.004	0.004	0.08 ng/L	0.08 ng/L			
Hexachlorobutadiene	87-68-3			0.44	18			
Iron	7439-89-6	1.0 mg/L (AL)						
Lead	7439-92-1	25 (N)	25 (N)					
Lindane	58-89-9	0.01	0.004					
Manganese	7439-96-5			200				
MBAS[4]				500 (N)				
Mercury	7439-92-1	0.012	0.025					
Methoxychlor	72-43-5	0.03	0.03					
Mirex	2385-85-5	0.001	0.001					
Nickel	7440-02-0	88 (N)	8.3 (N)	25				
Nitrate (as N)[5]	14797-55-8			10.0 mg/L				
Oil and Grease		(N)	(N)					
Parathion	56-38-2	0.013	0.178					
PCB, Total[6]		0.001 (N)	0.001 (N)		0.064 ng/L (N)			
pH[7]		6.0-9.0 (N)	6.8-8.5 (N)					4.3 (N)

Pollutant	CAS #	Freshwater Aquatic Life	Saltwater Aquatic Life	Water Supply (WS) [1]	Human Health (HH) [2]	Trout Waters (Tr)	High Quality Waters (HQW)	Swamp Waters (Sw)
		ug/l (unless noted)	ug/l (unless noted)	ug/l (unless noted)	ug/l (unless noted)	ug/l (unless noted)	ug/l (unless noted)	ug/L (unless noted)
Phenolic Compounds[8]		(N)	(N)		(N)			
Polynuclear aromatic hydrocarbons (PAH's)[9]				0.0028 Total PAH's	0.0311 Total PAH's			
Radioactive Substances		(N)	(N)		(N)			
Salinity			(N)					
Selenium	7782-49-2	5	71					
Sewage, industrial wastes		(N)	(N)	(N)				
Silver	7440-22-4	0.06 (AL)	0.1 (AL)					
Silvex (2,4,5-TP)	93-72-1			10				
Solids, settleable[10]		(N)	(N)					
Solids, total dissolved				500 mg/L				
Solids, total suspended						HQW=10 mg/L (E)	20 mg/L (E)	
Sulfates				250 mg/L				
Temperature		(N)	(N)		(N)			
Tetrachloroethane, 1,1,2,2-	79-34-5			0.17	4			
Tetrachloroethylene (PERC)	127-18-4			0.7	3.3			
Toluene	108-88-3	11				0.36		
Toxaphene	8001-35-2	0.2 ng/L	0.2 ng/L					
Tributyltin (TBT)	56573-85-4	0.07	0.007					
Trichloroethylene	79-01-6			2.5	30			
Turbidity		50/25 NTU (N)	25 NTU (N)			10 NTU (N)		

Pollutant	CAS #	Freshwater Aquatic Life	Saltwater Aquatic Life	Water Supply (WS) [1]	Human Health (HH) [2]	Trout Waters (Tr)	High Quality Waters (HQW)	Swamp Waters (Sw)
		ug/l (unless noted)	ug/l (unless noted)	ug/l (unless noted)	ug/l (unless noted)	ug/l (unless noted)	ug/l (unless noted)	ug/L (unless noted)
Vinyl Chloride	75-01-4			0.025	2.4			
Zinc	7440-66-6	50 (AL)	86 (AL)					

Footnotes, Codes, and Additional Information with Reference to Classifications and Standards

- To determine the appropriate standard, use the most stringent of all applicable columns. For Class C, use the most stringent of freshwater (or, if applicable, saltwater) column and the Human Health column.
- For a WS water, use the most stringent of Freshwater, WS & Human Health. Trout Waters & High Quality Waters likewise must adhere to the most stringent of all applicable standards
- All metal criteria are as total recoverable metals.
- Chemicals not listed as NC Surface Water Standards are regulated. These chemicals can be found in a larger table at the NC Division of Water Quality: Classifications and Standards Unit Home Page, located at http://h2o.enr.state.nc.us/csu/index.html. For more information contact Connie Brower at 919-733-5083 x 380 or by email at Connie.Brower@ncmail.net.

(AL) Action Level Standard - See 2B .0211 for additional information
(E) For effluent limits only. See 2B .0224
(HQW) High Quality Waters - see 02B .0101 and .0201
(Tr) Trout Waters - as defined by 02B .0101 and 0301
(N) = Narrative standard
(NTU) Nephelometric Turbidity Units
(Sw) Swamp Waters - as defined by 02B .0101

1. WS standards are applicable to *all* Water Supply Classifications. WS standards are based on the consumption of fish and water. See 2B .0208 for equation.
2. Human Health Standards are based on the consumption of fish only unless dermal contact studies are available. See 2B .0208 for applicable equations.
3. MFTCC/100 mL = Membrane Filter Total Coliform Count per 100 mL of sample
4. MBAS (Methylene Blue Active Substances): additional narrative language is located in 02B .0212, .0214, .0215, .0216, .0218
5. Nitrate: Total Nitrogen may be regulated in NSW waters. See 2B .0200s for further info
6. PCB: Applies to total of all identified PCBs
7. pH: Freshwater and Saltwater Aquatic Life Standards are listed as acceptable ranges
8. Phenolic Compounds: no fish flesh tainting
9. PAH: Applies to total PAHs present and includes the following: benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene and indeno(1,2,3-cd)pyrene
10. Settleable Solids: also applies to floating solids and sludge deposits

Unit Conversions: 1.0 mg/L = 1000.0 ug/L = 1000000.0 ng/L
1.0 ng/L = 0.001 ug/L = 0.000001 mg/