STATE OF IDAHO
TRANSPORTATION DEPARTMENT
BOISE

CONTRACT NO. 8982

PROJECT	A019(129)
KEY	19129
WORK AUTH	T173680
LOCATION	COVE ROAD BRIDGE
HIGHWAY	OFF SYS
COUNTY	WASHINGTON

CONTRACTOR

MORENO & NELSON CONSTRUCTION CORP.
1117 E PLAZA DRIVE
Eagle, ID 83616

RESIDENT ENGINEER

MEGAN KAUTZ
208-530-7453
mkautz@lhtac.org

NOTICE OF LETTING

Idaho Federal Aid Project No. A019(129), in Washington County, Key No. 19129; for the work of removing the existing bridge and constructing a new bridge with approach work.

Sealed proposals will be received only at the office of the IDAHO TRANSPORTATION DEPARTMENT, 11331 WEST CHINDEN BLVD. BLDG #8, BOISE, IDAHO 83714 or PO Box 40, BOISE, IDAHO 83707-0040, ATTN: ADVERTISEMENT AND AWARD. Bids may also be submitted electronically through Bid Express (www.bidx.com). All bids must be received by two o'clock p.m., on June 10, 2025.

For any design related questions, please submit through QuestCDN. Instructions on how to use this process are located on the Notice to Contractors page.

Digital copies of the Plans, Proposals, and Specifications must be downloaded for a fee of $22.00. **Bidders must appear on the plan holders list for their proposal to be accepted by the Department.** Please contact QuestCDN.com at 952-233-1632 or info@questcdninfo.com for assistance in downloading and working with this digital project information.

General Bidding information and Specifications may be obtained from the Idaho Transportation Department website at http://itd.idaho.gov/business/

In an effort to achieve ITD's DBE Annual Participation Goal (APG) of 10.11% utilization, ITD requires responder to utilize certified subcontractors and suppliers listed on its DBE Directory located at: https://itd.dbesystem.com/. For this project, it has been determined that there is a DBE availability of 2% or more. For more information regarding ITD's DBE Program please go to https://itd.idaho.gov/civilrights/

This contract requires full compliance with Title VI of the Civil Rights Act of 1964, which protects persons from being denied the benefits of or excluded from participation in programs or activities; or subjected to discrimination based on race, color, national origin, sex, age, disability, Limited English Proficiency or economic status. The Contractor is encouraged to utilize the goods and services of disadvantaged firms in accomplishing the tasks or providing the services of this agreement, and to provide equal opportunity to all sub-bidders and suppliers.

CONTRACT AGREEMENT

THIS AGREEMENT, made and entered into, in duplicate, this 26 day of June, 2025, by and between the State of Idaho, hereinafter called the State, by the Idaho Transportation Board of said State, party of the first part, and MORENO & NELSON CONSTRUCTION CORP., hereinafter called the Contractor, party of the second part.

ITD TO DATE UPON AWARD

WITNESSETH: That the contractor, in consideration of the sum to be paid to him by said State, in the matter and at the time hereinafter provided, and of other covenants and agreements herein contained, hereby agrees for themself, their heirs, administrators, successors and assigns to furnish the material and perform the work of: removing the existing bridge and constructing a new bridge with approach work; in Washington County, designated as Idaho Federal Aid Project No. A019(129).

To furnish all necessary machinery, tools, apparatus, materials and labor to complete the work in the most substantial and workmanlike manner according to the plans and specifications therefore on file in the office of the Idaho Transportation Department of said State, and such modifications of the same and other directions that may be made by the State Highway Administrator as provided herein: Provided, however, that the proposed work covered by this contract does not include that portion or portions of the work to be done in right of way to which title is being contested in any court having jurisdiction, until a specific award has been made by the court in each instance and in good and sufficient title to such portion of right of way in dispute has been assured.

CONTRACT DOCUMENTS:

It is further agreed that the said plans and specifications and the schedule of rates and prices set forth in the proposal and the general and special provisions appended to this contract agreement are hereby specifically referred to and made a part of this contract, and shall have the same force and effect as though all of same were fully inserted herein.

PAYMENTS:

For the faithful performance of the work herein embraced, as set forth in the contract agreement, general and special provisions, notice to contractors, instructions to bidders, proposals, general and detailed specifications and plans, which are a part hereof, in accordance with the directions of the State Highway Administrator and to his satisfaction, the State agrees to pay said Contractor the amount earned, computed from the actual quantities of the work performed as shown by the estimates of the Administrator and unit prices named in such proposal, and to make such payments in the manner and at the time provided in such proposal, and to make such payments in the manner and at the time provided in the general provisions thereto appended. Payments shall be made by the State Treasurer of said State, upon warrants of the State Auditor of said State, issued upon vouchers of said State Highway Administrator, which have been approved by the Idaho Transportation Board out of monies legally available for that purpose.

IN WITNESS WHEREOF, The said State of Idaho, by the Idaho Transportation Board, executes this contract and the said MORENO & NELSON CONSTRUCTION CORP., does sign and seal the same, the day and year in this contract first above written.

Attest (The State):

I hereby attest that all contract documentation has been checked and included in this final contract, as appropriate.

Karen Hanna

Name & Title

Contracts Manager

STATE OF IDAHO
Idaho Transportation Board

By: David B. Kuisti

District Engineer/ HQ Division Administrator
Party of the First Part

TRANSPORTATION BOARD STATE OF IDAHO

CONTRACTOR

Pursuant to Idaho Code Section 9-1406 "I certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct." The undersigned is duly authorized to sign this document on behalf of the above referenced company.

John Nelson

Signature

John Nelson

Print Name

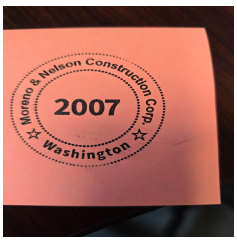
President

Title
Party of the Second Part

Jun 25, 2025

Date

Seal



Bond No. 108251253

Revised 09-09-2021

SURETY

PAYMENT BOND

KNOW ALL MEN BY THESE PRESENTS, That we MORENO & NELSON CONSTRUCTION CORP., as Principal, and Travelers Casualty and Surety Company of America

as Surety are held and firmly bound unto the State of Idaho in the penal sum of

FOUR MILLION NINE HUNDRED FIFTY SIX THOUSAND TWO HUNDRED NINETY DOLLARS

($4,956,290.00) lawful money of the United States, which sum is agreed to be the maximum liability hereunder, well and truly to be paid, and for the payment of which we and each one of us bind ourselves, our heir, executors, administrators and assigns, jointly and severally, firmly by these presents.

The condition of the instrument is such, that whereas the Principal has entered into a certain agreement, hereto attached, with the State of Idaho, dated June 26, 20 25, for the work of removing the existing bridge and constructing a new bridge with approach work; COVE ROAD BRIDGE; known as IDAHO FEDERAL AID Key No. 19129 Contract No. 8982, in Washington County.

ITD TO DATE UPON AWARD

NOW, THEREFORE, If the said Principal shall pay all claimants supplying labor or materials to him or his subcontractors in the prosecution of the work provided for in said contract, and any and all authorized modifications of said contract that may hereafter be made, notice of which modifications to the Surety being hereby waived and shall pay all taxes when due, as required by Title 63, Chapter 15, Idaho Code, then this obligation shall be void, otherwise to remain in full force and effect.

PROVIDED, However, that this bond is executed pursuant to the provisions of the Public Contracts Bond Act, and all liabilities on this bond shall be determined in accordance with said provisions to the same extent as if set forth in full herein.

IN WITNESS WHEREOF, the Principal and Surety have executed this instrument to become effective on the date of the contract agreement as set forth above.

CONTRACTOR:

By:

John Nelson

Signature

John Nelson

Print Name

President

Title

CORPORATE SURETY:

Travelers Casualty and Surety Company of America

Surety Company Name

By:

Liliana Castrejon Perez (Jun 25, 2025 09:01 PDT)

Signature

Liliana Castrejon Perez

Print Name

Attorney-in-Fact

Title

509-755-9344

Phone Number

Lily.Castrejon@MarshMMA.com

Email Address

SURETY

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, That we MORENO & NELSON CONSTRUCTION CORP., as Principal, and Travelers Casualty and Surety Company of America as Surety are held and firmly bound unto the State of Idaho in the penal sum of

FOUR MILLION NINE HUNDRED FIFTY SIX THOUSAND TWO HUNDRED NINETY DOLLARS ($4,956,290.00) lawful money of the United States, which sum is agreed to be the maximum liability hereunder, well and truly to be paid, and for the payment of which we and each one of us bind ourselves, our heir, executors, administrators and assigns, jointly and severally, firmly by these presents.

The condition of the instrument is such, that whereas the Principal has entered into a certain agreement, hereto attached, with the State of Idaho, dated June 26, 20 25, for the work of removing the existing bridge and constructing a new bridge with approach work; COVE ROAD BRIDGE; known as IDAHO FEDERAL AID Key No. 19129 Contract No. 8982, in Washington County.

ITD TO DATE UPON AWARD

NOW, THEREFORE, If the Principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreements of said contract and any extensions thereof that may be granted by the State, with or without notice to the Surety and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the Surety being hereby waived, then this obligation to be null and void, otherwise to remain in full force and effect.

PROVIDED, However, that this bond is executed pursuant to the provisions of the Public Contracts Bond Act, and all liabilities on this bond shall be determined in accordance with said provisions to the same extent as if set forth in full herein.

IN WITNESS WHEREOF, the Principal and Surety have executed this instrument to become effective on the date of the contract agreement as set forth above.

CONTRACTOR:

By:

John Nelson

Signature

John Nelson

Print Name

President

Title

CORPORATE SURETY:

Travelers Casualty and Surety Company of America

Surety Company Name

By:

Liliana Castrejon Perez (Jun 25, 2025 09:01 PDT)

Signature

Liliana Castrejon Perez

Print Name

Attorney-in-Fact

Title

509-755-9344

Phone Number

Lily.Castrejon@MarshMMA.com

Email Address

ATTACH POWER OF ATTORNEY
CB-2-B

☑ ☑

STATE OF IDAHO

TRANSPORTATION DEPARTMENT

BOISE, IDAHO

DATE: June 4, 2025

ADDENDUM NO. 1

Idaho Federal Aid Project No. A019(129)
COVE ROAD BRIDGE
Washington County, Key No. 19129

NOTICE TO PLANHOLDERS:

Enclosed is the Idaho Code Certification Form for Federal-Aid Projects that was left out of the original bid package in error.

This letter must be included with your hard copy bid. If submitting bid electronically, bidder must acknowledge this addenda, by inclusion of the amendment, in the electronic bid.

FAILURE TO ACKNOWLEDGE INCLUSION OF THIS ADDENDUM SHALL RENDER THE BID PROPOSAL IRREGULAR AND THE BID WILL BE REJECTED.

Sincerely,



Karen Hanna
Contracts Manager

STATE OF IDAHO

TRANSPORTATION DEPARTMENT

BOISE, IDAHO

DATE: June 10, 2025

ADDENDUM NO. 2

Idaho Federal Aid Project No. A019(129)
COVE ROAD BRIDGE
Washington County, Key No. 19129

NOTICE TO PLANHOLDERS:

Enclosed are Revised Sheet 7 of 37 of the Roadway Plans and Sheets 27 and 29 of 30 of the Bridge Plans.

The Bid Opening Date has been postponed from 06/10/2025 to 06/17/2025.

This **letter** must be included with your hard copy bid. If submitting bid electronically, bidder must acknowledge this addenda, by inclusion of the amendment, in the electronic bid

FAILURE TO ACKNOWLEDGE INCLUSION OF THIS ADDENDUM SHALL RENDER THE BID PROPOSAL IRREGULAR AND THE BID WILL BE REJECTED.

Sincerely,



Karen Hanna
Contracts Manager

Proposal

In compliance with your bid package to be received for this letting, the undersigned certifies to have examined the location of work and/or materials sites, and is satisfied as to the condition to be encountered, and that the plans, specifications, contract and method of payment for such work is understood. The undersigned hereby proposes to furnish the material and perform the work as described in the Notice of Letting in accordance with the Proposal/Plans purchased through QuestCDN for this project.

On the acceptance of this proposal for said work, the undersigned will execute Contract Forms CA in accordance with the bid as accepted, and furnish the Contract Performance and Payment Bonds on Forms CB with approved and sufficient surety within 15 days after the prescribed forms are presented for signature.

The bidder further agrees that, if awarded, the contract work will be completed as stated in the Special Provisions, after authority to proceed has been given in conformity with and subject to such extensions as may be authorized by the terms of Extension of Contract Time of the Standard Specifications.

Accompanying this proposal is a Certified Check or a Cashier's Check drawn on an Idaho bank in the amount of five percent of the total amount bid, made payable to the Idaho Transportation Department, or a Bidder's Bond in the amount of five percent of the total amount bid.

The undersigned being duly sworn upon oath deposes and says that it complies with the provisions of Section 72-1717 Idaho Code (Drug Free Workplace program).

The contractor/consultant warrants and takes the steps to verify that it does not knowingly hire or engage persons not authorized to work in the United States; and that any misrepresentation in this regard or any employment of person not authorized to work in the United States constitutes a material breach and shall be cause for the imposition of monetary penalties up to five percent (5%) of the contract price, per violation, and/or termination of its contract.

By signature on this proposal, the bidder declares under penalty of perjury under the laws of the United States, that the firm, association, or corporation has not by or through any of its officers, partners, owners, or any other person associated therewith, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this highway project, and is not financially interested in or otherwise affiliated in a business way with any other bidder on this project.

Legal Company Name: Moreno & Nelson Construction Corp

Company Business Address: 1117 E Plaza Drive, Eagle ID 83616

Mailing (Shipping) Address, if different or N/A: N/A

Company organized under the state of: WA

Legal Name of Highest Officer in Company: John Nelson

Title of Highest Officer in Company: President

Contact Name: Matt Percuoco

Title of Contact: Senior Proejct Manager

Contact Phone No.: 208-484-7501 Email: mattp@nelson-corp.com

Idaho Public Works License No.: 024569 Exp. Date: 02-28-2026

Unique Entity Identifier (UEI): M0233

Submittal, signature, acceptance, authorization and certifications are hereby made by signing this internet bid with a Digital ID. ***

State of Idaho
Idaho Transportation Department
Schedule of Items

LINE NUMBER	ITEM NUMBER	QUANTITY	UNIT	UNIT PRICE	EXTENSION PRICE
SECTION 001 COVE ROAD BRIDGE					
0005	107-019A	4000.000	CA	$1.00000	$4,000.00
	SURVEY MONUMENT PRESERVATION				
0010	201-005A	1.920	ACRE	$35,140.00000	$67,468.80
	CLEARING & GRUBBING				
0015	202-005A	12.000	EACH	$2,850.00000	$34,200.00
	SELECTIVE REMOVAL OF TREES INCLUDING STUMPS				
0020	203-005A	1.000	LS	$50,000.00000	$50,000.00
	REMOVAL OF OBSTRUCTIONS				
0025	203-006A	6.000	EACH	$56.00000	$336.00
	REMOVAL OF SIGN				
0030	203-010A	10000.000	CA	$1.00000	$10,000.00
	ASBESTOS REMOVAL AND DISPOSAL				
0035	203-020A	1.000	EACH	$250,000.00000	$250,000.00
	REMOVAL OF BRIDGE - FULL MULTI-SPAN TRUSS BRIDGE				
0040	203-075A	405.000	FT	$4.75000	$1,923.75
	REMOVAL OF FENCE				
0045	205-005A	3089.000	CY	$21.00000	$64,869.00
	EXCAVATION				
0050	205-040A	798.000	CY	$39.00000	$31,122.00
	GRANULAR BORROW				
0055	205-045A	15403.000	TON	$25.00000	$385,075.00
	GRANULAR BORROW				
0060	205-060A	100.000	MG	$0.01000	$1.00
	WATER FOR DUST ABATEMENT				
0065	210-005A	531.000	CY	$92.00000	$48,852.00
	STRUCTURE EXCAVATION SCHEDULE NO. 1				
0070	210-015A	798.000	CY	$31.00000	$24,738.00
	COMPACTING BACKFILL				
0075	212-011A	2401.000	FT	$4.25000	$10,204.25
	FIBER WATTLE				
0080	212-020A	718.000	FT	$4.00000	$2,872.00
	SILT FENCE				
0085	212-105A	20000.000	CA	$1.00000	$20,000.00
	WATER AND POLLUTION				
0090	301-005A	2789.000	TON	$28.00000	$78,092.00
	GRANULAR SUBBASE				
0095	303-022A	1293.000	TON	$42.00000	$54,306.00
	3/4" AGGREGATE TYPE B FOR BASE				
0100	401-020A	250.000	GAL	$0.01000	$2.50
	CSS-1 DILUTED EMULSIFIED ASPHALT FOR TACK COAT				
0105	405-245A	6.000	EACH	$2,950.00000	$17,700.00

		APPROACH (PAVED)			
0110	405-245B	7.000	EACH	$560.00000	$3,920.00
		APPROACH (GRAVEL)			
0115	405-425A	657.000	TON	$158.00000	$103,806.00
		SUPERPAVE HMA PAVEMENT INCLUDING ASPHALT & ADDITIVES CLASS SP-2			
0120	502-140A	211.800	CY	$990.00000	$209,682.00
		CONCRETE CLASS 40-A SCHEDULE NO. 1			
0125	502-310A	392.700	CY	$960.00000	$376,992.00
		CONCRETE CLASS 40 AF SCHEDULE NO. 2			
0130	502-345A	134.400	CY	$300.00000	$40,320.00
		SEAL CONCRETE			
0135	502-380A	1302.500	FT	$690.00000	$898,725.00
		PRESTRESSED WF GIRDER - 58"			
0140	502-435A	180.000	SY	$340.00000	$61,200.00
		APPROACH SLAB			
0145	503-010A	55720.000	LB	$1.25000	$69,650.00
		METAL REINFORCEMENT SCHEDULE NO. 1			
0150	503-015A	27262.000	LB	$1.25000	$34,077.50
		METAL REINFORCEMENT SCHEDULE NO. 2			
0155	503-020A	40653.000	LB	$1.50000	$60,979.50
		EPOXY COATED METAL REINFORCEMENT			
0160	504-050A	604.500	FT	$250.00000	$151,125.00
		3-TUBE CURB MOUNT RAIL			
0165	505-045A	1089.000	FT	$230.00000	$250,470.00
		PROVIDE & DRIVE STEEL H PILE (14 X 117)			
0170	505-197A	149.000	FT	$300.00000	$44,700.00
		PROVIDE & DRIVE TEST PILE (HP-14 x 117)			
0175	505-205C	24.000	EACH	$390.00000	$9,360.00
		PROVIDE & INSTALL PILE SHOES OR TIPS			
0180	505-215A	3.000	EACH	$890.00000	$2,670.00
		SPLICE STEEL PILE BEFORE DRIVING			
0185	507-005A	20.000	EA	$360.00000	$7,200.00
		ELASTOMERIC BEARINGS PLAIN (1" x 12" x 36")			
0190	521-005A	2.000	EA	$11,090.00000	$22,180.00
		DYNAMIC PILE TESTING			
0195	521-010A	2.000	EA	$1,330.00000	$2,660.00
		CAPWAP ANALYSIS			
0200	560-005A	1.000	LS	$250,000.00000	$250,000.00
		DEWATERING FOUNDATION			
0205	566-010A	75.500	FT	$112.00000	$8,456.00
		COMPRESSION EXPANSION JOINT (PER PLAN) (3" JEENE)			
0210	576-005A	410.000	FT	$1.75000	$717.50
		GLASS FIBER REINFORCED POLYMER (GFRP) REINFORCEMENT			
0215	586-005A	1.000	LS	$13,550.00000	$13,550.00
		UTILITY CONDUIT			
0220	602-035A	94.000	FT	$102.00000	$9,588.00
		18" PIPE CULVERT			
0225	602-065A	379.500	FT	$197.00000	$74,761.50

		36" PIPE CULVERT			
0230	608-035A	4.000	EACH	$360.00000	$1,440.00
		18" APRON FOR PIPE			
0235	608-210A	5.000	EACH	$6,000.00000	$30,000.00
		METAL SAFETY APRON (CROSS DRAINAGE)			
0240	609-025A	1.000	EACH	$11,950.00000	$11,950.00
		MINOR STRUCTURES (36" TWIN PIPE HEADWALL)			
0245	609-025B	1.000	EACH	$18,210.00000	$18,210.00
		MINOR STRUCTURES (36" THREE PIPE HEADWALL)			
0250	610-010A	308.000	FT	$23.00000	$7,084.00
		FENCE TYPE 1 A			
0255	610-025A	223.000	FT	$33.00000	$7,359.00
		FENCE TYPE 3 A			
0260	610-101A	2.000	EACH	$1,110.00000	$2,220.00
		GATE TYPE 1A			
0265	610-150A	1.000	EACH	$1,110.00000	$1,110.00
		GATES TYPE 2			
0270	612-007A	4.000	EACH	$2,170.00000	$8,680.00
		SHORT RADIUS W-BEAM GUARDRAIL SYSTEM (SRGS)			
0275	612-110A	4.000	EACH	$2,170.00000	$8,680.00
		GUARDRAIL ANCHOR			
0280	612-120C	4.000	EACH	$2,060.00000	$8,240.00
		TRANSITION, SRGS			
0285	615-260A	46.000	FT	$230.00000	$10,580.00
		CURB TYPE 5 (ASPHALT)			
0290	624-005A	113.900	CY	$138.00000	$15,718.20
		LOOSE RIPRAP (CLASS I)			
0295	624-005B	999.000	CY	$106.00000	$105,894.00
		LOOSE RIPRAP (CLASS V)			
0300	626-010A	332.000	SF	$6.00000	$1,992.00
		TEMPORARY TRAFFIC CONTROL SIGNS			
0305	626-040A	8.000	EACH	$560.00000	$4,480.00
		BARRICADE TYPE 3			
0310	626-050A	12.000	EACH	$27.00000	$324.00
		DRUMS			
0315	626-100A	20000.000	CA	$1.00000	$20,000.00
		MISCELLANEOUS TEMPORARY TRAFFIC CONTROL ITEMS			
0320	626-105A	400.000	HR	$73.00000	$29,200.00
		TEMPORARY TRAFFIC CONTROL MAINTENANCE			
0325	626-120A	100.000	HR	$71.00000	$7,100.00
		FLAGGER CONTROL			
0330	626-135A	40.000	EACH	$13.00000	$520.00
		WEIGHTED BASE TUBULAR MARKERS			
0335	640-010A	1488.700	SY	$4.75000	$7,071.33
		RIPRAP/EROSION CONTROL GEOTEXTILE			
0340	640-015A	3340.000	SY	$2.00000	$6,680.00
		SUBGRADE SEPARATION GEOTEXTILE			
0345	650-005A	1.000	EACH	$5,950.00000	$5,950.00

		TIME-LAPSE CAMERA			
0350	650-010A	3.000	MO	$810.00000	$2,430.00
		TIME-LAPSE CAMERA SERVICE			
0355	675-005A	1.000	LS	$46,080.00000	$46,080.00
		SURVEY			
0360	675-010A	15000.000	CA	$1.00000	$15,000.00
		DIRECTED SURVEYING			
0365	677-005A	1.000	LS	$1,110.00000	$1,110.00
		RECORD DRAWINGS			
0370	S900-50A	20000.000	CA	$1.00000	$20,000.00
		CONTINGENCY AMOUNT - MISC WORK			
0375	S900-50B	10000.000	CA	$1.00000	$10,000.00
		CONTINGENCY AMOUNT LEAD BASED PAINT REMOVAL AND DISPOSAL			
0380	S904-05E	1.000	LS	$0.01000	$0.01
		SP TURBIDITY MONITORING			
0385	S913-05A	160.000	CY	$99.00000	$15,840.00
		SP FILTER SAND			
0390	Z629-05A	1.000	LS	$662,795.16000	$662,795.16
		MOBILIZATION			
Section 001 Total					$4,956,290.00

Item Total	$4,956,290.00

Failure to complete this form as required shall render the bid unresponsive and void.

LICENSE REQUIREMENTS FOR PLUMBING, ELECTRICAL AND HVAC WORK

The Contractor must comply with Idaho Code Section 67-2310. The bidder shall provide the name, address, Division of Building Safety License Number,and Public Works Contractors License Number of the firm(s) who shall, in the event the Contractor secures the contract, complete the plumbing, electrical, or HVAC work under the contract.

For Federal Aid Projects, securing an Idaho Public Works Contractors License may not be required until award, as stated in Subsection 107.03 - Licensing of Contractors.

No bidder shall name any subcontractor or sub-subcontractor in the bid unless the bidder has received communication from the subcontractor or sub-subcontractor.

If plumbing, electrical or HVAC work is to be self-performed, provide bidder's information. If work is to be performed by Subcontractor(s) or Sub-Subcontractor(s), their information shall be provided or explain here why a Specialty Contractor is not required: (N/A or "Not Applicable" will not be considered a sufficient explanation)

A. Plumbing work by:

residing at

, whose Idaho Public Works Contractors License No. is

Plumbing Amount: $.
and whose Plumbing Contractors License No. is

B. Electrical work by:
Alloway Electric Co., Inc.
residing at
502 E. 45th Street, Boise Idaho 83714
, whose Idaho Public Works Contractors License No. is
PWC-C-12494-AA-4
Electrical Amount: $8868.68
and whose Electrical Contractors License No. is
ELE-C-131.

C. HVAC work by:

residing at

, whose Idaho Public Works Contractors License No. is

HVAC Amount: $.
and whose HVAC Contractors License No. is
.

*** Form Completed? Yes ***

Rev. 05/2025

IDAHO CODE CERTIFICATION FORM
For Federal - Aid Projects

Failure to complete and include this form with bid submittal will result in bid being deemed irregular. Failure to comply with the terms of the referenced Idaho Code may result in breach of contract.

Anti-Boycott Clauses

Per the provisions of Idaho Code §§ 67-2346, Anti-Boycott Against Israel Act, and Idaho Code §§ 67-2347A, Prohibition on Contracts with Companies Boycotting Certain Sectors the undersigned certifies that it is not currently engaged in, and will not for the duration of the contract engage in the following:

• Boycott of goods or services from Israel or territories under its control: or
• Boycott of any individual or company because the individual or company engages in or supports the exploration, production, utilization, transportation, sale, or manufacture of fossil fuel-based energy, timber, minerals, hydroelectric power, nuclear energy, or agriculture; or
• Boycott of any individual or company because the individual or company engages in or support the manufacture, distribution, sale, or use of firearms, as defined in Idaho Code §18-3302(2)(d),

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Prohibition on Contracts with Companies Owned or Operated by the Government of China

Idaho Code, §§ 67-2359 states "a public entity in this state may not enter into a contract with a company to acquire or dispose of services, supplies, information technology, or construction unless the contract includes a written certification that the company is not currently owned or operated by the government of China and will not for the duration of the contract be owned or operated by the government of China". Company certifies that it is not owned or operated by the government of China.

By signing below, I certify that this company understands and will comply with the aforementioned requirements

Signature of Company's authorized representative:

Signature John Nelson

Company Name Moreno & Nelson Construction Corp

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DISADVANTAGED BUSINESS ENTERPRISE (DBE) COMMITMENTS

ITD 2396 (Rev. 1/2025)
itd.idaho.gov

This form must be submitted by all primes (Non-DBE and DBE Primes). This form is part of the DBE Submittal Package and must be accompanied by ITD-2399 and/or ITD-2400, along with any documentation relating to good faith efforts. Award of the contract is contingent on good faith efforts to provide opportunity for DBE participation in this project. Failure to complete items will result in an irregular bid. All documentation must either be emailed to DBESubmittal@itd.idaho.gov or delivered to ITD Headquarters at 11331 W. Chinden Blvd, Bldg #8, Boise, ID 83714 by 5:00 pm MT on bid opening day.
Last submittal recieved, regarless of mechanism supercedes any previous submittial

Bid Date: 6/17/2025 Bid Amount: $ 4,956,290.00

Key Number	Project Number	Project Name		
19129	A019(129)	COVE ROAD BRIDGE		
Prime Contractor		Prime Contractor EEO Officer	EEO Officer Phone #	Prime Contractor EEO Office Email
Moreno & Nelson Construction Corp dba Nelson Construction Corp		Sarah Zessin	509-526-5249	sarah@nelson-corp.com
Prime Contractor's Signature (must be handwritten or digitally certified)			Date	Prime Contractor Phone Number
Digitally signed by Matt Percuoco DN: C=US, E=mattp@nelson-corp.com, O=Nelson Construction Corp, CN=Matt Percuoco Date: 2025.06.17 13:55:49-06'00'			6/17/2025	208-484-7501

Assigned goal for DBE subcontractors and suppliers for this project: 2 %

Section 1 - Summary of DBE Goal Commitment (Items below must match commitment amount in Section 2.)

			Commitment
1. One hundred percent (100%) of total amount to be performed by DBE firms, other than those listed in Item 2 through 5.		1) $	$ 127,826.00
2. One hundred percent (100%) of total amount to be paid DBE Equipment leasers		2) $	
3. One hundred percent (100%) of total amount to be paid to DBE Manufacturers (e.g., asphalt emulsions, cutback asphalts, fabricated signs, or delivery companies)		3) $	
4. Sixty percent (60%) of total amount to be paid to DBE regular dealers/ suppliers	4) Amount Quoted by Supplier	x60% = $	$ -
5. Net fee of DBE brokers or bonding agents		5) $	
6. Forty percent (40%) of total amount to be paid to DBE distributors	6) Amount Quoted by Distributor	x40% = $	$ -
		Total lines 1 through 6	
	2.58%	%	$ 127,826.00

(Enter the overall total and DBE% above. The approved percentage of commitment is contractual.)

☒ Approved 2.58 % ☐ Not Approved

By: Ronnie Winks Digitally signed by Ronnie Winks Date: 2025.06.17 15:20:47 -06'00'

Idaho Transportation Department Date

Section 2 - Explanation of DBE Commitments

Note: Use 'Alt'+'Enter' to start a new line within a row if completing electronically.

	Name of DBE Firm Being Committed to the Prime for this Project (include person who submitted the quote and contact information, to include phone number and address)	Items Quoted for DBE Credit (List by Contract Item Numbers (not Line Item Number) and Brief Work or Material Description)	For Materials Only: Supplied (S) Leased (L) Manufactured (M) Distributor (D) Broker (B)	Total Amount Quoted by DBE for DBE Credit
1)	NXB Geo, PO Box 3388, Nampa ID 83653, Marcus Beagley, 208-899-3953	675-005A Survey 675-010A Directed Survey 677-005A Record Drawings		$ 57,440.00
2)	Idaho Traffic Control 19032 Red Top Road, Caldwell ID 83607 Becky Hanover, 208-794-0518	626,010A TC Signs 626-040A TY 3 Barricade 626-050A Drums 626-105A TC Maintenacne 626-120A Flagger Control 626-130B Weighted Base Tubular Markers Z629-05A Mobilization		$ 49,228.00
3)	Boise River Fence, Inc. 5200 Bethel Street, Boise ID 83706 Tony Smith, 208-949-1769	610-010A Fence TY 1A 610-025A Fence TY 3A 610-101A Gates TY 1A 610-150A Gates TY2 Z629-05A Mobilization		$ 21,158.00
4)				
5)				
6)				
7)				

8)				
9)				

Use additional sheets if necessary.

Section 3 - Summary of DBE Good Faith Effort

If the DBE participation goal for this project has not been met you MUST complete Section 3 and Section 4. In addition, submit the following: copies of correspondence, email, telephone logs, or other documentationn supporting good faith efforts made. Email all documentation to DBESubmittal@itd.idaho.gov or deliver to ITD Headquarters at 11331 W. Chinden Blvd, Bldg #8, Boise, ID 83714 on bid opening day by 5:00pm MT.

Name of DBE Firm (Include person who submitted a quote and contact information with phone number and address)	Date of Contact	Items Quoted (List by Contract Item Numbers and briefly describe proposed work item or materials.)	Amount Quoted by DBE	Describe why DBE Firm was not selected	Non-DBE Firm chosen for this work item	Amount Quoted by Non-DBE

Use additional sheets if necessary.

Section 4 - Explanation of DBE Good Faith Efforts

If the DBE participation goal for this project has not been met, the Contractor is required to answer the following questions in order to describe efforts to obtain DBE participation. Each following effort will require a detailed explanation. Documentation provided must match responses.

1) What efforts has the Contractor made to conduct outreach/advertise to ITD-certified DBEs? Describe efforts, and attach copies of screenshots, published advertisements or proofs of publication if applicable.

2) Has the Contractor provided written notice to a reasonable number of specific DBEs that their interest in the contract was being solicited in sufficient time to allow the DBEs to participate effectively? Describe efforts. Submit a copy of all correspondence (including emails) soliciting bids from DBEs.

3) Has the Contractor followed up initial solicitation of interest by contacting DBEs to determine with certainty whether the DBEs were interested? Submit telephone logs, letters, emails, etc., to document follow-up activity.

4) Has the Contractor selected portions of the work to be performed by DBEs in order to increase the likelihood of meeting the DBE goal, including, where appropriate, breaking down contracts into economically feasible units to facilitate DBE participation? Describe efforts.

5) Has the Contractor provided interested DBEs with adequate information about the plans, specifications, and requirements of the contract? Describe what action was taken.

6) Has the Contractor negotiated in good faith with interested DBEs, not rejecting DBEs as unqualified without sound reasons based on a thorough investigation of their capabilities? Describe efforts.

7) Describe any other efforts not covered by Numbers 1 through 6 above that may demonstrate the Contractor's good faith efforts to obtain DBE participation on this project.

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ITD-2399 (Rev. 1/2025)
itd.idaho.gov

DISADVANTAGED BUSINESS ENTERPRISE (DBE) SUBCONTRACTOR COMMITMENT STATEMENT

This template includes all of the necessary information for the DBE Commitment Statement. The ITD 2399-DBE Subcontractor Commitment statement must be included with the DBE submittal package, which must be submitted by 5:00 pm MT on bid opening day. This is a locked document; thus, if you need additional rows simply attach second copy with the additional information. If you are bidding a partial work item, please include description of work being performed after item name in "item name" box.

Date:	**June 17, 2025**
Project Name and/or Key Number:	**KN 19129; Cove Road Bridge**
Prime Contractor Name:	**Moreno & Nelson Construction Corp dba Nelson Cconstruction Corp**
DBE Firm Name:	**NXB Geo**
DBE Address:	**PO Box 3388** **Nampa ID 83653**
DBE Contact Name and Phone Number:	**Marcus Beagley, 208-899-3953**
DBE Firm Total:	**$ 57,440.00**

DBE WORK ITEMS

Item Number	Item Name	Item Quote
675-005A	Survey	$ 41,440.00
675-010A	Directed Surveying	$ 15,000.00
677-005A	Record Drawings	$ 1,000.00

DBE Commitment Statement

As the authorized representative of the DBE, I confirm that my firm has been contacted by the Prime Contractor/Bidder with regard to the above referenced project and work items. If the Prime Contractor is awarded the contract, we will enter into an agreement with them to perform the above referenced bid items and subsequently will meet performance requirments of a commercially useful function (CUF) as a subcontractor.

DBE Authorized Representative 

DBE Signature which can be in one of the following forms:

a) Handwritten signature or initials
b) An electronic signature that is not typed using software (e.g., Adobe® Reader, Adobe Professional, Adobe E-Signature, DocuSign®);

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ITD-2399 (Rev. 1/2025)
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DISADVANTAGED BUSINESS ENTERPRISE (DBE) SUBCONTRACTOR COMMITMENT STATEMENT

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Date:	**June 17, 2025**
Project Name and/or Key Number:	**KN 19129; Cove Road Bridge**
Prime Contractor Name:	**Moreno & Nelson Construction Corp dba Nelson Cconstruction Corp**
DBE Firm Name:	**Idaho Traffic Control**
DBE Address:	**19032 Red Top Road** **Caldwell, ID 83607**
DBE Contact Name and Phone Number:	**Becky Hanover, 208-794-0518**
DBE Firm Total:	**$ 49,228.00**

DBE WORK ITEMS

Item Number	Item Name	Item Quote
626-010A	TC Signs	$ 1,660.00
626-040A	Type 3 Barricade	$ 4,000.00
626-050A	Drums	$ 288.00
626-105A	TC Maintenance	$ 26,400.00
626-120A	Flagger Control	$ 6,400.00
626-130B	Weighted Base Tubular Markers	$ 480.00
Z629-05A	Mobilization	$ 10,000.00

DBE Commitment Statement

As the authorized representative of the DBE, I confirm that my firm has been contacted by the Prime Contractor/Bidder with regard to the above referenced project and work items. If the Prime Contractor is awarded the contract, we will enter into an agreement with them to perform the above referenced bid items and subsequently will meet performance requirments of a commercially useful function (CUF) as a subcontractor.

DBE Authorized Representative Becky Hanover

DBE Signature which can be in one of the following forms:

a) Handwritten signature or initials
b) An electronic signature that is not typed using software (e.g., Adobe® Reader, Adobe Professional, Adobe E-Signature, DocuSign®);

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DISADVANTAGED BUSINESS ENTERPRISE (DBE) SUBCONTRACTOR COMMITMENT STATEMENT

This template includes all of the necessary information for the DBE Commitment Statement. The ITD 2399-DBE Subcontractor Commitment statement must be included with the DBE submittal package, which must be submitted by 5:00 pm MT on bid opening day. This is a locked document; thus, if you need additional rows simply attach second copy with the additional information. If you are bidding a partial work item, please include description of work being performed after item name in "item name" box.

Date:	**June 17, 2025**	
Project Name and/or Key Number:	**KN 19129; Cove Road Bridge**	
Prime Contractor Name:	**Moreno & Nelson Construction Corp dba Nelson Cconstruction Corp**	
DBE Firm Name:	**Boise River Fence, Inc.**	
DBE Address:	**5200 Bethel Street** **Boise ID 83706**	
DBE Contact Name and Phone Number:	**Tony Smith, 208-949-1769**	
DBE Firm Total:	**$**	**21,158.00**

DBE WORK ITEMS

Item Number	Item Name	Item Quote
610-010A	Fence TY 1A	$ 6,468.00
610-025A	Fence TY 3A	$ 6,690.00
610-101A	Gates TY 1A	$ 2,000.00
610-150A	Gates TY 2	$ 1,000.00
Z629-05A	Mobilization	$ 5,000.00

DBE Commitment Statement

As the authorized representative of the DBE, I confirm that my firm has been contacted by the Prime Contractor/Bidder with regard to the above referenced project and work items. If the Prime Contractor is awarded the contract, we will enter into an agreement with them to perform the above referenced bid items and subsequently will meet performance requirments of a commercially useful function (CUF) as a subcontractor.

DBE Authorized Representative Tony Smith

DBE Signature which can be in one of the following forms:

a) Handwritten signature or initials
b) An electronic signature that is not typed using software (e.g., Adobe® Reader, Adobe Professional, Adobe E-Signature, DocuSign®);

DAVIS-BACON WAGE

GENERAL WAGE DECISION ID250086

PUBLICATION DATE 01/03/2025 ID86

The above referenced wage rates can be obtained

at

http://www.sam.gov

DAVIS-BACON WAGE RATES

Idaho Federal Aid Project No. A019(129)
COVE ROAD BRIDGE
Washington County, Key No. 19129

The following Davis Bacon Wage Rates shall be posted by the Contractor using Poster WH-1321 and shall be placed prominently in a location where it will be noticeable and accessible to all workers at the site of the work on each Federal Aid Project.

Should these papers tear or become illegible, they shall be replaced as long as work continues. Posters and additional copies of this form are available from the Engineer.

"General Decision Number: ID20250086 01/03/2025

Superseded General Decision Number: ID20240086

State: Idaho

Construction Type: Highway

Counties: Adams, Payette, Valley and Washington Counties in Idaho.

HIGHWAY CONSTRUCTION PROJECTS

Note: Contracts subject to the Davis-Bacon Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658. Please note that these Executive Orders apply to covered contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but do not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(1).

If the contract is entered into on or after January 30, 2022, or the contract is renewed or extended (e.g., an option is exercised) on or after January 30, 2022:	. Executive Order 14026 generally applies to the contract. . The contractor must pay all covered workers at least $17.75 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in 2025.
If the contract was awarded on or between January 1, 2015 and January 29, 2022, and the contract is not renewed or extended on or after January 30, 2022:	. Executive Order 13658 generally applies to the contract. . The contractor must pay all covered workers at least $13.30 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on that contract in 2025.

The applicable Executive Order minimum wage rate will be adjusted annually. If this contract is covered by one of the Executive Orders and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must still submit a conformance request.

Additional information on contractor requirements and worker protections under the Executive Orders is available at http://www.dol.gov/whd/govcontracts.

Modification Number	Publication Date
0	01/03/2025

PLAS0072-001 06/01/2023

ZONE 1:

	Rates	Fringes
CEMENT MASON/CONCRETE FINISHER	$ 38.05	16.89

Zone Differential (Add to Zone 1 rate): Zone 2 - $3.00

BASE POINTS: Spokane, Pasco, Lewiston, Wenatchee

Zone 1: 0-45 radius miles from the main post office

Zone 2: Over 45 radius miles from the main post office

SUID2013-014 06/17/2013

	Rates	Fringes
CARPENTER (Form Work Only)	$ 26.57	8.10
ELECTRICIAN	$ 26.83	11.94
HIGHWAY/PARKING LOT STRIPING: Painter	$ 23.80	6.67
LABORER: Asphalt, Includes Raker, Shoveler, Spreader and Distributor	$ 23.09	10.44
LABORER: Common or General	$ 23.88	11.05
LABORER: Concrete Saw (Hand Held/Walk Behind)	$ 23.98	11.05
LABORER: Grade Checker	$ 23.41	10.78
LABORER: Mason Tender - Cement/Concrete	$ 23.88	11.05
OPERATOR: Backhoe/Excavator/Trackhoe	$ 26.20	9.97
OPERATOR: Bobcat/Skid Steer/Skid Loader	$ 25.35	11.55
OPERATOR: Broom/Sweeper	$ 23.93	9.09
OPERATOR: Bulldozer	$ 25.94	10.36
OPERATOR: Crane	$ 26.04	10.28
OPERATOR: Crusher	$ 25.06	9.23
OPERATOR: Grader/Blade	$ 26.00	10.30
OPERATOR: Hydroseeder	$ 24.76	11.51
OPERATOR: Loader	$ 25.15	9.83
OPERATOR: Mechanic	$ 25.40	8.63

OPERATOR: Oiler.....$ 25.66 9.23

OPERATOR: Paver (Asphalt, Aggregate, and Concrete).....$ 25.63 10.33

OPERATOR: Roller (Subgrade).....$ 22.24 8.57

OPERATOR: Roller.....$ 25.24 10.42

OPERATOR: Rotomill.....$ 27.06 12.65

OPERATOR: Screed.....$ 24.07 9.63

TRAFFIC CONTROL: Laborer-Cones/ Barricades/Barrels - Setter/Mover/Sweeper.....$ 22.66 10.90

TRUCK DRIVER: Dump Truck.....$ 21.80 13.95

TRUCK DRIVER: Lowboy Truck.....$ 22.12 13.20

TRUCK DRIVER: Oil Distributor Truck.....$ 22.54 12.35

TRUCK DRIVER: Water Truck.....$ 23.99 11.12

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

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Note: Executive Order (EO) 13706, Establishing Paid Sick Leave for Federal Contractors applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2017. If this contract is covered by the EO, the contractor must provide employees with 1 hour of paid sick leave for every 30 hours they work, up to 56 hours of paid sick leave each year. Employees must be permitted to use paid sick leave for their own illness, injury or other health-related needs, including preventive care; to assist a family member (or person who is like family to the employee) who is ill, injured, or has other health-related needs, including preventive care; or for reasons resulting from, or to assist a family member (or person who is like family to the employee) who is a victim of, domestic violence, sexual assault, or stalking. Additional information on contractor requirements and worker protections under the EO is available at https://www.dol.gov/agencies/whd/government-contracts.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (iii)).

The body of each wage determination lists the classifications and wage rates that have been found to be prevailing for the type(s) of construction and geographic area covered by the wage determination. The classifications are listed in alphabetical order under rate identifiers indicating whether the particular

rate is a union rate (current union negotiated rate), a survey rate, a weighted union average rate, a state adopted rate, or a supplemental classification rate.

Union Rate Identifiers

A four-letter identifier beginning with characters other than ""SU"", ""UAVG"", ?SA?, or ?SC? denotes that a union rate was prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2024. PLUM is an identifier of the union whose collectively bargained rate prevailed in the survey for this classification, which in this example would be Plumbers. 0198 indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. The date, 07/01/2024 in the example, is the effective date of the most current negotiated rate.

Union prevailing wage rates are updated to reflect all changes over time that are reported to WHD in the rates in the collective bargaining agreement (CBA) governing the classification.

Union Average Rate Identifiers

The UAVG identifier indicates that no single rate prevailed for those classifications, but that 100% of the data reported for the classifications reflected union rates. EXAMPLE: UAVG-OH-0010 01/01/2024. UAVG indicates that the rate is a weighted union average rate. OH indicates the State of Ohio. The next number, 0010 in the example, is an internal number used in producing the wage determination. The date, 01/01/2024 in the example, indicates the date the wage determination was updated to reflect the most current union average rate.

A UAVG rate will be updated once a year, usually in January, to reflect a weighted average of the current rates in the collective bargaining agreements on which the rate is based.

Survey Rate Identifiers

The ""SU"" identifier indicates that either a single non-union rate prevailed (as defined in 29 CFR 1.2) for this classification in the survey or that the rate was derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As a weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SUFL2022-007 6/27/2024. SU indicates the rate is a single non-union prevailing rate or a weighted average of survey data for that classification. FL indicates the State of Florida. 2022 is the year of the survey on which these classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. The date, 6/27/2024 in the example, indicates the survey completion date for the classifications and rates under that identifier.

?SU? wage rates typically remain in effect until a new survey is conducted. However, the Wage and Hour Division (WHD) has the discretion to update such rates under 29 CFR 1.6(c)(1).

State Adopted Rate Identifiers

The ""SA"" identifier indicates that the classifications and

prevailing wage rates set by a state (or local) government were adopted under 29 C.F.R 1.3(g)-(h). Example: SAME2023-007 01/03/2024. SA reflects that the rates are state adopted. ME refers to the State of Maine. 2023 is the year during which the state completed the survey on which the listed classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. The date, 01/03/2024 in the example, reflects the date on which the classifications and rates under the ?SA? identifier took effect under state law in the state from which the rates were adopted.

WAGE DETERMINATION APPEALS PROCESS

1) Has there been an initial decision in the matter? This can be:

a) a survey underlying a wage determination
b) an existing published wage determination
c) an initial WHD letter setting forth a position on a wage determination matter
d) an initial conformance (additional classification and rate) determination

On survey related matters, initial contact, including requests for summaries of surveys, should be directed to the WHD Branch of Wage Surveys. Requests can be submitted via email to davisbaconinfo@dol.gov or by mail to:

Branch of Wage Surveys
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

Regarding any other wage determination matter such as conformance decisions, requests for initial decisions should be directed to the WHD Branch of Construction Wage Determinations. Requests can be submitted via email to BCWD-Office@dol.gov or by mail to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2) If an initial decision has been issued, then any interested party (those affected by the action) that disagrees with the decision can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Requests for review and reconsideration can be submitted via email to dba.reconsideration@dol.gov or by mail to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210.

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END OF GENERAL DECISION"

SPECIAL PROVISIONS

FEDERAL AID PROJECT NO. A019(129)

Cove Road Bridge Washington County

For the work of removing the existing bridge and constructing a new bridge with approach work.

The following special provisions and all addenda issued supplement or modify the 2023 Idaho Transportation Department Standard Specifications for Highway Construction: 2024 Supplemental for the Idaho Transportation Department 2023 Standard Specifications for Highway Construction, 2020 Quality Assurance (QA) Manual (10/19), 2024 QA Manual Supplementals to the 2020 QA Manual (7/29/24), 2024 Buy America Insert (4/9/2024), 2023 Quality Assurance Special Provision for State Acceptance (12/07/2023), 2024 Special Provision for 405 Superpave Hot Mix Asphalt (11/29/2023), April 2024 Standard Drawings, Title VI Special Provisions; FHWA-1273 Federal Aid Required Contract Provisions, General Wage Decision ID250086.

SOURCE IDENTIFICATION

Designated source(s): Designated source(s) are not identified for this contract/project.

Contractor provided source(s): Provide an approved source(s) for all materials to be embanked or processed for placement. Department owned or controlled sources will not be allowed for this contract.

Cost. Assume all costs incurred in obtaining approvals for use of source(s).

CONTRACT TIME

Work will not start earlier than July 21, 2025 or later than September 15, 2025 and must be completed by April 29, 2026.

Once started, work must continuously progress until completion.

LIQUIDATED DAMAGES

The amount of liquidated damages for failure to complete the work on time will be $5,000 per day.

Liquidated damages provision does not waive the Department's right to seek other remedies for a breach of contract by the awarded Contractor.

CONTRACTOR NOTES

DBE PROGRAM REQUIREMENTS 10/21

For bidding purposes, the Contractor must comply with the DBE program requirement of **2.00%**. Upon award, the approved percentage % on the ITD-2396 DBE Commitments form becomes contractual and

failure to comply is a breach of contract. Any change to this contractual commitment during the administration of the contract must be coordinated through the Office of Civil Rights.

Whenever the Engineer determines, after investigating and obtaining evidence the Contractor has not complied with the DBE program requirement, the Engineer will take corrective action. Refer to the Department's Standard Specifications for Highway Construction, Section 110, Civil Rights.

The Contractor, sub recipient, or subcontractor will not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Contractor will carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the Contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate (e.g., withholding monthly progress payments, assessing sanctions, liquidated damages, disqualifying the Contractor from future bidding as non-responsible).

For additional DBE Program information see the Department's DBE program requirements located at: https://itd.idaho.gov/civilrights/

BIDDER Q&A **01/25**

Prior to bid opening, submit any project-related questions through QuestCDN – Submit questions by 5:00pm MT on the Thursday prior to the bid opening. ITD is not obligated to respond to questions received after the stated cutoff date and time.

COMMUNICATION PROTOCOL DURING CONSTRUCTION BIDDING **01/25**

During the advertisement period, prospective Contractors/Bidders will address all questions through QuestCDN. After Bid Opening and through Contract Award, all communications between the Department and the Contractor/Bidder, and any unsuccessful bidders, will be through the State Design Engineer at 208.334.8502. The Department will be unable to share any information related to bid submittals or pending Department decisions during this time. After Contract Award, all communications between the Department and the Contractor will be through the Design Construction (Resident) Engineer.

CONSULTANT CONFLICT OF INTEREST

The Consultant and sub-consultants, as the designers of this project, agree that no one in their firms may perform any services for the contractor on the construction of this project.

The following Consultants worked on the design of this project:

HDR Engineering Inc.
Ardurra Group (Formerly T-O Engineers)
GeoEngineers
TAG Historical Research and Consulting

CONTRACTOR DOCUMENTATION REQUIREMENTS

As work progresses, payment will not be made on any work or portion thereof as specified in 109.05, until all acceptance documentation (including material certifications, test results, etc.) and quantity calculations have been received and verified by the Engineer. Acceptance documentation and quantity measurement will be in accordance with the contract requirements. The Contractor will have 20 business days after the last charged contract day to submit any outstanding documentation on completed work or the Contractor will forfeit payment. For items that are completed after the last charged contract day, the Contractor will have 20 business days upon the item's completion to submit the required documentation or the Contractor will forfeit payment for that item.

DEWATERING FOUNDATION **HDR**

The lump sum bid item for dewatering foundation includes the work of dewatering for riprap placement, existing pier removal, and proposed pier construction, including turbidity monitoring as necessary

ELECTRICAL WORK **01/18**

This contract contains work for which the Department believes a licensed electrical firm will be required. Complete the sheet provided for compliance with 67-2310 Idaho Code or provide an explanation as to why an electrical license is not required. "N/A" is not an appropriate explanation.

EMBANKMENT FOUNDATION

Grub organic material to a minimum depth of 12-inches in new embankment foundation areas beyond the existing embankment limits. Deeper grubbing of organic soils, tree roots, etc., may be required in localized areas and will be by Engineer direction. Remove man-made debris and trash from the site within excavation limits. Excavation to sub-subgrade will be paid for as Excavation.

EMPLOYMENT AGENCY **01/23**

To find the nearest employment office, visit https://www.labor.idaho.gov/dnn/Local-Office-Directory.

ENVIRONMENTAL COMMITMENTS

Access to adjacent property will be required throughout the duration of construction, with only temporary driveway closures during instances when construction occurs at driveway locations. The timing of these temporary impacts during construction must be coordinated with landowners.

Based on the age of the bridge and field observations, the selected contractor should assume the presence of lead-based paint and asbestos on bridge components and follow the testing and demolition procedures for each substance outlined in section 203.03 of the Standard Specifications.

ENVIRONMENTAL REQUIREMENT-MIGRATORY BIRD PROTECTION ACT COMPLIANCE

Work Window Restriction:

No clearing or removal of vegetation and trees is allowed between December 1st and August 31st, unless work is approved by the Engineer. To request approval, submit a survey that verifies the absence of Migratory Birds. The survey must be:

a. Completed immediately prior to ground disturbing, bridge removal or tree removal activities.
b. Covers an area or work activity including a 50' buffer.

Initial survey work is incidental to the contract.

ENVIRONMENTAL REQUIREMENT – POLLINATOR PROTECTION

Implement the following Best Management Practices to support pollinators and pollinator habitat along roadside corridors:

- Protect Existing Habitat: Protect existing stands of native vegetation. Ground disturbing activities will be limited only to those areas deemed necessary for the construction of the project. Disturbing existing areas of native vegetation purely for the convenience of the contractor is prohibited.

- Herbicide Use: Reduce the risk of herbicide exposure to pollinators by:
  (1) Eliminating or reducing herbicide exposure to pollinators by first utilizing non-chemical (manual) methods to eliminate noxious and undesirable weeds.
  (2) If herbicide use is necessary, spot treat specific weeds with selective herbicides that do not leave residuals in the soil.
  (3) Treat weeds before they flower, to avoid spraying when pollinators are present.
  (4) Avoid spray application if winds are above 10 mph.

ENVIRONMENTAL REQUIREMENT – (STORM WATER) POLLUTION PREVENTION PLAN LOW EROSIVITY WAIVER

With engineer approval, a Low Erosivity Waiver (LEW) may be obtained for the project, in lieu of construction general permit coverage, if the total project disturbances are less than 5.0 acres and the Environmental Protection Agency calculated rainfall erosivity R factor is less than 5.0. If approved, a pollution prevention plan (PPP) ITD-2788 form will be required. Include all LEW documentation in the PPP and retain on site.

If anticipated construction time is extended and the Rainfall Erosivity R factor will exceed 5.0 the project will no longer be eligible for a LEW. A SWPPP must be submitted for review and certification. When certified a Notice of Intent must be filed and construction general permit coverage obtained no less than 14 days prior to desired permit coverage.

For R value calculations see:
https://lew.epa.gov/

ENVIRONMENTAL REQUIREMENT – WETLAND PROTECTION

Wetlands are present within the project area. Non-compliance with the Clean Water Act may result in enforcement action by federal regulatory agencies. Disturbances to wetland areas not specifically designated on the plans is strictly prohibited. Discharge of pollutants (including sediments) to the wetland or adjacent riparian area is strictly prohibited.

EPA NOTIFICATION REQUIREMENT FOR DEMOLITION

The existing bridge has not been sampled or tested for asbestos containing materials. Asbestos may be present in bridge elements. Complete a NESHAP survey prior to the start of demolition operations to investigate the presence of asbestos containing materials.

File the appropriate notification with the EPA Region 10 NESHAP Coordinator at least 10 calendar days before beginning the removal operation.

https://www2.deq.idaho.gov/admin/LEIA/api/document/download/5520

Mail to:

Asbestos NESHAP Coordinator
US EPA, Region 10 (20-C04)
1200 Sixth Ave., Suite 155
Seattle, WA 98101

Completing the EPA notification form and submittal and the NESHAP survey are considered incidental to 203-020A Removal of Bridge and no other payment will be made.

If asbestos is present, comply with all NESHAP and AHERA regulations and OSHA standards. This work is paid for under 203-10A Asbestos Removal and Disposal.

ESTIMATING BASIS

The unit weights in the estimating basis were determined from area history and past project experience. This information was used by the Engineer to develop reasonable project quantities. Actual quantities will vary depending on the contractor furnished source, crushing operation, and mix designs. The Contractor is responsible for determining actual unit weights based on the material produced and provide adequate materials for the project plus any losses to stockpile operation or other wastes.

EXISTING GATES

Do not damage existing metal gates at Approach Roads A and D during removal activities. Deliver the existing metal gates at Approach Roads A and D, along with associated hinge hardware, to the property owner of each gate.

Coordinate with the property owner and the Engineer to arrange a date, time, and location for delivery of gate(s). Payment for this work is incidental to the Removal of Obstructions pay item.

GENERAL WAGE DECISION 01/18

Upon written request 10 calendar days before the bid opening date, the Department will provide a missing job classification, wage rate, and fringe benefit rate as outlined on FHWA-1273 IV.1.b to all plan holders as addenda.

Once awarded, the Contractor will work with the Project Manager to prepare and submit a SF-1444 for the above classification. If the DOL approved wage rate differs from the determination provided above, the contract will be adjusted accordingly for the hours of the labor utilized for work conforming to this classification.

GEOTECHNICAL INFORMATION

The approved materials reports and groundwater monitoring data are available as reference files during bidding. The Contractor is urged to review the findings of the subsurface explorations presented in these reports.

HMA PAVEMENT

The Contractor is informed that SuperPave HMA placement may not be possible through the required Completion Date of this contract due to inclement weather. The requirements outlined in ITD Specification Section 405 will not be waived or relaxed as a result of late season paving and impacts due to weather. If the Contractors operations take SuperPave placement into out of specification paving weather, a temporary pavement will be placed at a depth of no less than 0.15' until weather allows in the spring of 2026 to place the SuperPave surface within specification required conditions at no additional cost to the project. Placement, removal, traffic control, and any rework required as a result of the use of Temporary Pavement will be the responsibility of the Contractor and will be considered incidental to the project 405 item.

HMA PAVEMENT – SMALL QUANTITIES

The Department does not require acceptance test strips on small quantity pavement (e.g., less than 2250 tons), nonstructural pavement, or temporary pavement.

When an acceptance test strip is not required as per 405.03.I, the Department will base acceptance for pavement density on the density of cores taken from the finished pavement for quantity less than 750 Ton. The Engineer reserves the right to test additional properties for compliance with contract requirements. For quantity above 750 Tons and below 2250 Tons, will be tested in accordance with the QA manual 405-6. Obtain 5 randomly located core samples in accordance with the FOP for AASHTO R 67 from the compacted Superpave HMA in the Engineer's presence. The Engineer will determine the random core locations. Immediately submit the cores for testing. The Department will determine the density of the cores the FOP for AASHTO T 166 Method A or AASHTO T 331. In addition, obtain 3 randomly located mix samples during HMA placement, in the Engineer's presence, and immediately submit samples for testing. Obtain the samples in accordance with the AASHTO R 97 (see the QASP Table 106.03-1 Note 1.c.). The Engineer will randomly locate the mix samples and the Department will test the mix samples to determine the G_{mm} value in accordance with the FOP for AASHTO T 209 or ASTM D6857, Asphalt Content in accordance with the FOP for AASHTO T308, and Gradation in accordance with the FOP for AASHTO T 30. The Department will use the average of the 3 G_{mm} values to compute in-place density of the cores taken for density acceptance. The following table will be used for specification limits to determine pass/fail. If paving will be performed in different construction seasons (e.g., bridge approaches), obtain 5 additional cores from the compacted Superpave HMA and 3 additional mix samples for density acceptance when paving resumes. The Contractor is responsible for quality control testing.

Production Paving Specification Limits

Mix Characteristic	Limits
SP 2, SP3 and SP5 Mixture	
No. 4 sieve and larger sieves, %	JMF value ± 5.0 [(a)]

No. 8 to No. 30 sieves, %	JMF value ± 4.0 [(a)]
No. 50 to No. 100 sieves, %	JMF value ± 3.0 [(a)]
No. 200 sieve and smaller sieves, %	JMF value ± 1.5 [(a)]
Asphalt Binder Content, %	JMF value – 0.3 / +0.450
Roadway Characteristic	**Limits**
Density, % Compaction	92.0 – 100.0

The upper and lower specification limits are never allowed to be outside the control points specified in 703.05.

IDAHO IMPLEMENTATION OF AASHTO MANUAL FOR ASSESSING SAFETY HARDWARE, 2ND EDITION (2016)

The following safety hardware must meet AASHTO 2016 MASH criteria, ITD's Standard Drawings, and if the hardware is a proprietary product it must be approved on ITD's Qualified Product List (QPL) for new permanent installations and full replacements:

- W-beam
- Cast-in-place concrete barriers
- W-beam tangent terminals and buried-in-backslope terminals
- W-beam flared terminals and terminals installed on a flare
- Crash cushions
- Transitions
- Permanently installed portable barriers
- Bridge rails
- Cable barriers
- Cable barrier terminals

The following safety hardware may be MASH 2009/2016 or NCHRP 350 compliant for new permanent installations and full replacements:

- Double-sided or median terminals
- Sign supports
- All other breakaway hardware

For projects utilizing December 2018 Standard Drawings release or earlier, replace the 612 series sheets with the 612 series from the latest Standard Drawings release.

Temporary work zone devices (including portable barriers, truck- and trailer-mounted attenuators, portable changeable message signs (PCMS), temporary traffic signals, and camera trailers) manufactured after December 31, 2019, must have been successfully tested to the 2016 edition of MASH. Such devices manufactured on or before this date, and successfully tested to NCHRP Report 350 or the 2009 edition of MASH, may continue to be used throughout their normal service lives.

PAVEMENT SURFACE SMOOTHNESS **04/23**

Surface smoothness must be in accordance with the straight edge requirements.

PERMITS & LICENSE AGREEMENTS

The following permits will be obtained for this project:

- U.S. Army Corps of Engineers 404 Permit
- Idaho Department of Water Resources Stream Alteration Permit
- Idaho Department of Environmental Quality 401 – Certification

Comply with all terms and conditions of the approved permits. Maintain copies of the permits onsite and readily available for review at all times by any Contractor working on the site as well as any federal, state, or local governmental personnel. Additionally, allow governmental personnel to inspect the authorized activities at any time to ensure that the work is compliant with these permits.

PLANT CONTROL CHARTS

As noted in ITD Standard Specification Section 405.03, plant control charts will be a required submittal. These submittals must include mix design inputs, and actual aggregate and additive weights as recorded by automated or staff recorded logs.

REFERENCE FILES 1/2022

Pursuant to Subsection 102.03, upon request, the Department will provide electronic design data, also known as reference files, for the project during the advertisement period. It is the bidder's responsibility to check, periodically, to see if reference files have been posted or updated on the ITD Notice to Contractor's page, located at the following link: https://itd.idaho.gov/business/?target=contractor-bidding/

Addendums will not be used to notify the bidder that reference files have been posted. The reference files will only be available during the advertisement period and removed after the bid opening.

SUPERPAVE LIFT THICKNESS

Place Superpave HMA pavement in two lifts. Minimum lift thickness is 0.13 feet and maximum recommended lift thickness is 0.25 ft.

TEMPORARY TRAFFIC CONTROL REQUIREMENTS

Cove Road may be closed for bridge demolition and construction of the new bridge. Place all detour signage and traffic control devices and obtain written approval by the Engineer prior to closing Cove Road. Open Cove Road to through traffic once the bridge construction is complete and ready to accept traffic, or as directed by the Engineer.

Maintain vehicular access to adjacent properties throughout the duration of construction activities, with only temporary access closures during instances when construction occurs at driveway/approach locations. Coordinate the timing of these temporary short term impacts during construction with property owners and their tenants.

Coordinate detour and closure with City of Weiser Public Works, Washington County Road & Bridge, the Weiser School District, and the Engineer before and during construction. Notify local emergency services of closure and detour time frames.

Contact information for the entities listed above are as follows:

City of Weiser Public Works
Michael Campbell
55 West Idaho Street
Weiser, Idaho 83672
208-414-1965

Washington County Road & Bridge
Jerod Odoms
1102 E Court Street
Weiser, ID 83672
208-414-0950

Weiser School District
925 Pioneer Road
Weiser, ID 83672
208-414-0616

TIMELAPSE CAMERA

Position camera at a location specified by the Engineer in an area that allows maximum visibility of bridge construction until complete. Be considerate of adjacent residences.

UTILITY COORDINATOR PROVIDED BY THE CONTRACTOR 01/18

Provide an individual whose responsibility is to coordinate the work with each utility company and the railroad company that will or may affect the utility company's or railroad company's property, facilities, or operations. Ensure this individual is readily available by telephone whenever there is work being done by the Contractor, subcontractor, lower-tier subcontractor, utility company, or railroad company.

The Department will not make separate payment for coordinating the work that affect each utility company's or railroad company's property, facilities, or operations. This work coordination is incidental and included in the ground disturbing construction contract pay items.

Ensure this individual is responsible for the following activities and makes documents generated by these activities available to the Contractor, utility company, railroad company, and the Engineer:

1. Maintaining and posting a list of emergency telephone numbers for the Contractor and its subcontractors (including lower-tier subcontractors), each utility company, railroad company, and the Engineer.
2. Notifying the Contractor and its subcontractors (including lower-tier subcontractors), each utility company, railroad company, and the Engineer of a method, including telephone number, to contact the utility coordination individual. An alternate contact person with telephone number will be provided for situations when the utility coordination individual is not available.
3. Maintaining and documenting in writing all instructions, general discussions, or meetings notes that involve work on each utility company's or railroad company property or facilities or work which has or may affect the utility or railroad operations.
4. Maintaining and documenting in written or printed format the proposed and actual time schedules of work on utility or railroad property or facilities. Time schedules are to show the Contractor and

its subcontractor (including lower-tier subcontractors), and each utility company or railroad company activities.
5. Maintaining and documenting in writing a diary of work each day that involve utility or railroad property and facilities, and any work that has or may affect the utility or railroad operations.
6. Coordinating with each utility company and the Engineer to resolve utility conflict and for any needed change orders to address utility conflicts.

ON PAGE 19, SUBSECTION 101.04 - DEFINITIONS

Delete the following under Working Day.:

4. Days during December, January, and February.

ON PAGE 28, SUBSECTION 104.01.B. – CONSTRUCTION PARTNERING

Delete the entire section.

ON PAGE 35, 105.02 – PLANS AND WORKING DRAWINGS 04/23

Add to the end of the third paragraph starting with "Submittals must…"

For products designed by the fabricator, all shop drawing sheets must stamped by an Engineer licensed in Idaho in addition to the cover sheet for the design calculations. When the shop drawings are for a product that is designed by the Engineer of Record, the shop drawings do not need to be stamped.

ON PAGE 36, SUBSECTION 105.04 – COORDINATION OF CONTRACT DOCUMENTS 04/24

Delete items 7 through 12 and add the following:

7. Buy America Insert
8. Quality Assurance (QA) Manual Supplementals
9. Standard Supplementals
10. Standard Specifications
11. Standard Drawings
12. QA Manual
13. Electronic Files (if specified as part of the contract)

ON PAGE 37, SUBSECTION 105.07 – UTILITY FACILITIES 04/23

Add the following to the end of the subsection:

Numerous existing utility lines, structures, and substructures will be protected in place, relocated, modified, installed, or removed in conjunction with this project. The coordination effort related to this work must include, but not be limited to, working other than normal operation hours to permit the utility relocation work by others to occur within the time frame of the contract. The majority of the utility relocation work will be performed by the utility companies and/or their designated contractor.

The anticipated durations requested by utility companies to perform their relocation work of their facilities are shown in the following paragraphs. These durations do not include the time for

coordination with the utility companies but are for the utility company's construction activities to physically relocate their facility. Anticipated durations are stated for each utility company to complete their relocation work activities and are provided for information only. Confirm the anticipated durations indicated for each utility company to complete their relocation work with each utility contact listed.

Utilities that are known to be in the project area include:

Idaho Power
PO Box 70
Boise, Idaho 83707
Attn: Brack Judy
Office: (208) 388-6047
Cell: (208) 861-4715
BJudy2@idahopower.com

Alternate: Brendon Daniels
Office: 208-388-2607
bdaniels@idahopower.com
Idaho Power has facilities at the following location(s) that will require relocation for the construction of the Bridge. Idaho Power will complete the relocation work of their facilities.

- Cove Rd Sta. 23+97, 20' Lt. to 35+32, 35' Lt.,
  Sta. 28+57, 118' Rt to 28+74, 40' Lt.
  Timing of work- Relocation and adjustments area expected to be in conjunction with this project. Allow Idaho Power access to the work area for their activities. Coordinate with Idaho Power and establish start times and duration time frames to be included in the project schedule as submitted to the Engineer. Allow Idaho Power two (2) weeks to perform this relocation work.

Intermountain Gas
2921 Caldwell Boulevard
Nampa, Idaho 83651
Attn: Joe De La Torre
Office: (208) 861-1309
jose.delatorre@intgas.com
Alternate: Zach Williams
Office: (208)-468-6714
Zach.williams@intgas.com

Intermountain Gas has facilities at the following location(s) that will require relocation for the construction of Cove Rd Bridge. Intermountain Gas will complete the relocation work of their facilities.

- Cove Rd Station 26+38, 13' Rt. to 34+82, 21' Rt.
  Timing of work- Relocation and adjustments area expected to be in conjunction with this project. Allow Intermountain Gas access to the work area for their activities. Coordinate with Intermountain Gas and establish start times and duration time frames to be included in the project schedule as submitted to the Engineer. Allow Intermountain Gas four (4) weeks per crossing

Syringa Networks
12301 W Explorer Dr. Suite 200
Boise, ID 83713
Attn: Michael Dewitt
Office: (208)-229-6122
Cell: (208) 803-4000
mdewitt@syringanetworks.net

Syringa has facilities at the following location(s) that will require relocation for the construction of the Bridge. Syringa will complete the relocation work of their facilities.

- Cove Rd Sta. 23+97, 20' Lt. to 35+32, 35' Lt.,
  Timing of work- Relocation and adjustments area expected to be in conjunction with this project. Allow Syringa access to the work area for their activities. Coordinate with Idaho Syringa and establish start times and duration time frames to be included in the project schedule as submitted to the Engineer. Allow Idaho Power two (2) weeks to perform their relocation work first, then allow Syringa two (2) weeks to relocate onto the Idaho Power Poles.

Midvale Telephone Exchange (MTE)
2205 Keithley Creek Rd
PO Box 7 Midvale, ID 83645
Attn: Jesse Whitener
Office: 208-355-2211
jesse.whitener@mtecom.com

MTE has facilities at the following location(s) that will require relocation for the construction of Cove Rd Bridge. Syringa will complete the relocation work of their facilities.

- Cove Rd Sta. 23+97, 20' Lt. to 35+32, 35' Lt.,
  Timing of work- Relocation and adjustments area expected to be in conjunction with this project. Allow MTE access to the work area for their activities. Coordinate with MTE and establish start times and duration time frames to be included in the project schedule as submitted to the Engineer. Allow Idaho Power two (2) weeks to perform their relocation work first, then allow MTE one (1) week to perform this relocation work.

Utility One-Call Center
Request locates of buried utility facilities by contacting the Utility One-Call Center by calling 208-342-1585, e-mailing digline@digline.com, or faxing 208-342-1586.

Buried utility facilities owned by the state of Idaho could be located within the project site and may or may not be shown on the plans. State of Idaho owned utility facilities include traffic signals, illumination, traffic recording sites, weather monitoring sites, video detection systems, and electronic message signs. Request locates of buried utility facilities owned by the state of Idaho by contacting the District Traffic Signal Foreman at (208) 334-8346.

Be responsible to coordinate with the Engineer to contact the appropriate utility company and arrange the initial utility hook up, when utility service (e.g., electrical, phone, water) for highway components (e.g., luminaries, signals, ITS) is required for the contract work. Supply utility service in a timely

manner to allow for testing of highway components. Pay any fees charged by the utility company and provide the Engineer acceptable proof of payment for reimbursement.

ON PAGE 82 of 715, SUBSECTION 107.19 – SURVEY MONUMENT PRESERVATION 04/23

Under subsection 107.19.2, add the following after the first full sentence:

Research within the project limits in the MCPD for survey monuments within the work zone to determine the possible existence of survey monuments to preserve and protect or to be reestablished after construction. Document that this research has been completed.

ON PAGE 82 of 715, SUBSECTION 107.19 – SURVEY MONUMENT PRESERVATION 04/23

Under subsection 107.19.9.g., add the following at the end of the subsection:

The provisions of Section 107.08 will apply.

ON PAGE 87, SUBSECTION 108.01 - SUBLETTING OF CONTRACT 05/23

Delete the second sentence and substitute the following:

If the Engineer consents to subletting a portion of the work, the Contractor will use its own organization to perform work amounting to at least 30 percent of the original contract amount.

ON PAGE 112, SUBSECTION 109.05 – PARTIAL PAYMENTS MOD LHTAC

In the second sentence of the first paragraph delete “at least”

Delete the 3rd sentence.

ON PAGE 134, SUBSECTION 203.03 - CONSTRUCTION REQUIREMENTS 04/23

Add to the 2nd paragraph of Part B Removal of Bridge, Culverts and Other Drainage Structures.

Netting, tarps, or other suitable material will be used under the bridges to capture contaminants that would otherwise fall into the water or drainage area below to prevent damage to water quality. This is incidental to miscellaneous removals.

Add the following to the end of 203.03.B:

Remove the bridge structure without depositing lead contaminated waste/debris onto the ground, into the air, or in the waterway.

Do not use torch or electric arc cutting methods unless the area to be cut has had the lead paint removed by an Engineer approved method.

Comply with the construction/demolition permits issued for this work; 203; and EPA, OSHA, and State environmental, health, and safety requirements.

ON PAGE 141, SUBSECTION 205.03 – CONSTRUCTION REQUIREMENTS

Add the following to 205.03.A General:

Saw cut existing pavement full depth at connections to existing asphalt pavement. The cost of saw cutting pavement is incidental to the excavation 205 bid item and will not be measured or paid for separately.

ON PAGE 146, SUBSECTION 205.03 – CONSTRUCTION REQUIREMENTS

Add the following to 205.03.G Classes of Compaction and Density Requirements:

7. Prior to backfilling areas excavated to sub-subgrade (minimum depth of 12 inches), compact exposed surface to minimum of 90 percent of maximum dry density by AASHTO T 99 Method C.

ON PAGE 527, SUBSECTION 624.03 – CONSTRUCTION REQUIREMENTS

Add the following to the end of 624.03:

Place materials by mechanical means.

S900-50A CONTINGENCY AMOUNT - MISCELLANEOUS WORK 09/23

Description. This item will compensate the Contractor for minor work or material not specified in the project documents that is necessary to the work as directed by the Engineer.

Materials. Provide material as directed by the Engineer and in accordance with the ITD Standard Specifications.

Construction Requirements. Complete construction as directed by the Engineer and in accordance with the ITD Standard Specifications.

Method of Measurement. The Engineer will measure acceptably completed work by the Contingency Amount (CA).

Basis of Payment. The Department will pay for the accepted quantities at the contract unit price as follows:

Pay Item	Pay Unit
S900-05A Contingency Amount - Miscellaneous Work	CA

S904-05E SP - TURBIDITY MONITORING

Description. Provide all equipment and manpower necessary to conduct, monitor and document turbidity levels in the Weiser River to meet the requirements of Idaho Department of Environmental Quality 401 Water Quality Certification and State of Idaho Water Quality Standards, USFWS Biological Assessment/Biological Opinion, SWPPP and/or other referenced obtained permits/documents.

Materials for Water Quality Monitoring. Provide all monitoring equipment for turbidity testing to be used in monitoring water quality. All monitoring/testing equipment must be approved by the Engineer prior to its use.

Prepare and submit a written Turbidity Monitoring Plan (hereafter referenced as (Plan) to the LHTAC Engineer for review and approval 2 weeks in advance prior to the preconstruction conference. The Plan will include the locations, staff qualifications, sampling methods, equipment used for sampling, monitoring/testing protocols and reporting/documentation plan, etc. Turbidity monitoring and sampling must be done by trained personnel that have a minimum 2-yrs of working experience in conducting instream water quality sampling/testing using a turbidity meter, collecting data from the samples/tests and analyzing sample/tests data findings and results of sediment and pH water quality criteria parameters collected to State of Idaho water quality standards, biological assessment/biological opinion and other permit requirements and conditions for compliance. These credentials must be provided as part of the turbidity monitoring/sampling plan. The Plan must include specific details and quality control assurances for properly and regularly calibrating all turbidity meters to be used for turbidity testing/monitoring.

The Plan must include and demonstrate how the Contractor will meet IDEQ 401 Water Quality Certification and State of Idaho Water Quality Standards, USFWS Biological Assessment/Biological Opinion, SWPPP and/or other referenced obtained permits/documents. It is anticipated that there will be up to four sampling locations. Additional monitoring and sampling sites may also be required via project actions and as approved by the Engineer.

A suggested resource for developing an effective monitoring plan can be found at: http://water.usgs.gov/owq/FieldManual/

Construction, Water Quality Criteria Monitoring/Sampling and Data Collection. The Plan must be in compliance with the Clean Water Act and the Idaho Procedures Act (IDAPA). The Clean Water Act requires States to set water quality criteria standards sufficient to protect designated and existing beneficial uses. In Idaho, "Sediment must not exceed established set criteria parameters which impair designated beneficial uses. The State Water Quality Standards for Aquatic Life (Section 250) are of the following:

“Turbidity must not exceed background turbidity by more than 50 Nephelometric Turbidity Units (NTUs) instantaneously (at any point in time) or 25 NTUs over ten consecutive days (IDAPA Idaho Code 58.01.02.350.01.a).

Determinations of impairment will be based on water quality monitoring and sample testing, with the collected data and information utilized as described in Section 350" (Idaho Administrative Procedures Act (IDAPA) 58.01.02 .200.08). The Contractor must meet all State of Idaho water quality requirements.

These are incorporated into the State’s Water Quality Management Plan under the authority of Section 303(e) of the CWA.

In Section 350 (Rules Governing Nonpoint Source Activities), "Best management practices should be designed, implemented, and maintained to provide full protection or maintenance of beneficial uses. If subsequent water quality monitoring and surveillance indicate water quality standards are not met due to nonpoint source impacts, even with the use of current best management practices, the practices will be

evaluated and modified as necessary by the appropriate agencies in accordance with the provisions of the Administrative Procedures Act" (IDAPA 58.01.02.350.01.a).

Turbidity Monitoring and Sampling Compliance Requirements.

To ensure compliance with IDEQ 401 Water Quality Certification and State of Idaho water quality standards, USFWS Biological Assessment/Biological Opinion, SWPPP and/or other referenced obtained permits/documents, required water quality criteria parameter testing/monitoring must include the following:

A. Sampling Locations:

Background Location: A relatively undisturbed location/site unaffected by the construction activity, located up-current from the permitted activity. For each background location to be used for sampling and data collection, include a map or sketch with GPS coordinates of the location.

Turbidity Compliance Location: Within the turbidity curtain, and location/site(s) down current from the permitted activity, within any visible plume, at the distance of 300 to 500 feet downstream of the bridge. For each compliance location to be used for sampling and data collection, include a map or sketch with GPS coordinates of the location.

B. Conducting compliance monitoring with a turbidity meter and data collection requirements:

1. For quality assurance, analyze all samples following instrument manufacturer's written instructions.

2. Properly and regularly calibrate the turbidity meter as per the manufacturer's written instructions.

3. Verify instrument calibration per the manufacturer's written instructions.

4. Sample and measure turbidity at both background and compliance locations a minimum frequency interval of every two hours once instream work initiates.

   The Contractor/Permittee must also document a daily report log (see below) the ongoing construction activity and location at time of sample and any visual observations including all discharges and their plume size, location within water channel column, plume length (i.e. upstream to downstream) and plume duration in approximate time (i.e. seconds/minutes). NOTE: Plumes can occur that are indicative of either suspended sediments, changes to water quality pH or both at the same time.

   Daily Report Logs- The Contractor's monitoring plan must include maintaining a legible, organized daily report log book that contains/includes all written report logs for each sampling test conducted and must have the following minimum information documented:
   a. Date
   b. Time
   c. Sample location
   d. Instrument calibration verification
   e. Turbidity result (NTUs) at each respective location:

- Background ambient water NTUs
- Compliance point water NTUs
- Comparison of the points (i.e. difference) in NTUs

f. Weather Conditions at time of sampling --- cloud cover (cloudy, partly cloudy, or clear), wind direction and speed, precipitation in last 24hrs (inches), and ambient air temperature (◦F) at the time of sample collection.
g. Visual observations of any discharge include photographic documentation of any visible variation in water quality.
h. Narrative discussing all exceedances and which includes detailed quantitative description of turbidity plume. Include the following data and information:

- Location of turbidity plume in the Snake River channel (e.g. along bank or across the entire river channel and ETC.)
- Description of extent of size of turbidity plume (e.g. width and length in feet and ETC.)
- Description of duration/longevity and approximate distance traveled of turbidity plume (e.g. time in seconds or minutes and ETC.)

i. A detailed description of additional corrective actions/controls and best management practices and measures applied --- including the date, time and location where they are implemented must be documented---the SWPPP must be updated as well.
j. Follow-up narrative entailing observance and effectiveness of additional corrective actions/controls and best management practices and measures applied and implemented (as additional monitoring and sampling proceeds), any other work stoppages, and any other actions taken.
k. Printed name and signature of the monitor/sampler collector.

C. Turbidity sampling testing conducted and data and informational findings from accompanying measurements must be representative of stream/river turbidity when/while the construction activity is being conducted. Sampling and measurements cannot be taken during cessation of construction activity. All reports shall be provided daily to the Engineer. The project inspector will review the results daily to confirm compliance with the State Water Quality Standards and provide copies of the results to LHTAC via the Engineer. After all in-stream work is completed, a copy of the monitoring log will be provided to the Engineer.

D. If the project construction activity/activities cause monitored turbidity levels to increase above 50 NTU's instantaneously over ambient background levels or 25 NTU over ten consecutive days, the Contractor must temporarily cease construction activities until levels return to below 25 NTU. If the project construction activity/activities cause turbidity to increase above 50 NTU's instantaneously over ambient background levels the Contractor must cease all project construction activities immediately and notify the Engineer. Instream monitoring and data collection will occur at a sampling interval and frequency of every 15 minutes until water quality maintains/reaches established State of Idaho water quality criteria standards. The Contractor must implement additional controls and practices as

approved by the Engineer. Construction may not resume until the appropriate regulatory agency is contacted and they determine if a re-evaluation is required. Once work resumes, monitoring of both background and compliance points must occur again within 15 minutes of work initiating and if at that time sampling data collected is within established State of Idaho water quality criteria standards then sampling interval frequency can occur at the 2 hour minimum. A description of the additional controls and the date, time and location where they are implemented must be recorded in the daily report log. Non-compliance requires immediate notification to Engineer (i.e. within two hours).

E. The Contractor will self-report all monitoring/sampling test data results that are in non-compliance of 401 Water Quality Certification and State of Idaho water quality standards, Biological Assessment/Biological Opinion, SWPPP and/or other referenced obtained permits/documents immediately to the Engineer (i.e. within two hours).

F. Copies of all daily report logs for turbidity monitoring/sampling test data findings must be made available to the Engineer. In addition, copies of all daily report logs for turbidity monitoring/sampling test data findings must be made available to IDEQ, USFWS and other local, state and federal agencies upon request.

NOTE: Instream work is considered work or construction activities occurring below the ordinary high water mark and within the wetted channel, within/on the embankment of the Snake River/Waters of the U.S. when discharges of debris or materials that fall (i.e. incidental) have a likely hood of falling below OHW or work occurring over-water between the ordinary high water marks.

Quality Assurance

The Contractor will provide and submit for review on a daily basis, all completed turbidity report logs to the Engineer. All report logs must be copied; with the originals placed collectively within their own three ring binder(s) and the copies placed separately within another three ring binder(s). Both the Contractor and LHTAC will review all turbidity daily to confirm compliance with 401 Water Quality Certification and State of Idaho Water Quality Standards, Biological Assessment/Biological Opinion, SWPPP and/or other referenced obtained permits/documents

LHTAC reserves the right to conduct its own supplementary testing and monitoring for quality assurance purposes to ensure compliance with all 401 Water Quality Certification and State of Idaho Water Quality Standards, obtained permits and Biological Opinion, SWPPP and other referenced documents.

Method of Measurement. Turbidity Monitoring will be measured on a lump sum basis for satisfactory compliance with the requirements of this special provision.

Basis of Payment. Payment for accepted work will be made as follows:

Pay Item	Pay Unit
S904-05E SP - Turbidity Monitoring	LS

S913-05A SP - FILTER SAND

Description. This work consists of constructing a layer of filter sand in accordance with the lines, grades, and dimensions shown on the plans or as directed by the engineer.

Materials. Provide material as specified in 703.02.B Fine Aggregates for Concrete.

Construction Requirements. Excavate to depths shown on plans or as directed. Excavate a minimum of 2 feet into free draining material as determined by the Engineer. Place filter sand in 6-inch lifts, and compact with non-vibratory equipment. No compaction testing is required.

Method of Measurement. The Engineer will measure acceptably completed work by the Square Yard (SY)

Basis of Payment. The Department will pay for the accepted quantities at the contract unit price as follows:

Pay Item	Pay Unit
S913-05A SP Filter Sand	SY

The Department will pay for all labor, equipment and materials necessary for a complete and workable installation including excavation, compaction, and all additional appurtenances not specified in the bid schedule.

Idaho Department of Environmental Quality
Final Section 401 Water Quality Certification

October 17, 2023

Project Name: Cove Road Bridge Replacement – Key No. 19129

Permit Number: NWW-2023-00377, NWP# 14

Applicant/Authorized Agent: Washington County Road and Bridge

Project Location: Washington County, Idaho; 44.241421, -116.943837

Receiving Water Body: Weiser River

Pursuant to the provisions of Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), as amended; 33 U.S.C. Section 1341(a)(1); and Idaho Code §§ 39-101 et seq. and 39-3601 et seq., the Idaho Department of Environmental Quality (DEQ) has authority to review activities receiving federal permits and issue water quality certification decisions.

In accordance with the Clean Water Act §§ 121.4 and 121.5, all project proponents must submit a request for a prefiling meeting at least thirty days in advance of submitting a certification request. A prefiling meeting request was received by DEQ on 7/24/2023. To facilitate early engagement and project coordination, DEQ accepted an opportunity to host a prefiling meeting which was conducted on 8/10/2023, to seek clarification as well as to discuss the project and potential information needs.

Based upon its review of the certification request in accordance with the Clean Water Act § 121.5 (b) and (c), received on 8/24/2023, DEQ certifies that if the permittee complies with the terms and conditions imposed by the permit and the conditions set forth in this water quality certification, then it is reasonable for DEQ to conclude that the activity will comply with water quality requirements, including applicable requirements of the Clean Water Act §§ 301, 302, 303, 306, and 307, Idaho's "Water Quality Standards" (IDAPA 58.01.02), and other appropriate water quality requirements of state law.

This certification does not constitute authorization of the permitted activities by any other state or federal agency or private person or entity. This certification does not excuse the permit holder from the obligation to obtain any other necessary approvals, authorizations or permits.

Accessibility Services: The Idaho Department of Environmental Quality will provide reasonable language access services and/or disability services for documents at no charge. To request an accommodation under Title VI of the Civil Rights Act of 1964 or Americans with Disabilities Act, contact DEQ's nondiscrimination coordinator at (208) 373-0271 or accessibility@deq.idaho.gov. Para obtener información en español, visite https://www.deq.idaho.gov/about-us/accessibility/.

1 Project Description

The project proposes removing the existing three-span Cove Road bridge, over the Weiser River in Washington County Idaho. The project would also remove two existing support piers, one within a wetland and the other within the river channel. Once removed, a new single pier would be constructed on an existing sand bar within the ordinary high water mark (OHWM). This single pier would support the new two-span prestressed concrete girder bridge that would be installed at the location of the existing bridge. Once the new bridge is installed, the project proposes 380 feet and 340 feet of road improvements on the south and north side of the bridge, respectively. These road improvements are not expected to have impacts on wetlands or the river. Finally, the project proposes constructing a stormwater collection system on the bridge, which would convey water to catchment basins at all four corners of the bridge, eliminating direct discharge from the bridge to the Weiser River. The project proponent has proposed a containment system requirement, which would capture any debris and/or waste from demolition of the existing structure, to eliminate incidental discharge to the Weiser River. Construction of the new pier would require temporary dewatering of a portion of the Weiser River. Total permanent impacts to the Weiser River are equal to 105 linear feet, mostly in the form of rip rap. Total permanent impacts to wetlands are equal to 0.02 acres. Temporary impacts will be remediated to pre-construction conditions upon project completion.

2 Antidegradation Review

As part of its water quality standards program, Idaho has an antidegradation policy providing three levels of protection to water bodies in Idaho (IDAPA 58.01.02.051). DEQ adopted regulations to implement the antidegradation policy (IDAPA 58.01.02.052).

Tier I Protection. The first level of protection applies to all water bodies subject to Clean Water Act jurisdiction and ensures that existing uses of a water body and the level of water quality necessary to protect those existing uses will be maintained and protected (IDAPA 58.01.02.051.01; 58.01.02.052.01). Additionally, a Tier I review is performed for all new or reissued permits or licenses (IDAPA 58.01.02.052.07).

Tier II Protection. The second level of protection applies to those water bodies considered high quality and ensures that no lowering of water quality will be allowed unless necessary to accommodate important economic or social development (IDAPA 58.01.02.051.02; 58.01.02.052.08).

Tier III Protection. The third level of protection applies to water bodies that have been designated outstanding resource waters and requires that activities do not lower water quality (IDAPA 58.01.02.051.03; 58.01.02.052.09).

DEQ employs a water-body-by-water-body approach to implementing Idaho's antidegradation policy. This approach means that any water body fully supporting its beneficial uses will be considered high quality (IDAPA 58.01.02.052.05.a). Any water body not fully supporting its beneficial uses will be provided Tier I protection for that use, unless specific circumstances

warranting Tier II protection are met (IDAPA 58.01.02.052.05.c). The most recent federally approved DEQ Integrated Report and supporting data are used to determine support status and the tier of protection (IDAPA 58.01.02.052.05).

2.1 Pollutants of Concern

The pollutant of concern for this project is sediment and temperature. As part of the § 401 water quality certification, DEQ requires the applicant to comply with various conditions to protect water quality and meet Idaho's water quality standards, including the water quality criteria applicable to these pollutants.

2.2 Receiving Water Body Level of Protection

This project is located on the Weiser River within the Weiser River subbasin assessment unit (AU) ID17050124SW001_06a (Weiser River – Galloway Dam to Snake River). According to the most recent federally approved DEQ Integrated Report, this AU has the following designated beneficial uses: Cold Water Aquatic Life and Primary Contact Recreation. In addition to these uses, all waters of the state are protected for agricultural and industrial water supply, wildlife habitat, and aesthetics (IDAPA 58.01.02.100).

According to DEQ's 2022 Integrated Report, this AU is not fully supporting one or more of its assessed uses. The aquatic life use in this receiving water body AU is not fully supported. Causes of impairment include sedimentation/siltation and temperature. The contact recreation beneficial use is also not fully supported. Causes of impairment include *Escherichia coli (E. coli)*. As such, DEQ will provide Tier I protection for both the aquatic life and contact recreation uses (IDAPA 58.01.02.051.01).

2.3 Protection and Maintenance of Existing Uses (Tier I Protection)

A Tier I review is performed for all new or reissued permits or licenses, applies to all waters subject to the jurisdiction of the Clean Water Act, and requires demonstration that existing uses and the level of water quality necessary to protect existing uses shall be maintained and protected. The numeric and narrative criteria in the water quality standards are set at levels that ensure protection of existing and designated beneficial uses.

Water bodies not supporting existing or designated beneficial uses must be identified as water quality limited, and a total maximum daily load (TMDL) must be prepared for those pollutants causing impairment. Once a TMDL is developed, discharges of causative pollutants shall be consistent with the allocations in the TMDL (IDAPA 58.01.02.055.05). Before developing the TMDL, the water quality standards require applying the antidegradation policy and implementation provisions to maintain and protect uses (IDAPA 58.01.02.055.04).

An EPA-approved TMDL has been developed for this AU. The TMDL addresses concerns that were identified in the *Weiser River Watershed Subbasin TMDL* and temperature addendum (DEQ 2006). The goals of the TMDLs are to reduce loading of sediment and temperature to the Weiser River and its tributaries. The project proponent has developed a Stormwater Pollution Prevention

Plan (SWPPP) and proposed site-specific best management practices (BMPs) to mitigate erosion during and after construction, as well as stormwater infrastructure to eliminate runoff from the proposed bridge, meeting goals of the TMDL. Stormwater runoff on the bridge would be collected by curb and gutter and then would follow to catch basins on all four corners of the bridge. These catch basins would collect stormwater runoff and discharge it to the roadside borrow ditches, thereby eliminating direct discharge from the bridge or roadway to the Weiser River. Additionally, the proponent will remediate disturbed riparian vegetation upon completion of the project to ensure the project does not have permanent adverse effects on thermal loading to the Weiser River from lost shading.

Throughout the life of the project, the applicant will implement, install, maintain, monitor, and adaptively manage BMPs to reduce erosion and minimize turbidity levels in receiving water bodies downstream of the project. In addition, permanent erosion and sediment controls will be implemented that will minimize or prevent future sediment contributions from the project area.

If the project is conducted according to the provisions of the project plans, federal permit, and conditions of this certification, then it is reasonable for DEQ to conclude that the project will comply with the state's numeric and narrative criteria. These criteria are set at levels that protect and maintain existing and designated beneficial uses.

There is no available information indicating the presence of any existing beneficial uses aside from those that are already designated and discussed above. The permit ensures that the level of water quality necessary to protect both existing and designated uses is maintained and protected in compliance with the Tier I provisions of IDAPA 58.01.02.051.01 and 58.01.02.052.07.

3 Conditions Necessary to Ensure Compliance with Water Quality Standards or Other Appropriate Water Quality Requirements of State Law

The following conditions ensure the Cove Road Bridge Replacement project complies with Idaho's water quality standards and other appropriate water quality requirements of state law applicable to Weiser River.

3.1 General Conditions

This certification is based on the certification request submitted by the Washington County Road and Bridge on 8/24/2023 and is conditioned upon the requirement that any modification (e.g., change in work windows, etc.) of the permitted activity shall first be provided to DEQ for review to determine compliance with Idaho's water quality standards.

Because DEQ is certifying only the activity described in the certification request, this condition ensures that discharges under circumstances that differ from those described in the certification request will comply with 33 U.S.C. § 1341, 40 CFR 121, and other applicable water

quality requirements, including without limitation 33 U.S.C. § 1311(a), Idaho Code § 39-108, IDAPA 58.01.02.051, IDAPA 58.01.02.052, IDAPA 58.01.02.080, IDAPA 58.01.02.200, IDAPA 58.01.02.210, IDAPA 58.01.02.250, IDAPA 58.01.02.251, IDAPA 58.01.02.252, IDAPA 58.01.02.253, and IDAPA 58.01.02.400.

1. DEQ reserves the right to modify, amend, or revoke this certification if DEQ determines that, due to changes in relevant circumstances—including without limitation, changes in project activities, the characteristics of the receiving water bodies, or state water quality standards—there is no longer reasonable assurance of compliance with the water quality standards or other appropriate requirements of state law.

   Because DEQ is certifying only the activity described in the certification request based on information available at the time of certification, this condition ensures that discharges from activities not described in the certification request, or where there has been a change in the characteristics of or water quality standards applicable to the receiving water body, will comply with 33 U.S.C. § 1341, 40 CFR 121, and other applicable water quality requirements, including without limitation 33 U.S.C. § 1311(a), Idaho Code § 39-108, IDAPA 58.01.02.051, IDAPA 58.01.02.052, IDAPA 58.01.02.080, IDAPA 58.01.02.200, IDAPA 58.01.02.210, IDAPA 58.01.02.250, IDAPA 58.01.02.251, IDAPA 58.01.02.252, IDAPA 58.01.02.253, and IDAPA 58.01.02.400.

2. If ownership of the project changes, the certification holder shall notify DEQ, in writing, upon transferring this ownership or responsibility for compliance with these conditions to another person or party. The new owner/operator shall request, in writing, the transfer of this water quality certification to the new name. This condition ensures that, if ownership changes, DEQ has the minimum information to support ongoing compliance with 33 U.S.C. § 1341, 40 CFR 121, this water quality certification, and other applicable water quality requirements, including without limitation Idaho Code § 39-108, IDAPA 58.01.02.080, and IDAPA 58.01.02.400.

3. A copy of this certification must be kept on the job site and readily available for review by any contractor working on the project and any federal, state, or local government personnel.

   This condition ensures all responsible parties, including on-site contractors, are aware of and comply with this water quality certification and other applicable water quality requirements, including without limitation Idaho Code § 39-108, IDAPA 58.01.02.080, and IDAPA 58.01.02.400.

4. The applicant is responsible for all work done by contractors and must ensure the contractors are informed of and follow all the conditions described in this certification and the federal permit.

   This condition ensures all responsible parties, including on-site contractors, comply with this water quality certification and applicable water quality requirements, including without limitation Idaho Code § 39-108, IDAPA 58.01.02.080, and IDAPA 58.01.02.400.

5. If this project disturbs more than 1-acre and there is potential for discharge of storm water to waters of the state, then coverage under the DEQ Construction General Permit Program may be required.

   This condition ensures that work authorized under the federal permit complies with water quality requirements prohibiting unauthorized storm water discharges, including without limitation 33 U.S.C. § 1311(a), 33 U.S.C. § 1342(p), IDAPA 58.01.02.080, and IDAPA 58.01.02.400.

3.2 Fill Material

The following conditions 3.2.1 – 3.2.3 are necessary for the protection of beneficial uses according to Idaho's water quality standards, including without limitation IDAPA 58.01.02.051, IDAPA 58.01.02.200, IDAPA 58.01.02.210, IDAPA 58.01.02.250, IDAPA 58.01.02.251, IDAPA 58.01.02.252, IDAPA 58.01.02.253, and IDAPA 58.01.02.400.

1. Fill material subject to suspension will be free of easily suspended fine material. Only clean material may be placed as fill. If dredged material is proposed for use as fill material and there is a possibility the material may be contaminated, then the permittee must assess and characterize sediment to determine the suitability of dredge material for unconfined-aquatic placement; determine the suitability of post-dredge surfaces; and predict the effect on water quality during dredging. Sediment assessment and characterization following the procedures in the *Sediment Evaluation Framework for the Pacific Northwest* (RSET 2018) satisfies this requirement. A different assessment and characterization methodology may be used if the DEQ approves the methodology in writing.
2. Temporary fills will be removed in their entirety on or before construction completion.
3. Excavated or staged fill material must be placed so it is isolated from the water edge or wetlands and not placed where it could re-enter waters of the state.

3.3 Erosion and Sediment Control

The following conditions 3.3.1 – 3.3.9 are necessary for the protection of beneficial uses according to Idaho's water quality standards, including without limitation IDAPA 58.01.02.051, IDAPA 58.01.02.200, IDAPA 58.01.02.250, IDAPA 58.01.02.253, and IDAPA 58.01.02.400.

1. BMPs for sediment and erosion control suitable to prevent exceedances of Idaho's water quality standards and TMDLs shall be selected and installed before starting construction at the site. One resource to evaluate appropriate BMPs is the *Idaho Catalog of Storm Water Best Management Practices* (DEQ 2020). Other resources may also be used for selecting appropriate BMPs.
2. Permanent erosion and sediment control measures will be installed to provide long-term sediment and erosion control and prevent excess sediment from entering waters of the state.

3. Permanent erosion and sediment control measures will be installed at the earliest practicable time consistent with good construction practices and will be maintained as necessary throughout project operation.
4. Structural fill or bank protection will consist of materials that are placed and maintained to withstand predictable high flows in the waters of the state.
5. A BMP inspection and maintenance plan must be developed and implemented. At a minimum, BMPs must be inspected and maintained daily during project implementation and replaced or augmented if they are not effective.
6. All construction debris, scraps, particles, and other associated materials will be captured and properly disposed of so they cannot enter waters of the state or cause water quality degradation.
7. Disturbed areas suitable for vegetation will be seeded or revegetated to prevent subsequent soil erosion (EPA 2000).
8. Maximum fill slopes will be material that is structurally stable once placed and does not slough into the stream channel during construction, during periods before revegetation, or after vegetation is established.
9. Sediment from disturbed areas or sediment that can be tracked by vehicles onto pavement must not leave the site in amounts reasonably expected to enter waters of the state. Placement of clean aggregate at all construction entrances or exits and other BMPs such as truck or wheel washes, if needed, must be used when earth-moving equipment will be leaving the site and traveling on paved surfaces to prevent track-out.

3.4 Turbidity

The following conditions 3.4.1 – 3.4.4 are necessary for the protection of beneficial uses according to Idaho's water quality standards, including without limitation IDAPA 58.01.02.051, IDAPA 58.01.02.200.08, IDAPA 58.01.02.250.02.e, IDAPA 58.01.02.253, and IDAPA 58.01.02.400.

1. Sediment resulting from this activity must be mitigated to prevent violations of the turbidity standards stipulated in Idaho's water quality standards. Any violation of this standard must be reported to the DEQ regional office immediately.
2. Containment measures such as silt curtains, geotextile fabrics, and silt fences must be implemented and properly maintained to minimize instream sediment suspension and resulting turbidity. One resource to evaluate appropriate BMPs is the *Idaho Catalog of Storm Water Best Management Practices* (DEQ 2020). Other resources may also be used for selecting appropriate BMPs.
3. All practical BMPs on disturbed banks and within the waters of the state must be implemented to minimize turbidity. Visual observation is acceptable to determine whether BMPs are functioning properly. If a sediment plume is observed, the project may be causing an exceedance of water quality standards, and the permittee must inspect the condition of the project BMPs. If the BMPs appear to be functioning improperly, then corrective action must be taken, and the permittee must modify the activity or implement additional BMPs (this may also include modifying existing BMPs).

4. If the project continues to have a visual sediment plume after BMPs have been inspected and modified, turbidity monitoring consistent with Table 1, is required.

   a. A properly and regularly calibrated turbidimeter is required for sample collection measurements to be analyzed in the field. The turbidimeter should be calibrated before each use or according to the manufacturer's recommendations. The calibration log should be maintained and made available to DEQ upon request. Instantaneous grab samples may be collected for field analysis and taken to a laboratory for analysis as needed. When turbidity monitoring is required, a grab sample must be collected at an undisturbed area immediately upstream from the in-water disturbance or discharge to establish background turbidity levels. Background turbidity, latitude/longitude, date, and time must be recorded before monitoring downstream. A sample must be collected immediately downstream from the in-water disturbance or point of discharge and within the visible sediment plume. The turbidity, latitude/longitude, date, and time must be recorded for each sample. The downstream sample must be taken immediately following the upstream sample to obtain meaningful and representative results.

   b. Results from the downstream sampling location must be compared to the upstream sample location or background turbidity to determine whether project activities are causing an exceedance of Idaho's water quality standards. If the downstream turbidity is 50 nephelometric turbidity units (NTUs) or greater than the upstream turbidity, then the project is causing an exceedance of the water quality standards. Any exceedance of the turbidity standard must be reported to the appropriate DEQ regional office within 24-hours of the sample event.

   c. Earth-disturbing activities may continue once turbidity readings return to within 50 NTU over background instantaneously, or if turbidity has exceeded 25 NTU over background for more than 10 consecutive days, once turbidity readings have no longer exceeded 25 NTU over background for at least 24 consecutive hours.

   d. Copies of daily logs for turbidity monitoring must be available to DEQ upon request. The report must describe all exceedances and subsequent corrective actions taken, including the effectiveness of the action.

Table 1. Turbidimeter monitoring and sampling when a plume is observed.

Turbidity Above Background[a]	Monitoring/Sampling Frequency[a]	Additional Actions Required
0 to 24 NTU	Visual monitoring every 2 hours	None
25 to 49 NTU	Sample every 2 hours	STOP work after 8 hours in every 24-hour period
25 NTU for 10 or more consecutive days	Sample before and after following instructions[b]	**STOP work and follow instructions[b]; notify DEQ regional office**
50 NTU or more	Sample before and after following instructions[c]	**STOP work and follow instructions[c]; notify DEQ regional office**

a. Sample and report turbidity three times at each location. Use the maximum value of three samples to determine compliance following Table 1 directions.
b. Instructions: If BMPs appear to be functioning properly, then the permittee must modify the activity or implement corrective action such as installing additional BMPs (this may include modifying existing BMPs) until additional sampling indicates turbidity standards are met. Sampling can cease when a sediment plume is no longer observed. Work can commence when a sediment plume is no longer observed, and measurements are consecutively below 25 NTU.

c. Instructions: If BMPs appear to be functioning properly, then the permittee must modify the activity or implement corrective action such as installing additional BMPs (this may include modifying existing BMPs) until additional sampling indicates turbidity standards are met. Sampling can cease when a sediment plume is no longer observed. Work can commence when a sediment plume is no longer observed, and measurements are below 50 NTU.

3.5 In-Water Work

The following conditions 3.5.1 – 3.5.11 are necessary for the protection of beneficial uses according to Idaho's water quality standards, including without limitation IDAPA 58.01.02.051, IDAPA 58.01.02.200, IDAPA 58.01.02.250, IDAPA 58.01.02.253, and IDAPA 58.01.02.400.

1. Work in open water must be kept at a minimum and only when necessary. Equipment shall work from an upland site to minimize disturbance of waters of the state. If this is not practicable, take appropriate measures to ensure disturbance to the waters of the state is minimized.
2. Construction affecting the bed or banks shall occur only during periods of low flow.
3. Fording the channel is not permitted. Build temporary bridges or other structures if crossings are necessary.
4. Temporary crossings shall be perpendicular to channels and located in areas with the least impact. The temporary crossings must be supplemented with clean gravel or treated with other mitigation methods at least as effective in reducing impacts. Temporary crossings must be removed as soon as possible after the project is completed or the crossing is no longer needed.
5. Heavy equipment working in wetlands shall be placed on mats or suitably designed pads to prevent damage to the wetlands.
6. Activities in spawning areas shall be avoided to the maximum extent practicable.
7. Work in waters of the state shall be restricted to areas specified in the application.
8. Measures shall be taken to prevent wet concrete from entering waters of the state when placed in forms and/or from truck washing.
9. Activities that construct and maintain intake structures must include adequate fish screening devices to prevent fish entrainment or capture.
10. Stranded fish found in dewatered segments should be moved to a location (preferably downstream) with water.
11. To minimize sediment transport, stream channel or streambank stabilization must be completed before returning water to a dewatered segment.

3.6 Vegetation Protection and Restoration

The following conditions 3.6.1 – 3.6.5 are necessary for the protection of beneficial uses according to Idaho's water quality standards, including without limitation IDAPA 58.01.02.051, IDAPA 58.01.02.200, IDAPA 58.01.02.250, IDAPA 58.01.02.253, and IDAPA 58.01.02.400.

1. To the maximum extent practical, staging areas and access points should be placed in open, upland areas.
2. Fencing and other protective barriers should be used to mark the construction areas.
3. Where possible, alternative equipment should be used (e.g., spider hoe or crane).

4. If authorized work results in unavoidable vegetative disturbance, native riparian and wetland vegetation shall be successfully reestablished to benefit water quality at pre-project levels or improved at the completion of authorized work.
5. A reasonable effort shall be made in reestablishing riparian shading lost because of unavoidable vegetative disturbance to benefit water temperatures and to meet goals set in the TMDL.

3.7 Management of Hazardous or Deleterious Materials

The following conditions 3.7.1 – 3.7.9 are necessary for the protection of beneficial uses according to Idaho's water quality standards, including without limitation IDAPA 58.01.02.051, IDAPA 58.01.02.080, IDAPA 58.01.02.200, IDAPA 58.01.02.400, IDAPA 58.01.02.800, and IDAPA 58.01.02.850.

1. Petroleum products and hazardous, toxic, and/or deleterious materials shall not be stored, disposed of, or accumulated adjacent to or in the immediate vicinity of waters of the state. Adequate measures and controls must ensure that those materials will not enter waters of the state because of high water, precipitation runoff, wind, storage facility failure, accidents in operation, or unauthorized third-party activities.
2. Secondary containment is required for chemical materials.
3. Vegetable-based hydraulic fluid should be used on equipment operating in or directly adjacent to the channel if this fluid is available.
4. Daily inspections of all fluid systems on equipment to be used in or near waters of the state shall ensure no leaks or potential leaks exist before equipment use. A logbook of daily equipment inspections shall be kept on site and provided to DEQ upon request.
5. Equipment and machinery shall be removed from the vicinity of the waters of the state before refueling, repair, and/or maintenance.
6. Equipment and machinery shall be steam cleaned of oils and grease in an upland location or staging area with appropriate wastewater controls and treatment capability before entering waters of the state. Any wastewater or wash water must not enter waters of the state.
7. Emergency spill response procedures shall be in place and include a spill response kit (e.g., oil absorbent booms or other equipment).
8. If an unauthorized release of hazardous material to state waters or to land occurs and there is a likelihood it will enter state waters, the responsible persons in charge must:
    a. Make every reasonable effort to abate and stop a continuing spill.
    b. Make every reasonable effort to contain spilled material so it will not reach surface or ground waters of the state.
    c. Call 911 if immediate assistance is required to control, contain, or clean up the spill. If no assistance is needed in cleaning up the spill, contact the appropriate DEQ regional office during normal working hours or Idaho State Communications Center after normal working hours (1-800-632-8000). If the spilled volume is above federal reportable quantities, contact the National Response Center (1-800-424-8802).
    d. Contact Boise Regional Office: (208) 373-0550.

9. Collect, remove, and properly dispose of spill and cleanup materials in a manner approved by DEQ.

3.8 Treated Wood

The following condition meets Idaho 's water quality standards, including without limitation IDAPA 58.01.02.200 and IDAPA 58.01.02.210.

This condition ensures that toxic chemicals are not introduced into waters of the state. The *Guidance for the Use of Wood Preservatives and Preserved Wood Products In or Around Aquatic Environments* (DEQ 2008) must be considered when using treated wood materials in the aquatic environment. The DEQ guidance references the *Best Management Practices for the Use of Treated Wood in Aquatic and Wetland Environments (*Western Wood Preservers Institute et al. 2011). This BMP document provides recommended guidelines for producing and installing treated wood products for use in sensitive environments.

3.9 Dredge Material Management

Upland disposal of dredged material must prevent the material from reentering waters of the state.

This condition ensures that there is no unauthorized discharge from upland disposal sites according to 33 U.S.C. § 1311(a) and Idaho's water quality requirements, including without limitation Idaho Code § 39-108, IDAPA 58.01.02.080, and IDAPA 58.01.02.400

3.10 Pollutants/Toxins

In conformance with IDAPA 58.01.02.200, the use of chemicals such as soil stabilizers, dust palliatives, sterilants, growth inhibitors, fertilizers, and deicing salts during construction and operation should be limited to the best estimate of optimum application rates. All reasonable measures shall be taken to avoid excess application and introduction of chemicals into waters of the state.

4 Required Notification

The permittee must notify the Boise Regional Office when authorized work begins.

5 Right to Appeal Final Certification

The final § 401 Water Quality Certification may be appealed by submitting a petition to initiate a contested case, pursuant to Idaho Code § 39-107(5) and the "Rules of Administrative Procedure before the Board of Environmental Quality" (IDAPA 58.01.23), within 35-days of the date of the final certification.

Questions or comments regarding the actions taken in this certification should be directed to Chase Cusack, Boise Regional Office at (208) 373-0490 or via email at Chase.Cusack@deq.idaho.gov.

Aaron Scheff
Regional Administrator
Boise Regional Office

References

DEQ (Idaho Department of Environmental Quality). July 2006. *Weiser River Watershed Subbasin Assessment and Total Maximum Daily Loads*. Boise, ID: DEQ. https://www2.deq.idaho.gov/admin/LEIA/api/document/download/12130

DEQ (Idaho Department of Environmental Quality). June 2006. *Weiser River Subbasin Temperature Total Maximum Daily Loads: Addendum to the Weiser River Subbasin Assessment and TMDL*. Boise, ID: DEQ. https://www2.deq.idaho.gov/admin/LEIA/api/document/download/12131

DEQ (Idaho Department of Environmental Quality). 2008. *Guidance for the Use of Wood Preservatives and Preserved Wood Products in or Around Aquatic Environments*. Boise, ID: DEQ. https://www2.deq.idaho.gov/admin/LEIA/api/document/download/4838

DEQ (Idaho Department of Environmental Quality). 2020. *Idaho Catalog of Storm Water Best Management Practices*. Boise, ID: DEQ. https://www.deq.idaho.gov/water-quality/wastewater/storm-water/

DEQ (Idaho Department of Environmental Quality). 2022. *Idaho Department of Environmental Quality 2022 Integrated Report*. Boise, ID: DEQ. https://www2.deq.idaho.gov/admin/LEIA/api/document/download/16619

EPA (US Environmental Protection Agency). 2000. *National Menu of Best Management Practices (BMPs) for Stormwater*. *https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater*

RSET (Northwest Regional Sediment Evaluation Team). 2018. *Sediment Evaluation Framework for the Pacific Northwest*. Prepared by the RSET Agencies.

Western Wood Preservers Institute, Wood Preservation Canada, Southern Pressure Treaters' Association, and Southern Forest Products Association. 2011. *Best Management Practices: For the Use of Treated Wood in Aquatic and Wetland Environments*. Vancouver, WA: Western Wood Preservers Institute.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
BOISE REGULATORY OFFICE
720 EAST PARK BOULEVARD, SUITE 245
BOISE, IDAHO 83712-7757

February 16, 2024

WALLA WALLA DISTRICT
REGULATORY DIVISION

SUBJECT: NWW-2023-00377, Cove Road Bridge Replacement, Key No. 19129

Jerod Odoms
Washington County
1102 East Court Street
Weiser, Idaho 83672

Dear Mr. Odoms:

We have determined that your proposed project Cove Road Bridge Replacement, Key No. 19129 is authorized in accordance with Department of the Army (DA) **Nationwide Permit (NWP) No. 14: Linear Transportation Projects and NWP No. 33: Temporary Access, Construction and Dewatering**. This project is located on Cove Road 0.3 miles South of the intersection of Cove Road and East Main Street, within Section 33 of Township 11 North, Range 5 West, near coordinates 44.241421º N latitude and -116.943837º W longitude, in Weiser, Washington County, Idaho. Please refer to File Number NWW-2023-00377 in all future correspondence with our office regarding this project.

Project activities authorized under NWP 14 include the discharge of approximately 300 cubic yards (CY) of fill (130 CY concrete, 170 CY rip rap) below the ordinary high water mark of the Weiser River, permanently impacting 0.022 acres of bed and bank and 0.045 acres of palustrine emergent (PEM) wetlands, for the purpose of replacing the existing Cove Road bridge. Fill within the Weiser River and adjacent wetlands are proposed to construct the new bridge abutments and pier including the placement of rip rap around the North abutment. Project activities authorized under NWP 33 include the discharge of 1,150 cubic yards of fill, temporarily impacting 0.060 acres of the Weiser River and 0.973 acres of adjacent wetlands for equipment access and for the utilization of cofferdams to dewater the work area. All work shall be done in accordance with the enclosed drawings, titled: *Figure 2. Project Wetland Impacts, Figure 3. Project Channel Impacts, Figure 4. Temporary Impacts Due to Construction Access, & KN19129 Cove Road, Permanent Wetland Impacts Dated October 31, 2018.*

DA permit authorization is necessary because your project may involve the discharge of fill material into waters of the U.S. This authorization is outlined in Section 404 of the Clean Water Act (33 U.S.C. 1344).

You must comply with all general, regional, and special conditions, for this verification letter to remain valid and to avoid possible enforcement actions. The general and regional permit conditions for NWP No. 14: Linear Transportation Projects and NWP No. 33: Temporary Access, Construction and Dewatering are attached and also available online[1]. In addition, you must also comply with the special conditions listed below.

The following Special Conditions include:

Special Condition 1: The permittee is responsible for all work done by any contractor. Permittee shall ensure any contractor who performs the work is informed of and follows all the terms and conditions of this authorization. Permittee shall also ensure these terms and conditions are incorporated into engineering plans and contract specifications.

Special Condition 2: Following completion of construction, temporary fill must be entirely removed to an area that has no waters of the United States, and the affected areas must be restored to pre-construction conditions.

Special Condition 3: The permittee shall implement the stipulations of the Memorandum of Agreement titiled, “MEMORANDUM OF AGREEMENT Among THE FEDERAL HIGHWAY ADMINISTRATION, THE IDAHO TRANSPORTATION DEPARTMENT, THE LOCAL HIGHWAY TECHNICAL ASSISTANCE COUNCIL, And THE IDAHO STATE HISTORIC PRESERVATION OFFICE REGARDING THE RESOLUTION OF ADVERSE EFFECTS TO THE COVE ROAD (WEISER RIVER) BRIDGE (Bridge No. 28805) WASHINGTON COUNTY, IDAHO ITD KEY NO. 19129”, Signed December 1, 2020.

You must also comply with the conditions detailed in the attached Section 401 Water Quality Certification (WQC) issued for this project on October 17, 2023, by the Idaho Department of Environmental Quality (IDEQ). If you have any questions regarding the conditions set forth in the WQC, please contact IDEQ directly at 208-373-0550, Boise Regional Office.

Nationwide Permit General Condition 30 (Compliance Certification) requires that every permittee who has received NWP verification must submit a signed certification regarding the completed work and any required mitigation. This Compliance

[1] http://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/Nationwide-Permits/

Certification form is enclosed for your convenience and must be completed and returned to us within 30 days of your project's completion.

This letter of authorization does not convey any property rights, or any exclusive privileges and does not authorize any injury to property or excuse you from compliance with other Federal, State, or local statutes, ordinances, regulations, or requirements which may affect this work.

This verification is valid until **March 14, 2026**, unless the NWP is modified, suspended or revoked. If your project, as permitted under this NWP verification, is modified in any way you must contact our office prior to commencing any work activities. In the event that you have not completed construction of your project by March 14, 2026, please contact us at least 60-days prior to this date. A new application and verification may be required.

We actively use feedback to improve our delivery and provide you with the best possible service. If you would like to provide feedback, please take our online survey[2]. If you have questions or if you would like a paper copy of the survey, please contact the Walla Walla District Regulatory. For more information about the Walla Walla District Regulatory program, you can visit us online[3].

If you have any questions or need additional information about this permit authorization, you can contact Jacob Cordtz by phone at 208-433-4466, by mail at the address in the letterhead, or email at Jacob.W.Cordtz@usace.army.mil. For informational purposes, a copy of this letter has been sent to: Idaho Department of Environmental Quality, Idaho Department of Water Resources, and Idaho Transportation Department HQ.

Sincerely,

Tracy Peak

Tracy Peak
Deputy Chief, Regulatory Division

Encls

[2] https://regulatory.ops.usace.army.mil/customer-service-survey/
[3] http://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/

Transfer of Nationwide Permit Form
Compliance Certification
Individual Water Quality Certification
Nationwide Permit No. 14 & 33 Terms and Conditions
Drawings, titled: *Figure 2. Project Wetland Impacts, Figure 3. Project Channel Impacts, Figure 4. Temporary Impacts Due to Construction Access, & KN19129 Cove Road, Permanent Wetland Impacts Dated October 31, 2018.*

TRANSFER OF NATIONWIDE PERMIT

When the structures or work authorized by this Nationwide Permit, **NWW-2023-00377, Cove Road Bridge Replacement, Key No. 19129**, are still in existence at the time the property is transferred. The terms and conditions of this Nationwide Permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this Nationwide Permit, the associated liabilities and compliance with the terms and conditions the transferee must sign and date below.

Name of New Owner:

Street Address:

Mailing Address:

City, State, Zip:

Phone Number:

_____ _____

Signature of TRANSFEREE *DATE*

COMPLIANCE CERTIFICATION

US Army Corps of Engineers
Walla Walla District

Permit Number: NWW-2023-00377

Name of Permittee: Washington County (Point of Contact: Jerod Odoms)

Date of Issuance: February 16, 2024

Upon completion of the activity authorized by this permit and any mitigation required by the permit, please sign this certification and return it to the following address:

U.S. Army Corps of Engineers
Walla Walla District
Boise Regulatory Office
720 East Park Blvd., Suite 245
Boise, Idaho 83712-7757

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with all terms and conditions of this permit, the permit is subject to suspension, modification, or revocation and you are subject to an enforcement action by this office.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit. The required mitigation was also completed in accordance with the permit conditions.

_____ _____

Signature of PERMITEE *DATE*

Figure 2. Project Wetland Impacts

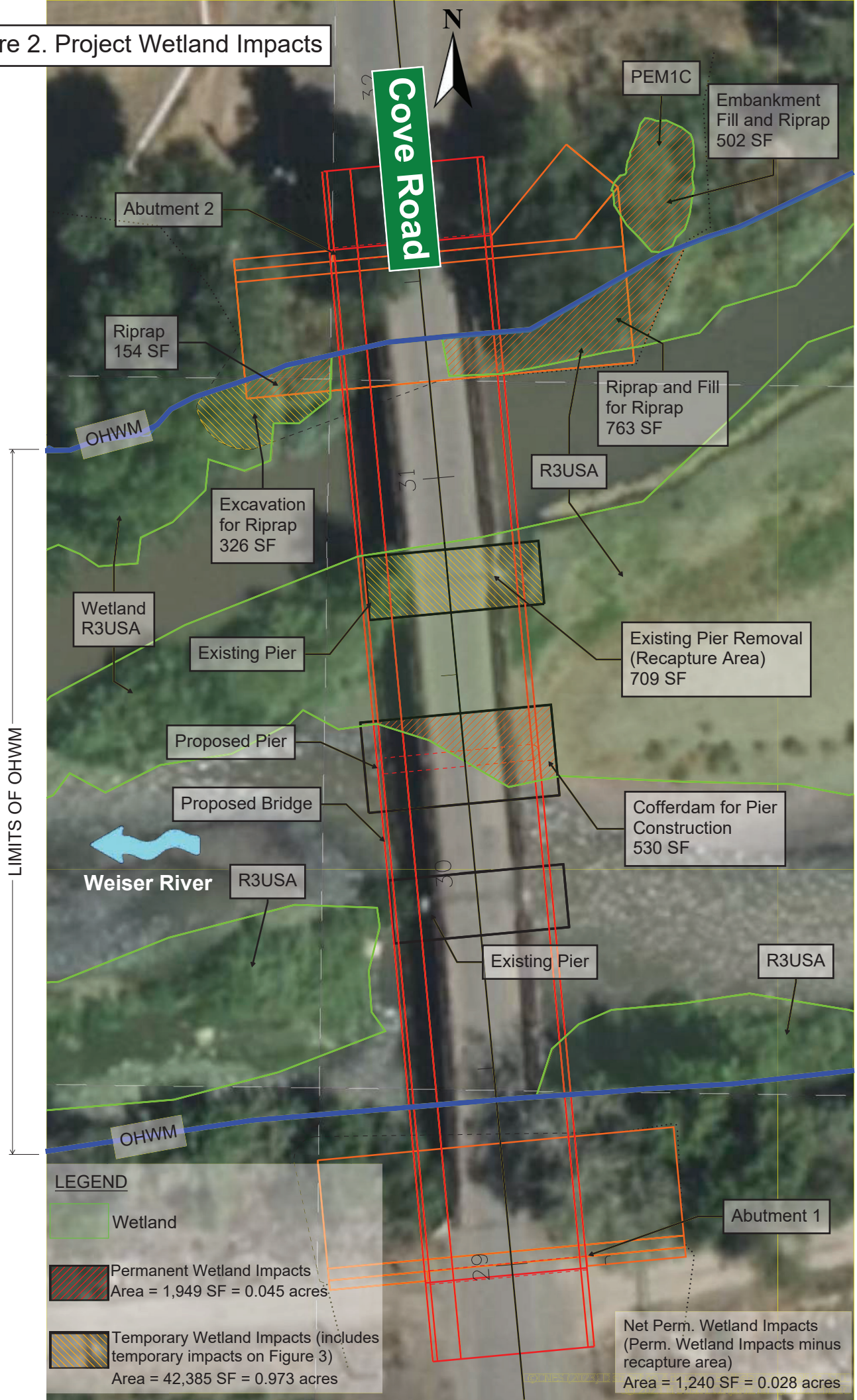


Figure 3. Project Channel Impacts

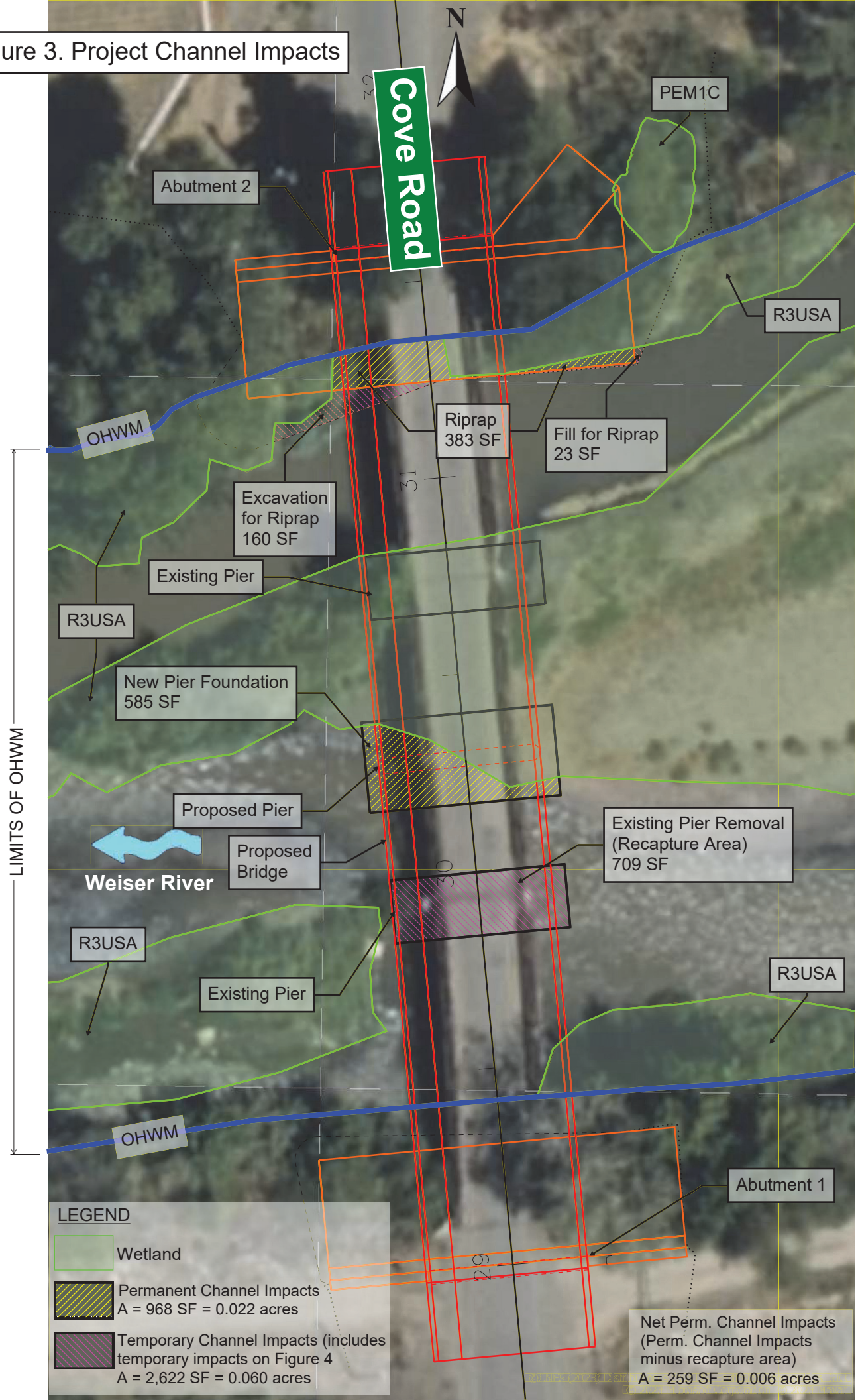
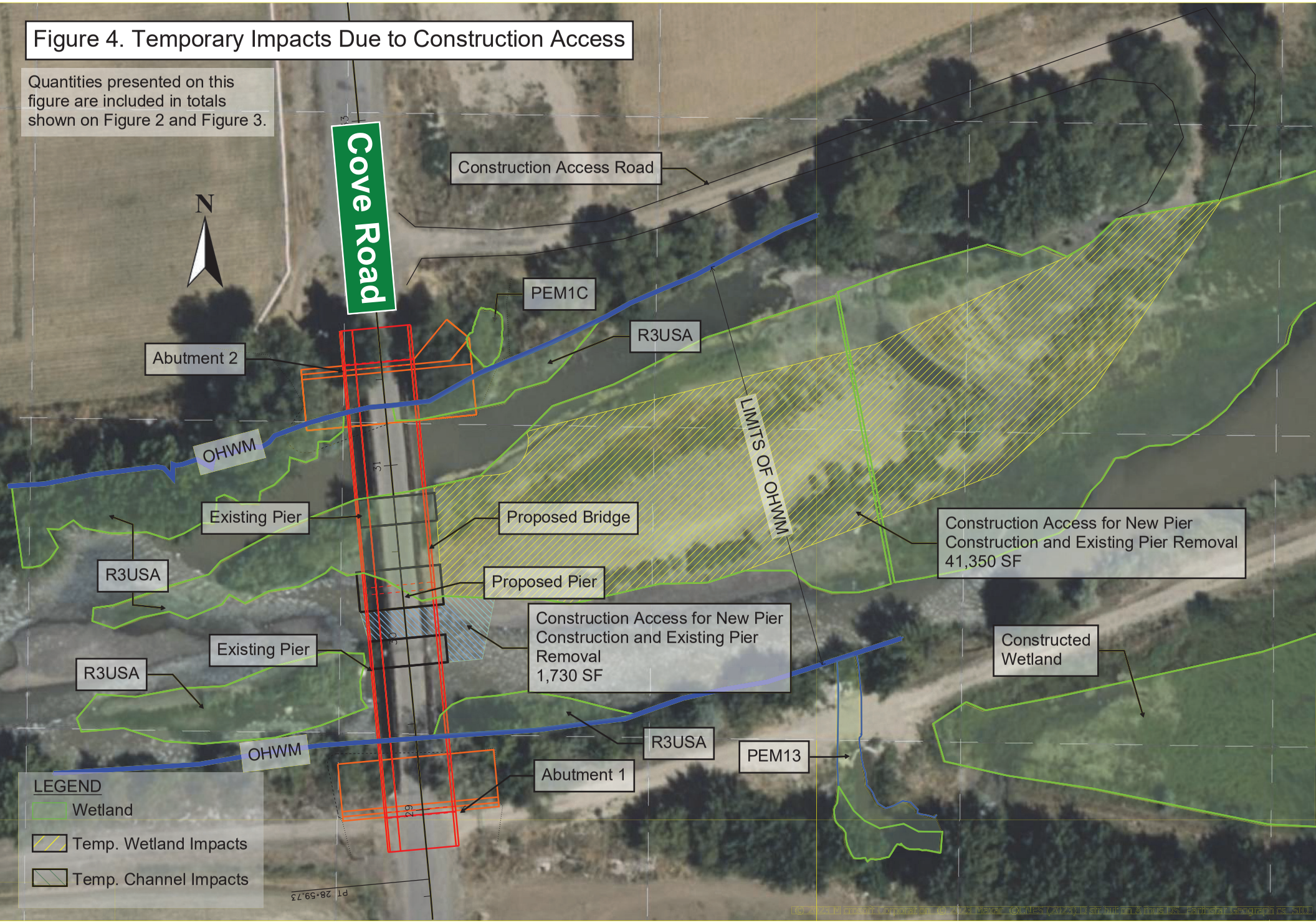


Figure 4. Temporary Impacts Due to Construction Access

Quantities presented on this figure are included in totals shown on Figure 2 and Figure 3.



HDR Engineering, Inc.
LHTAC and Washington County
KN 19129; Cove Road Bridge Replacement
Joint Application Form: NWP 14
Thursday, December 7, 2023

Block 15: Purpose and Need (~400 characters w spaces limit)

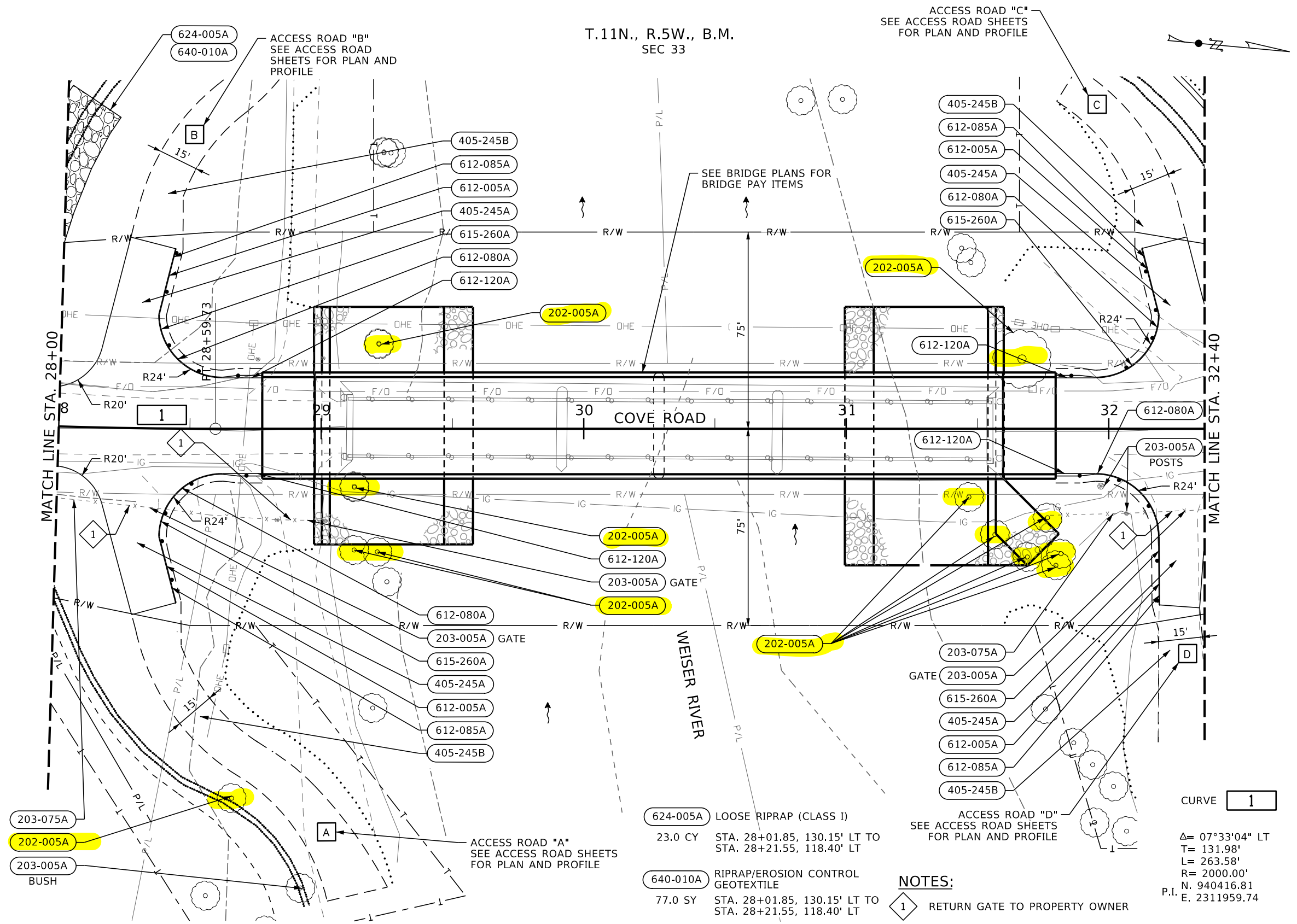
Purpose and Need (commercial, industrial, public, private, other): Describe the reason or purpose of your project; include a brief description of the overall project. Continue to Block 16 to Detail each work activity and overall project
The purpose of this project is to provide safe vehicular passage along Cove Road across the Weiser River, improve hydraulic flow beneath the crossing, reduce the potential for repetitive and significant flooding near the crossing, improve stormwater management within the project area, improve safety and capacity of the roadway approaches to the crossing, and reduce traffic conflicts along Cove Road. The project is needed due to the bridge's poor structural sufficiency, narrow width, and load restrictions that cause agricultural truck traffic to detour to US-95.

Block 16: Detailed Description (About 1000 characters w spaces limit)

DETAILED DESCRIPTION OF EACH ACTIVITY WITHIN OVERALL PROJECT. Specifically indicate portions that take place within waters of the United States, including wetlands: Include dimensions; equipment, construction, methods; erosion, sediment and turbidity controls; hydrological changes: general stream/surface water flows, estimated winter/summer flows; borrow sources, disposal locations etc.:
Demolish existing bridge and construct bridge replacement: The existing three-span truss bridge on Cove Rd. over the Weiser River would be demolished and replaced with a new two-span prestressed concrete girder bridge in the same location. The existing three-span bridge has two piers, one within a wetland and one within the Weiser River, and the proposed bridge would have a single pier, which would be situated on a sand bar that is visible during low-to-normal flow conditions in the river and is within the OHWM. Pier construction consists of dewatering a portion of the Weiser River near the existing southern pier using a cofferdam or other dewatering method, and then pile driving the pier support approximately 48 feet into the riverbed. The pier wall will be constructed on top of the pier support. The proposed two-span alternative removes a pier from the river compared to the existing three-span condition. LHTAC will require the contractor to have a containment system to capture existing bridge demolition debris. Construct roadway improvements: Approximately 380 feet of roadway improvements would occur on Cove Road south of the bridge and approximately 340 feet north of the bridge to match the proposed bridge profile. Roadway improvements would not impact wetlands or the Weiser River. Install riprap: Riprap will be placed near the proposed bridge abutments and pier. Permanent impacts to wetlands and the Weiser river are proposed and are detailed in Blocks 19, 20, 27, and 28 below. Construct stormwater collection system: Stormwater runoff on the bridge would be collected by curb and gutter and then would flow to catch basins on all four corners of the bridge. These catch basins would collect storm runoff and discharge to the roadside borrow ditches. Direct discharge from the bridge or roadway to the Weiser River would be eliminated. Limited roadside embankment riprap protection would be proposed for areas where flooding has overtopped the roadway north and south of the bridge. Hydrological changes: The new bridge will have one pier in the river. Demolition of the existing bridge will remove 2 total piers, both of which are within the OHWM of the Weiser River. There would be a net loss of 1 pier in the river. Staging area: A staging area is proposed on the large sand bar wetland within the OHWM of the Weiser River. The staging area will be accessed only during low-flow conditions. Temporary disturbances to this wetland will be returned to pre-construction conditions upon project completion.

Block 18: Mitigation

PROPOSED MITIGATION STATEMENT or PLAN: If you believe a mitigation plan is not needed, provide a statement and your reasoning why a mitigation plan is NOT required. Or, attach a copy of your proposed mitigation plan.
It is not anticipated that USACE compensatory mitigation is required for impacts to wetlands or streams. Wetland and stream impacts are below the respective mitigation thresholds.



624-005A LOOSE RIPRAP (CLASS I)

23.0 CY STA. 28+01.85, 130.15' LT TO STA. 28+21.55, 118.40' LT

640-010A RIPRAP/EROSION CONTROL GEOTEXTILE

77.0 SY STA. 28+01.85, 130.15' LT TO STA. 28+21.55, 118.40' LT

NOTES:

1. RETURN GATE TO PROPERTY OWNER

202-005A SELECTIVE REMOVAL OF TREES INCLUDING STUMPS

1 EACH STA. 28+65.87, 140.78' RT
1 EACH STA. 29+12.56, 46.19' RT
1 EACH STA. 29+12.58, 21.87' RT
1 EACH STA. 29+21.37, 46.92' RT
1 EACH STA. 29+22.01, 32.27' LT
1 EACH STA. 31+46.78, 26.02' RT
1 EACH STA. 31+56.65, 40.31' RT
1 EACH STA. 31+66.97, 26.61' LT
1 EACH STA. 31+69.01, 48.83' RT
1 EACH STA. 31+76.70, 33.88' RT
1 EACH STA. 31+79.92, 52.02' RT
1 EACH STA. 31+81.83, 47.63' RT

203-005A REMOVAL OF OBSTRUCTIONS

1 LS

203-075A REMOVAL OF FENCE

84 FT STA. 28+00.00, 27.18' RT TO STA. 28+83.15, 34.69' RT
39 FT STA. 31+77.57, 32.96' RT TO STA. 32+16.85, 31.73' RT

405-245A APPROACH (PAVED)

1 EACH STA. 28+35.26, 70.70' LT
1 EACH STA. 28+37.04, 68.68' RT
1 EACH STA. 32+21.16, 70.93' LT
1 EACH STA. 32+26.91, 67.65' RT

405-245B APPROACH (GRAVEL)

1 EACH STA. 28+44.87, 102.41' LT
1 EACH STA. 28+52.16, 107.50' RT
1 EACH STA. 32+15.63, 94.18' LT
1 EACH STA. 32+27.78, 97.09' RT

612-005A W-BEAM GUARDRAIL

79.50 FT STA. 28+43.96, 68.72' LT TO STA. 28+77.53, 19.44' LT
79.50 FT STA. 28+45.06, 66.72' RT TO STA. 28+77.53, 17.02' RT
79.50 FT STA. 31+79.78, 19.44' LT TO STA. 32+12.73, 69.13' LT
79.50 FT STA. 31+79.78, 17.02' RT TO STA. 32+19.47, 67.43' RT

612-080A GUARDRAIL TERMINAL TYPE 7

1 EACH STA. 28+68.59, 19.43' LT
1 EACH STA. 28+68.59, 17.02' RT
1 EACH STA. 31+88.72, 17.02' RT
1 EACH STA. 31+88.72, 19.43' LT

612-085A GUARDRAIL TERMINAL TYPE 8

1 EACH STA. 28+42.17, 61.68' LT
1 EACH STA. 28+43.20, 59.40' RT
1 EACH STA. 32+14.60, 61.76' LT
1 EACH STA. 32+19.40, 59.83' RT

612-120A GUARDRAIL TRANSITION, LOW SPEED

1 EACH STA. 28+77.53, 17.02' RT
1 EACH STA. 28+77.53, 19.43' LT
1 EACH STA. 31+79.78, 17.02' RT
1 EACH STA. 31+79.78, 19.43' LT

615-260A CURB TYPE 5 (ASPHALT)

80.0 FT STA. 28+43.53, 68.70' LT TO STA. 28+77.53, 19.71' LT
80.0 FT STA. 28+44.61, 66.50' RT TO STA. 28+77.53, 17.29' RT
80.0 FT STA. 31+79.77, 19.71' LT TO STA. 32+13.20, 68.87' LT
80.0 FT STA. 31+79.78, 17.29' RT TO STA. 32+19.86, 67.15' RT

NOT APPROVED FOR CONSTRUCTION
PRELIMINARY

REVISIONS			
NO.	DATE	BY	DESCRIPTION

DESIGNED M. MCDONALD
DESIGN CHECKED B. MARTIN
DETAILED M. HUFFMAN
DRAWING CHECKED B. MARTIN

SCALES SHOWN ARE FOR 11" X 17" PRINTS ONLY
CADD FILE NAME 19129_PLAN_002.sht
DRAWING DATE: MAY 2023

IDAHO TRANSPORTATION DEPARTMENT
YOUR Safety→YOUR Mobility→YOUR Economic Opportunity
T-O ENGINEERS

PROJECT NO. A019(129)

ROADWAY PLAN
COVE RD BRIDGE
WASHINGTON CO
STA. 28+00 TO STA. 32+40

ENGLISH
COUNTY WASHINGTON
KEY NUMBER 19129
SHEET 12 OF 35

pw:/pwhdruswes0iHDR_US_West_01/Documents/ITD_Headquarters/ITD-Cove_Rd_Brdg_Replacement/6.0_CAD_BIM/6.2_Work_in_Progress/6.2.3_Roadway/19129_PLAN_002.dwg 8:25:10 AM 5/17/2023

NATIONWIDE PERMIT 14

Linear Transportation Projects:

Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, driveways, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the loss of waters of the United States exceeds 1/10-acre; or (2) there is a discharge of dredged or fill material in a special aquatic site, including wetlands. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

Note 2: Some discharges of dredged or fill material for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note 3: For NWP 14 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

WATER QUALITY CERTIFICATION, NWP 14:

Agency responsible for administration of water quality, based on project location is listed below. If DENIED, then an Individual Water Quality Certification or Waiver of Certification is required, prior to the commencement of any work activities and/or issuance of a DA verification, authorization and/or permit.

State of Idaho: **PARTIALLY DENIED;** activities requiring a Pre-Construction Notification (PCN) for NWP 14 are **not certified**.

Coeur d'Alene Tribal Lands: **DENIED**

Shoshone-Bannock Tribal Lands: **DENIED**

U.S. Environmental Protection Agency for all other Tribal Lands: **PARTIALLY DENIED:** activities are denied when the project will result in:

- Greater than 1/10 acre of impacts to waters of the U.S.; or
- Greater than 300 linear feet of impacts to waters of the U.S.

2021/2022 Nationwide Permits
Regional Conditions
Walla Walla District Regulatory Division (State of Idaho)

January 13, 2021

The following Nationwide Permit (NWP) regional conditions are required in the state of Idaho and apply to all 2021/2022 NWPs[1]. Regional conditions are established by individual Corps Districts to ensure projects result in no more than minimal adverse impacts to the aquatic environment and to address local resources concerns. This document also includes regional additions to the NWP General Conditions, notification procedures pertaining to certain NWP's, and regional additions to the definitions.

REGIONAL CONDITIONS

A. Watersheds Requiring Pre-Construction Notification, Specific to Anadromous Fish

This Regional Condition applies to all 2021/2022 NWPs.

- Pre-construction notification (PCN) will be required for the above listed nationwide permits in the geographic area as shown on Figure 1: *Watersheds Requiring Pre-Construction Notification*, dated January 6, 2021.

B. Vegetation Preservation and Replanting

- To avoid impacts to aquatic habitat and to reduce sedimentation and erosion, permittee shall avoid and minimize the removal of vegetation in waters of the U.S. to the maximum extent practicable. Areas subject to temporary vegetation removal in waters of the U.S. during construction shall be replanted with appropriate native[2] species by the end of the first growing season, unless conditioned otherwise. Permittee shall avoid introducing or spreading noxious or invasive plants[3].

- Replanted vegetation that does not survive the first growing season shall be replanted before the end of the next growing season. Re-plantings shall continue to occur until desired vegetation densities are achieved. Re-vegetation densities should be based on reference conditions.

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[1] For the list of 2021/2022 Nationwide Permits please see: https://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/Nationwide-Permits/

[2] Idaho Department of Transportation, Native Plants for Idaho Roadside Restoration and Revegetation Programs: https://itd.idaho.gov/wp-content/uploads/2016/06/RP171Roadside_Revegetation.pdf

[3] U.S. Department of Agriculture, Natural Resource Conservation Service Plant Database of introduced, invasive, and noxious plants for Idaho: https://plants.usda.gov/java/noxious?rptType=State&statefips=16.

C. De-watering & Re-watering (as applicable)

- Cofferdams shall be constructed of non-erosive material such as concrete jersey barriers, bulk bags, water bladders, sheet pile, and other similar non-erosive devices. Cofferdams may not be constructed by using mechanized equipment to push streambed material through flowing water.

- Diversion channels constructed to bypass flow around the construction site shall be lined with plastic, large rock, pipe or otherwise protected from erosion prior to releasing flows into or through the diversion channel.

- Water removed from within the coffered area shall be pumped to a sediment basin or otherwise treated to remove suspended sediments prior to its return to the waterway.

- To prevent unwanted passage of state or federally-protected fish, if present, from the coffered area, Water pipe intakes shall be screened with openings measuring < 3/32 inch to prevent entrainment of fish trapped in the coffered area.

- Should fish be present within the coffered areas contact your local Idaho Department of Fish and Game (IDFG) office prior to performing fish removal or salvage. Fish shall be collected by electrofishing, seining or dip net, or otherwise removed and returned to the waterway upstream of the project area. If electrofishing is used, the National Marine Fisheries Service (NMFS) guidelines for electrofishing should be followed[4], unless conditioned otherwise.

- Stream channels that have been dewatered during project construction shall be re-watered slowly to avoid lateral and vertical erosion of the de-watered channel, prevent damage to recently reclaimed work areas and/or damage to permitted work.

- Temporary stockpiles in waters of the United States shall be removed in their entirety so as not to form a berm or levee parallel to the stream that could confine flows or restrict overbank flow to the floodplain.

D. In-Water Structures and Complexes

- PCN notification in accordance with General Condition 32 is required for all non-federal applicants with activities involving gabion baskets placed below the ordinary high water mark.
- Stream meanders, riffle and pool complexes, pool stream structures, rock/log barbs, rock J-hooks, drop structures, sills, engineered log jams or similar structures/features when used shall be site specifically designed by an appropriate professional with experience in hydrology or fluvial geomorphology.

[4] Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act (June 2000) http://www.westcoast fisheries.noaa.gov/publications/reference_documents/esa_refs/section4d/electro2000.pdf

E. Temporary Sidecasting

- Materials from exploratory trenching and installation of utility lines may be temporarily side cast into a de-watered coffered area for up to 30 days but not within flowing waters. Material from exploratory trenching and installation of utility lines in wetlands may be temporarily side cast for up to 30 days.

F. Suitability of Sediments for Open Water Disposal and us as Fill

- Sampling for determination of suitability of sediments for open water disposal or for use as fill, must comply with the Sediment Evaluation Framework for the Pacific Northwest (SEF)[5].

G. Avoidance and Minimization

- In addition to information required under General Condition 32(b), the applicant shall include information about previous discharges of fill material into waters of the United States within the project area. This is only for non-federal applicants where a PCN is required.

- Discharges of dredged or fill material into waters of the U.S., including wetlands, to meet set back requirements are not authorized under NWP.

H. Erosion Control

- Erosion control blanket or fabric used in or adjacent to waters of the U.S. shall be comprised of biodegradable material, to ensure decomposition and reduced risk to fish, wildlife and public safety, unless conditioned otherwise. If the applicant proposes to use materials other than as indicated above they must demonstrate how the use of such materials will not cause harm to fish, wildlife and public safety.

I. Reporting Requirement for Federal Permittees

- Federal Agencies with projects that require compensatory mitigation for loss of waters of the U.S. and who propose to purchase credits from an approved wetland and/or stream mitigation bank must provide proof of purchase within 30 days of when the credits were purchased. Purchase of credits from an approved mitigation bank must be IAW the Mitigation Banking Instrument of Record.

[5] Northwest Regional Sediment Evaluation Team (RSET) 2016. Sediment Evaluation Framework for the Pacific Northwest. Prepared by the RSET Agencies, July 2016, 160 pp plus appendices. http://nwd.usace.army.mil/Missions/Civil-Works/Navigation/RSET/SEF

REGIONAL ADDITIONS TO THE GENERAL CONDITIONS

General Condition 4. Migratory Bird Breeding Areas. Regional Addition: For additional information please contact the US Fish and Wildlife Service at the following field office locations: State Office (Boise) at (208) 387-5243; Northern Idaho Field Office (Spokane) at (509) 891-6839; or the Eastern Idaho Field Office (Chubbuck) at (208) 237-6975. https://www.fws.gov/idaho/promo.cfm?id= 177175802

General Condition 6. Suitable Material. Regional Addition: Erosion control blanket or fabric used in or adjacent to waters of the U.S. shall be comprised of biodegradable material, to ensure decomposition and reduced risk to fish, wildlife and public safety, unless conditioned otherwise. If the applicant proposes to use materials other than as indicated above they must demonstrate how the use of such materials will not cause harm to fish, wildlife and public safety.

General Condition 9. Management of Water Flows. Regional Addition: To obtain information on State of Idaho definition of high water refer to Idaho Department of Water Resources (IDAPA 37.03.07. Rule 62.03.04.a). For culverts or bridges located in a community qualifying for the national flood insurance program, the minimum size culvert shall accommodate the 100-year flood design flow frequency (IDAPA 37.03.07. Rule 62.03.04.c).

General Condition 12. Soil Erosion and Sediment Controls. Regional Addition: For additional information refer to the Idaho Department of Environmental Quality Catalog of Stormwater Best Management Practices for Idaho Cities and Counties, available online at: https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/guidance/.

General Condition 18. Endangered Species. Regional Addition: For additional information on ESA listed species in north Idaho please contact the US Fish and Wildlife Service (USFWS) Northern Idaho Field Office (Spokane) at (509) 893-8009, for all other counties in Idaho contact the USFWS State Office (Boise) at (208) 378-5388.

General Condition 20. Historic Properties. Regional Addition: Property is generally considered “historic” if it is at least 50 years old, and is not limited to buildings. For additional information on the potential for cultural resources in proximity to the project site, contact the Idaho State Historic Preservation Office at (208) 334-3847 located in Boise, Idaho.

NOTIFICATION PROCEDURES BY THE CORPS FOR CERTAIN NATIONWIDE PERMITS

Waivers: For nationwide permits with a waiver provision, District coordination with Idaho Department of Environmental Quality (IDEQ) and Environmental Protection Agency (tribal lands) will be conducted prior to the District Engineer making a waiver determination to ensure the proposed activity is in compliance with Section 401 Water Quality Standards.

Select Waters and Wetlands: The Corps will coordinate with the Idaho Department of Fish and Game (IDFG) for activities in the following waters and wetlands that require notification and are authorized by NWP:

- Waters: Waters: Anadromous waters as shown on Figure 1: *Watersheds Requiring Pre-Construction Notification*, dated January 6, 2021; Henry's Fork of the Snake River and its tributaries; South Fork Snake River and its tributaries; Big Lost River and its tributaries upstream of the US 93 crossing; Beaver, Camas, and Medicine Lodge Creeks; Snake River; Blackfoot River above Blackfoot Reservoir; Portneuf River; Bear River; Boise River including South Fork, North Fork and Middle Fork; Payette River including South Fork, North Fork and Middle Fork; Coeur d'Alene River, including the North Fork; St. Joe River; Priest River; Kootenai River; Big Wood River; and Silver Creek and its tributaries.

- Wetlands identified in Idaho Department of Fish and Game, Wetland Conservation Strategy as Class I, Class II and Reference Habitat Sites[6].

- Wetlands identified in the Idaho Wetland Conservation Prioritization Plan-2012[7].

NWP 27-Aquatic Habitat Restoration, Establishment, and Enhancement Activities

Prior to verification, the Corps will coordinate the project with the Idaho Department of Fish and Game for activities in perennial, fish bearing streams.

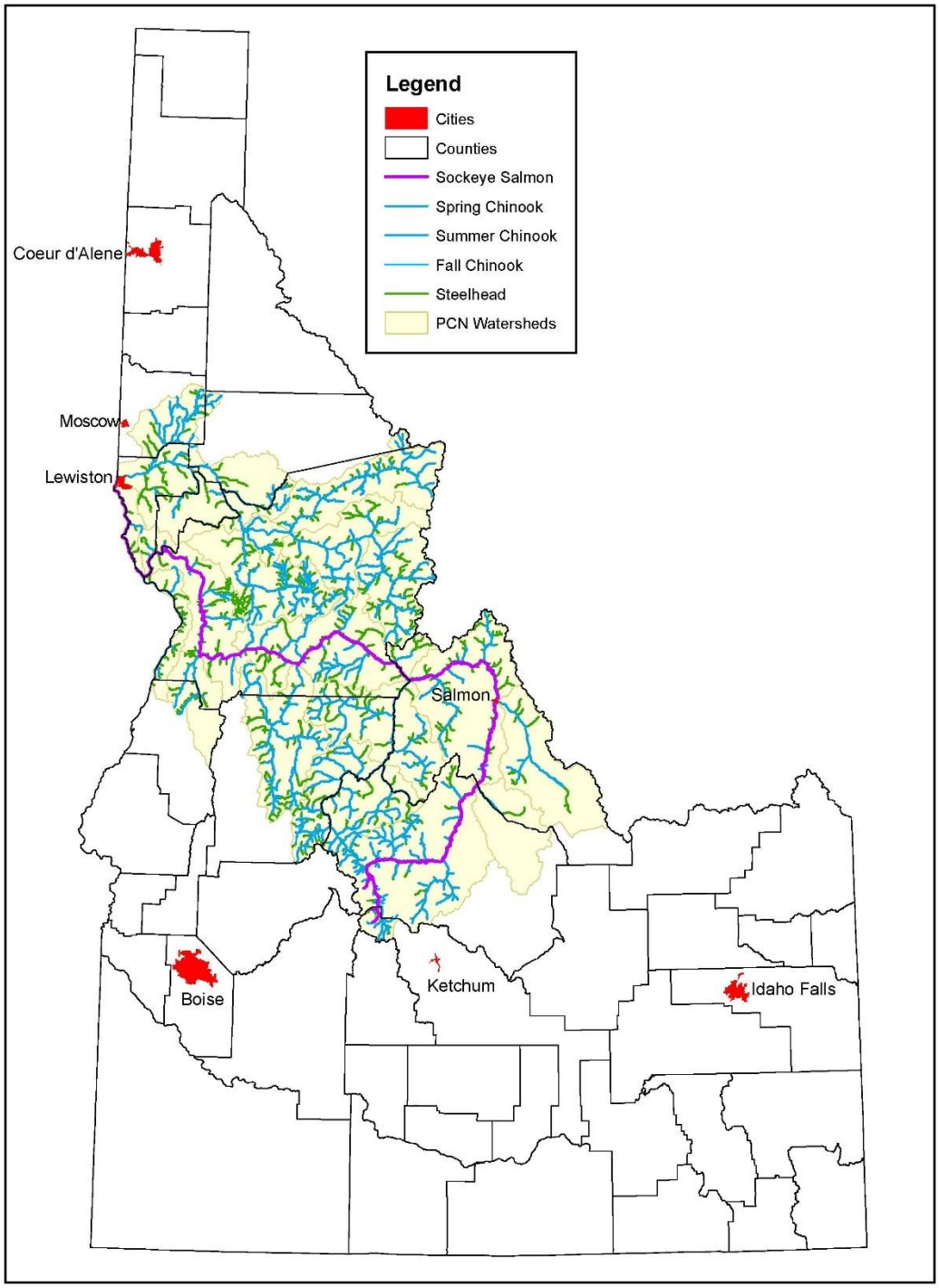
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[6] Idaho Department of Fish and Game (IDFG) Wetland Conservation Strategies have been developed for the Henrys Fork Basin, Northern Idaho, Big Wood River, Southeast Idaho, East-Central Idaho and Spokane River Basin, Middle and Western Snake River and tributaries, and the Upper Snake River–Portneuf Drainage, Weiser River Basin, and West Central Mountain Valleys and adjacent wetlands. Closed basins of Beaver-Camas Creeks, Medicine Lodge Creek, Palouse River and lower Clearwater River sub-basins, Middle Fork and South Fork Clearwater Basins and Camas Prairie in northern Idaho. Refer to the internet site at: http://fishandgame.idaho.gov/content/page/wetlands-publications-idaho-natural-heritage-program#reports

[7] Murphy, C., J. Miller and A. Schmidt. 2012. https://parksandrecreation.idaho.gov/sites/default/files/uploads/documents/SCORTP/Update/Apdx%20.%20Wetlands%Priority%Plan%20(Part %20I)%Compressed1.pdf

Figure 1

Watersheds Requiring Pre-Construction Notification



0 20 40 80
Miles

US Army Corps of Engineers

6 January 2021

2021 Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation

(a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his or her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements

No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas

Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas

Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds

No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material

No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes

No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments

If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows
To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains
The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment
Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls
Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Structures and Fills
Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance
Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project
The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers
(a) No NWP activity may occur in a component of the National Wild and Scenic River System, or 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, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or 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, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency

with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: http://www.rivers.gov/.

17. Tribal Rights

No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species

(a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding "activities that are reasonably certain to occur" and "consequences caused by the proposed action."

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be

affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take'' means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at

http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

19. Migratory Birds and Bald and Golden Eagles

The permittee is responsible for ensuring that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties

(a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)).

Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts

Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters

Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment,

additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. <u>Mitigation</u>

The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of

streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14)

must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. <u>Safety of Impoundment Structures</u>

To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, dam safety criteria or have

been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality

(a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management.

In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions

The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits

The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated

bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1⁄3-acre.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 acre.

29. Transfer of Nationwide Permit Verifications

If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____

_____

(Transferee)

_____

_____

(Date)

30. Compliance Certification

Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory

mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States

If an NWP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification

(a) *Timing*. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) *Contents of Pre-Construction Notification*: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

(ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN NWP activities into NWP PCNs.

(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial and intermittent streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining

why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatenedspecies (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or 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, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an NWP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

(c) *Form of Pre-Construction Notification*: The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) *Agency Coordination*: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iii)

NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

NATIONWIDE PERMIT 33

Temporary Construction, Access, and Dewatering:

Temporary structures, work, and discharges of dredged or fill material, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites, provided that the associated primary activity is authorized by the Corps of Engineers or the U.S. Coast Guard. This NWP also authorizes temporary structures, work, and discharges of dredged or fill material, including cofferdams, necessary for construction activities not otherwise subject to the Corps or U.S. Coast Guard permit requirements. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Fill must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. The use of dredged material may be allowed if the district engineer determines that it will not cause more than minimal adverse environmental effects.

Following completion of construction, temporary fill must be entirely removed to an area that has no waters of the United States, dredged material must be returned to its original location, and the affected areas must be restored to pre-construction elevations. The affected areas must also be revegetated, as appropriate. This permit does not authorize the use of cofferdams to dewater wetlands or other aquatic areas to change their use. Structures left in place after construction is completed require a separate section 10 permit if located in navigable waters of the United States. (See 33 CFR part 322.)

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the activity is conducted in navigable waters of the United States (i.e., section 10 waters) (see general condition 32). The preconstruction notification must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions. (Authorities: Sections 10 and 404)

WATER QUALITY CERTIFICATION, NWP 33:

Agency responsible for administration of water quality, based on project location is listed below. If DENIED, then an Individual Water Quality Certification or Waiver of Certification is required, prior to the commencement of any work activities and/or issuance of a DA verification, authorization and/or permit.

State of Idaho: **ISSUED, with exception:** IDEQ denies certification for any activities authorized by this NWP that may result in a discharge to an "outstanding resource water"

Coeur d'Alene Tribal Lands: **DENIED**

Shoshone-Bannock Tribal Lands: **DENIED**

U.S. Environmental Protection Agency for all other Tribal Lands: **ISSUED, WITH CONDITIONS:** Any discharge authorized under this NWP must comply with EPA General Conditions.

2021/2022 Nationwide Permits
Regional Conditions
Walla Walla District Regulatory Division (State of Idaho)

January 13, 2021

The following Nationwide Permit (NWP) regional conditions are required in the state of Idaho and apply to all 2021/2022 NWPs[1]. Regional conditions are established by individual Corps Districts to ensure projects result in no more than minimal adverse impacts to the aquatic environment and to address local resources concerns. This document also includes regional additions to the NWP General Conditions, notification procedures pertaining to certain NWP's, and regional additions to the definitions.

REGIONAL CONDITIONS

A. Watersheds Requiring Pre-Construction Notification, Specific to Anadromous Fish

This Regional Condition applies to all 2021/2022 NWPs.

- Pre-construction notification (PCN) will be required for the above listed nationwide permits in the geographic area as shown on Figure 1: *Watersheds Requiring Pre-Construction Notification*, dated January 6, 2021.

B. Vegetation Preservation and Replanting

- To avoid impacts to aquatic habitat and to reduce sedimentation and erosion, permittee shall avoid and minimize the removal of vegetation in waters of the U.S. to the maximum extent practicable. Areas subject to temporary vegetation removal in waters of the U.S. during construction shall be replanted with appropriate native[2] species by the end of the first growing season, unless conditioned otherwise. Permittee shall avoid introducing or spreading noxious or invasive plants[3].

- Replanted vegetation that does not survive the first growing season shall be replanted before the end of the next growing season. Re-plantings shall continue to occur until desired vegetation densities are achieved. Re-vegetation densities should be based on reference conditions.

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[1] For the list of 2021/2022 Nationwide Permits please see: https://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/Nationwide-Permits/

[2] Idaho Department of Transportation, Native Plants for Idaho Roadside Restoration and Revegetation Programs: https://itd.idaho.gov/wp-content/uploads/2016/06/RP171Roadside_Revegetation.pdf

[3] U.S. Department of Agriculture, Natural Resource Conservation Service Plant Database of introduced, invasive, and noxious plants for Idaho: https://plants.usda.gov/java/noxious?rptType=State&statefips=16.

C. De-watering & Re-watering (as applicable)

- Cofferdams shall be constructed of non-erosive material such as concrete jersey barriers, bulk bags, water bladders, sheet pile, and other similar non-erosive devices. Cofferdams may not be constructed by using mechanized equipment to push streambed material through flowing water.

- Diversion channels constructed to bypass flow around the construction site shall be lined with plastic, large rock, pipe or otherwise protected from erosion prior to releasing flows into or through the diversion channel.

- Water removed from within the coffered area shall be pumped to a sediment basin or otherwise treated to remove suspended sediments prior to its return to the waterway.

- To prevent unwanted passage of state or federally-protected fish, if present, from the coffered area, Water pipe intakes shall be screened with openings measuring < 3/32 inch to prevent entrainment of fish trapped in the coffered area.

- Should fish be present within the coffered areas contact your local Idaho Department of Fish and Game (IDFG) office prior to performing fish removal or salvage. Fish shall be collected by electrofishing, seining or dip net, or otherwise removed and returned to the waterway upstream of the project area. If electrofishing is used, the National Marine Fisheries Service (NMFS) guidelines for electrofishing should be followed[4], unless conditioned otherwise.

- Stream channels that have been dewatered during project construction shall be re-watered slowly to avoid lateral and vertical erosion of the de-watered channel, prevent damage to recently reclaimed work areas and/or damage to permitted work.

- Temporary stockpiles in waters of the United States shall be removed in their entirety so as not to form a berm or levee parallel to the stream that could confine flows or restrict overbank flow to the floodplain.

D. In-Water Structures and Complexes

- PCN notification in accordance with General Condition 32 is required for all non-federal applicants with activities involving gabion baskets placed below the ordinary high water mark.
- Stream meanders, riffle and pool complexes, pool stream structures, rock/log barbs, rock J-hooks, drop structures, sills, engineered log jams or similar structures/features when used shall be site specifically designed by an appropriate professional with experience in hydrology or fluvial geomorphology.

[4] Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act (June 2000) http://www.westcoast fisheries.noaa.gov/publications/reference_documents/esa_refs/section4d/electro2000.pdf

E. Temporary Sidecasting

- Materials from exploratory trenching and installation of utility lines may be temporarily side cast into a de-watered coffered area for up to 30 days but not within flowing waters. Material from exploratory trenching and installation of utility lines in wetlands may be temporarily side cast for up to 30 days.

F. Suitability of Sediments for Open Water Disposal and us as Fill

- Sampling for determination of suitability of sediments for open water disposal or for use as fill, must comply with the Sediment Evaluation Framework for the Pacific Northwest (SEF)[5].

G. Avoidance and Minimization

- In addition to information required under General Condition 32(b), the applicant shall include information about previous discharges of fill material into waters of the United States within the project area. This is only for non-federal applicants where a PCN is required.

- Discharges of dredged or fill material into waters of the U.S., including wetlands, to meet set back requirements are not authorized under NWP.

H. Erosion Control

- Erosion control blanket or fabric used in or adjacent to waters of the U.S. shall be comprised of biodegradable material, to ensure decomposition and reduced risk to fish, wildlife and public safety, unless conditioned otherwise. If the applicant proposes to use materials other than as indicated above they must demonstrate how the use of such materials will not cause harm to fish, wildlife and public safety.

I. Reporting Requirement for Federal Permittees

- Federal Agencies with projects that require compensatory mitigation for loss of waters of the U.S. and who propose to purchase credits from an approved wetland and/or stream mitigation bank must provide proof of purchase within 30 days of when the credits were purchased. Purchase of credits from an approved mitigation bank must be IAW the Mitigation Banking Instrument of Record.

[5] Northwest Regional Sediment Evaluation Team (RSET) 2016. Sediment Evaluation Framework for the Pacific Northwest. Prepared by the RSET Agencies, July 2016, 160 pp plus appendices. http://nwd.usace.army.mil/Missions/Civil-Works/Navigation/RSET/SEF

REGIONAL ADDITIONS TO THE GENERAL CONDITIONS

General Condition 4. Migratory Bird Breeding Areas. Regional Addition: For additional information please contact the US Fish and Wildlife Service at the following field office locations: State Office (Boise) at (208) 387-5243; Northern Idaho Field Office (Spokane) at (509) 891-6839; or the Eastern Idaho Field Office (Chubbuck) at (208) 237-6975. https://www.fws.gov/idaho/promo.cfm?id= 177175802

General Condition 6. Suitable Material. Regional Addition: Erosion control blanket or fabric used in or adjacent to waters of the U.S. shall be comprised of biodegradable material, to ensure decomposition and reduced risk to fish, wildlife and public safety, unless conditioned otherwise. If the applicant proposes to use materials other than as indicated above they must demonstrate how the use of such materials will not cause harm to fish, wildlife and public safety.

General Condition 9. Management of Water Flows. Regional Addition: To obtain information on State of Idaho definition of high water refer to Idaho Department of Water Resources (IDAPA 37.03.07. Rule 62.03.04.a). For culverts or bridges located in a community qualifying for the national flood insurance program, the minimum size culvert shall accommodate the 100-year flood design flow frequency (IDAPA 37.03.07. Rule 62.03.04.c).

General Condition 12. Soil Erosion and Sediment Controls. Regional Addition: For additional information refer to the Idaho Department of Environmental Quality Catalog of Stormwater Best Management Practices for Idaho Cities and Counties, available online at: https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/guidance/.

General Condition 18. Endangered Species. Regional Addition: For additional information on ESA listed species in north Idaho please contact the US Fish and Wildlife Service (USFWS) Northern Idaho Field Office (Spokane) at (509) 893-8009, for all other counties in Idaho contact the USFWS State Office (Boise) at (208) 378-5388.

General Condition 20. Historic Properties. Regional Addition: Property is generally considered “historic” if it is at least 50 years old, and is not limited to buildings. For additional information on the potential for cultural resources in proximity to the project site, contact the Idaho State Historic Preservation Office at (208) 334-3847 located in Boise, Idaho.

NOTIFICATION PROCEDURES BY THE CORPS FOR CERTAIN NATIONWIDE PERMITS

Waivers: For nationwide permits with a waiver provision, District coordination with Idaho Department of Environmental Quality (IDEQ) and Environmental Protection Agency (tribal lands) will be conducted prior to the District Engineer making a waiver determination to ensure the proposed activity is in compliance with Section 401 Water Quality Standards.

Select Waters and Wetlands: The Corps will coordinate with the Idaho Department of Fish and Game (IDFG) for activities in the following waters and wetlands that require notification and are authorized by NWP:

- Waters: Waters: Anadromous waters as shown on Figure 1: *Watersheds Requiring Pre-Construction Notification*, dated January 6, 2021; Henry's Fork of the Snake River and its tributaries; South Fork Snake River and its tributaries; Big Lost River and its tributaries upstream of the US 93 crossing; Beaver, Camas, and Medicine Lodge Creeks; Snake River; Blackfoot River above Blackfoot Reservoir; Portneuf River; Bear River; Boise River including South Fork, North Fork and Middle Fork; Payette River including South Fork, North Fork and Middle Fork; Coeur d'Alene River, including the North Fork; St. Joe River; Priest River; Kootenai River; Big Wood River; and Silver Creek and its tributaries.

- Wetlands identified in Idaho Department of Fish and Game, Wetland Conservation Strategy as Class I, Class II and Reference Habitat Sites[6].

- Wetlands identified in the Idaho Wetland Conservation Prioritization Plan-2012[7].

NWP 27-Aquatic Habitat Restoration, Establishment, and Enhancement Activities

Prior to verification, the Corps will coordinate the project with the Idaho Department of Fish and Game for activities in perennial, fish bearing streams.

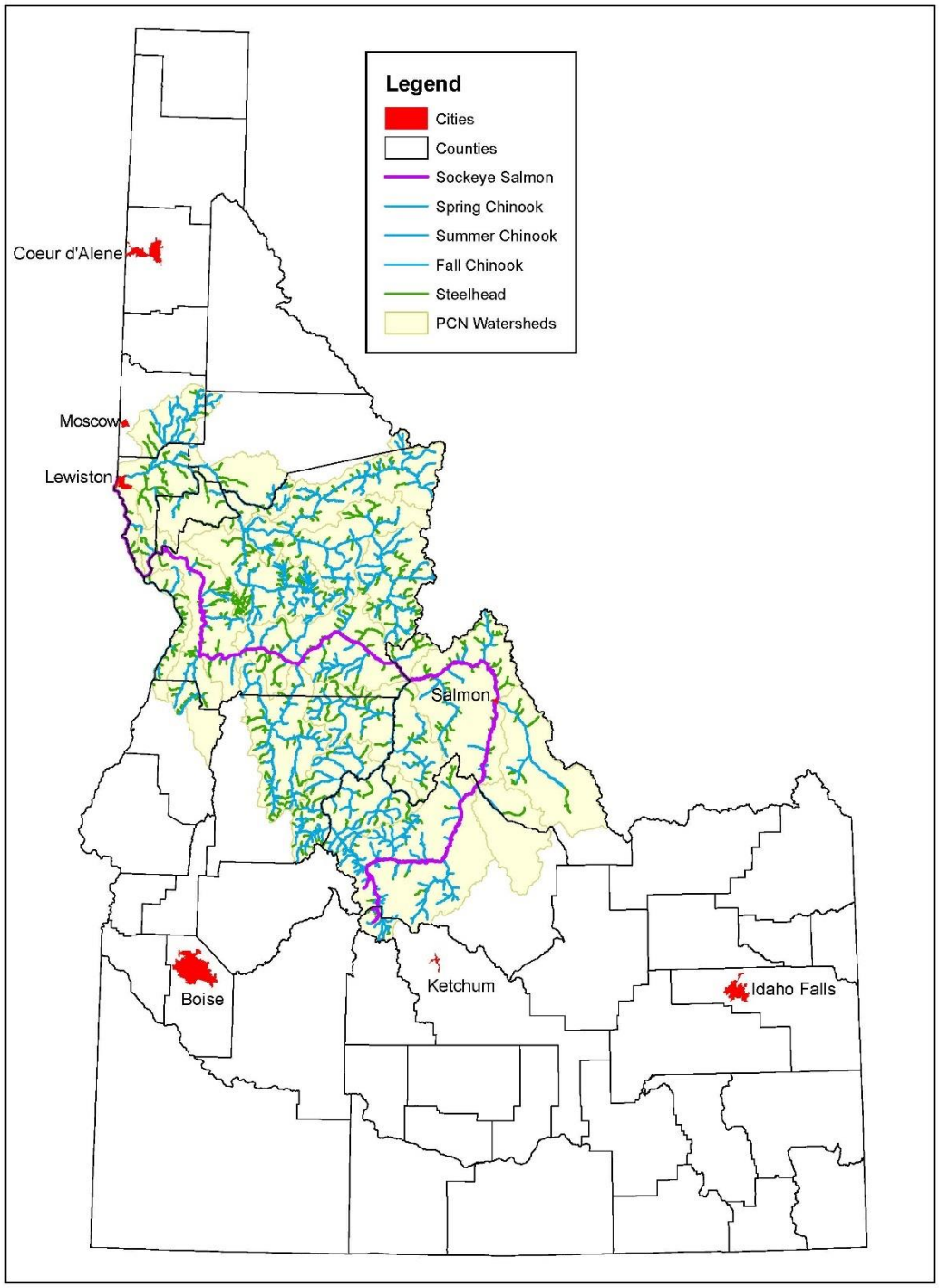
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[6] Idaho Department of Fish and Game (IDFG) Wetland Conservation Strategies have been developed for the Henrys Fork Basin, Northern Idaho, Big Wood River, Southeast Idaho, East-Central Idaho and Spokane River Basin, Middle and Western Snake River and tributaries, and the Upper Snake River–Portneuf Drainage, Weiser River Basin, and West Central Mountain Valleys and adjacent wetlands. Closed basins of Beaver-Camas Creeks, Medicine Lodge Creek, Palouse River and lower Clearwater River sub-basins, Middle Fork and South Fork Clearwater Basins and Camas Prairie in northern Idaho. Refer to the internet site at: http://fishandgame.idaho.gov/content/page/wetlands-publications-idaho-natural-heritage-program#reports

[7] Murphy, C., J. Miller and A. Schmidt. 2012. https://parksandrecreation.idaho.gov/sites/default/files/uploads/documents/SCORTP/Update/Apdx%20.%20Wetlands%Priority%Plan%20(Part %20I)%Compressed1.pdf

Figure 1

Watersheds Requiring Pre-Construction Notification



0 20 40 80
Miles

US Army Corps of Engineers

6 January 2021

2021 Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation

(a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his or her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements

No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas

Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas

Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds

No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material

No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes

No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments

If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows
To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains
The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment
Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls
Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Structures and Fills
Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance
Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project
The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers
(a) No NWP activity may occur in a component of the National Wild and Scenic River System, or 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, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or 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, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency

with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: http://www.rivers.gov/.

17. Tribal Rights

No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species

(a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding "activities that are reasonably certain to occur" and "consequences caused by the proposed action."

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be

affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take'' means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at

http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

19. Migratory Birds and Bald and Golden Eagles

The permittee is responsible for ensuring that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties

(a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)).

Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts

Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters

Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment,

additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. <u>Mitigation</u>

The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of

streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14)

must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. <u>Safety of Impoundment Structures</u>

To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, dam safety criteria or have

been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality

(a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management.

In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions

The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits

The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated

bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1⁄3-acre.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 acre.

29. Transfer of Nationwide Permit Verifications

If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____

_____

(Transferee)

_____

_____

(Date)

30. Compliance Certification

Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory

mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States

If an NWP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification

(a) *Timing*. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) *Contents of Pre-Construction Notification*: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

(ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN NWP activities into NWP PCNs.

(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial and intermittent streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining

why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatenedspecies (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or 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, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an NWP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

(c) *Form of Pre-Construction Notification*: The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) *Agency Coordination*: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iii)

NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Mathew Weaver**

January 5, 2024

Jerod Odoms
Washington County
1102 E Court St.
Weiser, ID 83672

RE: Amended Joint Application for Permit No. S67-20290
Weiser River – Bridge Replacement

Dear Mr. Odoms,

The Idaho Department of Water Resources (IDWR) has reviewed your above referenced application for a permit to alter the Weiser River. IDWR has prepared a decision as provided for in Section 42-3805, Idaho Code. The conditions set forth in this permit are intended to prevent degradation of water quality, protect fish and wildlife habitat, and protect the long-term stability of the stream channel. If you cannot meet the conditions set forth in the permit, please contact this office for further consideration.

Your project has been determined to meet the Stream Channel Alteration Rules, IDAPA 37.03.07 Minimum Standards (Rule 55). You may consider this letter a permit to construct your project according to your revised application, received December 29, 2023, including diagrams. The project location is within Section 33, Township 11 North, Range 05 West, Boise Meridian, Washington County.

Project activities include replacing an existing three-span truss bridge with a two-span concrete girder bridge over the Weiser River. After dewatering the project area as needed, the two existing bridge piers will be removed. The pier construction area will be accessed by an existing gravel bar. A pier support will be driven approximately 48-feet into the riverbed with a pile driver, and the new pier constructed on top of the support. Approximately 170-cubic yards of clean, angular rock riprap will then be discharged below the Ordinary High Water Mark along 105-linear feet of channel to protect the bridge abutments from scour. Any vegetated areas disturbed by construction will be revegetated after construction is complete. The bridge is designed to pass 1% flows with at least 1-foot of freeboard.

Failure to adhere to the conditions as set forth herein can result in legal action as provided for in Section 42-3809, Idaho Code. This project is subject to the following Minimum Standards, Special and General Conditions.

MINIMUM STANDARDS:

These standards are established in the Administrative Rules of the Idaho Water Resources Board; Stream Channel Alteration Rules, IDAPA 37.03.07 dated March 18, 2022, and are enclosed with this permit.

Rule 56 - Construction Procedures
Rule 57 – Dumped Riprap
Rule 59 - Culverts and Bridges

SPECIAL CONDITIONS:

[1] All construction shall be completed in accordance with the descriptions and methods on the attached application and diagrams. This office must approve any changes prior to construction.

[2] All construction activities shall take place during low flow to minimize turbidity, protect water quality, and comply with Idaho water quality standards. Work will be separated from live flows, and equipment shall not enter the active stream channel.

[3] Katie Gibble, IDWR Stream Protection Program 208-287-4823, shall be contacted no more than fourteen (14) business days prior to beginning construction on the project and no more than fourteen (14) business day after completion of the project to schedule a site inspection.

[4] Care shall be taken to select locations for ingress and egress from the stream that will minimize bank and riparian vegetation damage. Damaged areas shall be replanted with native vegetation.

[5] Silt fencing or other erosion/sediment control measures shall be installed between any area of earth disturbance and the water. Erosion and sediment control measures shall be installed according to the manufacturer's specifications, during construction, and must be maintained until construction is completed and the disturbed ground is revegetated and stable.

[6] All temporary structures, excess excavated material, and vegetative or construction debris shall be disposed of out of the stream channel where it cannot reenter the channel. All construction debris shall be removed from the site and disposed of properly.

[7] All fuel, oil, and other hazardous materials shall be stored and equipment refueled away from the stream channel to ensure that a spill will not enter the waterway. Equipment must be free of fuel and lubricant leaks.

[8] Permittee is responsible for all work done by any contractor or sub-contractor and shall ensure any contractor who performs the work is informed of and follows all the terms and conditions of this authorization.

[9] This permit shall expire December 31, 2027.

GENERAL CONDITIONS:

1. This permit does not constitute any of the following:
   a. An easement or right-of-way to trespass or work upon property belonging to others.
   b. Other approval that may be required by Local, State or Federal Government, unless specifically stated in the special conditions above.
   c. Responsibility of IDWR for damage to any properties due to work done.
   d. Compliance with the Federal Flood Insurance Program, FEMA regulations, or approval of the local Planning and Zoning authority.

2. In accordance with Sections 55-2201 - 55-2210, Idaho Code, the applicant and/or contractors must contact Digline statewide phone number 1-800-342-1585 (Boise area 208-342-1585) not less than three working days prior to the start of any excavation for this project.

3. The permit holder or operator must have a copy of this permit at the alteration site, available for inspection at all times.

4. IDWR may cancel this permit at any time that it determines such action is necessary to minimize adverse impact on the stream channel.

Failure to adhere to conditions as set forth herein can result in legal action as provided for in Section 42-3809, Idaho Code.

If you object to the decision issuing this permit with the above conditions, you have 15 days in which to notify this office in writing that you request a formal hearing on the matter. If an objection has not been received within 15 days, the decision will be final under the provisions of IDAPA 37.03.07 (Rule 70).

Please contact Katie Gibble at 208-287-4823 or katie.gibble@idwr.idaho.gov if you have any questions regarding this matter.

Sincerely,

Katie Gibble
Stream Channel Protection
Idaho Department of Water Resources

cc: Karissa Nelson, LHTAC, Boise
Charlie Downey and Bonnie Brent, Washington County, Weiser
Chase Cusack and Lance Holloway, Idaho Department of Environmental Quality, Boise
Brandon Flack, Idaho Department of Fish and Game, Nampa
Diane Green and Jasen King, Idaho Department of Lands, McCall
U.S. Army Corps of Engineers, Boise
Aaron Golart, Idaho Department of Water Resources, Boise

056. CONSTRUCTION PROCEDURES (RULE 56).

01. Conformance to Procedures. Construction shall be done in accordance with the following procedures unless specific approval of other procedures has been given by the Director. When an applicant desires to proceed in a manner different from the following, such procedures should be described on the application. (3-18-22)

02. Operation of Construction Equipment. No construction equipment shall be operated below the existing water surface without specific approval from the Director except as follows: Fording the stream at one (1) location only will be permitted unless otherwise specified; however, vehicles and equipment will not be permitted to push or pull material along the streambed below the existing water level. Work below the water which is essential for preparation of culvert bedding or approved footing installations shall be permitted to the extent that it does not create unnecessary turbidity or stream channel disturbance. Frequent fording will not be permitted in areas where extensive turbidity will be created. (3-18-22)

03. Temporary Structures. Any temporary crossings, bridge supports, cofferdams, or other structures that will be needed during the period of construction shall be designed to handle high flows that could be anticipated during the construction period. All structures shall be completely removed from the stream channel at the conclusion of construction and the area shall be restored to a natural appearance. (3-18-22)

04. Minimizing Disturbance of Area. Care shall be taken to cause only the minimum necessary disturbance to the natural appearance of the area. Streambank vegetation shall be protected except where its removal is absolutely necessary for completion of the work adjacent to the stream channel. (3-18-22)

05. Disposal of Removed Materials. Any vegetation, debris, or other material removed during construction shall be disposed of at some location out of the stream channel where it cannot reenter the channel during high stream flows. (3-18-22)

06. New Cut of Fill Slopes. All new cut or fill slopes that will not be protected with some form of riprap shall be seeded with grass and planted with native vegetation to prevent erosion. (3-18-22)

07. Fill Material. All fill material shall be placed and compacted in horizontal lifts. Areas to be filled shall be cleared of all vegetation, debris and other materials that would be objectionable in the fill. (3-18-22)

08. Limitations on Construction Period. The Director may limit the period of construction as needed to minimize conflicts with fish migration and spawning, recreation use, and other uses. (3-18-22)

057. DUMPED ROCK RIPRAP (RULE 57).

01. Placement of Riprap. Riprap shall be placed on a granular bedding material or a compact and stable embankment. (3-18-22)

02. Sideslopes of Riprap. Sideslopes of riprap shall not be steeper than 2:1 (2' horizontal to 1' vertical) except at ends of culverts and at bridge approaches where a 1 1/2:1 sideslope is standard. (3-18-22)

03. Minimum Thickness of Riprap. The minimum thickness of the riprap layer shall equal the dimension of the largest size riprap rock used or be eighteen (18) inches, whichever is greater. When riprap will be placed below high water level, the thickness of the layer shall be fifty percent (50%) greater than specified below. (3-18-22)

04. Riprap Protection. Riprap protection must extend at least one (1) foot above the anticipated high water surface elevation in the stream. (3-18-22)

05. Rock Used for Riprap. Rock for riprap shall consist of sound, dense, durable, angular rock fragments, resistant to weathering and free from large quantities of soil, shale, and organic matter. The length of a rock shall not be more than three (3) times its width or thickness. Rounded cobbles, boulders, and streambed gravels are not acceptable as dumped riprap. (3-18-22)

06. Size and Gradation of Riprap. Riprap size and gradation are commonly determined in terms of the weight of riprap rock. The average size of riprap rock shall be at least as large as the maximum size rock that the stream is capable of moving. The maximum size of riprap rock used shall be two (2) to five (5) times larger than the average size. (3-18-22)

07. Methods Used for Determining Gradation of Riprap. There are many methods used for determining the gradation of riprap rock. One of these many acceptable methods is shown in Table 1 below. Another acceptable method is the Far West States (FWS) method shown in APPENDIX A - Table 1A.

Table 1 – GRADATION OF RIPRAP IN POUNDS

Max. Weight of Stone required (lbs)	Min. and Max. Range in weight of Stones (lbs)	Weight Range 75 percent of Stones (lbs)
150	25 - 150	50 - 150
200	25 - 200	50 - 200
250	25 - 250	50 - 250
400	25 - 400	100 - 400
600	25 - 600	150 - 600
800	25 - 800	200 - 800
1000	50 - 1000	250 - 1000
1300	50 - 1300	325 - 1300
1600	50 - 1600	400 - 1600
2000	75 - 2000	600 - 2000
2700	100 - 2700	800 - 2700

(3-18-22)

08. Use of Filter Material. A blanket of granular filter material or filter fabric shall be placed between the riprap layer and the bank in all cases where the bank is composed of erodible material that may be washed out from between the riprap rock. Filter material shall consist of a layer of well-graded gravel and coarse sand at least six (6) inches thick. (3-18-22)

09. Toe Protection. Some suitable form of toe protection shall be provided for riprap located on erodible streambed material. (3-18-22)

a. Various acceptable methods of providing toe protection are shown in APPENDIX B, Figure 2 at the end of this chapter. (3-18-22)

b. In addition to the approved methods of providing toe protection as shown in APPENDIX B, any other reasonable method will be considered by the Director during review of a proposed project. (3-18-22)

10. Extension of Riprap Area. Riprap shall extend far enough upstream and downstream to reach stable areas, unless the riprap is protected against undermining at its ends by the method shown in APPENDIX C, Figure 3 at the end of this chapter. On extremely long riprap sections, it is recommended that similar cutoff sections be used at several intermediate points to reduce the hazard that would be created if failure of the riprap occurred at any one (1) location. (3-18-22)

11. Finished Surface. Placement shall result in a smooth, even finished surface. Compaction is not necessary. (3-18-22)

12. Placement of Riprap. The full course thickness of the riprap shall be placed in one (1) operation. Dumping riprap long distances down the bank or pushing it over the top of the bank with a dozer shall be avoided if possible. Material should be placed with a backhoe, loader, or dragline. Dumping material near its final position on the slope or dumping rock at the toe and bulldozing it up the slope is a very satisfactory method of placement, if approval is obtained for the use of equipment in the channel. (3-18-22)

13. Design Procedure. Design procedure using the Far West States (FWS) method. (3-18-22)

a. The FWS method uses a single equation to deal with variables for riprap. (3-18-22)

D75 = 3.5/CK WDS for Channel Banks

where: D75 = Size of the rock at seventy five percent (75%) is finer in gradation, in inches.

W	=	Specific weight of water, usually 62.4 lbs./cu.ft.
D	=	Depth of flow in stream, in feet in flood stage
S	=	Channel slope or gradient, in ft/ft.
C	=	A coefficient relating to curvature in the stream
K	=	A coefficient relating to steepness of bank slopes

(3-18-22)

b. The coefficient, C, is based on the ratio of the radius of curvature of the stream, (CR), to the water surface width, (WSW), so it is necessary for the user to make field determination of these values. The coefficient varies from 0.6 for a curve ratio of 4 to 6, up to 1.0 for a straight channel. If the computed ratio for a particular project is less than 4, the designer should consider some modification less than 4.

CR/WSW	C
4 - 6	0.60
6 - 9	0.75
9 - 12	0.90
Straight Channel	1.00

(3-18-22)

c. The coefficient, K, ranges from 0.5 for a 1.5:1 sideslope to 0.87 for 3:1 sideslope. No values are given for steeper or flatter slopes. Slopes steeper than 1.5:1 are not recommended. If slopes flatter than 3:1 are desired, it would be conservative to use the K-value for 3:1 slopes.

Bankslope	K
1.5:1	0.50
1.75:1	0.63
2.0:1	0.72
2.5:1	0.80
3.0:1	0.87

(3-18-22)

059. CULVERTS AND BRIDGES (RULE 59).

01. Culverts and Bridges. Culverts and bridges shall be capable of carrying streamflows and shall not significantly alter conditions upstream or downstream by causing flooding, turbidity, or other problems. The appearance of such installations shall not detract from the natural surroundings of the area. (3-18-22)

02. Location of Culverts and Bridges. Culverts and bridges should be located so that a direct line of approach exists at both the entrance and exit. Abrupt bends at the entrance or exit shall not exist unless suitable erosion protection is provided. (3-18-22)

03. Ideal Gradient. The ideal gradient (bottom slope) is one which is steep enough to prevent silting but flat enough to prevent scouring due to high velocity flows. It is often advisable to make the gradient of a culvert coincide with the average streambed gradient. (3-18-22)

a. Where a culvert is installed on a slope steeper than twenty percent (20%), provisions to anchor the culvert in position will be required. Such provisions shall be included in the application and may involve the use of collars, headwall structures, etc. Smooth concrete pipe having no protruding bell joints or other irregularities shall have such anchoring provisions if the gradient exceeds ten percent (10%). (3-18-22)

04. Size of Culvert or Bridge Opening. The size of the culvert or bridge opening shall be such that it is capable of passing design flows without overtopping the streambank or causing flooding or other damage. (3-18-22)

a. Design flows shall be based upon the following minimum criteria:

Drainage Area	Design Flow Frequency
Less than 50 sq. mi.	25 Years
Over 50 sq. mi. or more	50 years or greatest flow of record, whichever is more

(3-18-22)

b. For culverts and bridges located on U.S. Forest Service or other federal lands, the sizing should comply with the Forest Practices Act as adopted by the federal agencies or the Department of Lands. (3-18-22)

c. For culverts or bridges located in a community qualifying for the national flood issuance program, the minimum size culvert shall accommodate the one hundred (100) year design flow frequency. (3-18-22)

d. If the culvert or bridge design is impractical for the site, the crossing may be designed with additional flow capacity outside the actual crossing structure, provided there is no increase in the Base Flood Elevation.
(NOTE: When flow data on a particular stream is unavailable, it is almost always safe to maintain the existing gradient and cross-section area present in the existing stream channel. Comparing the proposed crossing size with others upstream or downstream is also a valuable means of obtaining information regarding the size needed for a proposed crossing.) (3-18-22)

e. Minimum clearance shall be at least one (1) foot at all bridges. This may need to be increased substantially in the areas where ice passage or debris may be a problem. Minimum culvert sizes required for stream crossings: (3-18-22)

i. Eighteen (18) inch diameter for culverts up to seventy (70) feet long; (3-18-22)

ii. Twenty-four (24) inch diameter for all culverts over seventy (70) feet long. (3-18-22)

f. In streams where fish passage is of concern as determined by the director, an applicant shall comply with the following provisions and/or other approved criteria to ensure that passage will not be prevented by a proposed crossing. (3-18-22)

g. Minimum water depth shall be approximately eight (8) inches for salmon and steelhead and at least three (3) inches in all other cases. (3-18-22)

h. Maximum flow velocities for streams shall not exceed those shown in Figure 17 in APPENDIX H, located at the end of this chapter, for more than a forty-eight (48) hour period. The curve used will depend on the type of fish to be passed. (3-18-22)

i. Where it is not feasible to adjust the size or slope to obtain permissible velocities, the following precautions may be utilized to achieve the desired situation. (3-18-22)

j. Baffles downstream or inside the culvert may be utilized to increase depth and reduce velocity. Design criteria may be obtained from the Idaho Fish and Game Department. (3-18-22)

k. Where multiple openings for flow are provided, baffles or other measures used in one (1) opening only shall be adequate provided that the opening is designed to carry the main flow during low-flow periods. (3-18-22)

05. Construction of Crossings. When crossings are constructed in erodible material, upstream and downstream ends shall be protected from erosive damage through the use of such methods as dumped rock riprap, headwall structures, etc., and such protection shall extend below the erodible streambed and into the banks at least two (2) feet unless some other provisions are made to prevent undermining. (3-18-22)

a. Where fish passage must be provided, upstream drops at the entrance to a culvert will not be permitted and a maximum drop of one (1) foot will be permitted at the downstream end if an adequate jumping pool is maintained below the drop. (3-18-22)

b. Downstream control structures such as are shown in Figure 18 in APPENDIX I, located at the end of this chapter, can be used to reduce downstream erosion and improve fish passage. They may be constructed with gabions, pilings and rock drop structures. (3-18-22)

06. Multiple Openings. Where a multiple opening will consist of two (2) or more separate culvert structures, they shall be spaced far enough apart to allow proper compaction of the fill between the individual structures. The minimum spacing in all situations shall be one (1) foot. In areas where fish passage must be provided, only one (1) opening shall be constructed to carry all low flows. Low flow baffles may be required to facilitate fish passage. (3-18-22)

07. Areas to be Filled. All areas to be filled shall be cleared of vegetation, topsoil, and other unsuitable material prior to placing fill. Material cleared from the site shall be disposed of above the high water line of the stream. Fill material shall be reasonably well-graded and compacted and shall not contain large quantities of silt, sand, organic matter, or debris. In locations where silty or sandy material must be utilized for fill material, it will be necessary to construct impervious sections both upstream and downstream to prevent the erodible sand or silt from being carried away (see Figure 19, APPENDIX J, located at the end of this chapter), Sideslopes for fills shall not exceed one and one half to one (1.5:1). Minimum cover over all culvert pipes and arches shall be one (1) foot. (3-18-22)

08. Installation of Pipe and Arch Culvert. All pipe and arch culverts shall be installed in accordance with manufacturer's recommendations. (3-18-22)

a. The culvert shall be designed so that headwaters will not rise above the top of the culvert entrance unless a headworks is provided. (3-18-22)

JOINT APPLICATION FOR PERMITS

U.S. ARMY CORPS OF ENGINEERS - IDAHO DEPARTMENT OF WATER RESOURCES - IDAHO DEPARTMENT OF LANDS

Authorities: The Department of Army Corps of Engineers (Corps), Idaho Department of Water Resources (IDWR), and Idaho Department of Lands (IDL) established a joint process for activities impacting jurisdictional waterways that require review and/or approval of both the Corps and State of Idaho. Department of Army permits are required by Section 10 of the Rivers & Harbors Act of 1899 for any structure(s) or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for the discharge of dredged or fill materials into waters of the United States, including adjacent wetlands. State permits are required under the State of Idaho, Stream Protection Act (Title 42, Chapter 38, Idaho Code and Lake Protection Act (Section 58, Chapter 13 et seq., Idaho Code). In addition the information will be used to determine compliance with Section 401 of the Clean Water Act by the appropriate State, Tribal or Federal entity.

Joint Application: Information provided on this application will be used in evaluating the proposed activities. Disclosure of requested information is voluntary. Failure to supply the requested information may delay processing and issuance of the appropriate permit or authorization. **Applicant will need to send a completed application, along with one (1) set of legible, black and white (8½"x11"), reproducible drawings that illustrate the location and character of the proposed project / activities to both the Corps and the State of Idaho.**

See Instruction Guide for assistance with Application. Accurate submission of requested information can prevent delays in reviewing and permitting your application. Drawings including vicinity maps, plan-view and section-view drawings must be submitted on 8-1/2 x 11 papers.

Do not start work until you have received all required permits from both the Corps and the State of Idaho

FOR AGENCY USE ONLY			
USACE NWW-	Date Received:	☐ Incomplete Application Returned	Date Returned:
Idaho Department of Water Resources No.	Date Received:	☐ Fee Received DATE:	Receipt No.:
Idaho Department of Lands No.	Date Received:	☐ Fee Received DATE:	Receipt No.:

INCOMPLETE APPLICATIONS MAY NOT BE PROCESSED

1. CONTACT INFORMATION - APPLICANT Required:			2. CONTACT INFORMATION - AGENT:		
Name: Jerod Odoms			Name: Katie Krajicek		
Company: Washington County			Company: HDR Engineering, Inc.		
Mailing Address: 1102 E. Court St.			Mailing Address: 412 E. Parkcenter Blvd. Suite 100		
City: Weiser	State: ID	Zip Code: 83672	City: Boise	State: ID	Zip Code: 83704
Phone Number *(include area code)*: 208-414-0950	E-mail: jodoms@co.washington.id.us		Phone Number *(include area code)*: 208-387-7134	E-mail: katie.krajicek@hdrinc.com	

3. PROJECT NAME or TITLE: Cove Road Bridge Replacement; KN 19129			4. PROJECT STREET ADDRESS: Cove Road, Mile Post 0.871 - 0.975	
5. PROJECT COUNTY: Washington	6. PROJECT CITY: Weiser		7. PROJECT ZIP CODE: 83672	8. NEAREST WATERWAY/WATERBODY: Weiser River
9. TAX PARCEL ID#: Not applicable	10. LATITUDE: 44.241421 LONGITUDE: -116.943837	11a. 1/4: SE / 11b. 1/4: SW / 11c. SECTION: 33	11d. TOWNSHIP: 11 N	11e. RANGE: 5 W
12a. ESTIMATED START DATE: Spring 2025	12b. ESTIMATED END DATE: Spring 2027	13a. IS PROJECT LOCATED WITHIN ESTABLISHED TRIBAL RESERVATION BOUNDARIES? ☒ NO ☐ YES Tribe:		
13b. IS PROJECT LOCATED IN LISTED ESA AREA? ☒ NO ☐ YES		13c. IS PROJECT LOCATED ON/NEAR HISTORICAL SITE? ☐ NO ☒ YES		

14. DIRECTIONS TO PROJECT SITE: Include vicinity map with legible crossroads, street numbers, names, landmarks.

See Vicinity Map (attached, pg 5). Project is located approximately 0.8 mile southeast of the intersection of US-95 and Main St. in Weiser. From US-95, head east on E. Main St. for approx. 1 mile until Main St./Cove Rd. crosses the Weiser River. ITD has approved a Categorical Exclusion for construction of this project under 23 CFR 771.117(c)(28). This application form (and exhibits) is being used as a Pre-Construction Notification for a Nationwide Permit

15. PURPOSE and NEED: ☐ Commercial ☐ Industrial ☒ Public ☐ Private ☐ Other

Describe the reason or purpose of your project; include a brief description of the overall project. Continue to Block 16 to detail each work activity and overall project.

See attached.

16. DETAILED DESCRIPTION OF EACH ACTIVITY WITHIN OVERALL PROJECT. Specifically indicate portions that take place within waters of the United States, including wetlands: Include dimensions; equipment, construction, methods; erosion, sediment and turbidity controls; hydrological changes: general stream/surface water flows, estimated winter/summer flows; borrow sources, disposal locations etc.:

See attached.

17. DESCRIBE ALTERNATIVES CONSIDERED to AVOID or MEASURES TAKEN to MINIMIZE and/ or COMPENSATE for IMPACTS to WATERS of the UNITED STATES, INCLUDING WETLANDS: See Instruction Guide for specific details.

All practicable measures to minimize wetland impacts have been considered and incorporated into the project design. Of the 1.2 acres of wetlands delineated for the project, 1.17 acres (98%) will be avoided. Avoidance measures included designing the bridge along the existing roadway and bridge alignment. The following avoidance alternatives have been found to be not practicable:

- The "Do Nothing" alternative is not practicable because it does not meet the project purpose and need.
- Other alternatives that will not result in wetland impacts are not prudent or practicable because of the Weiser River crossing at the project site.
- Total avoidance of wetlands would result in substandard geometric design. The alignment was modified as much as possible, within engineering standards, to minimize impacts to adjacent wetlands.
- Riprap was minimized as much as possible, and the resulting fill is required due to the seasonally high flows and flooding that occur in the Weiser River. Riprap was designed to mitigate flood and scour susceptibility.

18. PROPOSED MITIGATION STATEMENT or PLAN: If you believe a mitigation plan is not needed, provide a statement and your reasoning why a mitigation plan is NOT required. Or, attach a copy of your proposed mitigation plan.

It is not anticipated that USACE compensatory mitigation is required for impacts to wetlands. Wetland and stream impacts are below the respective mitigation thresholds.

19. TYPE and QUANTITY of MATERIAL(S) to be discharged below the ordinary high water mark and/or wetlands:

Dirt or Topsoil:	_____	cubic yards
Dredged Material:	_____	cubic yards
Clean Sand:	_____	cubic yards
Clay:	_____	cubic yards
Gravel, Rock, or Stone:	_____	cubic yards
Concrete:	_____	cubic yards
Other (describe): _____	_____	cubic yards
Other (describe: _____	_____	cubic yards

See attached.

TOTAL: 0 cubic yards

20. TYPE and QUANTITY of impacts to waters of the United States, including wetlands:

Filling:	_____	acres	_____ sq ft.	_____ cubic yards
Backfill & Bedding:	_____	acres	_____ sq ft.	_____ cubic yards
Land Clearing:	_____	acres	_____ sq ft.	_____ cubic yards
Dredging:	_____	acres	_____ sq ft.	_____ cubic yards
Flooding:	_____	acres	_____ sq ft.	_____ cubic yards
Excavation:	_____	acres	_____ sq ft.	_____ cubic yards
Draining:	_____	acres	_____ sq ft.	_____ cubic yards
Other: _____	_____	acres	_____ sq ft.	_____ cubic yards

See attached.

TOTALS: 0 acres 0 sq ft. 0 cubic yards

21. HAVE ANY WORK ACTIVITIES STARTED ON THIS PROJECT? [X] NO [ ] YES If yes, describe ALL work that has occurred including dates.

22. LIST ALL PREVIOUSLY ISSUED PERMIT AUTHORIZATIONS:

Preliminary Jurisdictional Approval: NWW-2021-00069

23. [ ] YES, Alteration(s) are located on Public Trust Lands, Administered by Idaho Department of Lands

24. SIZE AND FLOW CAPACITY OF BRIDGE/CULVERT and DRAINAGE AREA SERVED: 1,627 Square Miles

25. IS PROJECT LOCATED IN A MAPPED FLOODWAY? [ ] NO [X] YES If yes, contact the floodplain administrator in the local government jsrisdiction in which the project is located. A Floodplain Development permit and a No-rise Certification may be required.

26a WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, anyone who wishes to discharge dredge or fill material into the waters of the United States, either on private or public property, must obtain a Section 401 Water Quality Certification (WQC) from the appropriate water quality certifying government entity.
See Instruction Guide for further clarification and all contact information.

The following information is requested by IDEQ and/or EPA concerning the proposed impacts to water quality and anti-degradation:

[X] NO [ ] YES Is applicant willing to assume that the affected waterbody is high quality?
[X] NO [ ] YES Does applicant have water quality data relevant to determining whether the affected waterbody is high quality or not?
[X] NO [ ] YES Is the applicant willing to collect the data needed to determine whether the affected waterbody is high quality or not?

26b. BEST MANAGEMENT PRACTICTES (BMP's): List the Best Management Practices and describe these practices that you will use to minimize impacts on water quality and anti-degradation of water quality. All feasible alternatives should be considered - treatment or otherwise. Select an alternative which will minimize degrading water quality

A stormwater pollution prevention plan (SWPPP) under the Idaho Construction General permit or a project specific pollution prevention plan (PPP) will be required for this project.

Areas and slopes disturbed by the project would be reseeded to minimize erosion. Stormwater runoff on the bridge would be collected by curb and gutter and then would flow to catch basins on all four corners of the bridge. These catch basins would collect storm runoff and discharge to the roadside borrow ditches. Direct discharge from the bridge or roadway to the Weiser River would be eliminated.

Through the 401 Certification process, water quality certification will stipulate minimum management practices needed to prevent degradation.

27. LIST EACH IMPACT to stream, river, lake, reservoir, including shoreline: Attach site map with each impact location.

Activity	Name of Water Body	Intermittent Perennial	Description of Impact and Dimensions	Impact Length Linear Feet
See attached.				
			TOTAL STREAM IMPACTS (Linear Feet):	0

28. LIST EACH WETLAND IMPACT include mechanized clearing, fill excavation, flood, drainage, etc. Attach site map with each impact location.

Activity	Wetland Type: Emergent, Forested, Scrub/Shrub	Distance to Water Body (linear ft)	Description of Impact Purpose: road crossing, compound, culvert, etc.	Impact Length (acres, square ft linear ft
See attached.				
			TOTAL WETLAND IMPACTS (Square Feet):	0

29. ADJACENT PROPERTY OWNERS NOTIFICATION REQUIREM: Provide contact information of ALL adjacent property owners below.

Name: Harms, Boyd L. Mailing Address: 1500 East Main Street City: Weiser State: ID Zip Code: 83672 Phone Number (include area code): 208-549-2162 E-mail: Unknown	Name: Lower Payette Ditch Co., LTD. Mailing Address: 102 North Main Street City: Payette State: ID Zip Code: 83661 Phone Number (include area code): 208-642-9424 E-mail: Unknown
Name: Derocchis, Domenick Etux Mailing Address: 541 Day Road City: Weiser State: ID Zip Code: 83672 Phone Number (include area code): Unknown E-mail: Unknown	Name: Mailing Address: City: State: Zip Code: Phone Number (include area code): E-mail: Unknown
Name: Mailing Address: City: State: Zip Code: Phone Number (include area code): E-mail:	Name: Mailing Address: City: State: Zip Code: Phone Number (include area code): E-mail:
Name: Mailing Address: City: State: Zip Code: Phone Number (include area code): E-mail:	Name: Mailing Address: City: State: Zip Code: Phone Number (include area code): E-mail:

30. SIGNATURES: STATEMENT OF AUTHORIAZATION / CERTIFICATION OF AGENT / ACCESS

Application is hereby made for permit, or permits, to authorize the work described in this application and all supporting documentation. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein; or am acting as the duly authorized agent of the applicant (Block 2). I hereby grant the agencies to which this application is made, the right to access/come upon the above-described location(s) to inspect the proposed and completed work/activities.

Signature of Applicant: _____ *Date:* 12-13-2023

Signature of Agent: Katie Knight *Date:* 12/7/2023

This application must be signed by the person who desires to undertake the proposed activity AND signed by a duly authorized agent (see Block 1, 2, 30). Further, 18 USC Section 1001 provides that: "*Whoever, in any manner within the jurisdiction of any department of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than $10,000 or imprisoned not more than five years or both*".

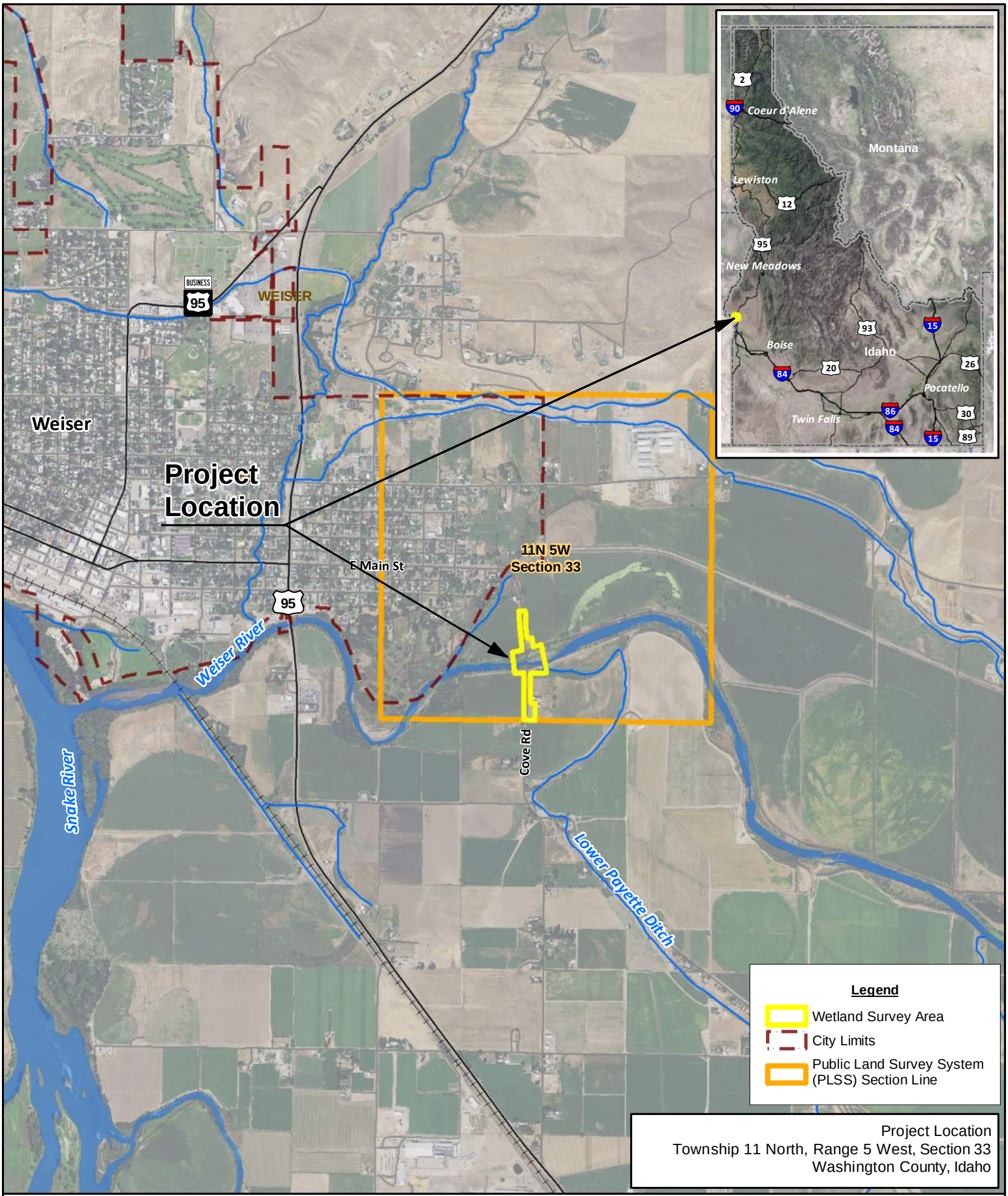


Figure 1. Vicinity Map
Cove Road Bridge Replacement, Weiser, Washington County, Idaho
Project No. A019(129)
Key No. 19129

Map Date: 10/31/2018
Document: Q:\ITD\CoveRd\Work_in_Progress\map_docs\Vicinity_LetPort.mxd

Imagery: 2017 NAIP, 1 Meter Resolution
Source: USDA/NRCS Digital Gateway
Other Data Sources: Idaho Geospatial Clearinghouse (INSIDE Idaho); USGS; US Fish & Wildlife Service

Figure 2. Project Wetland Impacts

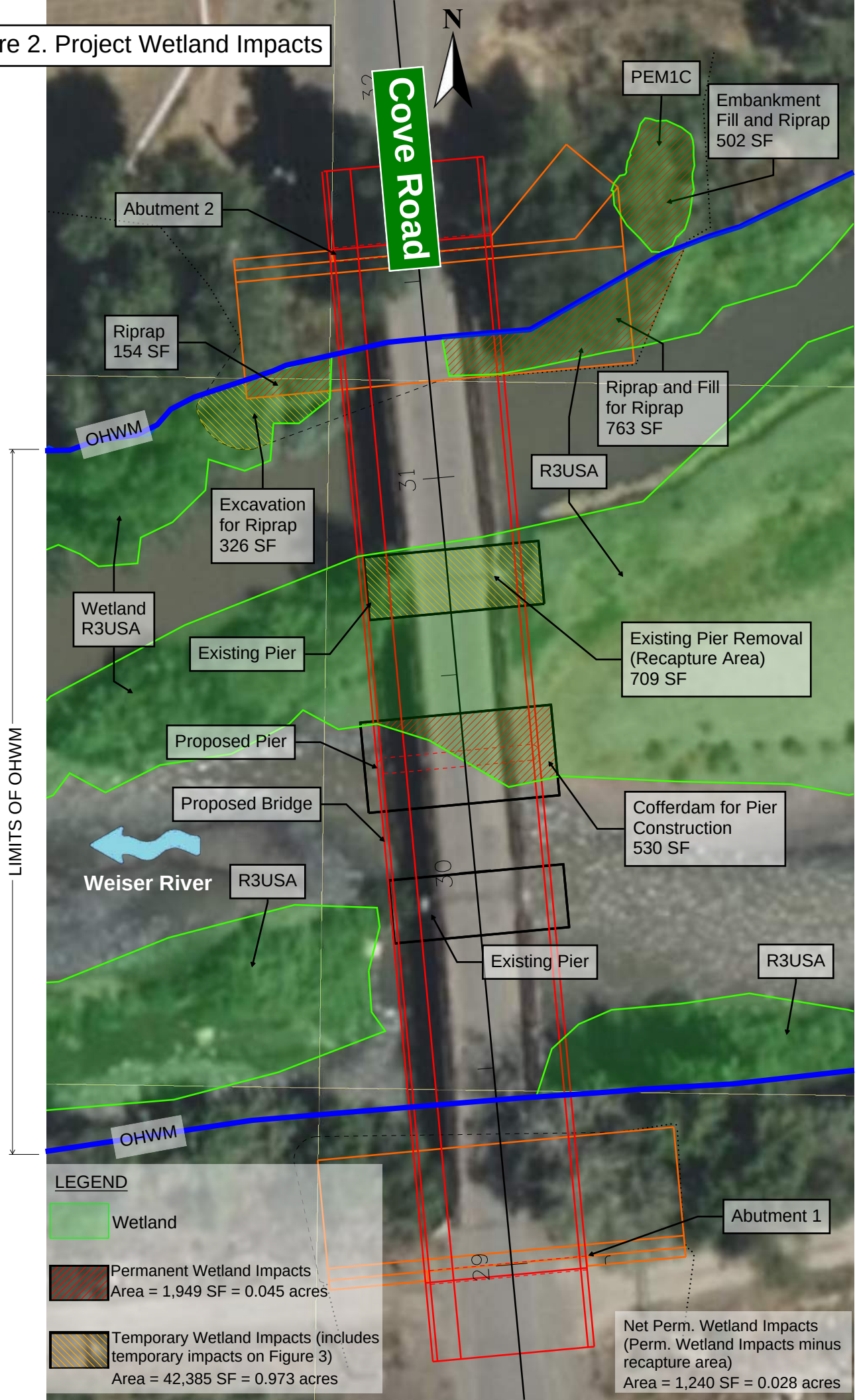
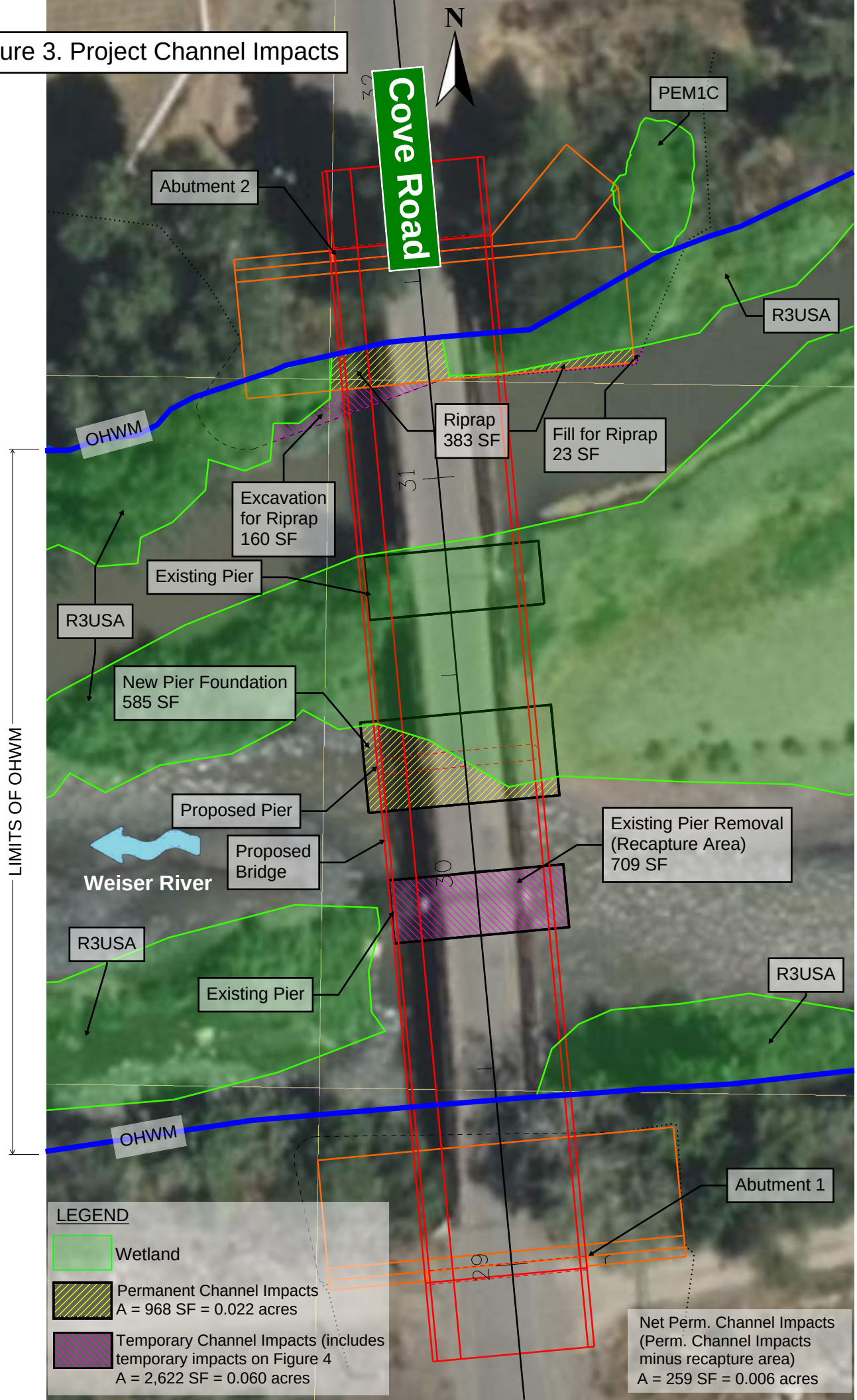
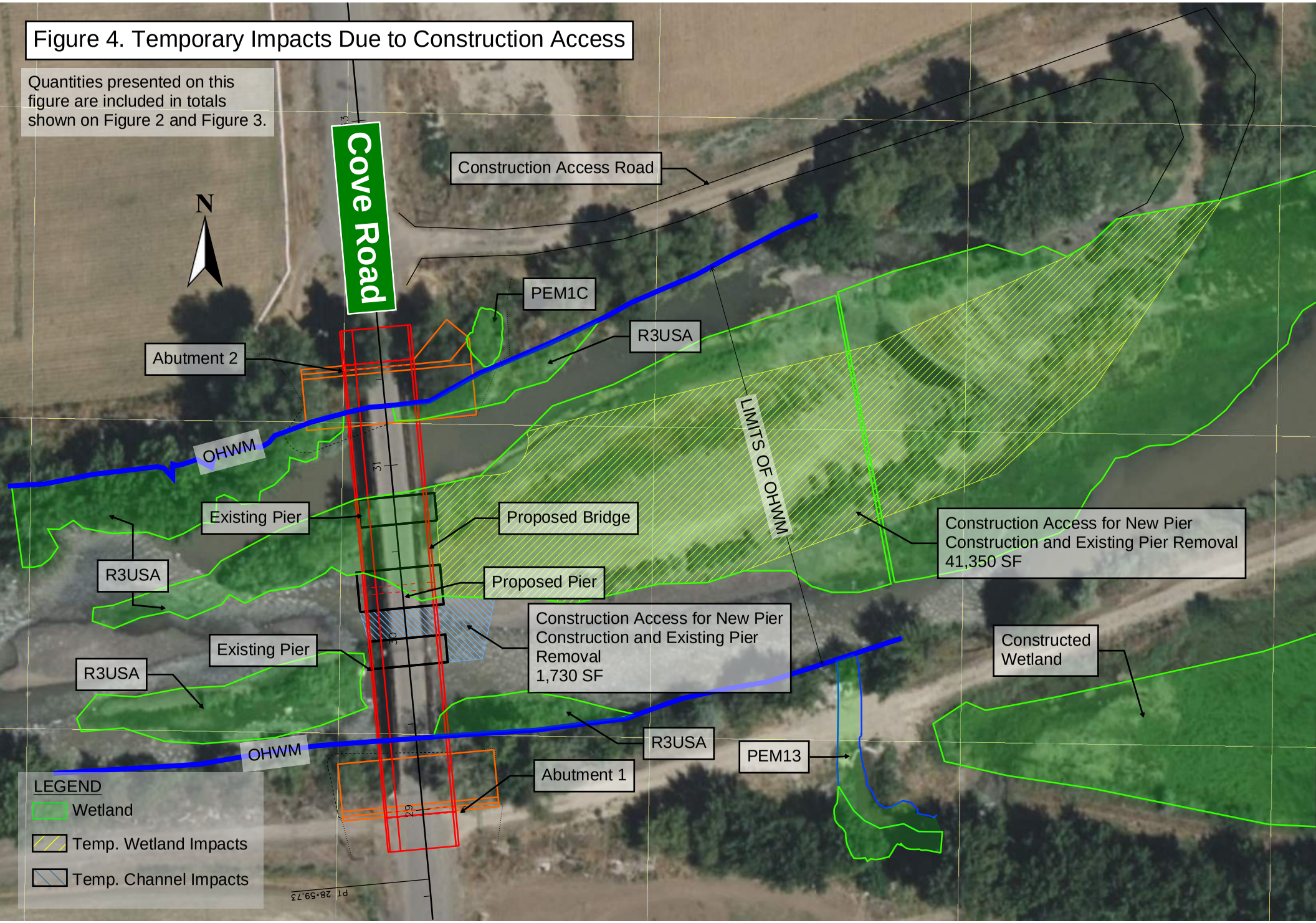


Figure 3. Project Channel Impacts




Figure 4. Temporary Impacts Due to Construction Access
Quantities presented on this figure are included in totals shown on Figure 2 and Figure 3.
Cove Road
N
Construction Access Road
PEM1C
R3USA
Abutment 2
OHWM
LIMITS OF OHWM
Existing Pier
Proposed Bridge
Construction Access for New Pier Construction and Existing Pier Removal 41,350 SF
R3USA
Proposed Pier
Construction Access for New Pier Construction and Existing Pier Removal 1,730 SF
Existing Pier
R3USA
Constructed Wetland
OHWM
R3USA
PEM13
Abutment 1
LEGEND
Wetland
Temp. Wetland Impacts
Temp. Channel Impacts

HDR Engineering, Inc.
LHTAC and Washington County
KN 19129; Cove Road Bridge Replacement
Joint Application Form: NWP 14
Thursday, December 7, 2023

Block 15: Purpose and Need (~400 characters w spaces limit)

Purpose and Need (commercial, industrial, public, private, other): Describe the reason or purpose of your project; include a brief description of the overall project. Continue to Block 16 to Detail each work activity and overall project
The purpose of this project is to provide safe vehicular passage along Cove Road across the Weiser River, improve hydraulic flow beneath the crossing, reduce the potential for repetitive and significant flooding near the crossing, improve stormwater management within the project area, improve safety and capacity of the roadway approaches to the crossing, and reduce traffic conflicts along Cove Road. The project is needed due to the bridge's poor structural sufficiency, narrow width, and load restrictions that cause agricultural truck traffic to detour to US-95.

Block 16: Detailed Description (About 1000 characters w spaces limit)

DETAILED DESCRIPTION OF EACH ACTIVITY WITHIN OVERALL PROJECT. Specifically indicate portions that take place within waters of the United States, including wetlands: Include dimensions; equipment, construction, methods; erosion, sediment and turbidity controls; hydrological changes: general stream/surface water flows, estimated winter/summer flows; borrow sources, disposal locations etc.:
Demolish existing bridge and construct bridge replacement: The existing three-span truss bridge on Cove Rd. over the Weiser River would be demolished and replaced with a new two-span prestressed concrete girder bridge in the same location. The existing three-span bridge has two piers, one within a wetland and one within the Weiser River, and the proposed bridge would have a single pier, which would be situated on a sand bar that is visible during low-to-normal flow conditions in the river and is within the OHWM. Pier construction consists of dewatering a portion of the Weiser River near the existing southern pier using a cofferdam or other dewatering method, and then pile driving the pier support approximately 48 feet into the riverbed. The pier wall will be constructed on top of the pier support. The proposed two-span alternative removes a pier from the river compared to the existing three-span condition. LHTAC will require the contractor to have a containment system to capture existing bridge demolition debris. Construct roadway improvements: Approximately 380 feet of roadway improvements would occur on Cove Road south of the bridge and approximately 340 feet north of the bridge to match the proposed bridge profile. Roadway improvements would not impact wetlands or the Weiser River. Install riprap: Riprap will be placed near the proposed bridge abutments and pier. Permanent impacts to wetlands and the Weiser river are proposed and are detailed in Blocks 19, 20, 27, and 28 below. Construct stormwater collection system: Stormwater runoff on the bridge would be collected by curb and gutter and then would flow to catch basins on all four corners of the bridge. These catch basins would collect storm runoff and discharge to the roadside borrow ditches. Direct discharge from the bridge or roadway to the Weiser River would be eliminated. Limited roadside embankment riprap protection would be proposed for areas where flooding has overtopped the roadway north and south of the bridge. Hydrological changes: The new bridge will have one pier in the river. Demolition of the existing bridge will remove 2 total piers, both of which are within the OHWM of the Weiser River. There would be a net loss of 1 pier in the river. Staging area: A staging area is proposed on the large sand bar wetland within the OHWM of the Weiser River. The staging area will be accessed only during low-flow conditions. Temporary disturbances to this wetland will be returned to pre-construction conditions upon project completion.

Block 18: Mitigation

PROPOSED MITIGATION STATEMENT or PLAN: If you believe a mitigation plan is not needed, provide a statement and your reasoning why a mitigation plan is NOT required. Or, attach a copy of your proposed mitigation plan.
It is not anticipated that USACE compensatory mitigation is required for impacts to wetlands or streams. Wetland and stream impacts are below the respective mitigation thresholds.

Block 19. Discharge below OHWM

TYPE and QUANTITY of MATERIAL(S) to be discharged below the ordinary high water mark and/or wetlands:	
Material	Measurement if applicable in Cubic Yards
Dirt or Topsoil	
Dredged Material	
Clean Sand	
Gravel, Rock, or Stone	
Concrete – new pier	130 cu yd
Other – rip rap	170 cu yd
Other – existing pier removal	-55 cu yd
Total	245 cu yd

Block 20. Impacts to WOTUS including Wetlands

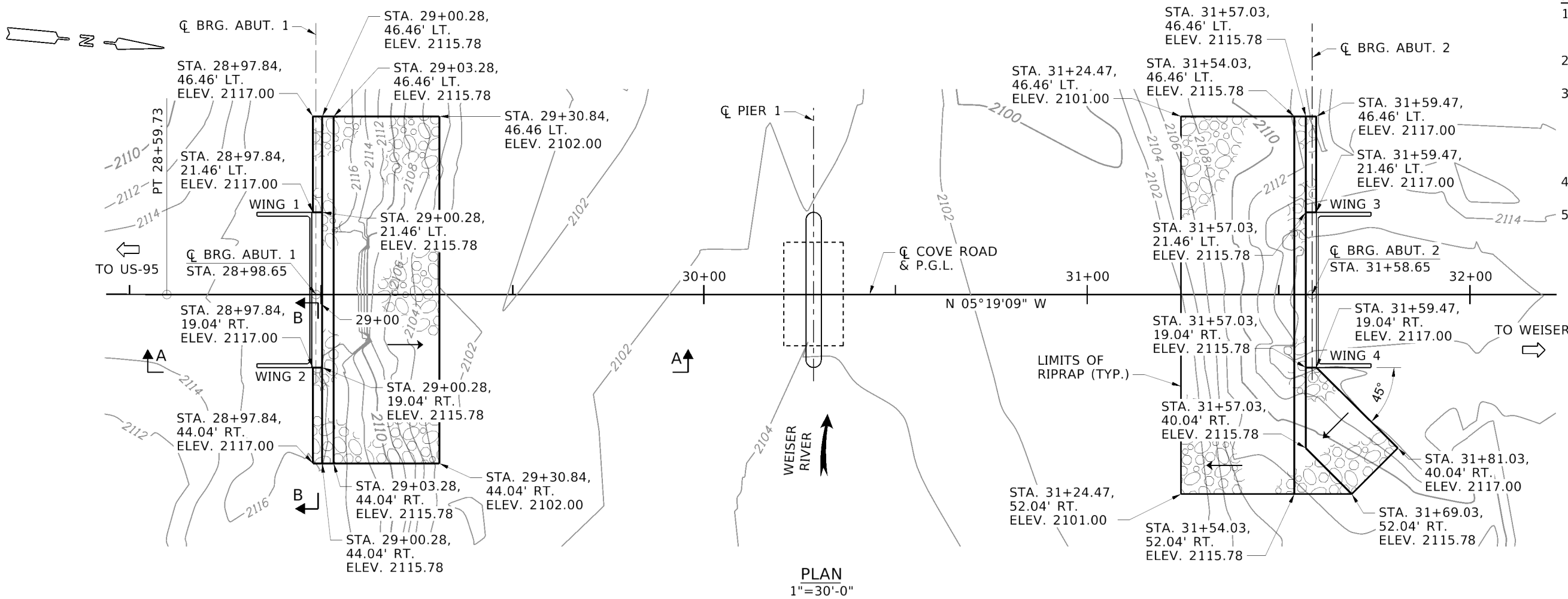
TYPE and QUANTITY of impacts to waters of the United States, including wetlands:			
Activity Type (If applicable)	Measurement if applicable (Ac)	Measurement if applicable (sq ft)	Measurement if applicable (cu yd)
Filling – rip rap and concrete (permanent channel and wetland impacts)	0.067 acre	2,917 sq ft	300 cu yd
Backfill and Bedding			
Land Clearing			
Dredging			
Flooding			
Excavation – removal of existing piers (permanent channel and wetland impacts)	-0.033 acre	-1,418 sq ft	-55 cu yd
Draining			
Other – temporary impacts due to construction equipment access, cofferdams, and excavation for riprap	1.033 acre	45,007 sq ft	1,150 cu yd
Totals (permanent impacts only)	0.034 acre	1,499 sq ft	245 cu yd

Block 27. Linear Stream Impacts

LIST EACH IMPACT to stream, river, lake, reservoir, including shoreline: Attach site map with each impact location.				
Activity	Name of Water Body	Intermittent/ Perennial	Description of Impact and Dimensions	Impact in Linear Ft
Existing Pier Removal (recapture area)	Weiser River	Perennial	-709 sq ft	Due to overlap, existing pier removal linear feet impact is included in the rip rap installation quantity.
New Pier Construction (permanent impact)	Weiser River	Perennial	585 sq ft	Due to overlap, new pier construction linear feet impact is included in the rip rap installation quantity.
Rip Rap Installation (permanent impact)	Weiser River	Perennial	383 sq ft	105 linear feet
Temporary impacts due to construction equipment access, cofferdams, and excavation for riprap (temporary only)	Weiser River	Perennial	2,622 sq ft	100 linear feet
Total (permanent impacts only)			259 sq ft (0.006 acres)	105 linear feet

Block 28. Wetland Impacts

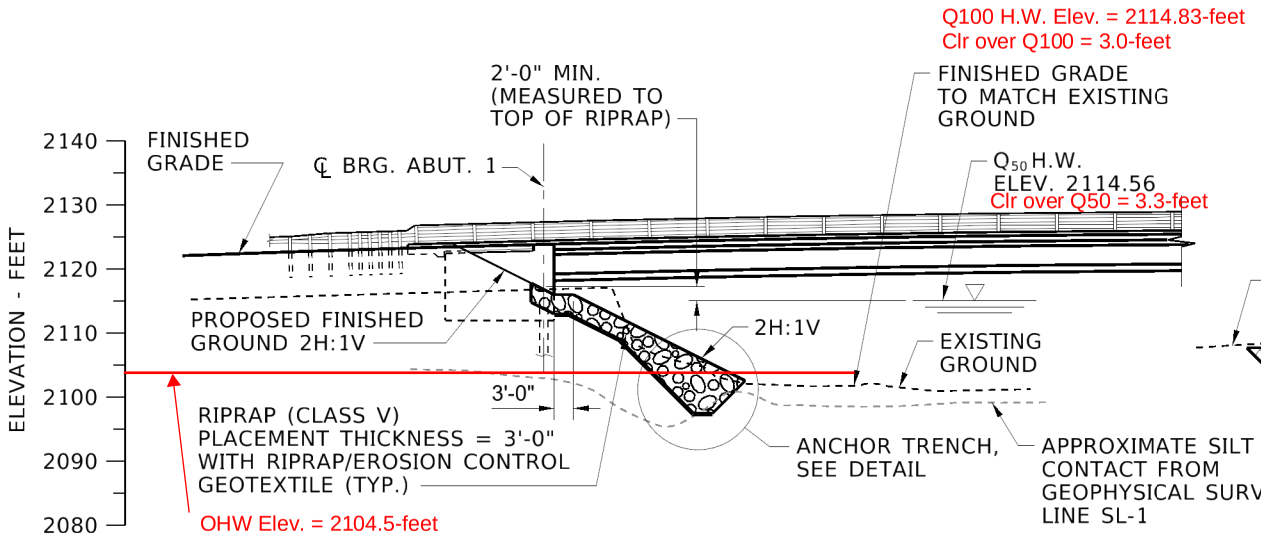
LIST EACH WETLAND IMPACT include mechanized clearing, fill excavation, flood, drainage, etc. Attach site map with each impact location.				
Activity	Wetland Type: N/A	Distance to Water Body (linear ft)	Description of Impact Purpose: road crossing, compound, culvert, etc.	Impact Length (square ft)
Existing Pier Removal (recapture area)	In channel wetland/R3USA	Adjacent	Removal of two existing 4-ft by 33-ft piers	-709 sq ft
New Pier Construction (permanent impact)	In channel wetland/R3USA	Adjacent	Construction of one 31-ft by 20-ft pier for new bridge	530 sq ft
Rip Rap Installation (permanent impact)	In channel wetland/R3USA and PEM1C	Adjacent	Installation of rip rap at new bridge abutments	1,419 sq ft
Temporary impacts due to construction equipment access, cofferdams, and excavation for riprap (temporary only)	In channel wetland/R3USA and PEM1C	Adjacent	Construction equipment access and activities to facilitate bridge replacement activities	42,385 sq ft
Totals (permanent impacts only)				1,240 sq ft (0.028 acre)



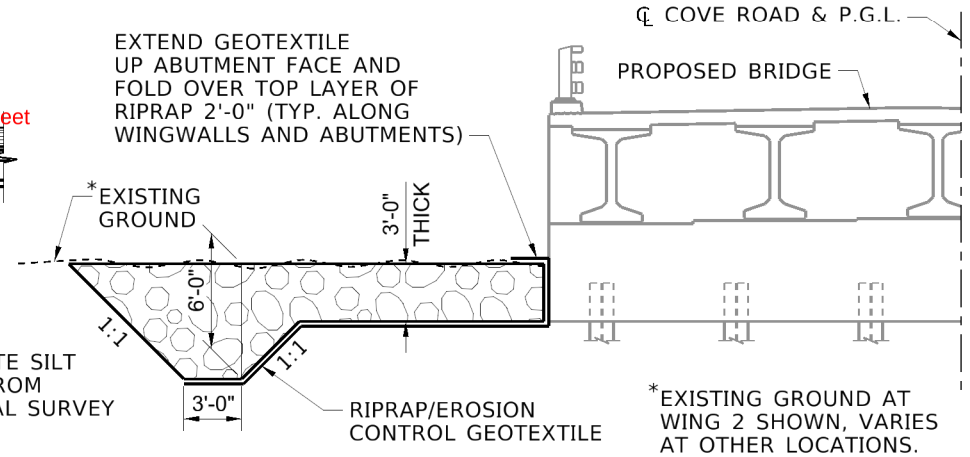
PLAN
1"=30'-0"

NOTES

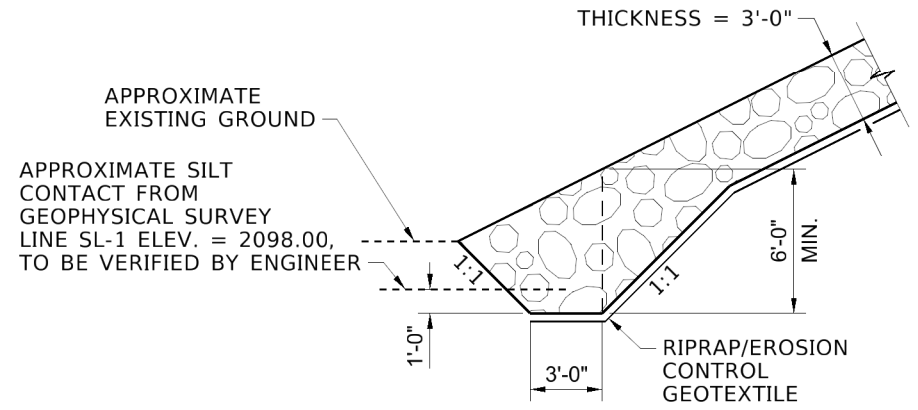
1. STATIONS AND OFFSETS ARE BASED ON ℄ COVE ROAD UNLESS NOTED OTHERWISE.
2. ELEVATIONS ARE REPORTED AT TOP OF RIPRAP MAT.
3. EXCAVATION REQUIRED FOR RIPRAP PLACEMENT ABOVE THE LIMITS OF RIPRAP MUST BE BACKFILLED WITH GRANULAR BORROW AND COMPACTED AND GRADED TO MATCH PLANS.
4. EXISTING UTILITIES NOT SHOWN, SEE UTILITY PLANS FOR DETAILS.
5. RIGHT-OF-WAY INFORMATION IS NOT SHOWN. SEE RIGHT-OF-WAY PLANS FOR DETAILS.



SECTION A-A
1"=30'-0"



SECTION B-B
1"=10'-0"



ANCHOR TRENCH DETAIL
NTS

ABUTMENT RIPRAP DETAILS
(ABUT. 1 SHOWN, ABUT. 2 SIMILAR)

ORIGINAL STORED AT: ITD BRIDGE SECTION - Boise, Idaho

REVISIONS			
NO.	DATE	BY	DESCRIPTION

DESIGNED W. MEYER
DESIGN CHECKED N. McDOWELL
DETAILED E. PRESCOTT
DWG. CHECKED N. McDOWELL
CORRECTIONS

SCALES SHOWN ARE FOR 11" X 17" PRINTS ONLY
CADD FILE NAME
DX\prjXXXXX\ProjDev\Bridge\Plans
19129_brRR_001.dgn
DRAWING DATE: OCTOBER 2023

IDAHO TRANSPORTATION DEPARTMENT
YOUR Safety→YOUR Mobility→YOUR Economic Opportunity

ENGLISH

PROJECT NO.
A019(129)

RIPRAP LAYOUT
263' PRESTRESSED CONCRETE GIRDER BRIDGE
COVE ROAD OVER WEISER RIVER
STA. 30+28.65

BRIDGE PLANS

BRIDGE KEY NO. 28806	
COUNTY WASHINGTON	KEY NO. 19129
BRIDGE DWG. NO. 17761	SHEET 10 OF 30

ORIGINAL SIGNED BY:
NOT APPROVED FOR PRELIMINARY CONSTRUCTION
DATE SIGNED: DATE

Washington County, Idaho
FLOODPLAIN DEVELOPMENT APPLICATION/PERMIT

Date: 8/8/2024 Permit Number: 10082024 Property Parcel #: RP11N05W335401

Address/Location of Project: Cove Road Bridge over Weiser River

Latitude: 44.241526° Longitude: -116.943833°

Describe the entire Development/Project: Replacement of the Cove Road Bridge over Weiser River

Development aspects:
Excavation: X Fill: X Grading: X Utility Construction: _____
Road Construction: X Residential Construction: _____ Non-Residential Construction: _____
Addition: _____ Renovation: _____ Other (explain): _____
Square feet of structure(s): _____

FIRM Data: Map Panel No.:16087C0827C Suffix N/A Map Panel Date: 6/15/2009 Flood Zone: AE (A, AE, AO, AH, X)

Floodway Info: Inside Floodway X Outside Floodway _____ No Floodway _____

Required Development Standards:

1. Base Flood Elevation (BFE) per FIRM at development site 2115 ft. (NAVD).
2. Flood Protection Elevation at development site (BFE + 2.0 ft. Freeboard): N/A ft. (NAVD).
3. Elevation at or above which the lowest floor (crawlspace or basement) must be constructed to (BFE + 2.0 ft. Freeboard): N/A ft. (NAVD).
4. Elevation at or above which all attendant utilities including, but not limited to, all heating, air conditioning, ductwork, electrical equipment, etc. must be installed (BFE + 2.0 ft. Freeboard) N/A ft. (NAVD).
5. Will attached garage be used for any purpose other than parking vehicles, building access, or storage? No
6. Proposed method of elevating the structure: Fill, bridge pier i.e.: Fill and/or Foundation
   (a) If foundation wall is used - provide minimum of 2 openings on opposite sides
   (b) Total area of openings required: N/A sq.in. (1 sq. in. per sq. ft. of enclosed footprint area below BFE)
7. If Inside Floodway is checked above, attach engineering certification and supporting data as required. *Per Ordinance 82, County Code Title 7, Flood Control Regulations Article. V.§A.18. & §B.E.*
8. Will any watercourse be altered or relocated because of the proposed development? No

If yes, attach a description of the extent of the alteration or relocation.

9. Floodproofing information for Non-Residential structures only (if applicable): Elevation in relation to mean sea level (MSL) to which structure shall be floodproofed (BFE + 2.0 ft. Freeboard) N/A ft. (NAVD).

Applicant acknowledgment: I the undersigned understand that the issuance of a Floodplain Development Permit is contingent upon the above information being correct & that the plans and supporting data are provided as required. I also understand that prior to a Certificate Occupancy being issued for the structure: a Finished Construction Elevation Certificate &/or Floodproofing Certificate signed by a Professional Engineer or Professional Land Surveyor must be provided to Washington County Planning & Zoning.

Print Name of Applicant/Agent: Applicant: Jerod Odoms (Washington County)
Agent: Katie Krajicek (HDR Engineering, Inc.)

Applicant/Agent Signature & Date: _____

Applicant Address & Phone number: 1102 E. Court St., Weiser, ID 83672; 208-414-0950

Foundation Inspection Date: _____

Inspector signature & Date: _____

10/08/2024

Bonnie Brent-Dowell Floodplain Administrator

SWPPP

Contractor EPA/IPDES Permit # XXXX

For more information contact:

XXXXXX

#208-XXX-XXXX

LHTAC EPA/IPDES Permit

For more information contact:

#208-344-0565

Local Sponsor EPA/IPDES Permit

For more information contact:

#208-XXX-XXXX

If you observe indicators of stormwater pollutants in the discharge or in the receiving waterbody, contact the Idaho Department of Environmental Quality through the following website:
https://www.deq.idaho.gov/about-us/contact-us/report-an-environmental-concern/

Stormwater Pollution Prevention Plan (SWPPP)
Narrative for Construction Activities

itd.idaho.gov

KN A019(129)
STC-8217, Cove RD Bridge Washington Co.

Estimated Project Start Date	(10/01/2024)
Estimated Date of ITD Permit Termination	(02/16/2027)
SWPPP Preparation/Certification Date	(11/13/2024)

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Section 1: SWPPP Framework

Regulatory and Policy Overview

This narrative is a part of the Stormwater Pollution Prevention Plan (SWPPP) and is a requirement of the Idaho Pollutant Discharge Elimination System (IPDES) Construction General Permit for Discharge Activities (CGP). CGP coverage is required from the "Commencement of Earth-Disturbing Activities" and "Commencement of Pollutant-Generating Activities" until "Final Stabilization" as defined in Appendix A of the 2022 CGP. The SWPPP may reference the following regulations, specifications, protocols, provisions, best management practices (BMPs), and standard drawings including, but not limited to: CGP and referenced Codes of Federal Regulation (CFR) requirements, February 2022; ITD Best Management Practices Manuals, January 2014 as amended; ITD Standard Specifications for Highway Construction; ITD Supplemental Specifications; ITD Special Contract Provisions; ITD Contractor's Notes, Approved Project Bid Plans; on-site policies adopted and approved by the Engineer during construction; United States Army Corps of Engineers (USACE) 404 permit (if applicable); Idaho Department of Environmental Quality (IDEQ) 401 Certifications (if applicable), Idaho Department of Water Resources (IDWR) Stream Alteration Permit requirements (if applicable), and any change orders that apply.

Notice of Intent and CGP Requirements

To obtain coverage for stormwater discharges under the 2022 CGP, all Operators, including operators of a "Construction Support Activity", as defined in Appendix A of the CGP, must prepare and submit a complete and accurate Notice of Intent (NOI) which meets CGP Part 1 requirements. It is the responsibility of all operators to fully understand the information requirements to be provided when filling out a NOI. Discharges are not authorized if the NOI is incomplete or inaccurate. Authorization to discharge stormwater from construction activities under the terms and conditions of the CGP will be permitted fourteen a minimum of (14) calendar days after the submittal of a complete and accurate NOI is acknowledged on IDEQ's website, unless IDEQ notifies you that your authorization has been delayed or denied.

Note: This SWPPP must be finalized and certified by all Operators prior to submittal of NOIs for permit coverage. Copies of the Idaho Department of Environmental Quality (IDEQ) Notice of Intent (NOI) submittal form and IDEQ NOI acknowledgement from the IPDES E-permitting System notifying the operator of an administratively complete NOI and approved authorization must be included as a component of this SWPPP in Appendix.

Operator Requirements

As an operator, compliance with all applicable terms and conditions of the CGP as it relates to operator controls and activities on the construction site or construction support activities, is the sole responsibility of the operator. All operators including, but not limited to; project owners or sponsors, Contractors, applicable subcontractors, or any other entity who has operational control over construction plans and specifications, operational control over day-to-day activities, or operational controls within a construction support activity that is a portion of a larger project; must ensure CGP compliance.

Design Specifications and Requirements

Follow all manufacturers design specifications for the installation and maintenance of controls. In the absence of specific manufacturer's specifications, follow ITD standard drawings and the ITD Best Management Practices Manuals. These can be referenced at itd.idaho.gov.

For special conditions not covered in the design specifications or ITD guidance materials, consult with the Resident Engineer or ITD SWPPP practitioners to ensure proper application and installation of BMPs. Many of the commonly used stormwater controls used by ITD are on the Qualified Products List (QPL). In order for a product to get approved on this list, design specifications are reviewed by a QPL committee. Therefore, if a QPL approved product is used on this project, and it is installed and maintained properly, it is being utilized per the manufacturer's design specifications. The ITD Qualified Products List can be referenced at:

http://apps.itd.idaho.gov/apps/materials/QPL.aspx

Section 2: Contact Information/Responsible Parties/Stormwater Team Members

Operator(s) - See definition of "Operator" at CGP Part 1.1.1

Local Highway Technical Assistance Council LHTAC		SWPPP Developer Name Ardurra		
Address 3330 W. Grace Street		City Boise, ID	State ID	Zip Code 83703
Fax Number	Telephone Number 208.344.0565	E-Mail Contact mkautz@lhtac.org / knelson@lhtac.org		

Prime Contractor

Company or Organization Name		Name		
Address		City	State	Zip Code
Fax Number	Telephone Number	E-Mail Contact		
Area of Control (if more than one operator at site)				

Earth Disturbing Subcontractor(s)

Company or Organization Name		Name		
Address		City	State	Zip Code
Fax Number	Telephone Number	E-Mail Contact		
Area of Control (if more than one operator at site)				

Repeat as needed for all additional Earth Disturbing Subcontractors.

Contractor's Emergency 24-Hour Contact (Water Pollution Control Manager)

Company or Organization Name		Name		
Address		City	State	Zip Code
Fax Number	Telephone Number	E-Mail Contact		

Stormwater Team - See CGP Part 7.2.2 and Section 6 and SWPPP Section 7.

Role or Responsibility Washington County	Position Owner	Name	
City Weiser	State ID	Zip Code 83672	
Telephone Number (208) 414-2092	E-Mail Contact		

Role or Responsibility	Position Agency Stormwater Inspector(s)	Name	
City		State ID	Zip Code
Telephone Number	E-Mail Contact		

Role or Responsibility	Position Contractor's WPCM(s)	Name	
City		State	Zip Code
Telephone Number	E-Mail Contact		

Role or Responsibility LHTAC Construction Administration	Position Agency Resident Engineer	Name Megan Kautz	
City Boise		State ID	Zip Code 83703
Telephone Number 208.344.0565	E-Mail Contact mkautz@lhtac.org		

Role or Responsibility Certifier and Signature Authority	Position Agency DE or DEM or Equivalent	Name	
City		State	Zip Code
Telephone Number	E-Mail Contact		

Role or Responsibility EPA NOI Certifier and Signature Authority	Position Administrator	Name Laila Kral	
City Boise		State ID	Zip Code 83703
Telephone Number 208.344.0565	E-Mail Contact lkral@lhtac.org		

Role or Responsibility Certifier and Signature Authority	Position Prime Contractor's Responsible Corporate Officer	Name	
City		State	Zip Code
Telephone Number	E-Mail Contact		

Describe additional stormwater team members here. Copy and paste for additional team members.

Role or Responsibility	Position	Name

City	State	Zip Code

Telephone Number	E-Mail Contact

Role or Responsibility Delegated Signature Authority SWPP Guidance	Position LHTAC Environmental Engineer/LHTAC Resident Engineer	Name Karissa Nelson/Megan Kautz/Matt Koster

City	State	Zip Code
Boise	ID	83703

Telephone Number	E-Mail Contact
208.344.0565	knelson@lhtac.org mkautz@lhtac.org mkoster@lhtac.org

Section 3: Site Evaluation, Assessment, and Planning

3.1 Project/Site Information

Project/Site Name			
A019(129); STC-8217, Cove RD Bridge, Washington Co.			
Project Street/Location/Address/Mileposts			
Begins at Cove Road M.P. 1.053 to Cove Road M.P. 0.860			
City	State	Zip Code	County or Similar Subdivision
Weiser	ID	83672	Washington County

Project Latitude/Longitude

*(Use **one** of three possible formats: 1) degrees, minutes, seconds; 2) degrees, minutes, decimal; or 3) decimal)	
Latitude: 44°14'29.42"N / 44.241506	Longitude: 116°56'37.90"W / -116.943861

Specify method for determining latitude/longitude (enter X in box next to appropriate answer)

☐ United States Geological Survey (USGS) topographic map (if used, specify scale) _____

☐ EPA Web site ☐ GPS ☒ Other (please specify) Google Earth

Horizontal Reference Datum

☐ NAD 27 ☒ NAD 83 or WGS 84 ☐ Unknown

Additional Project Information

Is the project/site located on Indian country lands?

☐ Yes ☒ No

If yes, STOP FILLING OUT THIS IPDES SWPPP TEMPLATE AND USE THE **EPA NPDES** SWPPP TEMPLATE. THE EPA ADMINISTERS THE NPDES PROGRAM ON TRIBAL LANDS.

If you are conducting earth-disturbing activities in response to a public emergency, document the cause of the public emergency *(e.g., natural disaster, extreme flooding conditions)*, information substantiating its occurrence *(e.g., state disaster declaration)*, and a description of the construction necessary to reestablish effective public services.

Description of Soil Type(s):

Moulton fine sandy loam, and moultan loam. These soils have moderately rapid permeability.

Description of Slopes: (describe existing slopes and note any changes due to grading or fill activities)
Partially Developed area with some agricultural use. Existing slopes in the project at the existing approach roads on the sides opposite the Weiser River vary and tend to not be steeper than a 3:1 slope. The banks of the Weiser River adjacent to the existing approach roads consist of slopes 3:1 to 2:1 or steeper. Proposed roadway embankment side slopes will be constructed to a 3:1 maximum slope. Proposed drainage ditches will be graded to have side slopes at a 2:1 maximum.

Description of Drainage Patterns: (describe existing drainage patterns and note any changes dues to grading or fill activities)
Storm drain facilities and drainage ditches do not currently exist within the Project limits on Cove Road. Runoff from the roadway surface and embankment slopes currently sheet flows into adjacent borrow ditches and the surrounding fields.

Description of existing or baseline vegetation on or immediately surrounding the project area:
Vegetation is well established, including wild grasses, trees, and shrubs. Vegetation removed by the project outside of locations of proposed roadway, embankment, rip-rap features, and rock-lined ditches will be re-seeded.

Climate/Rainfall Patterns: - check the box that applies

☐ Arid (0-10" annual rainfall)	☒ Semi-Arid (10"-20" annual rainfall)
☐ (20-30" annual rainfall)	☐ (30"-40" annual rainfall)

Provide a description of unique or sensitive features (such as wetlands) that are to be preserved or protected
In addition to the Weiser River, two known wetland areas exist east of Cove Road north and south of the river. See Site Map, Appendix A.

Describe measures to protect these unique or sensitive features
The Weiser River will be protected from sediment impact from earthwork activities by perimeter protection BMP's and dewatering operations for any earthwork or excavation required below the ordinary high water mark (OHM). Wetlands will be outside of proposed earthwork limits of the Project. Perimeter protection will be used to prevent sediment migration/discharge into these wetlands from construction activities.

3.2 Discharge Information

Note: Information entered here should be consistent with the "Discharge Information" in Section V of the project's NOI form (CGP Appendix F, and the "NOI" Section of the SWPPP Appendix.)

	Yes	No
Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)?	☐	☒
Does your project have construction support activities that discharge stormwater into a MS4?	☐	☒
Are there any surface waters (Waters of the U.S.) that are located within 50 feet of your construction site disturbances?	☒	☐
Are there any surface waters (Waters of the U.S.) that are located within 50 feet of your construction support activities?	☒	☐

Table 1 – Names of Receiving Waters

List name(s) of the first surface water (Waters of the U.S.) that receives stormwater directly from your project and/or from the MS4 (Note: multiple rows are provided where your site has more than one point of discharge that flows to different surface waters which is not uncommon on linear transportation projects).

1.	Weiser River (Galloway Dam to Snake River)
2.	
3.	
4.	

Add additional rows as needed by hitting Tab in the last cell of the table

Table 2 – Impaired Waters / TMDLs

For each surface water listed in Table 1 above, answer the following: **Is this surface water listed as "Impaired"?** Impaired waters will be on IDEQ's 303(d) list waiting for an EPA approved TMDL, or already have an EPA approved TMDL. If your answer is Yes, then provide required information following on that row.

	Yes	No	List pollutant(s) that are causing the impairment	A TMDL has been completed Yes	A TMDL has been completed No	Title of the TMDL Document	Pollutant(s) with a TMDL
1.	☒	☐	Sediment/Siltation	☒	☐	Weiser River Watershed Subbasin TMDL (ID: 31999)	Sediment/Siltation, Temperature
2.	☐	☐	Temperature	☒	☐	Weiser River Watershed Subbasin TMDL (ID: 31999)	Sediment/Siltation, Temperature
3.	☐	☐	E.Coli	☐	☒		
4.	☐	☐		☐	☐		

Add additional rows as needed by hitting Tab in the last cell of the table

IDEQ Turbidity Monitoring Requirements
The permittee must conduct turbidity monitoring during construction activities and thereafter on days where there is a direct discharge of pollutants from an unstabilized portion of the site which is causing a visible plume to a water of the United States during operating hours. See CGP Part 3 for more information. Also, see ITD's Turbidity Monitoring contract Special Provision for additional information regarding monitoring locations and documentation/reporting requirements. If applicable, insert a copy of these documents, including the monitoring log book documentation (as per the contract Special Provision) into the corresponding SWPPP Appendix.

Table 3 – Tier 2 Waters
For each surface water listed in Table 1 above, answer the following: **Is this surface water designated as a Tier 2 water?**
Notes:

- There are currently only Tier 1 and Tier 2 waters in Idaho. No water bodies have been designated as Tier 3 by the Idaho legislature;
- If you listed a water body as impaired in Table 2 above, it is most likely not a Tier 2 water, although IDEQ does retain the authority to determine that a 303(d) listed water body is actually a high quality Tier 2 water.
- Tier 2 waters are fully supporting their designated beneficial uses according to the most recent IDEQ Integrated Report. See CGP Part 3.2 for more information.

	Yes	No	If you answered Yes, specify which surface water is designated as Tier 2?
1.	☐	☒	
2.	☐	☐	
3.	☐	☐	
4.	☐	☐	

Method Used to Determine Receiving Water Quality Status

Describe the method(s) you used to determine the status of your receiving waters above. In Idaho, the options for making this determination are:

☐ IDEQ's most recent Integrated Report

☒ IDEQ's Integrated Report Mapping Tool

☐ Written correspondence with your regional IDEQ office to confirm your determination

Provide additional information or comments below on how this determination was made. Also see CGP part 9.7.1.

3.3 Nature of the Construction Activity

(See CGP Parts 1.2.1.c and 7.2.3)

General Description of Project

Provide a general description of the construction project. (Describe the major phases of construction in SWPPP Section 3.4.)
The project will remove the over 100-year-old existing 1-lane Bridge and install a proposed 2-lane prestressed concrete girder bridge at the Cover Road crossing of the Weiser River. Cove road will be reconstructed approx. 400 FT south of the river from mile post 1.053, and approx. 370 FT north of the river to mile post M.P. 0.860 to raise the surface of the roadway to align with the proposed bridge. The Project will reconstruct (and raise) the 4 east-west approach roads intersecting cove road and running along the banks of the Weiser north and south of the bridge. The project construction activities will include tree removal, bridge demolition, excavation, embankment, bridge installation, storm drain pipe installation, asphalt paving, and installation of rock-lined ditches and riprap aprons.

Size of Construction Project

Construction Project Size	Total Area Expected to be Disturbed (Must match area entered in Part IV of the project NOIs)	Maximum Area Disturbed at Any One Time
2.75 Acres	2.75 Acres	5 Acres

Construction Support Activities (if applicable)
Describe any construction support activities for the project (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) and their associated disturbances to the nearest ¼ acre. Support Activity disturbances should be added to the Construction Site disturbances to sum up the Total Area Expected to be Disturbed box above. Repeat as necessary for each applicable support activity and add to the total.

Construction Support Activity Description Possible staging yards, material storage areas, and excavated material or aggregate/ borrow stockpile areas are anticipated to be located at (1) the gravel lot along the east side of Cove Road at Parcel 06 in the northeast quadrant of the project area.(2) the gravel lot at 606 Cove Road south of the Project. (3) Other locations outside the general Project area.		
Size of Disturbance for Support Activity (1) 0.6 AC (2) 0.5 AC (3) TBD	Support Activity Address or Latitude/Longitude (1) 44°14'32.54"N, 116°56'37.14"W (2) 44°14'21.84"N, 116°56'36.55"W (3) TBD	
Construction Support Activity Contact Person's Name TBD	Phone Number TBD	E-Mail Address TBD

Repeat as needed for additional Support Activity areas or locations.

3.4 Sequence and Estimated Dates of Construction Activities
(See CGP Part 7.2.3.f for detailed requirements for this SWPPP section)

Note: The Critical Path Method (CPM) schedule on many projects contains detailed information about grading, stabilization, and stormwater control installation practices and associated timelines or phases. If a CPM is available containing at least the details prompted in this SWPPP section, place it in the “Grading and Stabilization” Activities SWPPP Appendix, in lieu of completing 3.4.

Phases of Construction - Describe all major phases of construction.

Phase I

General Description of Construction Phase - Include estimated area of disturbance associated with this phase. Removal of existing bridge and obstructions. Excavation from Begin (MP 1.053) to End (MP 0.860) of project. 2.6 Acres		
Estimated Start Date of Disturbances for This Phase	Estimated End Date of Disturbances for This Phase	
Stormwater Control(s) Fiber Wattle, Silt Fence, Dewatering	Estimated Date(s) of Installation	Estimated Date(s) of Removal
Structure(s) to be Demolished: Cove Rd Bridge	Age of Structure(s) 100	Estimated Dates (s) of Demolition
Stabilization Measures Required		Estimated Date of Application(s)

Phase II

General Description of Construction Phase - Include estimated area of disturbance associated with this phase. Relocate Utilities, Place drainage pipes, riprap, subbase and aggregate base. 2.6 Acres

Estimated Start Date of Disturbances for This Phase	Estimated End Date of Disturbances for This Phase	
Stormwater Control(s) Fiber Wattle, Silt Fence	Estimated Date(s) of Installation	Estimated Date(s) of Removal
Structure(s) to be Demolished	Age of Structure(s)	Estimated Dates (s) of Demolition
Stabilization Measures Required		Estimated Date of Application(s)

Phase III

General Description of Construction Phase - Include estimated area of disturbance associated with this phase. Construct new bridge pier, abutments, superstructure, and approach slabs. 2.6 Acres		
Estimated Start Date of Disturbances for This Phase	Estimated End Date of Disturbances for This Phase	
Stormwater Control(s) Fiber Wattle, Silt Fence, dewatering	Estimated Date(s) of Installation	Estimated Date(s) of Removal
Structure(s) to be Demolished	Age of Structure(s)	Estimated Dates (s) of Demolition
Stabilization Measures Required		Estimated Date of Application(s)

Phase IV

General Description of Construction Phase - Include estimated area of disturbance associated with this phase. Pave & Place Guardrail. Signing and Pavement Markings 2.6 Acres		
Estimated Start Date of Disturbances for This Phase	Estimated End Date of Disturbances for This Phase	
Stormwater Control(s) Fiber Wattle, Silt Fence, dewatering	Estimated Date(s) of Installation	Estimated Date(s) of Removal
Structure(s) to be Demolished	Age of Structure(s)	Estimated Dates (s) of Demolition
Stabilization Measures Required		Estimated Date of Application(s)

3.5 Allowable Non-Stormwater Discharges

(See CGP Parts 1.2.2 and 7.2.5)

Notes:

- CGP requirement to identify the likely locations of allowable non-stormwater discharges on the site map(s).
- The most commonly occurring non-stormwater ITD discharges are highlighted below, but others may be present on your project.

Type of Allowable Non-Stormwater Discharge	**Likely to be Present at This Site**	
	Yes	**No**
1. Discharges from emergency fire-fighting activities.....	☐	☒
2. Fire hydrant flushings.....	☐	☒

3.	Landscape irrigation	☐	☒
4.	Waters used to wash vehicles and equipment	☒	☐
5.	Water used to control dust	☒	☐
6.	Potable water including uncontaminated water line flushings	☐	☒
7.	Routine external building wash down	☐	☒
8.	Pavement wash waters	☐	☒
9.	Uncontaminated air conditioning or compressor condensate	☐	☒
10.	Uncontaminated, non-turbid discharges of ground water or spring water	☐	☒
11.	Foundation or footing drains	☐	☒
12.	Construction dewatering water	☒	☐

Non-stormwater discharges are not applicable to this project ☐

List allowable non-stormwater discharges **using the same number** as marked above and the measures used to eliminate or reduce them and to prevent them from becoming contaminated. Delete the table if "Non-stormwater discharges are not applicable to this project" box is checked above.

Measures that will be Implemented to Eliminate or Reduce Non-Stormwater Contamination	
4	Washing of vehicles/equipment permitted in designated staging areas. Designated staging areas will have best management practices implemented including perimeter protection if required.
5	Water will be used to control dust. Overwatering will be minimized.
12	Construction de-watering activities will require approved de-watering plans with all required best management practices.

Add additional rows as needed by hitting Tab in the last cell of the table

3.6 Site Maps

(See CGP Part 7.2.4)

Insert site maps in "Site Maps" Section SWPPP Appendix. For most projects, a series of site maps is necessary to meet the minimum CGP mapping requirements and will consist of site maps and SWPPP plan sheets or drawings. Maps must also show construction support activities associated with this project.

Section 4: Documentation Of Compliance With Other Federal Requirements

4.1 Endangered Species Protection

(See CGP Parts 1.1.5, 7.2.9.a, Appendix C, and the "Endangered Species" Section of the SWPPP Appendix.)

Eligibility Criterion - Under which criterion listed in CGP Appendix C is the site eligible for coverage under this permit?

Criterion	Supporting Documentation
☐ **A**	**No ESA-listed species and/or designated critical habitat present in action area.** Using the process outlined in Appendix C of the CGP, you certify that ESA-listed species and designated critical habitat(s) under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of the CGP.
☒ **C**	**Discharges not likely to adversely affect ESA-listed species and/or designated critical habitat.** Include the following information in the Endangered Species Documentation Section in the Appendix: • List the ESA species and/or designated habitat located in your "action area" using the process outlined in Appendix C of the CGP: 0 species and no critical habitats • Indicate the distance between the site and the listed species and/or designated critical habitat in the action area (in miles); 0 • Include the rationale describing specifically how adverse effects to ESA-listed species will be avoided from the discharges and discharge-related activities. You must also include a copy of your site map from your SWPPP showing the upland and in-water extent of your "action area".
☐ **D**	**Coordination with USFWS and/or NMFS has successfully concluded.** Include the following information in the Endangered Species Documentation Section in the "Endangered Species" Section in the SWPPP Appendix: • Copies of the correspondence with the participating agencies. • Basis statement supporting the selection of this criterion should identify whether USFWS or NMFS or both agencies participated in coordination, the field office/regional office(s) providing that coordination, and the date that coordination concluded.

☐ **E**	**ESA Section 7 consultation has successfully concluded.** Include the following information in the Endangered Species Documentation Section in the "Endangered Species" section of the SWPPP Appendix: • A Biological Opinion from USFWS and/or NMFS that concludes that the action in question (taking into account the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the continued existence of listed species, nor the destruction or adverse modification of critical habitat; OR • A written concurrence from USFWS and/or NMFS with a finding that the site's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat.

4.2 Historic Preservation
As a state permit, IPDES does not require determination of effect under Section 106.

4.3 Safe Drinking Water Act, Underground Injection Control Requirements
(See CGP Part 7.2.8.B and IDAPA 37.03.03-Rules and Minimum Standards for the Construction of Injection Wells)

Check any or all of the following controls being installed. If any controls are installed, insert copies of letters, emails, permitting information, or other communication between you and the IDWR into the "Additional Tribal, State, or Local Program" section of the SWPPP Appendix.
☐ Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)
☐ Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow
☐ Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)

4.4 Other Applicable Federal, Tribal, State or Local Programs

Examples would include, but not be limited to, a project falling within an MS4 permit area, the county requiring a grading permit, additional tribal requirements, or the project has a Section 404 permit for wetlands. Briefly describe these here as documentation in the SWPPP, and insert any additional information or supporting documentation into the "Additional Tribal, State, or Local Program" section of the SWPPP Appendix.

Section 5: Erosion and Sediment Controls

5.1 Natural Buffers or Equivalent Sediment Controls

(CGP Parts 2.2.1, 7.2.6, and Appendix D)

Are there any surface waters (Waters of the U.S) within 50 feet of the project's earth disturbances?

☐ No - If No, no further documentation is required for this section. Delete information until SWPPP Section 5.2 below.

☒ Yes - If Yes, check the Compliance Alternative or applicable Buffer Exception(s) below that has been chosen. To condense this section, once applicable sections are checked, delete non-applicable sections.

Note: Because of the linear nature of ITD projects, the answers/conditions to the Buffer Alternatives and/or Buffer Exceptions may change multiple times along a project's limit. This may make multiple evaluations necessary for some projects. If applicable, specify the locations of the different evaluations and conclusions by mile-marker or stationing.

Buffer Compliance Alternatives – Choose one of three

☐ A 50-foot undisturbed natural buffer will be provided, as per the requirements in CGP - Appendix D, D.2.3

☒ An undisturbed natural buffer that is less than 50 feet and supplemented by erosion and sediment controls, achieving the sediment load reduction equivalent to a 50-foot undisturbed natural buffer, will be provided and maintained, as per the requirements in CGP - Appendix D, D.2.3 & D.2.4.

☐ It is infeasible to provide and maintain an undisturbed natural buffer of any size. Erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer will be implemented, as per the requirements in CGP – Appendix D., D.2.4, Table D-4.

Buffer Exceptions – Choose any that apply.
*Note: If multiple exceptions apply to one portion of the project, or different exceptions apply to different portions of the project, specify by mile-marker or stationing.

☒ The disturbances within 50 feet of a water of the U.S. include one of the conditions below. Therefore, are exempt from the requirements Part 2.2.1 and CGP Appendix D:

- Construction approved under a CWA Section 404 permit; or
- Construction of a water-dependent structure or water access areas (e.g., pier, boat ramp, trail).

☐ There is no discharge of stormwater to waters of the U.S. through the area between the disturbed portions of the site and any waters of the U.S. located within 50 feet of your site. This includes situations where you have implemented controls measures, such as a berm or other barrier that will prevent such discharges.

- Note - If this exception applies, no further documentation is required for Section 5.1.

☐ No natural buffer exists due to preexisting development disturbances that occurred prior to the initiation of planning for this project. If disturbing portions of preexisting development, provide justification and documentation.

- Note - Where some natural buffer exists, but portions of the area within 50 feet of the surface water are occupied by preexisting development disturbances, the site must still comply with one of the CGP Part 2.2.1.a compliance alternatives.

☐ For a "linear project" (defined in Appendix A), site constraints (e.g., limited right-of-way) make it infeasible for me to meet any of the CGP Part 2.2.1.a compliance alternatives. Include documentation for the following:

- Justification for not meeting one of the buffer compliance alternatives.
- Buffer width retained and/or supplemental erosion and sediment controls to treat discharges to the surface water.

5.2 Perimeter Controls

Insert a general description of how you will comply with CGP Part 2.2.3 and 7.2.6
Fiber Wattles will be used for general perimeter protection throughout the perimeter of earthwork operations.
Silt Fence will be used as additional perimeter protection at the edge of the project/ perimeter of earthwork operations located near wetlands.

Perimeter Control 1	Approximate Installation Date or Phase	Project Duration
Describe the perimeter control to be installed. Indicate specific controls that will be installed and made operational prior to earth disturbance. Fiber wattles shall be installed in accordance with the IDEQ Catalog of Stormwater Best Management Practices BMP No. 35. Silt fence shall be installed in accordance with (IDEQ) BMP No. 36.		
Insert maintenance requirements for the perimeter control. At a minimum, CGP Part 2.2.3.a requires removal of sediment "before it has accumulated to one-half of the above-ground height of any perimeter control." Fiber Wattles – Inspection shall be done during extended rain events, after rain events, weekly during the rainy season, and at 2-week intervals during the non-rainy season. Wattles observed to be split, torn, unraveling, or displaced will be replaced. Maintenance will be done in accordance with the Maintenance requirements of BMP No. 35. Silt Fence – Inspection shall be done periodically for damage and sediment accumulation. Sediment will be removed when it reaches one-half the height of the silt fence. Maintenance will be done in accordance with the requirements of BMP No. 36.		

Repeat as needed for individual specific perimeter controls.

5.3 Sediment Track-Out

Insert a general description of how you will comply with CGP Part 2.2.4.
Vehicle/ equipment use will be restricted to properly designated exit points. These designated exit points will have stabilized construction entrances/exits for sediment removal.

Track-Out Control 1	Approximate Installation Date or Phase	Project Duration
Describe the track-out control to be installed. Stabilized Construction Entrances		
At a minimum, you must provide for maintenance that meets the requirement in CGP Part 2.2.4.d. Per CGP Part 2.2.4.d: Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or water of the U.S.		

Repeat as needed for additional individual track-out controls.

5.4 Stockpiled Sediment or Soil

Insert a general description of how you will comply with CGP Part 2.2.5 and 7.2.6
Any stockpiles or land clearing debris composed of sediment or soil will be located outside of any natural buffers and completely separated from other stormwater controls.

Stockpile Control 1	Approximate Installation Date or Phase	Project Duration
Describe the stockpile control to be installed Stockpile Management CGP 2.2.5 with be complied with by utilizing a designated stockpile area that will be surrounded by silt fence. Temporary stock piles will be removed after all construction is completed. The contractor will install temporary sediment controlling BMPs for all onsite stockpiles during storm events that produce significant runoff.		
Insert maintenance requirements for the stockpile control. At a minimum, you must comply with following requirement in CGP Part 2.2.5 Do not hose down or sweep soil or sediment accumulated on pavement or other impervious surfaces		

into any stormwater conveyance (unless connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface water.

Inspections shall be done as required by the NPDES permit or contract specifications. Repair and/or replace perimeter controls and covers as needed, or as directed by the Engineer, to keep them functioning properly.

Repeat as needed for additional individual stockpile controls.

5.5 Minimize Dust

Insert a general description of how you will comply with CGP Part 2.2.6 and 7.2.6

Dust will be controlled by using stabilization BMPs after construction activity is completed in areas of the project site, as well as contextually, such as instances when construction has disturbed the earth in areas that are likely to be prone to wind erosion.

Dust Control 1	Approximate Installation Date or Phase	Duration of Project
Describe the dust control to be installed or implemented Watering for dust abatement shall be used on an as-needed basis; commonly after construction activity has disturbed earth that is prone to wind erosion.		
Insert maintenance requirements for the dust control Dust control may have to be done several times throughout the day to maintain air quality.		

Repeat as needed for additional individual dust controls.

5.6 Minimize the Disturbance of Steep Slopes

Insert a general description of how you will comply with CGP Part 2.2.7 and 7.2.6. If infeasible, explain why.
Perimeter protection will be used around steep slopes (existing and proposed embankment and native ground slopes being modified by the Project) that are prone to disturbance during excavation/ embankment operations.

Steep Slope Control 1	Approximate Installation Date or Phase	Duration of Project
If steep slope disturbance is required, describe the controls that will be implemented to minimize erosion. This could include installation of standard erosion and sediment controls, phasing, using stabilization practices, etc. Perimeter protection will be placed at an offset from the toe of steep slopes to prevent sediment migration from runoff. Perimeter protection will be installed prior to earth-disturbing activities where steep slopes are present.		
Insert maintenance requirements for any steep slope controls used. Perimeter protection adjacent to the toe of steep slopes will be inspected and replaced if required during earth-disturbing activities where steep slopes are present.		

Repeat as needed for additional individual steep slope controls.

5.7 Preservation of Topsoil

Insert a general description of how you will comply with CGP Part 2.2.8 and 7.2.6. If infeasible, explain why.
If the soil on site is suitable to be re-used as topsoil, it will be stockpiled in the designated stockpile area until is ready to be placed in its final location. Acres that are not subjected to construction are not required for construction activity will be left untouched to minimize disturbance.

Topsoil Control 1 Topsoil strip, stockpile, and replace	Approximate Installation Date or Phase	End of Project
Describe the topsoil management practices to be implemented. On-site topsoil shall be stockpiled in a designated stockpile area. Minimize disturbance of existing topsoil where possible		
Insert maintenance requirements for any the topsoil management practices. Topsoil shall be monitored often after it is placed and seeded to identify areas that may require additional planting. Continue to monitor until topsoil is completely covered with permanent vegetation.		

Repeat as needed for additional individual topsoil preservation controls.

5.8 Minimize Soil Compaction

Insert a general description of how you will comply with CGP Part 2.2.9 and 7.2.6
CGP part 2.2.9 will be complied with by ensuring soil is in proper condition to receive vegetative cover for final stabilization, by limiting vehicle access on disturbed soil areas and by reconditioning soils that have been compacted.

Soil Compaction Control 1	Approximate Installation Date or Phase	Duration of Project
Describe the soil compaction minimization practices to be utilized where infiltration practices or final vegetation occur Soil compaction will be limited in areas where final vegetative stabilization and infiltration facilities will be installed.		
Insert maintenance requirements for any soil compaction minimization practices. Restrict vehicle and equipment use in stabilized location to avoid soil compaction.		

Repeat as needed for individual soil compaction controls.

5.9 Storm Drain Inlets

Insert a general description of how you will comply with CGP Part 2.2.10 and 7.2.6
No storm drain inlets proposed for this project.

Storm Drain Inlet Control 1	Approximate Installation Date or Phase	Not Applicable
Describe the storm drain inlet control to be installed		
Insert maintenance requirements for the storm drain inlet control. At a minimum, you must comply with following requirement in CGP Part 2.2.10: “Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, you must remove the deposited sediment by the end of the same work day in which it is found or by the end of the following work day if removal by the same work day is not feasible.”		

Repeat as needed for individual storm drain inlet controls.

5.10 Constructed Stormwater Conveyance Channels

Insert a general description of how you will comply with CGP Part 2.2.11 and 7.2.6
Permanent riprap stormwater conveyance channels are proposed at the toe of the Project’s roadway and approach embankment slopes. Temporary BMP’s may be required to prevent sediment discharge from these conveyance channels prior to the installation of riprap.

Conveyance Channel Control 1	Approximate Installation Date or Phase	Beginning of Project
Describe the stormwater conveyance channel control design to be in compliance with 2.1.3.1 Temporary BMP’s may be required to prevent sediment discharge from these conveyance channels prior to the installation of the riprap. Requirements will be met in accordance with IDEQ BMP’s and ITD Standard Drawings 212-1 & 212-5.		
Insert maintenance requirements for the stormwater conveyance channels Maintenance requirements per IDEQ BMP’s and ITD Standard Drawings 212-1 & 212-5.		

Repeat as needed for individual conveyance channel controls.

5.11 Sediment Basins

Insert a general description of how you will comply with CGP Part 2.2.12 and 7.2.6. If you have determined that it is infeasible to utilize an outlet structure that discharges from the surface (surface discharge is a new requirement in 2017 CGP), provide an explanation for why this is the case.
No sediment basins proposed for this project.

Sediment Basin Control 1	Approximate Installation Date or Phase	Not Applicable

Describe the sediment basin control to be installed. Sediment basins are engineered structures and must be developed by a Professional Engineer. Include any site specific basin designs in the SWPPP plan sheets.
Insert maintenance requirements for the sediment basin control. At a minimum, you must comply with following requirement in CGP Part 2.2.12 (f) "Remove accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure the basin or impoundment remains in effective operating condition."

Repeat as needed for individual sediment basin controls.

5.12 Chemical Treatment

(See CGP Parts 2.2.13 and 7.2.6)

Note: Active treatment will be used on a very small percentage of ITD projects, typically in District 1. Delete if unused.

5.13 Dewatering Practices (Typically determined by the Contractor and approved by ITD)

Insert a general description of how you will comply with CGP Part 2.4 and 7.2.6 Soil-disturbing work, including soil excavation and demolition of existing structures, below the OHW of the Weiser River will be conducted within dewatered work areas isolated from flowing waters.

Dewatering Practice 1	Approximate Installation Date or Phase: Beginning of Project
Describe the dewatering practice to be installed. If dewatering is required, a site specific dewatering plan is typically developed. Describe this detailed plan here, or insert into the corresponding SWPPP Appendix. Site specific dewatering plan(s) to be provided by Contractor and approved by the Owner/Engineer prior to implementation. Dewatering shall be in accordance with IDEQ BMP 46.	
Insert discharge and maintenance requirements for each dewatering practice. At a minimum, you must comply with the requirement in CGP Part 2.4 Site specific dewatering plan(s) to be provided by Contractor and approved by the Owner/Engineer prior to implementation. Dewatering shall be in accordance with IDEQ BMP 46.	

Repeat as needed for individual dewatering practices.

5.14 Additional Stormwater Controls

(Delete if not used)

5.15 Project Stabilization Practices

(See CGP Parts 2.2.14, 7.2.3.f.iii, and 7.2.6.b.vi)

Notes:

- Shortened stabilization requirements (7 days instead of 14 days per 2.2.14.c) may apply to the project if you've determined that your receiving water(s) is Impaired or Tier 2 in SWPPP Section 3.2.
- This section should be consistent with the summary of stabilization practices by each construction phase as previously summarized in SWPPP Section 3.4.
- Provide the estimated installation date, or phase of construction the stabilization practice will be implemented. Provide the detailed timing of grading and associated stabilization activities as they occur during construction in the Grading and Stabilization Log found in the Appendix.

Use this table if you are <u>NOT</u> located in an arid, semi-arid, or drought- stricken area.

Specific Site Stabilization Practice			
☐ Vegetative	☐ Non-Vegetative	☐ Temporary	☐ Permanent
Installation Phase or Approximate Installation Date: After POE Construction			
Describe the site stabilization practice to be installed and how it will meet the requirements of CGP Part 2.2.14 a. and b. Project will be seeded, fertilized, and tacked after reconstruction of approach roads and ditches.			
Insert maintenance requirements for the stabilization practice			

Repeat as needed for all additional site stabilization practices and/or construction phases.

Use this table if you ARE located in an arid, semi-arid, or drought- stricken area.

Specific Site Stabilization Practice
☐ Vegetative ☒ Non-Vegetative ☒ Temporary ☐ Permanent
For vegetative stabilization in arid or semi-arid areas, describe the site conditions, including seasonal dry period dates.
Date Seasonal Dry Period Begins July Date Seasonal Dry Period Ends October Installation Phase or Approximate Installation Date Begin of Project
Describe the site stabilization practice to be installed. Note how the design will meet the requirements of CGP Part 2.2.14. a and b. This work will consist of temporary fiber wattle and silt fencing around the project perimeter and wetlands.
Insert maintenance requirements for the stabilization practice. Fiber Wattles – Inspection shall be done during extended rain events, after rain events, weekly during the rainy season, and at 2-week intervals during the non-rainy season. Wattles observed to be split, torn, unraveling, or displaced will be replaced. Maintenance will be done in accordance with the Maintenance requirements of BMP No. 35. Silt Fence – Inspection shall be done periodically for damage and sediment accumulation. Sediment will be removed when it reaches one-half the height of the silt fence. Maintenance will be done in accordance with the requirements of BMP No. 36.

Specific Site Stabilization Practice
☐ Vegetative ☐ Non-Vegetative ☐ Temporary ☐ Permanent
For vegetative stabilization in arid or semi-arid areas, describe the site conditions, including seasonal dry period dates.
Date Seasonal Dry Period Begins _____ Date Seasonal Dry Period Ends _____ Installation Phase or Approximate Installation Date _____
Describe the site stabilization practice to be installed. Note how the design will meet the requirements of CGP Part 2.2.14. a and b.
Insert maintenance requirements for the stabilization practice.

Repeat as needed for all additional site stabilization practices and/or construction phases.

Stabilization Delays Due to Unforeseen Circumstances

Note: You will not be able to include this information in your initial SWPPP.

Use this table only if uncontrollable circumstances have delayed the initiation or completion of a stabilization practice such as those described in CGP Part 2.2.14.a

Site Stabilization Practice Being Delayed
☐ Vegetative ☐ Non-Vegetative ☐ Temporary ☐ Permanent

Justification

Describe the circumstances that prevent you from meeting the deadlines required in CGP Parts 2.2.14. a and b. and the schedule you will follow for initiating and completing stabilization.

Repeat as needed for any additional project stabilization delays.

Additional Note:

The Critical Path Method (CPM) schedule on many projects contains additional information on grading, stabilization, and stormwater control installation practices and timelines. The CPM schedule should be inserted in the “Grading and Stabilization Activities Log” section of the SWPPP Appendix, if applicable.

Section 6: Pollution Prevention – Good Housekeeping Standards

All staging areas, material storage/stockpile sites, source sites (excluding commercial sources), disposal/excess material/ waste sites, haul roads, temporary roads, construction entrances and exits must be approved by the Resident Engineer and have BMPs implemented prior to approved use. The contractor shall not encroach into or affect any cultural resources, endangered species or critical habitat, regulated wetlands and waters of the United States, or other environmentally sensitive areas. Attach a record of Environmental Clearance/Approval for any Contractor designated sites, including cultural/historical resources and Endangered Species Act into the corresponding SWPPP Appendix.

6.1 Potential Sources of Pollution

(See CGP Part 7.2.3.g)

Description of Construction Site Pollutants

Pollutant-Generating Activity	**Pollutants or Pollutant Constituents** that could be discharged if exposed to stormwater	**Location on Site** or reference SWPPP site map where this is shown
Soil Disturbing Activities	TSS, Sediment	Entire Project
Washout Area	Pavement, Oil	Staging Area
Portable Restroom Waste	Biological Waste	Staging Area
Vehicle Fluids	Oil	Entire Project
Off Site Mud and Dirt Tracking, including Dust	Must, Dirt, Dust	Entire Project
Solid Waste and Litter	Solids, Leachate	Entire Project

Add additional rows as needed

6.2 Spill Prevention and Response

(See CGP Parts 2.3.6 and 7.2.6.b.vii)

All ITD projects shall follow the Idaho Hazardous Materials/WMD Incident Command and Response Support Plan and ITD Incident Management Plan. In addition, a project specific Spill Plan shall be provided by the Contractor, and should be included here, or added to this SWPPP as an additional appendix**.**

Insert project specific spill plan and response procedures if applicable. Contractor to complete

Contractor should provide spill response and cleanup kits on all projects, and make all appropriate staff aware of their locations. The location of these kits should also be marked on the SWPPP maps or plan sheets.

When/where a release of a hazardous materials in an amount equal to or in excess of a reportable quantity occurs during a 24-hour period as established in accordance with the CGP and Codes of Federal Regulation requirements under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, the finding party must immediately notify the Resident Engineer upon discovery. The Resident Engineer in return will contact the National Response Center (1-800-424-8802) as well as the Idaho Communication Center (1-800-632-8000).

Per *IDEQ's 401 Certification of the 2017 CGP*, the following requirements also apply.

- Any spill of hazardous materials must be immediately reported to the appropriate DEQ regional office per (IDAPA 58.01.02.850.03).
- Spills of petroleum products that exceed 25 gallons or that cause a visible sheen on nearby surface waters should be reported to DEQ within 24-hours.
- Petroleum product spills of less than 25 gallons or spills that do not cause a sheen on nearby surface waters shall only be reported to DEQ if clean-up cannot be accomplished within 24-hours (IDAPA 58.01.02.851.04).

Outside of regular business hours, qualified spills should be reported to the State Communications Center at 1-800-632-8000 or 208-846-7610

6.3 Fueling and Maintaining Equipment or Vehicles

(See CGP Parts 2.3.1 and 7.2.6.b.vii)

Insert a general description of how you will comply with the CGP Part 2.3.1 requirement to provide an effective means of preventing and eliminating the discharge of spilled or leaked chemicals, including fuel, from the area where these activities will take place.
Fueling activities should be located at least 150' away from surface water features. If site features do not allow this minimum setback, additional controls may be necessary. Additionally, if more stringent standards are required by permitting agencies, those standards shall be met.

Fueling and Maintenance Practice 1 Approximate Installation Date or Phase Duration of Project

Describe the pollution prevention practice to be installed. If applicable, include copies of the design specifications.

Vehicles and construction equipment shall be serviced and fueled on site using a portable service truck with a portable fuel tank or temporary storage tanks. Fueling shall occur within a hazardous materials containment staging area as approved by the Owner/Engineer. Spill kits shall be staged and present onsite during fueling and maintenance activities.

Insert maintenance requirements for this pollution prevention practice.

6.4 Washing Equipment and Vehicles

(See CGP Part 2.3.2)

Insert a general description of how you will comply with CGP Part 2.3.2.
Discharge of soaps, solvents, or detergents from equipment and vehicle wash water shall be prevented by ensuring that equipment washing is performed within an isolated, controlled area and appropriate storage measures are used for these chemicals.

Washing/Cleaning Practice 1 Approximate Installation Date or Phase Duration of Project

Describe the pollution prevention practice to be installed. If applicable, include copies of the design specifications.
A designated location within the staging area shall be used for washing of equipment/ vehicles. Perimeter protection will be used along the limits of the staging area to contain sediment from runoff resulting from equipment washing. The use of soap, solvents, and degreasers will be strictly limited in use and allowed only within the designated location within the staging area. Any soil or surface material within the staging area to come into contact with soap, solvents, and degreasers will be removed from the site and taken to an acceptable hazardous materials disposal site.

Insert maintenance requirements for this pollution prevention practice.
Storage measures shall be taken to ensure soap, solvents, and degreasers are not exposed to precipitation. Storage measures shall be taken to ensure these chemicals do not come into contact with soils/ surface materials. Storage of these chemicals will be provided with cover in the form of plastic sheeting, temporary roofs, or sealed cargo containers.

6.5 Storage, Handling, and Disposal of Construction Products, Materials, and Wastes

(See CGP Parts 2.3.3. and 7.2.6.b.vii)

6.5.1 Building Products - Examples include: asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures

Insert a general description of how you will comply with CGP Part 2.3.3.a
Do not dump liquid wastes in storm sewer or waters of the U.S., dispose of liquid wastes in accordance with applicable requirements in part 2.3.3, and remove and dispose of hardened concrete waste consistent with your handling of other construction waste in part 2.3.3.

Handling/Storage/Disposal 1 Approximate Installation Date or Phase

Describe the pollution prevention practices to be installed. If applicable, include copies of the design specifications.

Staging and storage areas within or adjacent to construction sites will be located, constructed, and maintained so that no contaminated stormwater and/or non-stormwater, or dust is discharged from the site. Preventative measures to control dust may also need to be employed. Preventative and control measures may include diverting non-contaminated stormwater runoff, as well as collecting, conveying, impounding, storing, treating, and containing contaminated stormwater within or adjacent to construction sites. An excavated, contained area or similar space may be needed to capture material from leaks, spills or wash-down water. Additionally, enclosures or covers over equipment, material sites, or hazardous material storage areas may be needed to prevent stormwater from coming into contact with the equipment or materials. Transportation and storage of hazardous materials shall include proper packaging, marking, labeling, and placarding. No hazardous materials or waste shall be buried, burned, disposed, or discharged from the project site. Solid waste management procedures and practices are designed to minimize or eliminate the discharge of pollutants to the drainage system or watercourses as a result of the creation, stockpiling, or removal of construction site wastes.
Insert maintenance requirements for this pollution prevention practice. Provide temporary cover over products to prevent contact with rainwater. Dispose of building products according to regulations and disposal requirements.

Repeat as needed for individual pollution prevention practices.

6.5.2 Pesticides, Herbicides, Insecticides, Fertilizers, and Landscape Materials

Insert a general description of how you will comply with CGP Part 2.3.3.b Overuse or improper disposal of Pesticides, Herbicides, Insecticides, Fertilizers, and Landscape Materials can lead to pollution of storm water runoff. Best management practices can eliminate the potential for contamination.

Handling/Storage/Disposal 1	Approximate Installation Date or Phase	Duration of Project
Describe the pollution prevention practice to be installed. If applicable, include copies of the design specifications. Ongoing while materials are onsite.		
Insert maintenance requirements for this pollution prevention practice. Provide temporary cover over products to prevent contact with rainwater. Apply products according to product manufacturer's recommendations. Follow disposal requirements listed on product labels.		

Repeat as needed for individual pollution prevention practices.

6.5.3 Diesel Fuel, Oil, Hydraulic Fluids, Other Petroleum Products, and Other Chemicals

Insert a general description of how you will comply with CGP Part 2.3.3.c Good housekeeping BMPs shall be followed for storage, handling, disposal, and spill containment of fuels and other chemicals.

Handling/Storage/Disposal 1	Approximate Installation Date or Phase	Duration of Project
Describe the pollution prevention practice to be installed. If applicable, include copies of the design specifications. Ongoing while materials are onsite.		
Insert maintenance requirements for the pollution prevention practice Store fuels and chemicals in water-tight containers and provide cover over products to prevent contact with rainwater. Keep spill kits on site and clean up spills immediately using dry cleanup methods when possible.		

Repeat as needed for individual pollution prevention practices.

6.5.4 Hazardous or Toxic Waste

(Examples include paints, solvents, petroleum-based products, wood preservatives, additives, curing compounds, acids.)

Insert a general description of how you will comply with CGP Part 2.3.3.d Properly storing and disposing of hazardous and toxic wastes can prevent potential contamination of site runoff

Handling/Storage/Disposal 1	Approximate Installation Date or Phase	Duration of Project

Describe the pollution prevention practice to be installed. If applicable, include copies of the design specifications. Separate hazardous or toxic waste from construction and domestic waste. Store wastes in sealed containers constructed of suitable materials to prevent leakage and corrosion. Store all containers within a secondary containment area. Cover containers to prevent contact with rainwater. Dispose of hazardous or toxic wastes according to manufacturer's recommendations or governmental regulations. Keep spill kits on site and clean up spills immediately using dry cleanup methods when possible.
Insert maintenance requirements for the pollution prevention practice Install cover over products and secondary containment when left outside or exposed to rainwater. Clean up spills immediately.

Repeat as needed for individual pollution prevention practices.

6.5.5 Construction and Domestic Waste

(Examples include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, Styrofoam, hardened concrete, and other trash or building materials.)

Insert a general description of how you will comply with CGP Part 2.3.3.e Provide waste containers for disposal of construction and domestic wastes.

Handling/Storage/Disposal 1	Approximate Installation Date or Phase	Duration of Project
Describe the pollution prevention practice to be installed. If applicable, include copies of the design specifications. Maintain throughout construction activities		
Insert maintenance requirements for the pollution prevention practice. Empty receptacles regularly to prevent overflowing.		

Repeat as needed for individual pollution prevention practices.

6.5.6 Sanitary Waste

Insert a general description of how you will comply with CGP Part 2.3.3.f. Position portable toilets so they are secure and cannot be tipped, knocked, or blown over. Provide secondary containment around portable toilets to contain possible spills.

Sanitary Waste Practice 1	Approximate Installation Date or Phase	Duration of Project
Describe the pollution prevention practice to be installed. If applicable, include copies of the design specifications. Sanitary and Septic Waste procedures and practices are used to minimize or eliminate the discharge of construction site sanitary/septic waste materials to the storm drain system or to watercourses. Sanitary/septic waste management practices are implemented on all construction sites that use temporary or portable sanitary/septic waste systems. Temporary portable toilets from an approved licensed sanitary waste company shall be used during the duration of the project and maintained and cleaned as needed. Portable toilets shall be located at designated staging areas and have secondary containment in case of a leak, spill, or discharge. All sanitary waste will be collected from the portable units a minimum twice per week. Placement and removal of all portable toilets shall be the responsibility of the Contractor.		
Insert maintenance requirements for the pollution prevention practice. Properly dispose of waste per scheduled maintenance		

Repeat as needed for individual pollution prevention practices.

6.6 Washing Applicators and Containers used for Paint, Concrete or Other Materials

(See CGP Parts 2.3.4 and 7.2.6.b.vii)

Insert a general description of how you will comply with CGP Part 2.3.4 Direct wash water into a leak-proof container or leak-proof and lined pit designed so that no overflows can occur due to inadequate sizing or precipitation.

Washing/Disposal Practice 1	Approximate Installation Date or Phase	Duration of Project
Describe the pollution prevention practice to be installed. If applicable, include copies of the design specifications. Washing of Applicators and Containers		
Insert maintenance requirements for the pollution prevention practice Do not dump liquid wastes in storm sewers or waters of the U.S., dispose of liquid wastes in accordance with applicable requirements in part 2.3.3, and Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in part 2.3.3.		

Repeat as needed for individual pollution prevention practices.

6.7 Fertilizers

(See CGP Parts 2.3.5 and 7.2.6.b.ix)

Insert a general description of how you will comply with CGP Part 2.3.5 Apply at a rate and in amounts consistent with manufacturer's specifications, or document in the SWPPP departures from the manufacturer specifications where appropriate in accordance with part 7.2.6.b.ix.

Pollution Prevention Practice 1	Approximate Installation Date or Phase	End of Project
Describe the pollution prevention practice to be installed. If applicable, include copies of the design specifications. Avoid applying before heavy rains that could cause excess nutrient to be discharged.		
Insert maintenance requirements for the pollution prevention practice Follow all other federal, state, tribal, and local requirements regarding fertilizer application.		

Repeat as needed for individual pollution prevention practices.

6.8 Additional Pollution Prevention Practices

(Delete if not used)

Insert a general description of the problem this control is designed to address.

Practice 1	Approximate Installation Date or Phase	
Describe the pollution prevention practice to be installed. If applicable, include copies of the design specifications.		
Insert maintenance requirements for the pollution prevention practice		

Repeat as needed for individual pollution prevention practices.

Section 7: Inspections, Corrective Actions, SWPPP Modifications, and Violation Reporting

7.1 Inspection Personnel and Procedures

On ITD projects, the ITD environmental inspector and the Contractor's Water Pollution Control Manager are responsible for stormwater compliance inspections and SWPPP implementation and recordkeeping. These members of the Stormwater Team are listed in SWPPP Section 2.

Form ITD 2802, Stormwater Compliance Inspection, and the accompanying Instructions and Inspection Procedures, provide detailed information on roles and responsibility, as well as inspection procedures. Include a copy of the most recent version of these ITD documents in the corresponding SWPPP Appendix for reference.

Inspection Schedule

Insert project inspection schedule based on CGP Parts 4.2, 4.3, or 4.4, whichever applies. This may change throughout the lifetime of the project. Document the updated frequency here for each change, including the date of the change, and include the record of each certified SWPPP modification for these changes in the Appendix.

1. At least once every seven (7) calendar days
2.
3.
4.
5.

Repeat as needed for any additional frequency changes.

Projects Normal Work Schedule/Working Hours

Insert project work schedule in days and hours based on requirement to inspect during *projects normal working hours* in CGP Parts 4.2, 4.3, or 4.4. This may change throughout the lifetime of the project. Document the updated work schedule here for each major change, including the dates of the changes. Also include the record of each major work schedule change as a certified SWPPP modification record in the corresponding SWPPP Appendix.

Normal Work Schedule	Applicable Dates
1.	
2.	
3.	
4.	

Reductions in Inspection Frequency (if applicable)

For Stabilized Areas:

For the reduction in inspections resulting from stabilization, specify the location and completion dates of stabilization steps (see CGP Part 4.4.1). It is likely that you will not be able to include this in your initial SWPPP. These stabilized areas should match what is being documented in the Grading and Stabilization Activities Log in corresponding SWPPP Appendix.

Location Where Stabilization Steps Have Been Completed	Applicable Dates
1.	
2.	
3.	
4.	

Repeat as needed for any additional stabilized areas.

Increase in Inspection Frequency for Dewatering

Dewatering discharges:

Indicate locations for dewatering discharges that will require daily inspections and the approximate dates that discharges will begin and end.

Location Where Dewatering Will Be Discharged	Applicable Dates
1.	
2.	
3.	
4.	

For Arid, Semi-Arid Areas or Drought-Stricken Areas – N/A ☒

For the reduction in inspection frequencies in arid, semi-arid, or drought-stricken areas, insert beginning and ending dates of the seasonally dry period on your site. It is likely that you will not be able to include this in your initial SWPPP. If you qualify for this inspection frequency reduction (see CGP Part 4.4.2), document in the inspection frequency table above, and you will need to modify your SWPPP to include this information.

Beginning Date of Seasonally Dry Period _____ Ending Date of Seasonally Dry Period _____

For Frozen Conditions – N/A ☐

For the reduction in inspections due to 3 months (minimum) of continuously frozen conditions, insert beginning and ending dates of the frozen period for your site. It is likely that you will not be able to include this in your initial SWPPP. If you qualify for this inspection frequency reduction (see CGP Part 4.4.3), document in the inspection frequency table above, and you will need to modify your SWPPP to include this information.

Beginning Date of Frozen Period _____ Ending Date of Frozen Period _____

Repeat as needed for multiple construction season frozen periods.

Rain Gauge Location and Information (See CGP Part 4.2.2, 4.3, or 4.4)

Specify location(s) of rain gauge to be used for determining whether a rain event of 0.25 inches or greater has occurred. If using information from a web-based station representative of your project location, provide the information for that station.

Weiser, ID.

7.2 Corrective Actions

Describe the procedures for taking corrective action in compliance with CGP Part 5 and 7.2.7

Procedures for completing Corrective Actions and associated recordkeeping requirements are described in ITDs 2802 Instructions and Inspection Procedures and in the Construction General Permit Contract Special Provision for this project. See corresponding SWPPP Appendices for required documentation, recordkeeping, and signatory records.

7.3 SWPPP Modifications

Describe the procedures for making SWPPP Modifications in compliance with CGP Part 7.4

Procedures for completing SWPPP Modifications and associated recordkeeping requirements are described in ITDs 2802 Instructions and Inspection Procedures and in the Construction General Permit Contract Special Provision for this project. See corresponding Appendices for processes and procedures for making SWPPP Modifications, required documentation, recordkeeping, and signatory records.

7.4 Reportable CGP Violations

CGP Part 9.12 and Part 5 include information describing CGP noncompliance reporting requirements. On ITD projects, the contract documents specify that the Contractor's Water Pollution Control Manager is required to provide verbal notification to the Engineer immediately when a reportable violation occurs, and within 24 hours in writing using the ITD Form 2790. Insert a copy of written Notice of Potential Violation into the corresponding SWPPP Appendix.

7.5 Delegation of Authority

On ITD projects, all Operators who file a Notice of Intent must certify the project SWPPP in Section 9. CGP Part 9 includes detailed information regarding signatory requirements. If the person who will be signing inspection reports, corrective action reports, and SWPPP modifications is different than the person who certified the original SWPPP in Section 9, insert a copy of the completed and signed delegation of authority form into the corresponding SWPPP Appendix.

Section 8: Recordkeeping and Training

8.1 Training Requirements
(See CGP Part 6)

On ITD projects, the ITD Environmental Inspector(s) must have a current NPDES Inspector Qualification based on completion of ITD courses 3.07 or 3.09, the NPDES Stormwater for Construction Staff/Inspector Initial Qualification Course or its subsequent Refresher Course.

The Contractor's WPCM(s) must have a current Water Pollution Control Manager Qualification based on attendance of an ITD approved, AGC provided WPCM course, or EPA.

Both these training courses meet the staff training requirement of CGP Part 6, and the Qualified Person as defined in CGP Part 6.3. Insert certificates documenting course completion into the SWPPP Appendix.

You are not required to provide or document formal training for subcontractors or other outside service providers, but must ensure that such personnel understand any requirements of the permit that may be affected by the work they are subcontracted to perform. If informal training, or tailgate trainings are completed and you'd like to document their completion, complete the ITD Form 2958 and include a copy in the SWPPP Appendix.

8.2 Construction General Permit

Insert a complete copy of the 2022 Construction General Permit in the SWPPP Appendix. Use two sided printing to minimize space.

8.3 Notice of Intent and IDEQ Acknowledgment Letters

ITD, the Contractor, and any applicable local or 3rd party Operator filing an NOI should include a copy of their complete Notice of Intent, IDEQ Acknowledgment Letters, as well as Notices of Termination (NOTs) in the SWPPP Appendix.

Section 9: SWPPP Certification

(See CGP Appendix I, Part I.11.4)

LHTAC Certification Statement

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name (printed)	Title	Signature	Date
Karissa Nelson	LHTAC Environmental Engineer		

Prime Contractor Certification Statement

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name (printed)	Title	Signature	Date

Repeat as needed for additional operators at the site. Any operator with permit coverage for this project needs to certify the SWPPP.

SWPPP Appendices

Appendix A – Site Maps

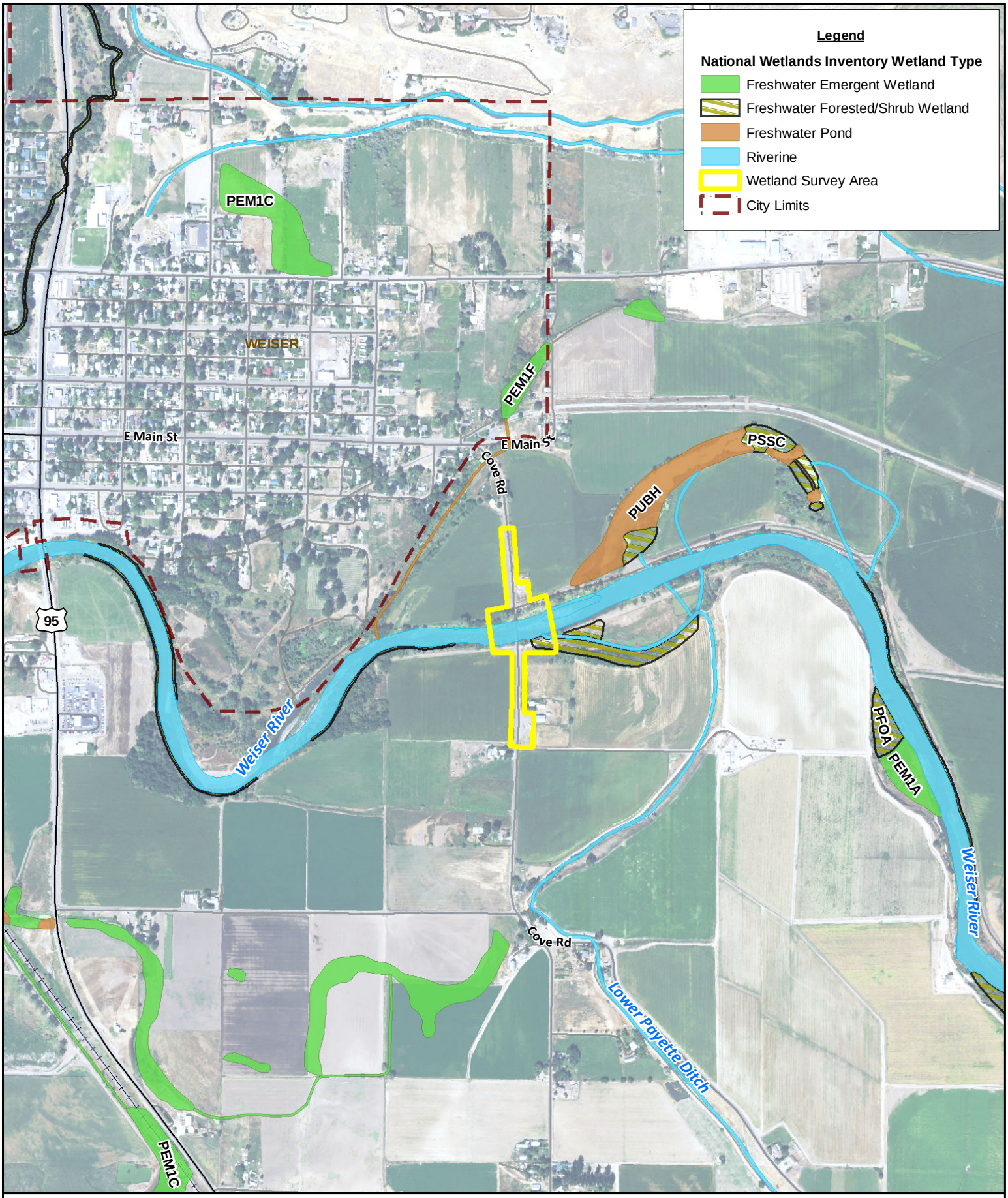
See SWPPP Section 3.6, CGP 7.2.4 for required Site Map details. Based on recommendations from EPA Inspectors, in addition to CGP requirements, it is recommended that the Contractor show locations of spill response and cleanup kits on the site maps. Include ITD Standard Drawings for Applicable BMPs.



Figure 1. Vicinity Map
Cove Road Bridge Replacement, Weiser, Washington County, Idaho
Project No. A019(129)
Key No. 19129

Imagery: 2017 NAIP, 1 Meter Resolution
Source: USDA/NRCS Digital Gateway
Other Data Sources: Idaho Geospatial Clearinghouse (INSIDE Idaho); USGS; US Fish & Wildlife Service

Map Date: 11/12/2018
Document: Q:\ITD\CoveRd\Work_in_Progress\map_docs\Vicinity_LetPort.mxd

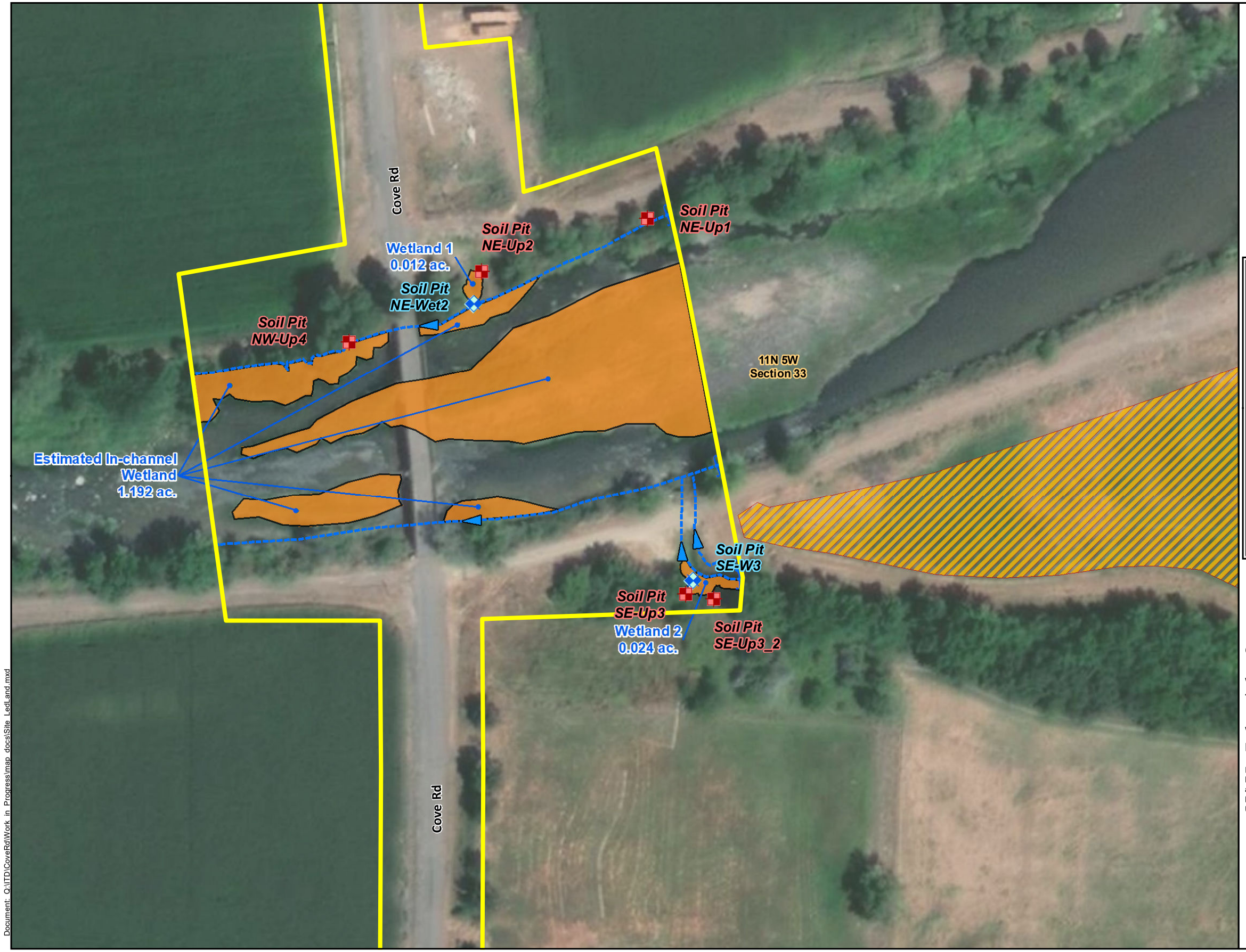


Appendix D. National Wetland Inventory (NWI) Map
Cove Road Bridge Replacement, Weiser, Washington County, Idaho
Project No. A019(129)
Key No. 19129

Imagery: 2017 NAIP, 1 Meter Resolution
Source: USDA/NRCS Digital Gateway
Other Data Sources: Idaho Geospatial Clearinghouse (INSIDE Idaho); USGS; US Fish & Wildlife Service

Map Date: 10/31/2018
Document: Q:\ITD\CoveRd\Work_in_Progress\map_docs\Vicinity_LetPort.mxd

0 1,000 2,000
Feet



Legend

- Upland Soil Pit
- Wetland Soil Pit
- Ordinary High Water (OHWM) Mark Location/ Direction of Flow

2018 Wetland Delineation

- Emergent Marsh
- Constructed Emergent Marsh Wetland Outside Survey Area
- Wetland Survey Boundary

Wetland Name	Delineation Units
Emergent	**Acres**
Wetland 1	0.012
Wetland 2	0.024
Estimated In-Channel Wetland	1.192
Total Emergent	**1.228**
Stream	**Linear Feet**
Weiser River	511.82
Lower Payette Ditch	138.52
Total Stream	**650.34**

0 100 200
Feet

Owner/Applicant: Washington County

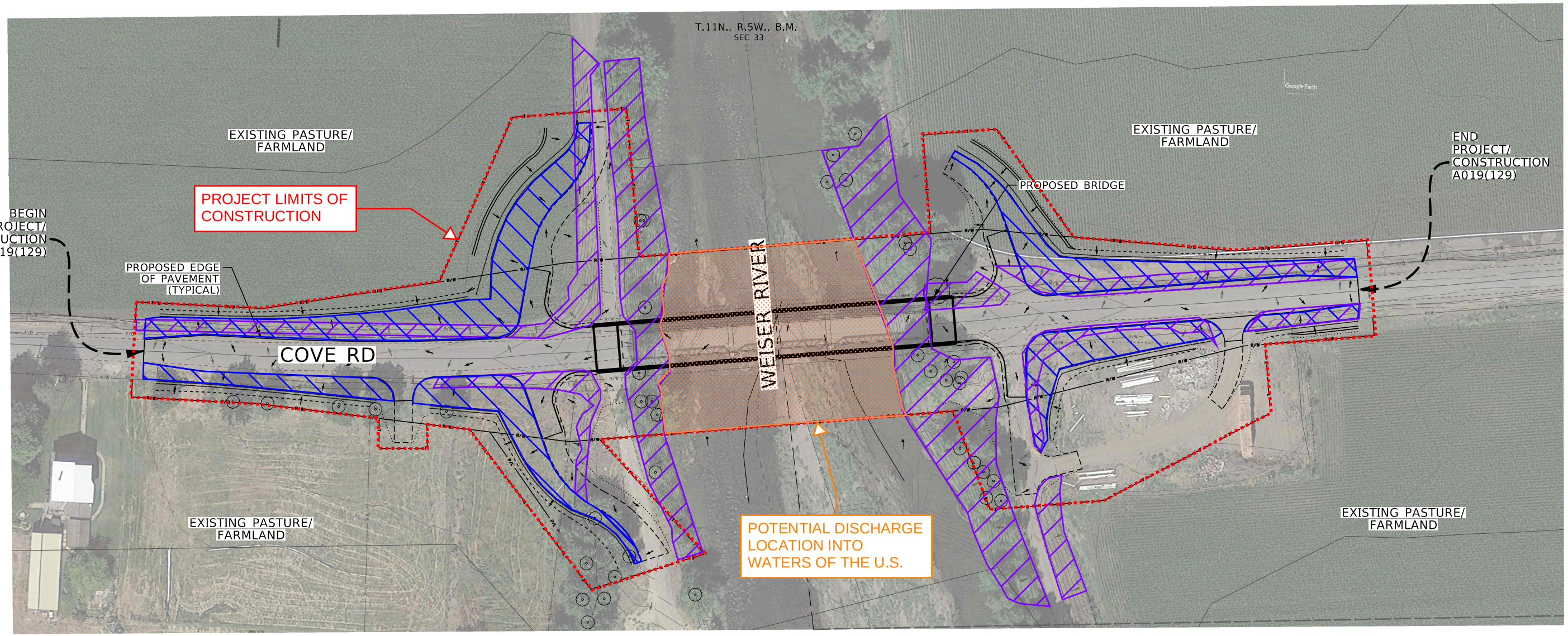
Wetlands Location
Township 11 North, Range 5 West,
Sections 4
Washington County, Idaho
Map Production Date: 3/4/2019

Imagery: ESRI World Imagery, 7/2017; Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Data Sources: Idaho Geospatial Clearinghouse (INSIDE Idaho); USGS; US Fish and Wildlife; US Census Bureau; Bureau of Land Management

Appendix A
Wetlands and Ordinary High Water Mark (OHWM) Delineation Map, April 2018
Cove Road Bridge Replacement Project
Washington County, Idaho
Project No. A019(129)
Key No. 19129

Document: Q:\ITD\CoveRd\Work_in_Progress\map_docs\Site_LedLand.mxd

Cove Road Bridge, Washington Co.
Construction Vicinity Map
Project No. A019(129)
Key No. 19129



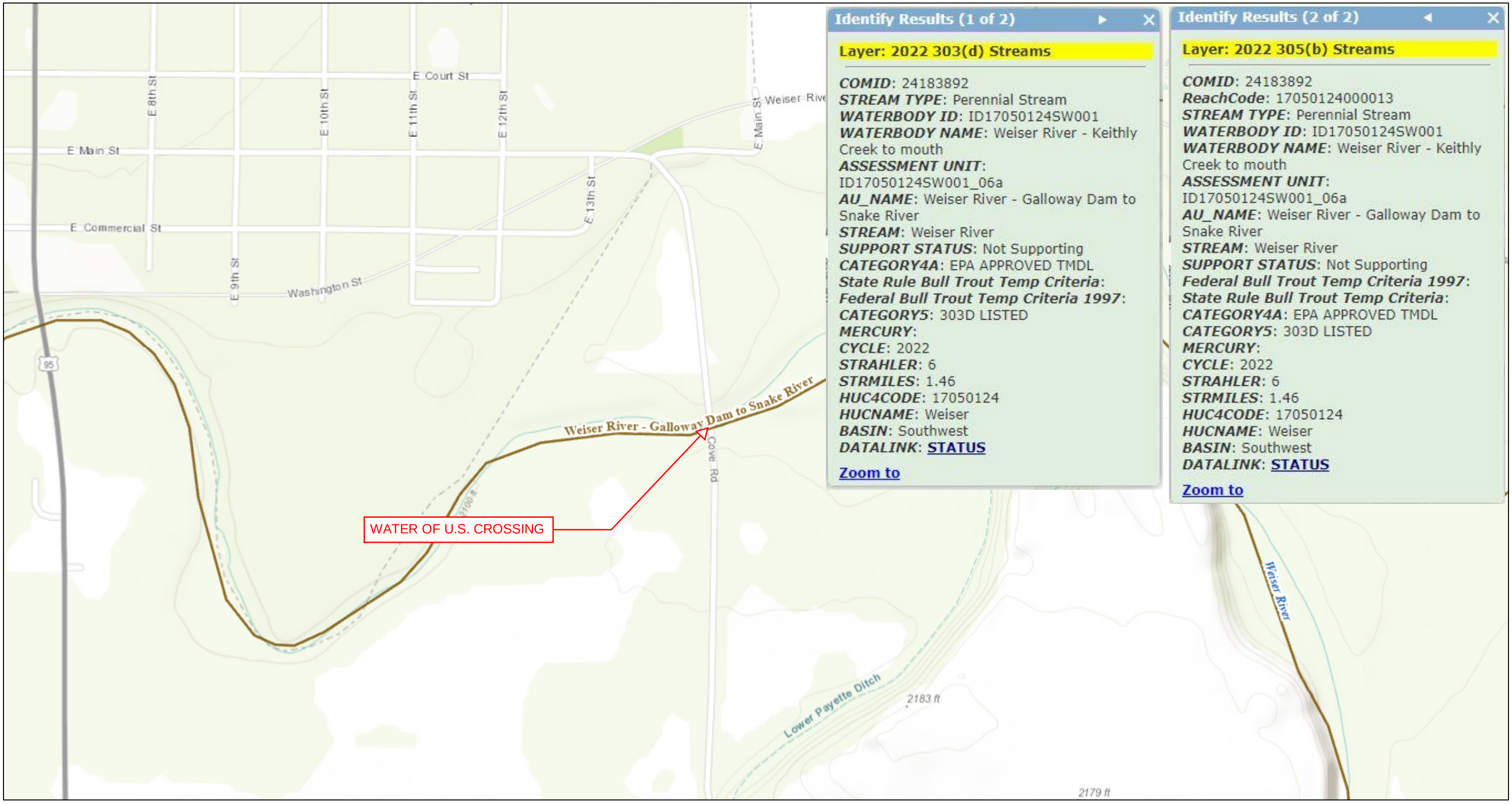
50 0 100 200

LEGEND

- PRE-CONSTRUCTION DIRECTION OF WATER FLOW
- POST-CONSTRUCTION DIRECTION OF WATER FLOW
- PRE-CONSTRUCTION CONDITIONS STEEP SLOPE
- POST-CONSTRUCTION CONDITIONS STEEP SLOPE

4/28/2023 8:42:59 AM

Idaho DEQ Final 2022 305B Integrated Report



October 5, 2022

1:9,028

0 0.1 0.2 0.4 mi

0 0.175 0.35 0.7 km

IDEQ Strm Monitoring (BURP)
- Not Monitored
- River
- Stream
- 4th Field HUCS (Idaho)
- Mercury Impaired Lakes

- Not Supporting(Cat 5)
- Not Supporting (Cat5)

2022 305(b) Lakes
- Fully Supporting(Cat1,2)
- Not Assessed(Cat3)
- Not Supporting(Cat4a,4b,4c,5)

- Tribal Waters (Cat 3t)
- Not Supporting (Cat5)

2022 305(b) Lakes
- Fully Supporting(Cat 1,2)
- Not Assessed(Cat 3)
- Not Supporting(Cat 4a,4b,4c,5)

- Not Supporting(Cat 5)

2022 305(b) Streams
- Fully Supporting(Cat 1,2)
- Not Assessed(Cat 3)
- Not Supporting(Cat 4a,4b,4c,5)
- Tribal Waters (Cat 3t)

2020 305B Streams
- Fully Supporting(Cat1,2)
- Not Assessed(Cat3)
- Not Supporting(Cat4a,4b,4c,5)

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community
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Map Courtesy of IDEQ's 305B Integrated Report
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SUBBASIN

17050124 - Weiser

ASSESSMENT UNIT STATUS REPORT 2022

Assessment Unit ID: ID17050124SW001_06a

Assessment Unit Name: Weiser River - Galloway Dam to Snake River

Assessment Unit Type: RIVER

Assessment Unit Size: 16.98 Miles

Assessment Date: 2021-04-16

This Assessment Unit is in Multiple Categories: 5, 4A

Assessed Beneficial Use	Assessed Date	User Flag	Support Status	Parameter	Parameter Status	TMDL ID	Category
Cold Water Aquatic Life	04-16-2021	DESIGNATED	Not Supporting	SEDIMENTATION/SILTATION	Not meeting criteria	31999	4a
Cold Water Aquatic Life	04-16-2021	DESIGNATED	Not Supporting	TEMPERATURE	Not meeting criteria	31999	4a
Primary Contact Recreation	07-23-2015	DESIGNATED	Not Supporting	ESCHERICHIA COLI (E. COLI)	Not meeting criteria		5

Unassessed Beneficial Uses	User Flag
Aesthetic	DESIGNATED
Agricultural Water Supply	DESIGNATED
Domestic Water Supply	DESIGNATED
Industrial Water Supply	DESIGNATED
Wildlife Habitat	DESIGNATED

Beneficial Use Comments

Cold Water Aquatic Life

04/16/2021 (EW): Four Hg samples were taken by USGS (site 13267410) between 2018-2020. The samples met applicable criteria, but because there are so few samples the data are considered insufficient to assess beneficial uses. The Cold Water Aquatic Life (CWAL) use in this assessment unit is associated with temperature and sedimentation/siltation impairments and will remain Not Supporting.

⊞ Monitoring (Historical) WBAG II (1993 - 2011) Show

BURP Monitoring (Historical) WBAG II (1993 - 2011)

BURPID	STREAM	ELEV(ft)	LATITUDE	LONGITUDE	SMIScore	SFIScore	SHIScore	AVGScore
1998RBOIP001	Weiser River	2152	44.23605	-116.85660				Dry/Inaccessible/WBAGII Not Scored

Cause Comments

ESCHERICHIA COLI (E. COLI)

7/24/2015 (MH) - E. coli sampling in the Weiser River produced a geomean of 311 cfu/100 mL, which exceeds the 126 cfu/100 mL criterion value. Individual samples ranged from 228 - 435 cfu/100 mL and were collected 6/29/2015 through 7/16/2015 with 3-7 days between samples.

APPROVED TMDLS

EPA TMDL ID	EPA APPROVED TMDL	TMDL CAUSE	APPROVAL DATE
31999	WEISER RIVER WATERSHED SUBBASIN TMDL	SEDIMENTATION/SILTATION	Jan 19, 2007
31999	WEISER RIVER WATERSHED SUBBASIN TMDL	TEMPERATURE	Jan 19, 2007

2018-2020 STATUS 2016 STATUS

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Query Executed On: Wednesday, October 5, 2022

Appendix B – Copy of 2022 Construction General Permit

- Insert a copy of the 2022 CGP printed double sided or two sheets per page for space saving purposes.

National Pollutant Discharge Elimination System (NPDES)
Construction General Permit (CGP) for Stormwater Discharges from Construction Activities

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et. seq., (hereafter CWA), as amended by the Water Quality Act of 1987, P.L. 100-4, "operators" of construction activities (defined in Appendix A) that meet the requirements of Part 1.1 of this National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP), are authorized to discharge pollutants in accordance with the effluent limitations and conditions set forth herein. Permit coverage is required from the "commencement of construction activities" (see Appendix A) until one of the conditions for terminating CGP coverage has been met (see Part 8.2).

This permit becomes effective on 12:00 am, February 17, 2022.

This permit and the authorization to discharge expire at 11:59pm, February 16, 2027.

Signed and issued this 18 day of January 2022

DEBORAH SZARO
Digitally signed by DEBORAH SZARO
Date: 2022.01.18 08:31:14 -05'00'

Deborah Szaro,
Acting Regional Administrator, EPA Region 1.

Signed and issued this 18 day of January 2022

JAVIER LAUREANO
Digitally signed by JAVIER LAUREANO
Date: 2022.01.18 11:21:16 -05'00'

Javier Laureano,
Director, Water Division, EPA Region 2.

Signed and issued this 18 day of January 2022

CARMEN GUERRERO PEREZ
Digitally signed by CARMEN GUERRERO PEREZ
Date: 2022.01.18 10:19:51 -04'00'

Carmen Guerrero-Perez,
Director, Caribbean Environmental Protection Division, EPA Region 2.

Signed and issued this 18 day of January 2022

CATHERINE LIBERTZ
Digitally signed by CATHERINE LIBERTZ
Date: 2022.01.18 12:05:24 -05'00'

Catherine A. Libertz,
Director, Water Division, EPA Region 3.

Signed and issued this 18 day of January 2022

JEANEANNE GETTLE
Digitally signed by JEANEANNE GETTLE
Date: 2022.01.18 13:09:48 -05'00'

Jeaneanne Gettle,
Director, Water Division, EPA Region 4.

Signed and issued this 18 day of January 2022

Digitally signed by TERA FONG
Date: 2022.01.18 13:03:49 -06'00'

Tera Fong,
Director, Water Division, EPA Region 5.

Signed and issued this 18 day of January 2022

CHARLES MAGUIRE
Digitally signed by CHARLES MAGUIRE
DN: c=US, o=U.S. Government, ou=Environmental Protection Agency, cn=CHARLES MAGUIRE, 0.9.2342.19200300.100.1.1=68001003650036
Date: 2022.01.18 14:06:55 -06'00'

Charles W. Maguire,
Director, Water Division, EPA Region 6.

Signed and issued this 18 day of January 2022

JEFFERY ROBICHAUD
Digitally signed by JEFFERY ROBICHAUD
Date: 2022.01.18 14:41:37 -06'00'

Jeffery Robichaud,
Director, Water Division, EPA Region 7.

Signed and issued this 18 day of January 2022

DARCY OCONNOR
Digitally signed by DARCY OCONNOR
Date: 2022.01.18 14:00:05 -07'00'

Darcy O'Connor,
Director, Water Division, EPA Region 8.

Signed and issued this 18 day of January 2022

TOMAS TORRES
Digitally signed by TOMAS TORRES
Date: 2022.01.18 13:30:16 -08'00'

Tomás Torres,
Director, Water Division, EPA Region 9.

Signed and issued this 18 day of January 2022

DANIEL OPALSKI
Digitally signed by DANIEL OPALSKI
Date: 2022.01.18 15:10:20 -08'00'

Daniel D. Opalski,
Director, Water Division, EPA Region 10.

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1 HOW TO OBTAIN COVERAGE UNDER THE CONSTRUCTION GENERAL PERMIT (CGP)

To be covered under this permit, you must meet the eligibility conditions and follow the requirements for obtaining permit coverage in this Part.

1.1 ELIGIBILITY CONDITIONS

1.1.1 You are an "operator" of a construction site for which discharges will be covered under this permit. For the purposes of this permit and in the context of stormwater discharges associated with construction activity, an "operator" is any party associated with a construction project that meets either of the following two criteria:

a. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

b. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

Where there are multiple operators associated with the same project, all operators must obtain permit coverage.[1] Subcontractors generally are not considered operators for the purposes of this permit.

1.1.2 Your site's construction activities:

a. Will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale (as defined in Appendix A) that will ultimately disturb one or more acres of land; or

b. Have been designated by EPA as needing permit coverage under 40 CFR § 122.26(a)(1)(v) or 40 CFR § 122.26(b)(15)(ii);

1.1.3 Your site is located in an area where EPA is the permitting authority and where coverage under this permit is available (see Appendix B);

1.1.4 Discharges from your site are not:

a. Already covered by a different NPDES permit for the same discharge; or

b. In the process of having coverage under a different NPDES permit for the same discharge denied, terminated, or revoked.[2, 3]

1.1.5 You can demonstrate you meet one of the criteria in the Endangered Species Protection section of the Notice of Intent (NOI) that you submit for coverage under this permit, per Part 1.4, with respect to the protection of Federally listed endangered or threatened species and Federally designated critical habitat under the Endangered Species Act

[1] If the operator of a "construction support activity" (see Part 1.2.1c) is different than the operator of the main site, that operator must also obtain permit coverage. See Part 7.1 for clarification on the sharing of permit-related functions between and among operators on the same site and for conditions that apply to developing a SWPPP for multiple operators associated with the same site.

[2] Parts 1.1.4a and 1.1.4b do not include sites currently covered under the 2017 CGP that are in the process of obtaining coverage under this permit, nor sites covered under this permit that are transferring coverage to a different operator.

[3] Notwithstanding a site being made ineligible for coverage under this permit because it falls under the description of Parts 1.1.4a or 1.1.4b, above, EPA may waive the applicable eligibility requirement after specific review if it determines that coverage under this permit is appropriate.

(ESA). If the EPA Regional Office grants you a waiver from electronic reporting per Part 1.4.2, you must complete the ESA worksheet in Appendix D to demonstrate you meet one of the criteria and submit it with your paper NOI (Appendix I).

1.1.6 You have completed the screening process in Appendix E relating to the protection of historic properties; and

1.1.7 You have complied with all requirements in Part 9 imposed by the applicable State, Indian Tribe, or Territory in which your construction activities and/or discharge will occur.

1.1.8 For "new sources" (as defined in Appendix A) only:

a. EPA has not, prior to authorization under this permit, determined that discharges from your site will not meet applicable water quality standards. Where such a determination is made prior to authorization, EPA may notify you that an individual permit application is necessary. However, EPA may authorize your coverage under this permit after you have included appropriate controls and implementation procedures designed to bring your discharge into compliance with this permit, specifically the requirement to meet water quality standards. In the absence of information demonstrating otherwise, EPA expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3, will result in discharges that meet applicable water quality standards.

b. Discharges from your site to a Tier 2, Tier 2.5, or Tier 3 water[4] will not lower the water quality of the applicable water. In the absence of information demonstrating otherwise, EPA expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3.2, will result in discharges that will not lower the water quality of such waters.

1.1.9 If you plan to add "cationic treatment chemicals" (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, you may not submit your NOI until you notify your applicable EPA Regional Office (see Appendix J) in advance and the EPA Regional Office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will result in discharges that meet applicable water quality standards.

[4] Note: Your site will be considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first receiving water to which you discharge is identified by a State, Tribe, or EPA as a Tier 2, Tier 2.5, or Tier 3 water. For discharges that enter a storm sewer system prior to discharge, the first receiving water to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system. The current list of Tier 2, Tier 2.5, and Tier 3 waters located in the areas eligible for coverage under this permit can be found at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates. You can also use EPA's Discharge Mapping Tool (https://www.epa.gov/npdes/epas-stormwater-discharge-mapping-tools) to assist you in identifying whether any receiving waters to which you discharge are listed as impaired (and the pollutant for which it is impaired) and whether an approved total maximum daily load (TMDL) exists for that waterbody.

1.2 TYPES OF DISCHARGES AUTHORIZED[5]

1.2.1 The following stormwater discharges are authorized under this permit provided that appropriate stormwater controls are designed, installed, and maintained (see Parts 2 and 3):

- **a.** Stormwater discharges, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity under 40 CFR § 122.26(b)(14) or § 122.26(b)(15)(i);
- **b.** Stormwater discharges designated by EPA as needing a permit under 40 CFR §122.26(a)(1)(v) or § 122.26(b)(15)(ii);
- **c.** Stormwater discharges from on or off-site construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that:
  - **i.** The support activity is directly related to the construction site required to have permit coverage for stormwater discharges;
  - **ii.** The support activity is not a commercial operation, nor does it serve multiple unrelated construction sites;
  - **iii.** The support activity does not continue to operate beyond the completion of the construction activity at the site it supports; and
  - **iv.** Stormwater controls are implemented in accordance with Part 2 and Part 3 for discharges from the support activity areas; and
- **d.** Stormwater discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining.

1.2.2 The following non-stormwater discharges associated with your construction activity are authorized under this permit provided that, with the exception of water used to control dust and to irrigate vegetation in stabilized areas, these discharges are not routed to areas of exposed soil on your site and you comply with any applicable requirements for these discharges in Parts 2 and 3:

- **a.** Discharges from emergency fire-fighting activities;
- **b.** Fire hydrant flushings;
- **c.** Landscape irrigation;
- **d.** Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
- **e.** Water used to control dust;
- **f.** Potable water including uncontaminated water line flushings;

[5] See "Discharge" as defined in Appendix A. Note: Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA Section 402(k) by disclosure to EPA, State, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the SWPPP, or during an inspection.

g. External building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances (as defined in Appendix A) (e.g., paint or caulk containing polychlorinated biphenyls (PCBs));

h. Pavement wash waters, provided spills or leaks of toxic or hazardous substances have not occurred (unless all spill material has been removed) and where soaps, solvents, and detergents are not used. You are prohibited from directing pavement wash waters directly into any receiving water, storm drain inlet, or constructed or natural site drainage features, unless the feature is connected to a sediment basin, sediment trap, or similarly effective control;

i. Uncontaminated air conditioning or compressor condensate;

j. Uncontaminated, non-turbid discharges of ground water or spring water;

k. Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water; and

l. Uncontaminated construction dewatering water[6] discharged in accordance with Part 2.4.

1.2.3 Also authorized under this permit are discharges of stormwater listed above in Part 1.2.1, or authorized non-stormwater discharges listed above in Part 1.2.2, commingled with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.

1.3 PROHIBITED DISCHARGES[7]

The discharges listed in this Part are prohibited outright or authorized only under the identified conditions. To prevent the discharges in Parts 1.3.1 through 1.3.5, operators must comply with the applicable pollution prevention requirements in Part 2.3 or ensure the discharge is authorized by another NPDES permit consistent with Part 1.2.3 for commingled discharges.

1.3.1 Wastewater from washout of concrete, unless managed by an appropriate control as described in Part 2.3.4;

1.3.2 Wastewater from washout and/or cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;

1.3.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;

1.3.4 Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown; and

1.3.5 Toxic or hazardous substances from a spill or other release.

[6] EPA notes that operators may need to comply with additional procedures to verify that the dewatering discharge is uncontaminated. Operators should review Part 9 to determine if any of these requirements apply to their discharge and should ensure that they have complied with any State, Tribal, or local dewatering requirements that apply.

[7] EPA includes these prohibited non-stormwater discharges here as a reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2. Any unauthorized non-stormwater discharges must be covered under an individual permit or alternative general permit.

1.4 SUBMITTING YOUR NOTICE OF INTENT (NOI)

All "operators" (as defined in Appendix A) associated with your construction site who meet the Part 1.1 eligibility conditions, and who seek coverage under this permit, must submit to EPA a complete and accurate NOI in accordance with the deadlines in Table 1 prior to commencement of construction activities (as defined in Appendix A).

Exception: If you are conducting construction activities in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services), and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services, you may discharge on the condition that a complete and accurate NOI is submitted within 30 calendar days after commencing construction activities (see Table 1) establishing that you are eligible for coverage under this permit. You must also provide documentation in your Stormwater Pollution Prevention Plan (SWPPP) to substantiate the occurrence of the public emergency pursuant to Part 7.2.3i.

1.4.1 Prerequisite for Submitting Your NOI

You must develop a SWPPP consistent with Part 7 before submitting your NOI for coverage under this permit.

1.4.2 How to Submit Your NOI

You must use EPA's NPDES eReporting Tool (NeT) to electronically prepare and submit your NOI for coverage under the 2022 CGP unless you received a waiver from your applicable EPA Regional Office.

To access NeT, go to https://cdx.epa.gov/cdx.

Waivers from electronic reporting may be granted based on one of the following conditions:

a. If your operational headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or

b. If you have limitations regarding available computer access or computer capability.

If the EPA Regional Office grants you approval to use a paper NOI, and you elect to use it, you must complete the form in Appendix H.

1.4.3 Deadlines for Submitting Your NOI and Your Official Date of Permit Coverage

Table 1 provides the deadlines for submitting your NOI and the official start date of your permit coverage, which differ depending on when you commence construction activities.

Table 1 NOI Submittal Deadlines and Official Start Date for Permit Coverage.

Type of Operator	NOI Submittal Deadline[8]	Permit Authorization Date[9]
Operator of a new site (i.e., a site where construction activities commence on or after February 17, 2022)	At least 14 calendar days before commencing construction activities.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.
Operator of an existing site (i.e., a site with 2017 CGP coverage where construction activities commenced prior to February 17, 2022)	No later than May 18, 2022.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied. Provided you submit your NOI no later than May 18, 2022, your authorization under the 2017 CGP is automatically continued until you have been granted coverage under this permit or an alternative NPDES permit, or coverage is otherwise terminated.
New operator of a permitted site (i.e., an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site that is either a "new site" or an "existing site")	At least 14 calendar days before the date the transfer to the new operator will take place.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.
Operator of an "emergency-related project" (i.e., a project initiated in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services)	No later than 30 calendar days after commencing construction activities.	You are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered 14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.

[8] If you miss the deadline to submit your NOI, any and all discharges from your construction activities will continue to be unauthorized under the CWA until they are covered by this or a different NPDES permit. EPA may take enforcement action for any unpermitted discharges that occur between the commencement of construction activities and discharge authorization.

[9] Discharges are not authorized if your NOI is incomplete or inaccurate or if you are not eligible for permit coverage.

1.4.4 Modifying your NOI

If after submitting your NOI you need to correct or update any fields, you may do so by submitting a "Change NOI" form using NeT. Waivers from electronic reporting may be granted as specified in Part 1.4.2. If the EPA Regional Office has granted you approval to submit a paper NOI modification, you may indicate any NOI changes on the same NOI form in Appendix H.

When there is a change to the site's operator, the new operator must submit a new NOI, and the previous operator must submit a Notice of Termination (NOT) form as specified in Part 8.3.

The following modifications to an NOI form will result in a 14-day review process:

- Changes to the name of the operator;
- Changes to the project or site name;
- Changes to the estimated area to be disturbed;
- Changes to the name of the receiving water[10], or additions to the applicable receiving waters;
- Changes to eligibility information related to endangered species protection or historic preservation;
- Changes to information provided related to the use of chemical treatment at your site; and
- Changes to answers provided regarding the demolition of structures over 10,000 square feet of floor space built or renovated before January 1, 1980.

During the 14-day review process, you may continue to operate based on the information provided in your original NOI, but you must wait until the review period has ended before you may commence or continue activities on any portion of your site that would be affected by any of the above modifications, unless EPA notifies you that the authorization is delayed or denied.

1.4.5 Your Official End Date of Permit Coverage

Once covered under this permit, your coverage will last until the date that:

a. You terminate permit coverage consistent with Part 8; or

b. You receive permit coverage under a different NPDES permit or a reissued or replacement version of this permit after expiring on February 16, 2027; or

c. You fail to submit an NOI for coverage under a reissued or replacement version of this permit before the deadline for existing construction sites where construction activities continue after this permit has expired.

1.5 REQUIREMENT TO POST A NOTICE OF YOUR PERMIT COVERAGE

You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so it is visible from the public road that is nearest to the active part of the construction

[10] As defined in Appendix A, a "receiving water" is "a "Water of the United States" as defined in 40 CFR §122.2 into which the regulated stormwater discharges.

site, and it must use a font large enough to be readily viewed from a public right-of-way.[11] At a minimum, the notice must include:

a. The NPDES ID (i.e., permit tracking number assigned to your NOI and the EPA webpage where a copy of the NOI can be found (https://permitsearch.epa.gov/epermit-search/ui/search));

b. A contact name and phone number for obtaining additional construction site information;

c. The Uniform Resource Locator (URL) for the SWPPP (if available), or the following statement: "If you would like to obtain a copy of the Stormwater Pollution Prevention Plan (SWPPP) for this site, contact the EPA Regional Office at [*include the appropriate CGP Regional Office contact information found at* https://www.epa.gov/npdes/contact-us-stormwater#regional];" and

d. The following statement "If you observe indicators of stormwater pollutants in the discharge or in the receiving water, contact the EPA through the following website: https://www.epa.gov/enforcement/report-environmental-violations."

2 TECHNOLOGY-BASED EFFLUENT LIMITATIONS

You must comply with the following technology-based effluent limitations in this Part for all authorized discharges.[12]

2.1 GENERAL STORMWATER CONTROL DESIGN, INSTALLATION, AND MAINTENANCE REQUIREMENTS

You must design, install, and maintain stormwater controls required in Parts 2.2, 2.3, and 2.4 to minimize the discharge of pollutants in stormwater from construction activities.[13] To meet this requirement, you must:

2.1.1 Account for the following factors in designing your stormwater controls:

a. The expected amount, frequency, intensity, and duration of precipitation;[14]

b. The nature of stormwater runoff (i.e., flow) and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. You must design stormwater controls to control stormwater volume, velocity, and peak flow rates to minimize discharges of pollutants in stormwater and to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points; and

c. The soil type and range of soil particle sizes expected to be present on the site.

[11] If the active part of the construction site is not visible from a public road, then place the notice of permit coverage in a position that is visible from the nearest public road and as close as possible to the construction site.

[12] For each of the effluent limits in Part 2, as applicable to your site, you must include in your SWPPP (1) a description of the specific control(s) to be implemented to meet the effluent limit; (2) any applicable design specifications; (3) routine maintenance specifications; and (4) the projected schedule for installation/implementation. See Part 7.2.6.

[13] The permit does not recommend or endorse specific products or vendors.

[14] Stormwater controls must be designed using the most recent data available to account for recent precipitation patterns and trends.

If your site is exposed to or has previously experienced major storms, such as hurricanes, storm surge, extreme/heavy precipitation, and flood events, you should also include consideration of and contingencies for whether implementing structural improvements, enhanced/resilient stormwater controls, and other mitigation measures may help minimize impacts from stormwater discharges from such major storm events.

2.1.2 Design and install all stormwater controls in accordance with good engineering practices, including applicable design specifications.[15]

2.1.3 Complete installation of stormwater controls by the time each phase of construction activities has begun.

a. By the time construction activity in any given portion of the site begins, install and make operational any downgradient sediment controls (e.g., buffers, perimeter controls, exit point controls, storm drain inlet protection) that control discharges from the initial site clearing, grading, excavating, and other earth-disturbing activities.[16]

b. Following the installation of these initial controls, install and make operational all stormwater controls needed to control discharges prior to subsequent earth-disturbing activities.

2.1.4 Ensure all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.

a. Comply with any specific maintenance requirements for the stormwater controls listed in this permit, as well as any recommended by the manufacturer.[17]

b. If at any time you find that a stormwater control needs routine maintenance (i.e., minor repairs or other upkeep performed to ensure the site's stormwater controls remain in effective operating condition, not including significant repairs or the need to install a new or replacement control), you must immediately initiate the needed work, and complete such work by the close of the next business day. If it is infeasible to complete the routine maintenance by the close of the next business day, you must document why this is the case and why the repair or other upkeep to be performed should still be considered routine maintenance in your inspection report under Part 4.7.1c and complete such work no later than seven (7) calendar days from the time of discovery of the condition requiring maintenance.

c. If you must repeatedly (i.e., three (3) or more times) make the same routine maintenance fixes to the same control at the same location, even if the fix can be completed by the close of the next business day, you must either:

i. Complete work to fix any subsequent repeat occurrences of this same problem under the corrective action procedures in Part 5, including keeping any records

[15] Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practices and must be explained in your SWPPP. You must also comply with any additional design and installation requirements specified for the effluent limits in Parts 2.2, 2.3, and 2.4.

[16] Note that the requirement to install stormwater controls prior to each phase of construction activities for the site does not apply to the earth disturbance associated with the actual installation of these controls. Operators should take all reasonable actions to minimize the discharges of pollutants during the installation of stormwater controls.

[17] Any departures from such maintenance recommendations made by the manufacturer must reflect good engineering practices and must be explained in your SWPPP.

of the condition and how it was corrected under Part 5.4; or

ii. Document in your inspection report under Part 4.7.1c why the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under this Part.[18]

d. If at any time you find that a stormwater control needs a significant repair or that a new or replacement control is needed, you must comply with the corrective action deadlines for completing such work in in Part 5.2.1c.

2.2 EROSION AND SEDIMENT CONTROL REQUIREMENTS

You must implement erosion and sediment controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater from construction activities.

2.2.1 Provide and maintain natural buffers and/or equivalent erosion and sediment controls for discharges to any receiving waters that is located within 50 feet of the site's earth disturbances.

a. Compliance Alternatives. For any discharges to receiving waters located within 50 feet of your site's earth disturbances, you must comply with one of the following alternatives:

i. Provide and maintain a 50-foot undisturbed natural buffer; or

ii. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or

iii. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

See Appendix F, Part F.2 for additional conditions applicable to each compliance alternative.

b. Exceptions. See Appendix F, Part F.2 for exceptions to the compliance alternatives.

2.2.2 Direct stormwater to vegetated areas and maximize stormwater infiltration and filtering to reduce pollutant discharges, unless infiltration would be inadvisable due to the underlying geology (e.g., karst topography) and ground water contamination concerns, or infeasible due to site conditions.[19]

[18] Such documentation could include, for example, that minor repairs completed within the required timeframe are all that is necessary to ensure that the stormwater control continues to operate as designed and installed and that the stormwater control remains appropriate for the flow reaching it.

[19] Operators should consider whether factors such as specific contaminant concerns from the construction site, the underlying soils or geology, hydrology, depth to the ground water table, or proximity to source water or wellhead protection area(s) make the site unsuitable for infiltrating construction stormwater. Site conditions that may be of particular concern include proximity to: a current or future drinking water aquifer; a drinking water well or spring (including private/household wells); highly conductive geology such as karst; known pollutant hot spots, such as hazardous waste sites, landfills, gas stations, brownfields; an on-site sewage system or underground storage tank; or soils that do not allow for infiltration. Operators may find it helpful to consult EPA's Drinking Water Mapping Application to Protect Source Waters (DWMAPS). DWMAPS is an online mapping tool that can be used to locate drinking water providers, potential sources of contamination, polluted waterways, and information on protection initiatives in the site area.

2.2.3 Install sediment controls along any perimeter areas of the site that are downslope from any exposed soil or other disturbed areas.[20]

a. The perimeter control must be installed upgradient of any natural buffers established under Part 2.2.1, unless the control is being implemented pursuant to Part 2.2.1a.ii-iii;

b. To prevent stormwater from circumventing the edge of the perimeter control, install the perimeter control on the contour of the slope and extend both ends of the control up slope (e.g., at 45 degrees) forming a crescent rather than a straight line;

c. After installation, to ensure that perimeter controls continue to work effectively:

i. Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control; and

ii. After a storm event, if there is evidence of stormwater circumventing or undercutting the perimeter control, extend controls and/or repair undercut areas to fix the problem.

d. **Exception**. For areas at "linear construction sites" (as defined in Appendix A) where perimeter controls are infeasible (e.g., due to a limited or restricted right-of-way), implement other practices as necessary to minimize pollutant discharges to perimeter areas of the site.

2.2.4 Minimize sediment track-out.

a. Restrict vehicle use to properly designated exit points;

b. Use appropriate stabilization techniques[21] at all points that exit onto paved roads;

i. **Exception**: Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls[22] are implemented to minimize sediment track-out;

c. Implement additional track-out controls[23] as necessary to ensure that sediment removal occurs prior to vehicle exit; and

d. Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out

[20] Examples of perimeter controls include filter berms; different types of silt fence such as wire-backed silt fence, super silt fence, or multi-layer geotextile silt fence; compost filter socks; gravel barriers; and temporary diversion dikes.

[21] Examples of appropriate stabilization techniques include the use of aggregate stone with an underlying geotextile or non-woven filter fabric, and turf mats.

[22] Examples of other exit point controls include preventing the use of exit points during wet periods; minimizing exit point use by keeping vehicles on site to the extent possible; limiting exit point size to the width needed for vehicle and equipment usage; using scarifying and compaction techniques on the soil; and avoiding establishing exit points in environmentally sensitive areas (e.g., *karst areas; steep slopes)*.

[23] Examples of additional track-out controls include the use of wheel washing, rumble strips, and rattle plates.

sediment into any constructed or natural site drainage feature, storm drain inlet, or receiving water.[24]

2.2.5 Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil:[25]

a. Locate the piles outside of any natural buffers established under Part 2.2.1 and away from any constructed or natural site drainage features, storm drain inlets, and areas where stormwater flow is concentrated;

b. Install a sediment barrier along all downgradient perimeter areas of stockpiled soil or land clearing debris piles;[26]

c. For piles that will be unused for 14 or more days, provide cover[27] or appropriate temporary stabilization (consistent with Part 2.2.14);

d. You are prohibited from hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any constructed or natural site drainage feature, storm drain inlet, or receiving water.

2.2.6 Minimize dust. On areas of exposed soil, minimize dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged in stormwater from the site.

2.2.7 Minimize steep slope disturbances. Minimize the disturbance of "steep slopes" (as defined in Appendix A).[28]

2.2.8 Preserve native topsoil, unless infeasible.[29]

2.2.9 Minimize soil compaction.[30] In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed:

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[24] Fine grains that remain visible (e.g., staining) on the surfaces of off-site streets, other paved areas, and sidewalks after you have implemented sediment removal practices are not a violation of Part 2.2.4.

[25] The requirements in Part 2.2.5 do not apply to the storage of rock, such as rip rap, landscape rock, pipe bedding gravel, and boulders. Refer to Part 2.3.3a for the requirements that apply to these types of materials.

[26] Examples of sediment barriers include berms, dikes, fiber rolls, silt fences, sandbags, gravel bags, or straw bale.

[27] Examples of cover include tarps, blown straw and hydroseeding.

[28] Where disturbance to steep slopes cannot be avoided, operators should consider implementing controls suitable for steep slope disturbances that are effective at minimizing erosion and sediment discharge (e.g., preservation of existing vegetation, hydraulic mulch, geotextiles and mats, compost blankets, earth dikes or drainage swales, terraces, velocity dissipation devices). To identify slopes and soil types that are of comparatively higher risk for sediment discharge in areas of the country where the CGP is in effect, operators can use the tables in Appendix F (see Tables F-2 thru F-6).

[29] Stockpiling topsoil at off-site locations, or transferring topsoil to other locations, is an example of a practice that is consistent with the requirements in Part 2.2.8. Preserving native topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed. For example, some sites may be designed to be highly impervious after construction, and therefore little or no vegetation is intended to remain, or may not have space to stockpile native topsoil on site for later use, in which case it may not be feasible to preserve topsoil.

[30] Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.

a. Restrict vehicle and equipment use in these locations to avoid soil compaction; and

b. Before seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.

2.2.10 Protect storm drain inlets.

a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater from your site to a receiving water, provided you have authority to access the storm drain inlet.[31] Inlet protection measures are not required for storm drain inlets that are conveyed to a sediment basin, sediment trap, or similarly effective control; and

b. Clean, or remove and replace, the inlet protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.

2.2.11 Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.[32]

2.2.12 If you install a sediment basin or similar impoundment:

a. Situate the basin or impoundment outside of any receiving water. and any natural buffers established under Part 2.2.1;

b. Design the basin or impoundment to avoid collecting water from wetlands;

c. Design the basin or impoundment to provide storage for either:

i. The calculated volume of runoff from a 2-year, 24-hour storm;[33] or

ii. 3,600 cubic feet per acre drained.

d. Utilize outlet structures that withdraw water from the surface of the sediment basin or similar impoundment, unless infeasible;[34]

e. Use erosion controls and velocity dissipation devices to prevent erosion at inlets and outlets; and

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[31] Inlet protection measures can be removed in the event of flood conditions or to prevent erosion.

[32] Examples of stormwater controls that can be used to comply with this requirement include the use of erosion controls and/or velocity dissipation devices (e.g., check dams, sediment traps), within and along the length of a constructed site drainage feature and at the outfall to slow down stormwater.

[33] Operators may refer to https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates for guidance on determining the volume of precipitation associated with their site's local 2-year, 24-hour storm event.

[34] The circumstances in which it is infeasible to design outlet structures in this manner are rare. Exceptions may include areas with extended cold weather, where using surface outlets may not be feasible during certain time periods (although they must be used during other periods). If you determine that it is infeasible to meet this requirement, you must provide documentation in your SWPPP to support your determination, including the specific conditions or time periods when this exception will apply.

f. Remove accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure the basin or impoundment remains in effective operating condition.

2.2.13 If using treatment chemicals (e.g., *polymers, flocculants, coagulants*):

a. Use conventional erosion and sediment controls before and after the application of treatment chemicals. Chemicals may only be applied where treated stormwater is directed to a sediment control *(e.g., sediment basin, perimeter control)* before discharge.

b. Select appropriate treatment chemicals. Chemicals must be appropriately suited to the types of soils likely to be exposed during construction and present in the discharges being treated *(i.e., the expected turbidity, pH, and flow rate of stormwater flowing into the chemical treatment system or area)*.

c. Minimize discharge risk from stored chemicals. Store all treatment chemicals in leak-proof containers that are kept under storm-resistant cover and surrounded by secondary containment structures *(e.g., spill berms, dikes, spill containment pallets),* or provide equivalent measures designed and maintained to minimize the potential discharge of treatment chemicals in stormwater or by any other means *(e.g., storing chemicals in a covered area, having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill)*.

d. Comply with State/local requirements. Comply with applicable State and local requirements regarding the use of treatment chemicals.

e. Use chemicals in accordance with good engineering practices and specifications of the chemical provider/supplier. Use treatment chemicals and chemical treatment systems in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document in your SWPPP specific departures from these specifications and how they reflect good engineering practice.

f. Ensure proper training. Ensure all persons who handle and use treatment chemicals at the construction site are provided with appropriate, product-specific training prior to beginning application of treatment chemicals. Among other things, the training must cover proper dosing requirements.

g. Perform additional measures specified by the EPA Regional Office for the authorized use of cationic chemicals. If you have been authorized to use cationic chemicals at your site pursuant to Part 1.1.9, you must perform all additional measures as conditioned by your authorization to ensure the use of such chemicals will not result in discharges that do not meet water quality standards.

2.2.14 Stabilize exposed portions of the site. Implement and maintain stabilization measures (*e.g., seeding protected by erosion controls until vegetation is established,*[35] *sodding, mulching, erosion control blankets, hydromulch, gravel*) that minimize erosion from any areas of exposed soil on the site in accordance with Part.

[35] If you will be evaluating the use of some type of erosion control netting to the site as part of your site stabilization, EPA encourages you to consider employing products that have been shown to minimize

a. Stabilization Deadlines:[36]

Table 2 Deadlines for Initiating and Completing Site Stabilization.

Total Amount of Land Disturbance Occurring At Any One Time[37]	**Deadline**
i. Five acres or less (≤5.0) **Note: this includes sites disturbing more than five acres (>5.0) total over the course of a project, but that limit disturbance at any one time (i.e., *phase the disturbance*) to five acres or less (≤5.0)**	• Initiate the installation of stabilization measures immediately[38] in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;[39] and • Complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days

impacts on wildlife. For instance, the U.S. Fish & Wildlife Service provides recommendations on the type of netting practices that are considered "wildlife friendly," including those that use natural fiber or 100 percent biodegradable materials and that use a loose weave with a non-welded, movable jointed netting, as well as those products that are not wildlife friendly including square plastic netting that are degradable (e.g., photodegradable, UV-degradable, oxo-degradable), netting made from polypropylene, nylon, polyethylene, or polyester. Other recommendations include removing the netting product when it is no longer needed. See https://www.fws.gov/midwest/eastlansing/library/pdf/WildlifeFriendlyErosionControlProducts_revised.pdf for further information. There also may be State, Tribal, or local requirements about using wildlife friendly erosion control products.

[36] EPA may determine, based on an inspection carried out under Part 4.8 and corrective actions required under Part 5.3, that the level of sediment discharge on the site makes it necessary to require a faster schedule for completing stabilization. For instance, if sediment discharges from an area of exposed soil that is required to be stabilized are compromising the performance of existing stormwater controls, EPA may require stabilization to correct this problem.

[37] Limiting disturbances to five (5) acres or less at any one time means that at no time during the project do the cumulative earth disturbances exceed five (5) acres. The following examples would qualify as limiting disturbances at any one time to five (5) acres or less:

1. The total area of disturbance for a project is five (5) acres or less.
2. The total area of disturbance for a project will exceed five (5) acres, but the operator ensures that no more than five (5) acres will be disturbed at any one time through implementation of stabilization measures. In this way, site stabilization can be used to "free up" land that can be disturbed without exceeding the five (5)-acre cap to qualify for the 14-day stabilization deadline. For instance, if an operator completes stabilization of two (2) acres of land on a five (5)-acre disturbance, then two (2) additional acres could be disturbed while still qualifying for the longer 14-day stabilization deadline.

[38] The following are examples of activities that would constitute the immediate initiation of stabilization:

1. Prepping the soil for vegetative or non-vegetative stabilization as long as seeding, planting, and/or installation of non-vegetative stabilization products takes place as soon as practicable, but no later than one (1) calendar day of completing soil preparation;
2. Applying mulch or other non-vegetative product to the exposed area;
3. Seeding or planting the exposed area;
4. Starting any of the activities in # 1 – 3 on a portion of the entire area that will be stabilized; and
5. Finalizing arrangements to have stabilization product fully installed in compliance with the deadlines for completing stabilization.

[39] The requirement to initiate stabilization immediately is triggered as soon as you know that construction work on a portion of the site is temporarily ceased and will not resume for 14 or more days, or as soon as you know that construction work is permanently ceased. In the context of this provision, "immediately" means as soon as practicable, but no later than the end of the next business day, following the day when the construction activities have temporarily or permanently ceased.

Total Amount of Land Disturbance Occurring At Any One Time[37]	Deadline
	after stabilization has been initiated.[40]
ii. More than five acres (>5.0)	• Initiate the installation of stabilization measures immediately[41] in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;[42] and • Complete the installation of stabilization measures as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.[43]

b. Exceptions:

i. Arid, semi-arid, and drought-stricken areas (as defined in Appendix A)**.** If it is the seasonally dry period (as defined in Appendix A)[44] or a period in which drought is occurring, and vegetative stabilization measures are being used:

(a) Immediately initiate and, within 14 calendar days of temporary or permanent cessation of work in any portion of your site, complete the installation of temporary non-vegetative stabilization measures to the extent necessary to prevent erosion;

(b) As soon as practicable, given conditions or circumstances on the site, complete all activities necessary to seed or plant the area to be stabilized; and

(c) If construction is occurring during the seasonally dry period, indicate in your SWPPP the beginning and ending dates of the seasonally dry period and your site conditions. Also include the schedule you will follow for initiating and completing vegetative stabilization.

ii. Unforeseen circumstances. Operators that are affected by unforeseen circumstances[45] that delay the initiation and/or completion of vegetative stabilization:

[40] If vegetative stabilization measures are being implemented, stabilization is considered "installed" when all activities necessary to seed or plant the area are completed, including the application of any non-vegetative protective cover (e.g., mulch, erosion control blanket), if applicable. If non-vegetative stabilization measures are being implemented, stabilization is considered "installed" when all such measures are implemented or applied.

[41] See footnote 38.

[42] See footnote 39.

[43] See footnote 40.

[44] The term "seasonally dry period" as defined in Appendix A refers to a month in which the long-term average total precipitation is less than or equal to 0.5 inches. Refer to EPA's Seasonally Dry Period Locator Tool at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates and supporting maps for assistance in determining whether a site is operating during a seasonally dry period for the area.

[45] Examples include problems with the supply of seed stock or with the availability of specialized equipment and unsuitability of soil conditions due to excessive precipitation and/or flooding.

(a) Immediately initiate and, within 14 calendar days, complete the installation of temporary non-vegetative stabilization measures to prevent erosion;

(b) Complete all soil conditioning, seeding, watering or irrigation installation, mulching, and other required activities related to the planting and initial establishment of vegetation as soon as conditions or circumstances allow it on your site; and

(c) Document in the SWPPP the circumstances that prevent you from meeting the deadlines in Part 2.2.14a and the schedule you will follow for initiating and completing stabilization.

iii. Discharges to a sediment- or nutrient-impaired water or to a water that is identified by your State, Tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes. Complete stabilization as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.

c. Final Stabilization Criteria (for any areas not covered by permanent structures)**:**

i. Establish uniform, perennial vegetation *(*i.e.*, evenly distributed, without large bare areas)* to provide 70 percent or more of the vegetative cover native to local undisturbed areas; and/or

ii. Implement permanent non-vegetative stabilization measures[46] to provide effective cover of any areas of exposed soil.

iii. Exceptions:

(a) **Arid, semi-arid, and drought-stricken areas** (as defined in Appendix A). Final stabilization is met if the area has been seeded or planted to establish vegetation that provides 70 percent or more of the vegetative cover native to local undisturbed areas within three (3) years and, to the extent necessary to prevent erosion on the seeded or planted area, non-vegetative erosion controls have been applied to provide cover for at least three years without active maintenance.

(b) **Disturbed areas on agricultural land that are restored to their preconstruction agricultural use.** The Part 2.2.14c final stabilization criteria do not apply.

(c) **Areas that need to remain disturbed.** In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed, and only the minimum area needed remains disturbed *(*e.g.*, dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, materials)*.

2.3 POLLUTION PREVENTION REQUIREMENTS[47]

You must implement pollution prevention controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater and to prevent the discharge of pollutants from spilled or leaked materials from construction activities.

[46] Examples of permanent non-vegetative stabilization measures include riprap, gravel, gabions, and geotextiles.

[47] Under this permit, you are not required to minimize exposure for any products or materials where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

2.3.1 For equipment and vehicle fueling and maintenance:

a. Provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuels and oils, from these activities;[48]

b. If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR part 112 and Section 311 of the CWA;

c. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;

d. Use drip pans and absorbents under or around leaky vehicles;

e. Dispose of or recycle oil and oily wastes in accordance with other Federal, State, Tribal, or local requirements; and

f. Clean up spills or contaminated surfaces immediately, using dry clean up measures (do not clean contaminated surfaces by hosing the area down), and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

2.3.2 For equipment and vehicle washing:

a. Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of wash waters;[49]

b. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water; and

c. For storage of soaps, detergents, or solvents, provide either (1) cover *(*e.g., *plastic sheeting, temporary roofs)* to minimize the exposure of these detergents to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

2.3.3 For storage, handling, and disposal of building products, materials, and wastes:[50]

a. *For building materials and building products*,[51] provide either (1) cover (e.g., *plastic sheeting, temporary roofs*) to minimize the exposure of these products to

[48] Examples of effective means include:

- Locating activities away from receiving waters, storm drain inlets, and constructed or natural site drainage feature so that stormwater coming into contact with these activities cannot reach waters of the U.S.;
- Providing secondary containment (e.g., *spill berms, dikes, spill containment pallets*) and cover where appropriate; and
- Having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill.

[49] Examples of effective means include locating activities away from receiving waters and storm drain inlets or constructed or natural site drainage features and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls.

[50] Compliance with the requirements of this permit does not relieve compliance requirements with respect to Federal, State, or local laws and regulations governing the storage, handling, and disposal of solid, hazardous, or toxic wastes and materials.

[51] Examples of building materials and building products typically present at construction sites include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.

precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

Exception: Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

b. *For pesticides, herbicides, insecticides, fertilizers, and landscape materials:*

i. In storage areas, provide either (1) cover (e.g., *plastic sheeting, temporary roofs*) to minimize the exposure of these chemicals to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas; and

ii. Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label (see also Part 2.3.5).

c. *For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals:* The following requirements apply to the storage and handling of chemicals on your site. If you are already implementing controls as part of an SPCC or other spill prevention plan that meet or exceed the requirements of this Part, you may continue to do so and be considered in compliance with these provisions provided you reference the applicable parts of the SPCC or other plans in your SWPPP as required in Part 7.2.6b.viii.

i. If any chemical container has a storage capacity of less than 55 gallons:

(a) The containers must be water-tight, and must be kept closed, sealed, and secured when not being actively used;

(b) If stored outside, use a spill containment pallet or similar device to capture small leaks or spills; and

(c) Have a spill kit available on site that is in good working condition (i.e., not damaged, expired, or used up) and ensure personnel are available to respond immediately in the event of a leak or spill.

ii. If any chemical container has a storage capacity of 55 gallons or more:

(a) The containers must be water-tight, and must be kept closed, sealed, and secured when not being actively used;

(b) Store containers a minimum of 50 feet from receiving waters, constructed or natural site drainage features, and storm drain inlets. If infeasible due to site constraints, store containers as far away from these features as the site permits. If site constraints prevent you from storing containers 50 feet away from receiving waters or the other features identified, you must document in your SWPPP the specific reasons why the 50-foot setback is infeasible, and how you will store containers as far away as the site permits;

(c) Provide either (1) cover (e.g., temporary roofs) to minimize the exposure of these containers to precipitation and to stormwater, or (2) secondary containment (e.g., curbing, spill berms, dikes, spill containment pallets, double-wall, above-ground storage tank); and

(d) Have a spill kit available on site that is in good working condition (i.e., not

damaged, expired, or used up) and ensure personnel are available to respond immediately in the event of a leak or spill. Additional secondary containment measures are listed at 40 CFR § 112.7(c)(1).

iii. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.

d. *For hazardous or toxic wastes:*[52]

i. Separate hazardous or toxic waste from construction and domestic waste;

ii. Store waste in sealed containers, constructed of suitable materials to prevent leakage and corrosion, and labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable Federal, State, Tribal, or local requirements;

iii. Store all outside containers within appropriately-sized secondary containment (e.g., *spill berms, dikes, spill containment pallets*) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., *storing chemicals in a covered area, having a spill kit available on site);*

iv. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with Federal, State, Tribal, and local requirements;

v. Clean up spills immediately, using dry clean-up methods, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and

vi. Follow all other Federal, State, Tribal, and local requirements regarding hazardous or toxic waste.

e. *For construction and domestic wastes:*[53]

i. Provide waste containers (e.g., *dumpster, trash receptacle)* of sufficient size and number to contain construction and domestic wastes;

(a) For waste containers with lids, keep waste container lids closed when not in use, and close lids at the end of the business day and during storm events. For waste containers without lids, provide either (1) cover (e.g., *a tarp, plastic sheeting, temporary roof)* to minimize exposure of wastes to precipitation, or (2) a similarly effective means designed to minimize the discharge of pollutants (e.g., *secondary containment)*;

(b) On business days, clean up and dispose of waste in designated waste

[52] Examples of hazardous or toxic waste that may be present at construction sites include paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.

[53] Examples of construction and domestic wastes include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, demolition debris; and other trash or discarded materials.

containers; and

(c) Clean up immediately if containers overflow, and if there is litter elsewhere on the site from escaped trash.

ii. Waste containers are not required for the waste remnant or unused portions of construction materials or final products that are covered by the exception in Part 2.2.3a provided that:

(a) These wastes are stored separately from other construction or domestic wastes addressed by Part 2.3.3e.i (i.e., wastes not covered by the exception in Part 2.3.3a). If the wastes are mixed, they must be stored in waste containers as required in Part 2.3.3e.i; and

(b) These wastes are stored in designated areas of the site, the wastes are described in the SWPPP (see Part 7.2.6b.ix), and identified in the site plan (see Part 7.2.4i).

f. *For sanitary waste*, position portable toilets so they are secure and will not be tipped or knocked over, and are located away from receiving waters, storm drain inlets, and constructed or natural site drainage features.

2.3.4 For washing applicators and containers used for stucco, paint, concrete, form release oils, curing compounds, or other materials:

a. Direct wash water into a leak-proof container or leak-proof and lined pit designed so no overflows can occur due to inadequate sizing or precipitation;

b. Handle washout or cleanout wastes as follows:

i. For liquid wastes:

(a) Do not dump liquid wastes or allow them to enter into constructed or natural site drainage features, storm inlets, or receiving waters;

(b) Do not allow liquid wastes to be disposed of through infiltration or to otherwise be disposed of on the ground;

(c) Comply with applicable State, Tribal, or local requirements for disposal

ii. Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part 2.3.3e; and

c. Locate any washout or cleanout activities as far away as possible from receiving waters, constructed or natural site drainage features, and storm drain inlets, and, to the extent feasible, designate areas to be used for these activities and conduct such activities only in these areas.

2.3.5 For the application of fertilizers:

a. Apply at a rate and in amounts consistent with manufacturer's specifications, or document in the SWPPP departures from the manufacturer specifications where appropriate in accordance with Part 7.2.6b.x;

b. Apply at the appropriate time of year for your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;

c. Avoid applying before heavy rains that could cause excess nutrients to be discharged;

d. Never apply to frozen ground;

e. Never apply to constructed or natural site drainage features; and

f. Follow all other Federal, State, Tribal, and local requirements regarding fertilizer application.

2.3.6 Emergency Spill Notification Requirements

Discharges of toxic or hazardous substances from a spill or other release are prohibited, consistent with Part 1.3.5. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR part 110, 40 CFR part 117, or 40 CFR part 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR part 110, 40 CFR part 117, and 40 CFR part 302 as soon as you have knowledge of the release. You must also, within seven (7) calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. State, Tribal, or local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

2.4 CONSTRUCTION DEWATERING REQUIREMENTS

Comply with the following requirements to minimize the discharge of pollutants from dewatering[54] operations.

2.4.1 Route dewatering water through a sediment control (e.g., sediment trap or basin, pumped water filter bag) designed to prevent discharges with visual turbidity; [55]

2.4.2 Do not discharge visible floating solids or foam;

2.4.3 The discharge must not cause the formation of a visible sheen on the water surface, or visible oily deposits on the bottom or shoreline of the receiving water. Use an oil-water separator or suitable filtration device (such as a cartridge filter) designed to remove oil, grease, or other products if dewatering water is found to or expected to contain these materials;

2.4.4 To the extent feasible, use well-vegetated (e.g., grassy or wooded), upland areas of the site to infiltrate dewatering water before discharge.[56] You are prohibited from using receiving waters as part of the treatment area;

2.4.5 To prevent dewatering-related erosion and related sediment discharges:

a. Use stable, erosion-resistant surfaces (e.g., well-vegetated grassy areas, clean filter stone, geotextile underlayment) to discharge from dewatering controls;

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[54] "Dewatering" is defined in Appendix A as "the act of draining accumulated stormwater and/or ground water from building foundations, vaults, and trenches, or other similar points of accumulation."

[55] For the purposes of this permit, visual turbidity is present where there is a sediment plume in the discharge or the discharge appears cloudy, or opaque, or has a visible contrast that can be identified by an observer.

[56] See footnote 19.

b. Do not place dewatering controls, such as pumped water filter bags, on steep slopes (as defined in Appendix A); and

c. At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part 2.2.11.

2.4.6 For backwash water, either haul it away for disposal or return it to the beginning of the treatment process;

2.4.7 Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications; and

2.4.8 Comply with dewatering-specific inspection requirements in Part 4.

3 WATER QUALITY-BASED EFFLUENT LIMITATIONS

3.1 GENERAL EFFLUENT LIMITATION TO MEET APPLICABLE WATER QUALITY STANDARDS

Discharges must be controlled as necessary to meet applicable water quality standards. Discharges must also comply with any additional State or Tribal requirements that are in Part 9.

In the absence of information demonstrating otherwise, EPA expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable water quality standards. If at any time you become aware, or EPA determines, that discharges are not being controlled as necessary to meet applicable water quality standards, you must take corrective action as required in Parts 5.1 and 5.2, and document the corrective actions as required in Part 5.4.

EPA may insist that you install additional controls (to meet the narrative water quality-based effluent limit above) on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards. This includes situations where additional controls are necessary to comply with a wasteload allocation in an EPA-established or approved TMDL.

If during your coverage under a previous permit, you were required to install and maintain stormwater controls specifically to meet the assumptions and requirements of an EPA-approved or established TMDL (for any parameter) or to otherwise control your discharge to meet water quality standards, you must continue to implement such controls as part of your coverage under this permit.

3.2 WATER QUALITY-BASED CONDITIONS FOR SITES DISCHARGING TO CERTAIN IMPAIRED AND HIGH QUALITY RECEIVING WATERS

For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your State, Tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes,[57] you must comply with the inspection frequency specified in Part 4.3 and you must comply with the stabilization deadline specified in Part 2.2.14b.iii.[58]

[57] Refer to Appendix A for definitions of "impaired water" and "Tier 2," "Tier 2.5," and "Tier 3" waters. For assistance in determining whether your site discharges to impaired waters, EPA has developed a tool that is available at https://www.epa.gov/npdes/epas-stormwater-discharge-mapping-tools. For assistance in determining whether your site discharges to a Tier 2, 2.5, or 3 water, refer to the list of such waters at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates.

[58] If you qualify for any of the reduced inspection frequencies in Part 4.4, you may conduct inspections in

If you discharge to a water that is impaired for a parameter other than a sediment-related parameter or nutrients, EPA will inform you if any additional controls are necessary for your discharge to be controlled as necessary to meet water quality standards. These controls might include those necessary for your discharge to be consistent with the assumptions of any available wasteload allocation in any applicable TMDL. In addition, EPA may require you to apply for and obtain coverage under an individual NPDES permit.

In addition, on a case-by-case basis, EPA may notify operators of new sites or operators of existing sites with increased discharges that additional analyses, stormwater controls, and/or other measures are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary.

If you discharge to a water that is impaired for polychlorinated biphenyls (PCBs) and are engaging in demolition of any structure with at least 10,000 square feet of floor space built or renovated before January 1, 1980, you must:

a. Implement controls[59] to minimize the exposure of PCB-containing building materials, including paint, caulk, and pre-1980 fluorescent lighting fixtures, to precipitation and to stormwater; and

b. Ensure that disposal of such materials is performed in compliance with applicable State, Federal, and local laws.

3.3 TURBIDITY BENCHMARK MONITORING FOR SITES DISCHARGING DEWATERING WATER TO PROTECT THE WATER QUALITY OF SENSITIVE WATERS

For sites discharging dewatering water to "sensitive waters" (i.e., receiving waters listed as impaired for sediment or a sediment-related parameter (as defined in Appendix A), or receiving waters designated as a Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes) you are required to comply with the benchmark monitoring requirements in this Part and document the procedures you will use at your site in your SWPPP pursuant to Part 7.2.8. A summary of these requirements is included in Table 1.

EPA notes that the benchmark threshold is not an effluent limitation, rather it is an indicator that the dewatering controls may not be working to protect water quality, which the operator must investigate and correct as appropriate. A benchmark exceedance is not a permit violation. However, if a benchmark exceedance triggers corrective action in Part 5.1.5a, failure to conduct any required action is a permit violation.

Where there are multiple operators associated with the same site, the operators may coordinate with one another to carry out the monitoring requirements of this Part in order to avoid duplicating efforts. Such coordinating arrangements must be described in the SWPPP consistent with Part 7.2.8. Regardless of how the operators divide the

accordance with Part 4.4 for any portion of your site that discharges to a sensitive water.

[59] Examples of controls to minimize exposure of PCBs to precipitation and stormwater include separating work areas from non-work areas and selecting appropriate personal protective equipment and tools, constructing a containment area so that all dust or debris generated by the work remains within the protected area, and using tools that minimize dust and heat (<212°F). For additional information, refer to Part 2.3.3 of the CGP Fact Sheet.

responsibilities for monitoring and reporting, each operator remains responsible for compliance with these requirements.[60]

3.3.1 Turbidity monitoring requirements[61]

a. **Sampling frequency.** You must collect at least one turbidity sample from your dewatering discharge each day a discharge occurs.

b. **Sampling location.** Samples must be taken at all points where dewatering water is discharged. Samples must be taken after the dewatering water has been treated by installed treatment devices pursuant to Parts 2.4.1 and 2.4.3 and prior to its discharge off site into a receiving water, constructed or natural site drainage feature, or storm drain inlet.

c. **Representative samples.** Samples taken must be representative of the dewatering discharge for any given day as required in Appendix G (standard permit conditions), Part G.10.2.

d. **Test methods.** Samples must be measured using a turbidity meter that reports results in nephelometric turbidity units (NTUs) and conforms with a Part 136-approved method (e.g., methods 180.1 and 2130). You are required to use the meter, and conduct a calibration verification prior to each day's use, consistent with the manufacturer's instructions.

3.3.2 Turbidity benchmark

a. The benchmark threshold for turbidity for this permit is 50 NTUs (referred to elsewhere in this permit as the "standard 50 NTU benchmark") unless EPA has authorized the use of an alternate benchmark in accordance with Part 3.3.2b.

b. **Request for alternate benchmark threshold.**

i. At any time prior to or during your coverage under this permit, you may request that EPA approve a benchmark for your site that is higher than 50 NTUs if you have information demonstrating the higher number is the same as your receiving water's water quality standard for turbidity. Unless EPA approves an alternate benchmark, you will be required to use the standard 50 NTU benchmark. To request approval of an alternate benchmark, you must submit the following information to your applicable EPA Regional Office (see Appendix K):
(a) The current turbidity water quality standard that applies to your receiving

[60] For instance, if Operator A relies on Operator B to meet the Part 3.3.1 turbidity monitoring requirements, the Part 3.3.4 reporting and recordkeeping requirements, and the Part 5.2.2 corrective action provisions when applicable, Operator A does not have to duplicate these same functions if Operator B is implementing them for both operators to be in compliance with the permit. However, Operator A remains responsible for complying with these permit requirements if Operator B fails to take actions that were necessary for Operator A to comply with the permit. See also footnote 83. EPA notes that both Operator A and B are required to submit turbidity monitoring reports as required under Part 3.3.4, however, Operator A's report does not need to include the data collected by Operator B as long as Operator B submits the required data and Operator A's report indicates that it is relying on Operator B to report the data. See Part 3.3.4a.

[61] Operators may find it useful to consult EPA's *Monitoring and Inspection Guide for Construction Dewatering*, available at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates, which provides guidelines on how to correctly monitor for turbidity, determine if the weekly average exceeds the benchmark, and, if so, how to proceed with corrective action.

water and the source/citation.[62]

(b) If the applicable turbidity water quality standard requires information on natural or background turbidity levels (e.g., "no more than 10 NTU above natural turbidity levels") to determine the specific standard for the receiving water, include available data that can be used to establish the natural turbidity levels of your receiving water (including literature studies or Federal, State, Tribal, or local government data). Data must be representative of the natural turbidity levels of your specific receiving water. Identify the source(s) of all data provided, including if the data are from samples you collected of the receiving water.

ii. EPA will inform you of its decision on whether to approve the requested alternate benchmark within 30 days. EPA may approve your request, request additional time (e.g., if additional information is needed to substantiate the data you provided), or deny your request. Unless and until EPA approves your request to use an alternate benchmark, you are required to use the standard benchmark of 50 NTUs and take any required corrective actions if an exceedance occurs.

3.3.3 Comparison of turbidity samples to benchmark. Compare the weekly average[63] of your turbidity monitoring results to the standard 50 NTU benchmark, or alternate benchmark if approved by EPA.

a. If the weekly average of your turbidity monitoring results exceeds the standard benchmark (or your approved alternate benchmark), you are required to conduct follow-up corrective action in accordance with Part 5.2.2 and document any corrective action taken in your corrective action log in accordance with Part 5.4.

b. For averaging purposes, a "monitoring week" starts with a Monday and ends on Sunday. Once a new monitoring week starts, you will need to calculate a new average for that week of turbidity monitoring results.[64] A weekly average may consist of one or more turbidity monitoring results.

c. Although you are not required to collect and analyze more than one turbidity sample per day from your dewatering discharge, if you do collect and analyze more than one sample on any given day, you must include any additional results in the

[62] For instance, if your site is located in Washington, DC, and you are discharging to a Class B water, for which the water quality standard is that turbidity may not increase above ambient levels by more than 20 percent, you would reference "Water Quality Standards for the District of Columbia, Chapter 11, Section 1104.8."

[63] A "weekly average" is defined as the sum of all of the turbidity samples taken during a "monitoring week" divided by the number of samples measured during that week. Average values should be calculated to the nearest whole number.

[64] For example, if turbidity samples from your dewatering discharge in week 1 result in values of 30 NTU on Tuesday, 40 NTU on Wednesday, and 45 NTU on Thursday, your weekly average turbidity value would be 38.33 NTU ((30+40+45) ÷ 3 = 38 NTU). If in week 2, your turbidity samples resulted in values of 45 NTU on Monday, 30 NTU on Tuesday, 25 NTU on Wednesday, and 15 NTU on Thursday, you would calculate a new average for that week, which would yield an average turbidity value of 28.75 NTU ((45+30+25+15) ÷ 4 = 29 NTU). By comparison, if your samples on consecutive days from Friday to Monday were 60 NTU, 45 NTU, 40 NTU, and 43 NTU, respectively, and there are no other dewatering discharges for the remainder of the week, you would calculate one weekly average for the Friday to Sunday to be 48 NTU ((60+45+40) ÷ 3 = 48 NTU), and a separate weekly average for the one Monday to be 43 NTU (43 ÷ 1 = 43 NTU).

calculation of your weekly average (i.e., add all individual results for that monitoring week and divide by the total number of samples).[65]

d. If you are conducting turbidity monitoring for more than one dewatering discharge point, you must calculate a weekly average turbidity value for each discharge point and compare each to the turbidity benchmark.

3.3.4 Reporting and recordkeeping.

a. You must submit reports of your weekly average turbidity data to EPA no later than 30 days following the end of each monitoring quarter. If there are monitoring weeks in which there was no dewatering discharge, or if there is a monitoring quarter with no dewatering discharge, indicate this in your turbidity monitoring report. If another operator associated with your same site is conducting turbidity monitoring on your behalf pursuant to Part 3.3, indicate this in your turbidity monitoring report.

b. For the purposes of this permit, the following monitoring quarters and reporting deadlines apply:

Table 3. Monitoring Quarters and Deadlines for Reporting Turbidity Benchmark Monitoring Data.

Monitoring Quarter #	**Months**	**Reporting Deadline** (no later than 30 days after end of the monitoring quarter)
1	January 1 – March 31	April 30
2	April 1 – June 30	July 30
3	July 1 – September 30	October 30
4	October 1 – December 31	January 30

c. You must use EPA's NPDES eReporting Tool (NeT) to electronically submit your quarterly turbidity data, unless, consistent with Part 1.4.2, you received a waiver from your applicable EPA Regional Office. If the EPA Regional Office grants you approval to use a paper turbidity monitoring report form, and you elect to use it, you must complete the form in Appendix K. If EPA approves of your request to use an alternate turbidity benchmark pursuant to Part 3.3.2b, EPA will substitute the alternate benchmark in your NeT account.

d. For each day in which you are required to monitor, you must record the monitoring information required by Appendix G, Parts G.10.2 and G.10.3 and retain all such information for a period of at least three years from the date this permit expires or from the date your authorization is terminated.

[65] For example, if during a monitoring week you take two turbidity samples on Tuesday with a value of 30 NTU and 35 NTU, three samples on Wednesday with a value of 40 NTU, 45 NTU, and 48 NTU, and one sample on Thursday with a value of 45 NTU, your weekly average turbidity value for this week would be 41 NTU ((30+35+40+45+48+45) ÷ 6 = 41 NTU).

Table 4. Summary of Turbidity Benchmark Monitoring Requirements.

Applicability	Sampling Requirement	Turbidity Benchmark	Corrective Action	Reporting
Sites discharging dewatering water to a sediment-impaired water or to a water designated as a Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes.	Collect at least one turbidity sample per day, from each discharge point, on any day there is a dewatering discharge. Use turbidity sampling procedures specified in Part 3.3.1.	Compare the weekly average of your turbidity monitoring results to the 50 NTU benchmark (or alternate benchmark if approved by EPA).	If the weekly average of turbidity monitoring results exceeds the 50 NTU turbidity benchmark (or alternate benchmark if approved by EPA), you are required to take follow-up corrective action in accordance with Part 5.2.2.	Report all weekly average turbidity monitoring results on a quarterly basis via NeT-CGP (unless use of the paper monitoring form in Appendix K is approved by EPA) no later than 30 days following the end of each monitoring quarter.

4 INSPECTION REQUIREMENTS

4.1 PERSON(S) RESPONSIBLE FOR CONDUCTING SITE AND DEWATERING INSPECTIONS

The person(s) inspecting your site may be a person on your staff or a third party you hire to conduct such inspections. You are responsible for ensuring that any person conducting inspections pursuant to this Part is a "qualified person." A qualified person is someone who has completed the training required by Part 6.3.

4.2 FREQUENCY OF INSPECTIONS.[66]

At a minimum, you must conduct a site inspection in accordance with one of the two schedules listed below, unless you are subject to the Part 4.3 site inspection frequency for discharges to sediment or nutrient-impaired or high quality waters, or qualify for a Part 4.4 reduction in the inspection frequency:

4.2.1 At least once every seven (7) calendar days; *or*

4.2.2 Once every 14 calendar days *and* within 24 hours[67] of the occurrence of:

- **a.** A storm event that produces 0.25 inches or more of rain within a 24-hour period.
  - **i.** If a storm event produces 0.25 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.25 inches but together produce 0.25 inches or more in 24 hours), you are required to conduct one inspection within 24 hours of when 0.25 inches of rain or more has fallen.

[66] Inspections are only required during the site's normal working hours.

[67] For the purposes of the inspection requirements in this Part, conducting an inspection "within 24 hours" means that once either of the two conditions in Parts 4.2.2a or 4.2.2b are met you have 24 hours from that time to conduct an inspection. For clarification, the 24 hours is counted as a continuous passage of time, and not counted by business hours (e.g., 3 business days of 8 hours each). When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.

ii. If a storm event produces 0.25 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.25 inches or more of rain on subsequent days, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.25 inches or more of rain (i.e., only two inspections would be required for such a storm event).[68]

b. A discharge caused by snowmelt from a storm event that produces 3.25 inches[69] or more of snow within a 24-hour period. You are required to conduct one inspection once the discharge of snowmelt from a 3.25-inch or more snow accumulation occurs. Additional snowmelt inspections are only required if following the discharge from the first snowmelt, there is a discharge from a separate storm event that produces 3.25 inches or more of snow.

4.2.3 To determine whether a storm event meets either of the thresholds in Parts 4.2.2a or 4.2.2b:

a. For rain, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any 24-hour period during which there is 0.25 inches or more of rainfall, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.

b. For snow, you must either take measurements of snowfall at your site,[70] or rely on similar information from a local weather forecasting provider that is representative of your location.

4.3 INCREASE IN INSPECTION FREQUENCY FOR CERTAIN SITES.

The increased inspection frequencies established in this Part take the place of the Part 4.2 inspection frequencies for the portion of the site affected.

4.3.1 For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your State, Tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes (see Part 3.2), you must conduct an once every seven (7) calendar days *and* within 24 hours of the occurrence of a storm event that produces 0.25 inches or more of rain within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period.

[68] For example, if 0.30 inches of rain falls on Day 1, 0.25 inches of rain falls on Day 2, and 0.10 inches of rain fall on Day 3, you would be required to conduct a first inspection within 24 hours of the Day 1 rainfall and a second inspection within 24 hours of the Day 2 rainfall, but a third inspection would not be required within 24 hours of the Day 3 rainfall.

[69] This is the amount of snow that is equivalent to 0.25 inches of rain, based on information from the National Oceanic and Atmospheric Administration (NOAA) indicating that 13 inches of snow is, on average, equivalent to 1 inch of rain. See https://www.nssl.noaa.gov/education/svrwx101/winter/faq/.

[70] For snowfall measurements, EPA suggests use of NOAA's National Weather Service guidelines at https://www.weather.gov/jkl/snow_measurement. These guidelines recommend use of a "snowboard" (a piece of wood about 16 inches by 16 inches) that is placed in an unobstructed part of the site on a hard surface.

Refer to Parts 4.2.3a and 4.2.3b for the requirements to determine if a storm event produces enough rain or snow to trigger the inspection requirement.

4.3.2 **For sites discharging dewatering water,** you must conduct an inspection in accordance with Part 4.6.3 during the discharge once per day on which the discharge occurs. The Part 4.2 inspection frequency still applies to all other portions of the site, unless the site is affected by either the increased frequency in Part 4.3.1 or the reduced frequency in Part 4.4.

4.4 REDUCTIONS IN INSPECTION FREQUENCY

4.4.1 Stabilized areas.

a. You may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, then once per month until permit coverage is terminated consistent with Part 8 in any area of your site where the stabilization steps in Part 2.2.14a have been completed. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in Parts 4.2 and 4.3, as applicable. You must document the beginning and ending dates of this period in your SWPPP.

b. **Exception.** For "linear construction sites" (as defined in Appendix A) where disturbed portions have undergone final stabilization at the same time active construction continues on others, you may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, in any area of your site where the stabilization steps in Part 2.2.14a have been completed. After the first month, inspect once more within 24 hours of the occurrence of a storm event that produces 0.25 inches of rain or more within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period. If there are no issues or evidence of stabilization problems, you may suspend further inspections. If "wash-out" of stabilization materials and/or sediment is observed, following re-stabilization, inspections must resume at the inspection frequency required in Part 4.4.1a. Inspections must continue until final stabilization is visually confirmed following a storm event that produces 0.25 inches of rain or more within a 24-hour period.

4.4.2 **Arid, semi-arid, or drought-stricken areas** (as defined in Appendix A). If it is the seasonally dry period[71] or a period in which drought is occurring, you may reduce the frequency of inspections to once per month and within 24 hours of the occurrence of a storm event that produces 0.25 inches of rain or more within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period. You must document that you are using this reduced schedule and the beginning and ending dates of the seasonally dry period in your SWPPP. Follow the procedures in Part 4.2.3a and 4.2.3b, accordingly, to determine if a storm event occurs that produces 0.25 inches or more of rain or 3.25 inches or more of snow within a 24-hour period. For any 24-hour period during which there is 0.25 inches or more of rainfall, or 3.25 inches or more of snow, you must record the total rainfall or snow measured for that day in accordance with Part 4.7.1d.

[71] See footnote 44.

4.4.3 Frozen conditions:

a. If you are suspending construction activities due to frozen conditions, you may temporarily suspend inspections on your site until thawing conditions (as defined in Appendix A) begin to occur if:

i. Discharges are unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages.[72] If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable;

ii. Land disturbances have been suspended; and

iii. All disturbed areas of the site have been stabilized in accordance with Part 2.2.14a.

b. If you are still conducting construction activities during frozen conditions, you may reduce your inspection frequency to once per month if:

i. Discharges are unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable; and

ii. Except for areas in which you are actively conducting construction activities, disturbed areas of the site have been stabilized in accordance with Part 2.2.14a.

You must document the beginning and ending dates of this period in your SWPPP.

4.5 AREAS THAT MUST BE INSPECTED

During your site inspection, you must at a minimum inspect the following areas of your site:

4.5.1 All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part 2.2.14a;

4.5.2 All stormwater controls, including pollution prevention controls, installed at the site to comply with this permit;[73]

4.5.3 Material, waste, borrow, and equipment storage and maintenance areas that are covered by this permit;

4.5.4 All areas where stormwater typically flows within the site, including constructed or natural site drainage features designed to divert, convey, and/or treat stormwater;

4.5.5 All areas where construction dewatering is taking place, including controls to treat the dewatering discharge and any channelized flow of water to and from those controls;

[72] Use data sets that include the most recent data available to account for recent precipitation patterns and trends.

[73] This includes the requirement to inspect for sediment that has been tracked out from the site onto paved roads, sidewalks, or other paved areas consistent with Part 2.2.4.

4.5.6 All points of discharge from the site; and

4.5.7 All locations where stabilization measures have been implemented.

You are not required to inspect areas that, at the time of the inspection, are considered unsafe to your inspection personnel.

4.6 REQUIREMENTS FOR INSPECTIONS

4.6.1 During each site inspection, you must at a minimum:

a. Check whether all stormwater controls *(*i.e.*, erosion and sediment controls and pollution prevention controls)* are properly installed, appear to be operational, and are working as intended to minimize pollutant discharges.

b. Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site.

c. Identify any locations where new or modified stormwater controls are necessary to meet the requirements of Parts 2 and/or 3.

d. Check for signs of visible erosion and sedimentation *(*i.e.*, sediment deposits)* that have occurred and are attributable to your discharge at points of discharge and, if applicable, on the banks of any receiving waters flowing within or immediately adjacent to the site;

e. Check for signs of sediment deposition that are visible from your site and attributable to your discharge (e.g., sand bars with no vegetation growing on top in receiving waters or in other constructed or natural site drainage features, or the buildup of sediment deposits on nearby streets, curbs, or open conveyance channels).

f. Identify any incidents of noncompliance observed.

4.6.2 If a discharge is occurring during your inspection:

a. Identify all discharge points at the site; and

b. Observe and document the visual quality of the discharge, and take note of the characteristics of the stormwater discharge, including color; odor; floating, settled, or suspended solids; foam; oil sheen; and other indicators of stormwater pollutants. Check also for signs of these same pollutant characteristics that are visible from your site and attributable to your discharge in receiving waters or in other constructed or natural site drainage features.

4.6.3 For dewatering inspections conducted pursuant to Parts 4.3.2, record the following in a report within 24 hours of completing the inspection:

a. The inspection date;

b. Names and titles of personnel making the inspection;

c. Approximate times that the dewatering discharge began and ended on the day of inspection;[74]

d. Estimates of the rate (in gallons per day) of discharge on the day of inspection;

[74] If the dewatering discharge is a continuous discharge that continues after normal business hours, indicate that the discharge is continuous.

e. Whether or not any of the following indications of pollutant discharge were observed at the point of discharge to any receiving waters flowing through or immediately adjacent to the site and/or to constructed or natural site drainage features or storm drain inlets:[75]

i. a sediment plume, suspended solids, unusual color, presence of odor, decreased clarity, or presence of foam; and/or

ii. a visible sheen on the water surface or visible oily deposits on the bottom or shoreline of the receiving water; and

f. Photographs of (1) the dewatering water prior to treatment by a dewatering control(s) and the final discharge after treatment; (2) the dewatering control(s); and (3) the point of discharge to any receiving waters flowing through or immediately adjacent to the site and/or to constructed or natural site drainage features, storm drain inlets, and other conveyances to receiving waters.

You must also comply with the Part 4.7.2, 4.7.3, and 4.7.4 requirements for signing the reports, keeping them available on site, and retaining copies.

4.6.4 Based on the results of your inspection:

a. Complete any necessary maintenance repairs or replacements under Part 2.1.4 or under Part 5, whichever applies; and

b. Modify your SWPPP site map in accordance with Part 7.4.1 to reflect changes to your stormwater controls that are no longer accurately reflected on the current site map.

4.7 INSPECTION REPORT

4.7.1 You must complete an inspection report within 24 hours of completing any site inspection. Each inspection report (except for dewatering inspection reports, which are covered in Part 4.6.3) must include the following:

a. The inspection date;

b. Names and titles of personnel making the inspection;

c. A summary of your inspection findings, covering at a minimum the observations you made in accordance with Part 4.6, including any problems found during your inspection that make it necessary to perform routine maintenance pursuant to Part 2.1.4b or corrective action pursuant to Part 5. Include also any documentation as to why the corrective action procedures under Part 5 are unnecessary to fix a problem that repeatedly occurs as described in Part 2.1.4c;

d. If you are inspecting your site at the frequency specified in Part 4.2.2, Part 4.3, or Part 4.4.1b, and you conducted an inspection because of a storm event that produced rainfall measuring 0.25 inches or more within a 24-hour period, you must include the applicable rain gauge or weather station readings that triggered the inspection. Similarly, if you conducted an inspection because of a snowmelt discharge from a storm event that produced 3.25 inches or more of snow within a 24-hour period, you must include any measurements taken of snowfall at your site, or weather station information you relied on; and

[75] If the operator observes any of these indicators of pollutant discharge, corrective action is required consistent with Parts 5.1.5b and 5.2.2.

e. If you determined that it is unsafe to inspect a portion of your site, you must describe the reason you found it to be unsafe and specify the locations to which this condition applies.

4.7.2 Each inspection report must be signed by the operator's signatory in accordance with Appendix G, Part G.11 of this permit.

4.7.3 You must keep a copy of all inspection reports at the site or at an easily accessible location, so that it can be made immediately available at the time of an on-site inspection or upon request by EPA.[76]

4.7.4 You must retain all inspection reports completed for this Part for at least three (3) years from the date that your permit coverage expires or is terminated.

4.8 INSPECTIONS BY EPA

You must allow EPA, or an authorized representative of EPA, to conduct the following activities at reasonable times. To the extent that you are utilizing shared controls, that are not on site, to comply with this permit, you must make arrangements for EPA to have access at all reasonable times to those areas where the shared controls are located.

4.8.1 Enter onto all areas of the site, including any construction support activity areas covered by this permit, any off-site areas where shared controls are utilized to comply with this permit, discharge locations, adjoining waterbodies, and locations where records are kept under the conditions of this permit;

4.8.2 Access and copy any records that must be kept under the conditions of this permit;

4.8.3 Inspect your construction site, including any construction support activity areas covered by this permit (see Part 1.2.1c), any stormwater controls installed and maintained at the site, and any off-site shared controls utilized to comply with this permit; and

4.8.4 Sample or monitor for the purpose of ensuring compliance.

5 CORRECTIVE ACTIONS

5.1 CONDITIONS TRIGGERING CORRECTIVE ACTION.

You must take corrective action to address any of the following conditions identified at your site:

5.1.1 A stormwater control needs a significant repair or a new or replacement control is needed, or, in accordance with Part 2.1.4c, you find it necessary to repeatedly (i.e., three (3) or more times) conduct the same routine maintenance fix to the same control at the same location (unless you document in your inspection report under Part 4.7.1c that the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under Part 2.1.4); or

5.1.2 A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or

[76] Inspection reports may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of inspection report records, refer to the Fact Sheet discussion related to Part 4.7.3.

5.1.3 Your discharges are not meeting applicable water quality standards;

5.1.4 A prohibited discharge has occurred (see Part 1.3); or

5.1.5 During discharge from site dewatering activities:

a. The weekly average of your turbidity monitoring results exceeds the 50 NTU benchmark (or alternate benchmark if approved by EPA pursuant to Part 3.3.2b); or

b. You observe or you are informed by EPA, State, or local authorities of the presence of the conditions specified in Part 4.6.3e.

5.2 CORRECTIVE ACTION DEADLINES

5.2.1 If responding to any of the Part 5.1.1, 5.1.2, 5.1.3, or 5.1.4 triggering conditions, you must:

a. Immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events; and

b. When the problem does not require a new or replacement control or significant repair, the corrective action must be completed by the close of the next business day; or

c. When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 7-day timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven (7) calendar days of completing this work.

5.2.2 If responding to either of the Part 5.1.5 triggering conditions related to site dewatering activities, you must:

a. Immediately take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a solution, including shutting off the dewatering discharge as soon as possible depending on the severity of the condition[77] taking safety considerations into account;

b. Determine whether the dewatering controls are operating effectively and whether they are causing the conditions; and

c. Make any necessary adjustments, repairs, or replacements to the dewatering controls to lower the turbidity levels below the benchmark or remove the visible plume or sheen.

[77] For instance, if the weekly average of your turbidity monitoring results or a single sample is extremely high (e.g., a single turbidity sample results in 355 NTUs or higher), you should take action to safely shut off the discharge so that you can evaluate the cause of the high turbidity. Note: A single turbidity sample of 355 NTUs or higher means that the weekly average turbidity value will exceed 50 NTU regardless of the turbidity values the other days during the week.

When you have completed these steps and made any changes deemed necessary, you may resume discharging from your dewatering activities.

5.3 CORRECTIVE ACTION REQUIRED BY EPA

You must comply with any corrective actions required by EPA as a result of permit violations found during an inspection carried out under Part 4.8.

5.4 CORRECTIVE ACTION LOG

5.4.1 For each corrective action taken in accordance with this Part, you must record the following in a corrective action log:

- **a.** Within 24 hours of identifying the corrective action condition, document the specific condition and the date and time it was identified.
- **b.** Within 24 hours of completing the corrective action (in accordance with the deadlines in Part 5.2), document the actions taken to address the condition, including whether any SWPPP modifications are required.

5.4.2 Each entry into the corrective action log, consisting of the information required by both Parts 5.4.1a and 5.4.1b, must be signed by the operator's signatory in accordance with Appendix G, Part G.11.2 of this permit.

5.4.3 You must keep a copy of the corrective action log at the site or at an easily accessible location, so that it can be made immediately available at the time of an on-site inspection or upon request by EPA.[78]

5.4.4 You must retain the corrective action log for at least three (3) years from the date that your permit coverage expires or is terminated.

6 STORMWATER TEAM FORMATION/STAFF TRAINING REQUIREMENTS

6.1 STORMWATER TEAM

Each operator, or group of multiple operators, must assemble a "stormwater team" that will be responsible for carrying out activities necessary to comply with this permit. The stormwater team must include the following people:

- **a.** Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention controls);
- **b.** Personnel responsible for the application and storage of treatment chemicals (if applicable);
- **c.** Personnel who are responsible for conducting inspections as required in Part 4.1; and
- **d.** Personnel who are responsible for taking corrective actions as required in Part 5.

Members of the stormwater team must be identified in the SWPPP pursuant to Part 7.2.2.

[78] The corrective action log may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of corrective action log records, refer to the Fact Sheet discussion related to Part 4.7.3.

6.2 GENERAL TRAINING REQUIREMENTS FOR STORMWATER TEAM MEMBERS

Prior to the commencement of construction activities, you must ensure that all persons[79] assigned to the stormwater team understand the requirements of this permit and their specific responsibilities with respect to those requirements, including the following related to the scope of their job duties:

a. The permit requirements and deadlines associated with installation, maintenance, and removal of stormwater controls, as well as site stabilization;

b. The location of all stormwater controls on the site required by this permit and how they are to be maintained;

c. The proper procedures to follow with respect to the permit's pollution prevention requirements; and

d. When and how to conduct inspections, record applicable findings, and take corrective actions. Specific training requirements for persons conducting site inspections are included in Part 6.3.

You are responsible for ensuring that all activities on the site comply with the requirements of this permit. You are not required to provide or document formal training for subcontractors or other outside service providers (unless the subcontractors or outside service providers are responsible for conducting the inspections required in Part 4, in which case you must provide such documentation consistent with Part 7.2.2), but you must ensure that such personnel understand any requirements of this permit that may be affected by the work they are subcontracted to perform.

6.3 TRAINING REQUIREMENTS FOR PERSONS CONDUCTING INSPECTIONS

For projects that receive coverage under this permit on or after February 17, 2023, to be considered a qualified person under Part 4.1 for conducting inspections under Part 4, you must, at a minimum, either:

a. Have completed the EPA construction inspection course developed for this permit and have passed the exam; or

b. Hold a current valid construction inspection certification or license from a program that, at a minimum, covers the following:[80]

- **i.** Principles and practices of erosion and sediment control and pollution prevention practices at construction sites;
- **ii.** Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites; and
- **iii.** Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4.

[79] If the person requiring training is a new employee who starts after you commence construction activities, you must ensure that this person has the proper understanding as required above prior to assuming particular responsibilities related to compliance with this permit. For emergency-related projects, the requirement to train personnel prior to commencement of construction activities does not apply, however, such personnel must have the required training prior to NOI submission.

[80] If one of the following topics (e.g., installation and maintenance of pollution prevention practices) is not covered by the non-EPA training program, you may consider supplementing the training with the analogous module of the EPA course (e.g., Module 4) that covers the missing topic.

For projects that receive coverage under this permit prior to February 17, 2023, any personnel conducting site inspections pursuant to Part 4 on your site must, at a minimum, be a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.[81]

6.4 STORMWATER TEAM'S ACCESS TO PERMIT DOCUMENTS

Each member of the stormwater team must have easy access to an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

7 STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

7.1 GENERAL REQUIREMENTS

All operators associated with a construction site under this permit must develop a SWPPP consistent with the requirements in Part 7 prior to their submittal of the NOI.[82, 83, 84] The SWPPP must be kept up-to-date throughout coverage under this permit.

If a SWPPP was prepared under a previous version of this permit, the operator must review and update the SWPPP to ensure that this permit's requirements are addressed prior to submitting an NOI for coverage under this permit.

7.2 SWPPP CONTENTS

At a minimum, the SWPPP must include the information specified in this Part and as specified in other parts of this permit.

7.2.1 All Site Operators. Include a list of all other operators who will be engaged in construction activities at the site, and the areas of the site over which each operator has control.

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[81] If you receive coverage for a project prior to February 17, 2023, and construction activities for the same project will continue after February 17, 2023, the personnel conducting inspections do not need to take the additional training specified in Parts 6.3a and 6.3b for inspections conducted on the project site. If the same operator obtains coverage for a different project on or after February 17, 2023, personnel conducting inspections would be required to meet the requirements for a qualified person by completing the training in either Part 6.3a or Part 6.3b.

[82] The SWPPP does not establish the effluent limits and/or other permit terms and conditions that apply to your site's discharges; these limits, terms, and conditions are established in this permit.

[83] Where there are multiple operators associated with the same site, they may develop a group SWPPP instead of multiple individual SWPPPs. Regardless of whether there is a group SWPPP or multiple individual SWPPPs, each operator is responsible for compliance with the permit's terms and conditions. In other words, if Operator A relies on Operator B to satisfy its permit obligations, Operator A does not have to duplicate those permit-related functions if Operator B is implementing them such that both operators are in compliance with the permit. However, Operator A remains responsible for permit compliance if Operator B fails to take actions necessary for Operator A to comply with the permit. In addition, all operators must ensure, either directly or through coordination with other operators, that their activities do not cause a violation or compromise any other operators' controls and/or any shared controls. See also footnote 60.

[84] There are a number of commercially available products to assist operators in developing the SWPPP, as well as companies that can be hired to help develop a site-specific SWPPP. The permit does not state which are recommended, nor does EPA endorse any specific products or vendors. Where operators choose to rely on these products or services, the choice of which ones to use to comply with the requirements of this Part is a decision for the operator alone.

7.2.2 Stormwater Team. Identify the personnel (by name and position) that you have made part of the stormwater team pursuant to Part 6.1, as well as their individual responsibilities, including which members are responsible for conducting inspections.

Include verification that each member of the stormwater team has received the training required by Part 6.2. Include documentation that members of the stormwater team responsible for conducting inspections pursuant to Part 4 have received the training required by Part 6.3. If personnel on your team elect to complete the EPA inspector training program pursuant to Part 6.3a, you must include copies of the certificate showing that the relevant personnel have completed the training and passed the exam. If personnel on your team elect to complete a non-EPA inspector training program pursuant to Part 6.3b, you must include documentation showing that these persons have successfully completed the program and their certification or license is still current. You must also confirm that the non-EPA inspector training program satisfies the minimum elements for such programs in Part 6.3b.

7.2.3 Nature of Construction Activities. Include the following:

- **a.** A description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition;
- **b.** The size of the property (in acres or length in miles if a linear construction site);
- **c.** The total area expected to be disturbed by the construction activities (to the nearest quarter acre or nearest quarter mile if a linear construction site);
- **d.** A description of any on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c);
- **e.** The maximum area expected to be disturbed at any one time, including on-site and off-site construction support activity areas;
- **f.** A description and projected schedule for the following:[85]
  - **i.** Commencement of construction activities in each portion of the site, including clearing and grubbing, mass grading, demolition activities, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;
  - **ii.** Temporary or permanent cessation of construction activities in each portion of the site;
  - **iii.** Temporary or final stabilization of exposed areas for each portion of the site; and
  - **iv.** Removal of temporary stormwater controls and construction equipment or vehicles, and the cessation of construction-related pollutant-generating activities.

[85] If plans change due to unforeseen circumstances or for other reasons, the requirement to describe the sequence and estimated dates of construction activities is not meant to "lock in" the operator to meeting these dates. When departures from initial projections are necessary, this should be documented in the SWPPP itself, or in associated records, as appropriate.

g. A list and description of all pollutant-generating activities[86] on the site. For each pollutant-generating activity, include an inventory of pollutants or pollutant constituents (e.g., *sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels*) associated with that activity, which could be discharged in stormwater from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed or removed during construction;

h. Business days and hours for the project;

i. If you are conducting construction activities in response to a public emergency (see Part 1.4), a description of the cause of the public emergency *(*e.g.*, mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services)*, information substantiating its occurrence *(*e.g.*, State disaster declaration or similar State or local declaration)*, and a description of the construction necessary to reestablish affected public services.

7.2.4 Site Map. Include a legible map, or series of maps, showing the following features of the site:

a. Boundaries of the property;

b. Locations where construction activities will occur, including:

i. Locations where earth-disturbing activities will occur (note any phasing), including any demolition activities;

ii. Approximate slopes before and after major grading activities (note any steep slopes (as defined in Appendix A));

iii. Locations where sediment, soil, or other construction materials will be stockpiled;

iv. Any receiving water crossings;

v. Designated points where vehicles will exit onto paved roads;

vi. Locations of structures and other impervious surfaces upon completion of construction; and

vii. Locations of on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c).

c. Locations of any receiving waters within the site and all receiving waters within one mile downstream of the site's discharge point(s). Also identify if any of these receiving waters are listed as impaired or are identified as a Tier 2, Tier 2.5, or Tier 3 water;

d. Any areas of Federally listed critical habitat within the action area of the site as defined in Appendix A;

e. Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures);

f. Drainage patterns of stormwater and authorized non-stormwater before and after major grading activities;

[86] Examples of pollutant-generating activities include paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering activities.

g. Stormwater and authorized non-stormwater discharge locations, including:

i. Locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets, including a notation of whether the inlet conveys stormwater to a sediment basin, sediment trap, or similarly effective control;[87]

ii. Locations where stormwater or authorized non-stormwater will be discharged directly to receiving waters (i.e., not via a storm drain inlet); and

iii. Locations where turbidity benchmark monitoring will take place to comply with Part 3.3, if applicable to your site.

h. Locations of all potential pollutant-generating activities identified in Part 7.2.3g;

i. Designated areas where construction wastes that are covered by the exception in Part 2.3.3e.ii because they are not pollutant-generating will be stored;

j. Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with this permit; and

k. Locations where polymers, flocculants, or other treatment chemicals will be used and stored.

7.2.5 Non-Stormwater Discharges. Identify all authorized non-stormwater discharges in Part 1.2.2 that will or may occur.

7.2.6 Description of Stormwater Controls.

a. For each of the Part 2.2 erosion and sediment control requirements, Part 2.3 pollution prevention requirements, and Part 2.4 construction dewatering requirements, as applicable to your site, you must include the following:

i. A description of the specific control(s) to be implemented to meet these requirements;

ii. The design specifications for controls described in Part 7.2.6a.i (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon);[88]

iii. Routine stormwater control maintenance specifications; and

iv. The projected schedule for stormwater control installation/implementation.

b. You must also include any of the following additional information as applicable.

i. **Natural buffers and/or equivalent sediment controls** (see Part 2.2.1 and Appendix F). You must include the following:

(a) The compliance alternative to be implemented;

(b) If complying with alternative 2, the width of natural buffer retained;

[87] The requirement to show storm drain inlets in the immediate vicinity of the site on your site map only applies to those inlets that are easily identifiable from your site or from a publicly accessible area immediately adjacent to your site.

[88] Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practice and must be explained in the SWPPP.

(c) If complying with alternative 2 or 3, the erosion and sediment control(s) you will use to achieve an equivalent sediment reduction, and any information you relied upon to demonstrate the equivalency;

(d) If complying with alternative 3, a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size;

(e) For "linear construction sites" where it is infeasible to implement compliance alternative 1, 2, or 3, a rationale for this determination, and a description of any buffer width retained and/or supplemental erosion and sediment controls installed; and

(f) A description of any disturbances that are exempt under Part 2.2.1 that occur within 50 feet of a receiving water.

ii. Perimeter controls for a "linear construction site" (see Part 2.2.3d). For areas where perimeter controls are not feasible, include documentation to support this determination and a description of the other practices that will be implemented to minimize discharges of pollutants in stormwater associated with construction activities.

Note: Routine maintenance specifications for perimeter controls documented in the SWPPP must include the Part 2.2.3c.i requirement that sediment be removed before it has accumulated to one-half of the above-ground height of any perimeter control.

iii. Sediment track-out controls (see Parts 2.2.4b and 2.2.4c). Document the specific stabilization techniques and/or controls that will be implemented to remove sediment prior to vehicle exit.

iv. Inlet protection measures (see Part 2.2.10a). Where inlet protection measures are not required because the storm drain inlets to which your site discharges are conveyed to a sediment basin, sediment trap, or similarly effective control, include a short description of the control that receives the stormwater flow from the site.

v. Sediment basins (see Part 2.2.12). In circumstances where it is infeasible to utilize outlet structures that withdraw water from the surface, include documentation to support this determination, including the specific conditions or time periods when this exception will apply.

vi. Treatment chemicals (see Part 2.2.13), you must include the following:

(a) A listing of the soil types that are expected to be exposed during construction in areas of the project that will drain to chemical treatment systems. Also include a listing of soil types expected to be found in fill material to be used in these same areas, to the extent you have this information prior to construction;

(b) A listing of all treatment chemicals to be used at the site and why the selection of these chemicals is suited to the soil characteristics of your site;

(c) If the applicable EPA Regional Office authorized you to use cationic treatment chemicals for sediment control, include the specific controls and implementation procedures designed to ensure that your use of cationic

treatment chemicals will not lead to a discharge that does not meet water quality standards;

(d) The dosage of all treatment chemicals to be used at the site or the methodology to be used to determine dosage;

(e) Information from any applicable Safety Data Sheet (SDS);

(f) Schematic drawings of any chemically enhanced stormwater controls or chemical treatment systems to be used for application of the treatment chemicals;

(g) A description of how chemicals will be stored consistent with Part 2.2.13c;

(h) References to applicable State or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems; and

(i) A description of the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to use of the treatment chemicals at your site.

vii. Stabilization measures (see Part 2.2.14). You must include the following:

(a) The specific vegetative and/or non-vegetative practices that will be used;

(b) The stabilization deadline that will be met in accordance with Part 2.2.14;

(c) If complying with the deadlines for sites in arid, semi-arid, or drought-stricken areas, the beginning and ending dates of the seasonally dry period (as defined in Appendix A)[89] and the schedule you will follow for initiating and completing vegetative stabilization; and

(d) If complying with deadlines for sites affected by unforeseen circumstances that delay the initiation and/or completion of vegetative stabilization, document the circumstances and the schedule for initiating and completing stabilization.

viii. Spill prevention and response procedures (see Parts 1.3.5, 2.3.3c, 2.3.3d, and 2.3.6). You must include the following:

(a) Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for detection and response of spills or leaks; and

(b) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part 2.3.6 and established under either 40 CFR part 110, 40 CFR part 117, or 40 CFR part 302, occurs

[89] See footnote 44.

during a 24-hour period. Contact information must be in locations that are readily accessible and available to all employees.

You may also reference the existence of SPCC plans developed for the construction activity under Section 311 of the CWA, or spill control programs otherwise required by an NPDES permit for the construction activity, provided that you keep a copy of that other plan on site.[90]

ix. Waste management procedures (see Part 2.3.3). Describe the procedures you will follow for handling, storing, and disposing of all wastes generated at your site consistent with all applicable Federal, State, Tribal, and local requirements, including clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste. You must also include the following additional information:

(a) If site constraints prevent you from storing chemical containers 50 feet away from receiving waters or the other site drainage features as required in Part 2.3.3c.ii(b), document in your SWPPP the specific reasons why the 50-foot setback is not feasible, and how you will store containers as far away as the site permits; and

(b) If there are construction wastes that are subject to the exception in Part 2.3.3e.ii, describe the specific wastes that will be stored on your site.

x. Application of fertilizers (see Part 2.3.5). Document any departures from the manufacturer specifications where appropriate.

7.2.7 Procedures for Inspection, Maintenance, and Corrective Action. Describe the procedures you will follow for maintaining your stormwater controls, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Part 2.1.4, Part 4, and Part 5 of this permit, accordingly. Also include:

a. The inspection schedule you will follow, which is based on whether your site is subject to Part 4.2 or Part 4.3, or whether your site qualifies for any of the reduced inspection frequencies in Part 4.4;

b. If you will be conducting inspections in accordance with the inspection schedule in Part 4.2.2, Part 4.3, or Part 4.4.1b, the location of the rain gauge or the address of the weather station you will be using to obtain rainfall data;

c. If you will be reducing your inspection frequency in accordance with Part 4.4.1b, the beginning and ending dates of the seasonally defined arid period for your area or the valid period of drought;

d. If you will be reducing your inspection frequency in accordance with Part 4.4.3, the beginning and ending dates of frozen conditions on your site; and

e. Any maintenance or inspection checklists or other forms that will be used.

7.2.8 Procedures for Turbidity Benchmark Monitoring from Dewatering Discharges (if applicable). If you are required to comply with the Part 3.3 turbidity benchmark

[90] Even if you already have an SPCC or other spill prevention plan in existence, your plans will only be considered adequate if they meet all of the requirements of this Part, either as part of your existing plan or supplemented as part of the SWPPP.

monitoring requirements, describe the procedures you will follow to collect and evaluate samples, report results to EPA and keep records of monitoring information, and take corrective action when necessary. Include the specific type of turbidity meter you will use for monitoring, as well as any manuals or manufacturer instructions on how to operate and calibrate the meter. Describe any coordinating arrangement you may have with any other permitted operators on the same site with respect to compliance with the turbidity monitoring requirements, including which parties are tasked with specific responsibilities. If EPA has approved of an alternate turbidity benchmark pursuant to Part 3.3.2b, include any data and other documentation you relied on to request use of the specific alternative benchmark.

7.2.9 Compliance with Other Requirements.

a. Threatened and Endangered Species Protection. Include documentation required in the Endangered Species Protection section of the NOI in NeT, or the ESA worksheet in Appendix D, supporting your eligibility with regard to the protection of threatened and endangered species and designated critical habitat.

b. Historic Properties. Include documentation required in Appendix E supporting your eligibility with regard to the protection of historic properties.

c. Safe Drinking Water Act Underground Injection Control (UIC) Requirements for Certain Subsurface Stormwater Controls. If you are using any of the following stormwater controls at your site, document any contact you have had with the applicable State agency[91] or EPA Regional Office responsible for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's implementing regulations at 40 CFR § 144 -147. Such controls would generally be considered Class V UIC wells:

i. Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system);

ii. Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow; and

iii. Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system).

7.2.10 SWPPP Certification. Your signatory must sign and date your SWPPP in accordance with Appendix G, Part G.11.

7.2.11 Post-Authorization Additions to the SWPPP. Once you are authorized for coverage under this permit, you must include the following documents as part of your SWPPP:

a. A copy of your NOI submitted to EPA along with any correspondence exchanged between you and EPA related to coverage under this permit;

b. A copy of the acknowledgment letter you receive from NeT assigning your NPDES ID (i.e*., permit tracking number*);

[91] For State UIC program contacts, refer to the following EPA website: https://www.epa.gov/uic.

c. A copy of this permit (an electronic copy easily available to the stormwater team is also acceptable).

7.3 ON-SITE AVAILABILITY OF YOUR SWPPP

You must keep a current copy of your SWPPP at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by EPA; a State, Tribal, or local agency approving stormwater management plans; the operator of a storm sewer system receiving discharges from the site; or representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).[92]

EPA may provide access to portions of your SWPPP to a member of the public upon request. Confidential Business Information (CBI) will be withheld from the public, but may not be withheld from EPA, USFWS, or NMFS.[93]

If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of your construction site.

7.4 SWPPP MODIFICATIONS

7.4.1 You must modify your SWPPP, including the site map(s), within seven (7) days of any of the following conditions:

a. Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP. This includes changes made in response to corrective actions triggered under Part 5. You do not need to modify your SWPPP if the estimated dates in Part 7.2.3f change during the course of construction;

b. To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;

c. If inspections or investigations by EPA or its authorized representatives determine that SWPPP modifications are necessary for compliance with this permit;

d. Where EPA determines it is necessary to install and/or implement additional controls at your site in order to meet the requirements of this permit, the following must be included in your SWPPP:

i. A copy of any correspondence describing such measures and requirements; and

[92] The SWPPP may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of the SWPPP, refer to the Fact Sheet discussion related to Part 4.7.3.

[93] Information covered by a claim of confidentiality will be disclosed by EPA only to the extent of, and by means of, the procedures set forth in 40 CFR part 2, Subpart B. In general, submitted information protected by a business confidentiality claim may be disclosed to other employees, officers, or authorized representatives of the United States concerned with implementing the CWA. The authorized representatives, including employees of other executive branch agencies, may review CBI during the course of reviewing draft regulations.

ii. A description of the controls that will be used to meet such requirements.

e. To reflect any revisions to applicable Federal, State, Tribal, or local requirements that affect the stormwater controls implemented at the site; and

f. If applicable, if a change in chemical treatment systems or chemically enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application.

7.4.2 You must maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Part 7.2.9 above) and a brief summary of all changes.

7.4.3 All modifications made to the SWPPP consistent with Part 7.4 must be authorized by a person identified in Appendix G, Part G.11.b.

7.4.4 Upon determining that a modification to your SWPPP is required, if there are multiple operators covered under this permit, you must immediately notify any operators who may be impacted by the change to the SWPPP.

8 HOW TO TERMINATE COVERAGE

Until you terminate coverage under this permit, you must comply with all conditions and effluent limitations in the permit. To terminate permit coverage, you must submit to EPA a complete and accurate Notice of Termination (NOT), which certifies that you have met the requirements for terminating in Part 8.

8.1 MINIMUM INFORMATION REQUIRED IN NOT

8.1.1 NPDES ID (i.e*., permit tracking number)* provided by EPA when you received coverage under this permit;

8.1.2 Basis for submission of the NOT (see Part 8.2);

8.1.3 Operator contact information;

8.1.4 Name of site and address (or a description of location if no street address is available); and

8.1.5 NOT certification.

8.2 CONDITIONS FOR TERMINATING CGP COVERAGE

You may terminate CGP coverage only if one or more of the conditions in Parts 8.2.1, 8.2.2, or 8.2.3 has occurred. Until your termination is effective consistent with Part 8.5, you must continue to comply with the conditions of this permit.

8.2.1 You have completed all construction activities at your site and, if applicable, construction support activities covered by this permit (see Part 1.2.1c), and you have met all of the following requirements:

a. For any areas that (1) were disturbed during construction, (2) are not covered by permanent structures, and (3) over which you had control during the construction activities, you have met the requirements for final vegetative or non-vegetative stabilization in Part 2.2.14c.

To document that you have met these stabilization requirements, you must take either ground or aerial photographs that show your site's compliance with the Part 2.2.14 stabilization requirements and submit them with your NOT. If any portion of your

site is covered by one of the exceptions in Part 2.2.14c.iii, indicate which exception applies and include a supplementary explanation with your photographs that provides the necessary context for why this portion of the site is in compliance with the final stabilization criteria even though it appears to be unstabilized. You are not required to take photographs of every distinct part of your site that is being stabilized, however, the conditions of the site portrayed in any photographs that are submitted must be substantially similar[94] to those of the areas that are not photographed. You must also comply with the following related to these photographs:

i. Take photographs both before and after the site has met the final stabilization criteria in Part 2.2.14c;

ii. All photographs must be clear and in focus, and in the original format and resolution; and

iii. Include the date each photograph was taken, and a brief description of the area of the site captured by the photograph (e.g., photo shows application of seed and erosion control mats to remaining exposed surfaces on northeast corner of site).

b. You have removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long-term use following your termination of permit coverage;

c. You have removed all stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following your termination of permit coverage or those that are biodegradable (as defined in Appendix A); and

d. You have removed all potential pollutants and pollutant-generating activities associated with construction, unless needed for long-term use following your termination of permit coverage; or

8.2.2 You have transferred control of all areas of the site for which you are responsible under this permit to another operator, and that operator has submitted an NOI and obtained coverage under this permit; or

8.2.3 Coverage under an individual or alternative general NPDES permit has been obtained.

8.3 HOW TO SUBMIT YOUR NOT

You must use EPA's NPDES eReporting Tool (NeT) to electronically prepare and submit an NOT for the 2022 CGP.

To access NeT, go to https://cdx.epa.gov/cdx.

Waivers from electronic reporting may be granted as specified in Part 1.4.2. If the EPA Regional Office grants you approval to use a paper NOT, and you elect to use it, you must complete the form in Appendix I.

[94] Stabilization conditions that are substantially similar would include areas that are using the same type of stabilization measures and that have similar slopes, soils, and topography, and have achieved the same level of stabilization.

8.4 DEADLINE FOR SUBMITTING THE NOT

You must submit an NOT within 30 calendar days after any one of the conditions in Part 8.2 occurs.

8.5 EFFECTIVE DATE OF TERMINATION OF COVERAGE

Your authorization to discharge under this permit terminates at midnight of the calendar day that a complete NOT is submitted to EPA.

9 PERMIT CONDITIONS APPLICABLE TO SPECIFIC STATES, INDIAN COUNTRY LANDS, OR TERRITORIES

The provisions in this Part provide additions to the applicable conditions of this permit to reflect specific additional conditions required as part of the State or Tribal CWA Section 401 certification process, or the Coastal Zone Management Act (CZMA) certification process, or as otherwise established by the permitting authority. The specific additional revisions and requirements only apply to activities in those specific States, Indian country, and areas in certain States with Federal Facilities or areas subject to construction projects by Federal Operators. States, Indian country, and other areas not included in this Part do not have any additions to the applicable conditions of this permit.

9.1 EPA REGION 1

9.1.1 NHR100000 State of New Hampshire

a. Should the permit coverage for an individual applicant be insufficient to achieve water quality standards, the New Hampshire Department of Environmental Services (NHDES) may prepare additional 401 certification conditions for that applicant. Any additional 401 certification conditions will follow all required NHDES public participation requirements.

b. If you disturb 100,000 square feet or more of contiguous area, you must also comply with RSA 485-A:17 and Env-Wq 1500, and, unless exempt, apply for an Alteration of Terrain (AoT) permit from NHDES. This requirement also applies to a lower disturbance threshold of 50,000 square feet or more when construction occurs within the protected shoreline under the Shoreland Water Quality Protection Act (see RSA 483-B and Env-Wq 1400). A permit application must also be filed if your project disturbs an area of greater than 2,500 square feet, is within 50 feet of any surface water, and has a flow path of 50 feet or longer disturbing a grade of 25 percent or greater. Project sites with disturbances smaller than those discussed above, that have the potential to adversely affect state surface waters, are subject to the conditions of an AoT General Permit by Rule (Env-Wq 1503.03).

c. You must determine that any excavation dewatering discharges are not contaminated before they will be authorized as an allowable non-stormwater discharge under this permit (see Part 1.2.2 of the Construction General Permit or CGP). In the absence of information demonstrating otherwise, the water is considered uncontaminated if there is no groundwater contamination within 1,000 feet of the groundwater dewatering location. Information on groundwater contamination can be generated over the Internet via the NHDES web site http:// des.nh.gov/ by using the One Stop Data Mapper. For a toxic substance included in the New Hampshire surface water quality standards, see Env-Wq 1703.21 (see https://www.des.nh.gov/sites/g/fi1es/ehbemt 341/files/documents/2020-01/Env-Wg

1700.pdf). If it is determined that the groundwater to be dewatered is near a remediation or other waste site, you must apply for the Remediation General Permit (see https://www3.epa.gov/region1/npdes/rgp.html)

d. As a minimum, you must treat any uncontaminated excavation "dewatering" discharges and "stormwater" discharges, as those terms are defined in Appendix A of the CGP, as necessary, to remove suspended solids and turbidity so that the surface waters receiving the construction discharges[95] meet New Hampshire surface water quality standards for turbidity (Env-Wq 1703.11 and Env-Wq 1703.03(c)(1)c), benthic deposits (Env-Wq 1703.03(c)(1)a), and Env-Wq 1703.08) and foam, debris, scum or other visible substances (i.e., plumes or visual turbidity)[96] (Env-Wq 1703.03(c)(1)b).

i. For all Construction Activities covered under this CGP, the following shall apply to ensure compliance with the aforementioned regulations for turbidity, benthic deposits and visible substances:

Unless otherwise specified, site inspection requirements shall comply with Part 4 of the CGP. As a minimum site inspection frequency shall be in accordance with Part 4.2.2 of the CGP (and Part 4.3.2 of the CGP for sites discharging dewatering water). Site inspection frequency may be reduced in accordance with Part 4.4 of the CGP (Reductions in Inspection Frequency). Monitoring of the receiving water for visible turbidity and benthic sediment deposits shall be conducted each site inspection and results reported in the Inspection Report required in Part 4.7 of the CGP. Should visible turbidity or benthic sediment deposits attributable or partly attributable to your construction activities be present in the receiving water, the "Corrective Actions" specified in Part 5 shall be immediately implemented to correct the water quality standard violations. In addition, daily monitoring (including photographs) of the receiving water shall be conducted until there is no visible turbidity or benthic deposits. Inspection Reports required in Part 4.7 of the CGP shall include, but not be limited to, the distance downstream and the percent of the river width[97] where visible turbidity was observed, and the period of time that the visible turbidity persisted. A copy of the Inspection Report(s) shall be made available to NHDES within 24 hours of receiving a written request from NHDES.

ii. For Construction Activities, disturbing 5 acres or more of land at any one time (excluding areas that have been completely stabilized in accordance with the final stabilization criteria specified in Part 2.2.14.c of the CGP), the following shall

[95] Construction Discharges include uncontaminated "dewatering" and "stormwater" discharges as those terms are defined in Appendix A of the CGP. Controlled construction discharges are construction discharges where the rate of flow can be regulated such as from a construction settling basin or NHDES approved flocculation system.

[96] For the definition of visual turbidity, see the definition for "Non-Turbid" in Appendix A of the CGP, which states the following:" "Non-Turbid" - a discharge that is free from visual turbidity. For the purposes of this permit, visual turbidity refers to a sediment plume or other cloudiness in the water caused by sediment that can be identified by an observer." *[EPA interprets the text of this footnote as intending to reference the Appendix A definitions of "visual turbidity" and "non-turbid" in the final permit.]*

[97] The distance downstream and the percent of river width where visible turbidity (i.e., plume) is observed is required to determine the extent of the river affected and to determine if there was a "zone of passage" (i.e., a portion of the receiving water where there was no visible turbidity where mobile organisms could pass without being adversely impacted). The percent of river width affected is equal 100 multiplied by the width of the plume (in feet) divided by the width of the receiving water (in feet).

apply to ensure compliance with the aforementioned regulations for turbidity, benthic deposits and visible substances.

Item 9.1.1.d.i) above shall apply to all construction discharges and the minimum site inspection frequency shall comply with Part 4.3.1 of the CGP (and Part 4.3.2 of the CGP for sites discharging dewatering water). Site inspection frequency may be reduced in accordance with Part 4.4 of the CGP (Reductions in Inspection Frequency).

With regards to controlled construction discharges, if there is no visible turbidity (i.e., plumes) or benthic deposits, and, in the absence of information demonstrating otherwise, turbidity measurements of less than or equal to 50 nephelometric turbidity units (NTU) in the controlled construction discharges at the outlet prior to mixing with the receiving surface waters, shall be presumed to meet New Hampshire surface water quality standards for the parameters listed above. As a minimum, the controlled construction discharges must be sampled at each site inspection.

If any controlled construction discharge exceeds 50 NTU, or if visible turbidity or benthic sediment deposits attributable or partly attributable to any construction discharge are observed in the receiving water, then the "Corrective Actions" specified in Part 5 of the CGP shall be immediately implemented.

In addition, should such violation occur, and, in order to determine compliance with surface water quality standards for turbidity (Env-Wq 1703.11 and Env-Wq 1703.03(c)(1)c), benthic deposits (Env-Wq 1703.03(c)(1)a), and Env-Wq 1703.08) and foam, debris, scum or other visible substances (Env-Wq 1703.03(c)(1)b)), turbidity monitoring shall be immediately implemented as specified below:

Turbidity samples of the receiving water shall be immediately taken in the receiving water upstream and beyond the influence of the construction activity, and, unless a mixing zone[98] is approved by NHDES, no more than 75 feet downstream of each controlled construction discharge that exceeded 50 NTU and no more than 75 feet downstream of each construction discharge that caused visible turbidity.

Downstream samples shall be taken at locations in the receiving water that are most likely influenced by the discharge (e.g., if visible turbidity (i.e., a plume) is present, the sample shall be taken in the plume). Samples shall be collected a minimum of 2 times per day during the daylight hours at times when construction activities are most likely to cause turbidity in the receiving water and shall continue until the turbidity water quality standards are met in the receiving water (i.e., the difference between the upstream and downstream turbidity level is no greater than 10 NTU).

[98] Permittees may request a distance greater than 75 feet downstream of a construction discharge for determining compliance with turbidity standards in Class B surface waters, by submitting a mixing zone request to NHDES that complies with Env-Wq 1707.02. If a mixing zone is approved, NHDES is required to include conditions to ensure that the criteria on which the approval is based are met (Env-Wq 1707.03).

If water quality standards are not met during daylight hours on any day, sampling shall resume the next day and continue no fewer than 2 times per day until water quality standards are met. The date, time, location and results of turbidity measurements, as well as a summary identifying the cause of the violations, corrective actions that were implemented, the period of time that the receiving water exceeded turbidity standards and the distance downstream and the percent of the river width where visible turbidity was observed, and the period of time that the visible turbidity persisted, shall be recorded and included in the Inspection Report required in Part 4.7 of the CGP. Turbidity measurements shall be conducted via a field meter in accordance with the requirements for turbidity specified in Table 1B in 40 CFR 136.3 (see 40 CFR §136.3 Identification of test procedures - Code of Federal Regulations ecfr.io). Field meters shall be calibrated every day sampling is conducted and prior to the first sample.

e. Construction site owners and operators are encouraged to consider opportunities for post- construction groundwater recharge using infiltration best management practices (BMPs) during site design and preparation of the SWPPP in order to assure compliance with Env-Wq 1703.03 and Env-Wq 1703.11. If your construction site is in a town that is required to obtain coverage under the NPDES General Permit for discharges from Municipal Separate Storm Sewer Systems (MS4) you may be required to use such practices. The SWPPP must include a description of any on-site infiltration that will be installed as a post-construction stormwater management measure or reasons for not employing such measures such as 1) The facility is located in a wellhead protection area as defined in RSA 485- C:2; or 2) The facility is located in an area where groundwater has been reclassified to GAA, GA1 or GA2 pursuant to RSA 485-C and Env-DW 901; or 3) Any areas that would be exempt from the groundwater recharge requirements contained in Env-Wq 1507.04, including all land uses or activities considered to be a "High-load Area" (see Env-Wq 1502.30). For design considerations for infiltration measures see Env-Wq 1508.06. Note that there may be additional local requirements that fall under the NH MS4 permittee's Authorization to Discharge Permit for those regulated areas.

f. Appendix F of the CGP contains information regarding Tier 2, or high quality waters in the various states. ***[EPA notes that this information has now been moved to https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates]*** Although there is no official list of tier 2 waters for New Hampshire, it can be assumed that all New Hampshire surface waters are tier 2 for turbidity unless 1) the surface water that you are proposing to discharge into is listed as impaired for turbidity in the states listing of impaired waters (see https://nhdes-surface-water-quality-assessment-site-nhdes.hub.arcgis.com/) or 2) sampling upstream of the proposed discharge location shows turbidity values greater than 10 NTU (Env-Wq 1703.11). A single grab sample collected during dry weather (no precipitation within 48 hours) is acceptable.

g. To ensure compliance with RSA 485-C, RSA 485-A, RSA 485-A:13, I(a), Env-Wq 1700 and Env-Wq 302, the following information may be requested by NHDES. This information must be kept on site unless you receive a written request from NHDES that it be sent to the address shown below in 9.1.1.h.

i. A list of all non-stormwater discharges that occur at the facility, including their source locations and the control measures being used (see Part 1.2.2 of the CGP).

ii. Records of sampling and analysis required for construction dewatering and stormwater discharges (see 9.1.1.d above).

h. All required or requested documents must be sent to: NH Department of Environmental Services, Watershed Management Bureau, P.O. Box 95 Concord, NH 03302-0095.

9.1.2 MAR100000 Commonwealth of Massachusetts (except Indian country)

a. All discharges covered by the Construction General Permit shall comply with the provisions pursuant to 314 CMR 3.00, 314 CMR 4.00, 314 CMR 9.00, including applicable construction stormwater standards and 310 CMR 10.00.

b. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(e) to maintain surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, permittees are prohibited from discharging dewatering water under the CGP from sites that are designated as Superfund/CERCLA or RCRA, and must make accommodations to dispose of the dewatering discharges appropriately, such as coverage under the Remediation General Permit (RGP).

c. Pursuant to 314 CMR 3.11 (2)(a), and in accordance with MassDEP's obligation to protect Outstanding Resource Waters under 314 CMR 4.04(3), applicants seeking coverage under the 2022 CGP that propose to carry out construction activities near Outstanding Resource Waters as identified in 314 CMR 4.06, shall submit to MassDEP for review:

i. a copy of the Stormwater Pollution Prevention Plan (SWPPP),

ii. a copy of the EPA NOI, and

iii. MassDEP's Stormwater BMP Checklist.

For purposes of this review, the permittee shall submit these documents to MassDEP at the same time they are submitted to EPA. Instructions on how to submit these documents to MassDEP and where to find the MassDEP Stormwater BMP Checklist and obtain authorization to discharge can be found here: https://www.mass.gov/how-to/wm-15-npdes-general-permit-notice-of- intent.

d. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(e) to maintain surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, applicants that propose to dewater under the 2022 CGP and plan to discharge to certain waters as described below, shall determine that any dewatering discharges are not contaminated by testing the proposed discharge as described below as part of the application for WM15 authorization. Unless otherwise specified, testing described in this section should be conducted using the methods in 40 CFR 136.

i. Applicants for sites that plan to discharge to Outstanding Resource Waters as identified in 314 CMR 4.06 shall test one sample of the proposed dewatering discharge water for pH, E. Coli (for discharges to freshwater), fecal coliform (for

discharges to salt water), Enterococci (for discharges to salt water), total suspended solids, oil and grease, total nitrogen, total phosphorus, and all parameters with numeric criteria listed in the Massachusetts Surface Water Quality Standards at 314 CMR 4.05(e). Results shall be reported to MassDEP as part of the WM15 application. To determine if the dewatering discharge could be covered under the 2022 CGP, the effluent at zero dilution must meet numeric water quality criteria. If the effluent does not meet numeric water quality criteria, the applicant shall contact EPA Region 1 to discuss coverage under the Remediation General Permit.

ii. Applicants for sites that propose to discharge to Public Water Supplies (314 CMR 4.06(1)(d)1) shall also test one sample of the proposed dewatering discharge water for per- and polyfluoroalkyl substances (PFAS), as outlined in the table below. Results shall be reported to MassDEP as part of the WM15 application. If any PFAS compounds are detected, the applicant shall apply for coverage under the NPDES Remediation General Permit for Massachusetts if required.

PFAS Testing Parameters for Discharges to Public Drinking Water Supplies[99]	
Perfluorohexanesulfonic acid (PFHxS), grab	Report ng/L
Perfluoroheptanoic acid (PFHpA), grab	Report ng/L
Perfluorononanoic acid (PFNA), grab	Report ng/L
Perfluorooctanesulfonic acid (PFOS), grab	Report ng/L
Perfluorooctanoic acid (PFOA), grab	Report ng/L
Perfluorodecanoic acid (PFDA), grab	Report ng/L

iii. Applicants for sites that propose to discharge to an impaired water as identified in the most recent final Massachusetts Integrated List of Waters,shall test one sample of the proposed dewatering discharge water for the parameter(s) for which the waterbody is impaired. To determine if the dewatering discharge could be covered under the 2022 CGP, the effluent at zero dilution must meet numeric water quality criteria. If the effluent does not meet numeric water quality criteria, the applicant shall contact EPA Region 1 to discuss coverage under the Remediation GeneralPermit and shall apply for RGP coverage if required.

iv. For dewatering discharges to all other waters, if any pollutants are knownor believed present in the proposed dewatering discharge water, the applicant shall apply for coverage under the NPDES Remediation General Permit for Massachusetts if required. For the purposes of this condition, a pollutant is "known present" if measured above the analytical detection limit using a sufficiently sensitive test method in an environmental sample, and "believed present" if a pollutant has not been measured in an environmental sample but will be added or generated prior to discharge, such as through a treatment process. Consequently, a pollutant is "known absent" if measured as non-detect relative to the analytical detection limit using a sufficiently sensitive test method in an environmental sample, and "believed absent" if a pollutant has not been measured in an environmentalsample but will not be added or generated prior to discharge and is not a parameter that applies to the applicable activity category for a site. If any pollutants are known or believed present in the

[99] PFAS testing shall follow established EPA methods 537 or 537.1 for drinking water until EPA Method 3512 for non-potable water becomes available.

proposed dewatering discharge water, the applicant shall test one sample of the proposed dewatering discharge water for the pollutants known or believed to be present. To determine if the dewatering discharge could be covered under the 2022 CGP, the effluent at zero dilution must meet numeric water quality criteria. If the effluent does not meet numeric water quality criteria, the applicant shall contact EPA Region 1 to discuss coverage under the Remediation General Permit.

e. Pursuant to 314 CMR 3.11 (2)(a), and in accordance with MassDEP's obligation to protect Outstanding Resource Waters under 314 CMR 4.04(3), applicants that propose to dewater under the 2022 CGP and discharge to Outstanding Resource Waters as identified in 314 CMR 4.06, shall submit the SWPPP and associated documents to MassDEP to review. MassDEP shall complete review within 30 daysof receipt.

f. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05 to maintain surface waters free from color and turbidity in concentrations or combinations that are aesthetically objectionable or would impair any use assigned to the waterbody, permittees that have been authorized to dewater under the 2022 CGP and that discharge to Outstanding Resource Waters as identified in 314 CMR 4.06 shall carry out daily benchmark monitoring for turbidity[100] for the duration of dewatering. Permittees shall compare the weekly average of the turbidity monitoring results with the established benchmark turbidity value of 25 Nephelometric Turbidity Units (NTU). If a permittee's weekly average turbidity results exceed the benchmark, the operator shall conduct follow-up corrective action to determine the source of the problem and to make any necessary repairs or upgrades to the dewatering controls to lower the turbidity levels. The permittee shall document any corrective action taken in its corrective action log. Furthermore, permittees at these sites shall carry out inspections at higher frequency, specifically, daily inspections of the dewatering discharge treatment for the duration of the discharge. The permittee shall inspect the site for sediment plume or whether a hydrocarbon sheen is visible at the point of discharge, estimate the flow rate at the point of discharge, and inspect the site downstream to assess whether sedimentation is attributable to the dewatering discharges.

g. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05 to maintain surface waters free from color and turbidity in concentrations or combinations that are aesthetically objectionable or would impair any use assigned to the waterbody, permittees shall store materials outside the Base Flood Elevation[101] when feasible to prevent displacing runoff and erosion.

h. Pursuant to 314 CMR 3.11 (2)(a), and in accordance with MassDEP's obligation to maintain surface waters free from nutrients in concentrations that would cause or contribute to impairment of existing or designated uses under 314 CMR 4.05(5)(c), all applicants who apply for coverage under the 2022 CGP shall follow guidelines on fertilizer application, including use of fertilizer containing no phosphorus, in accordance with 330 CMR 31.00 Plant Nutrient Application Requirements for

[100] Applicants shall follow EPA Method 180.1 to monitor for turbidity

[101] Base Flood Elevation (BFE) is the elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, AR/AO, V1–V30 and VE. (Source: https://www.fema.gov/node/404233).

Agricultural Land and Non-Agricultural Turf and Lawns. Further, fertilizer shall never be applied to a site when a rain event greater than 0.5 inches is forecast in the next 48 hours.

i. Pursuant to 314 CMR 3.11 (2)(a), all applicants who apply for coverage under the 2022 CGP and elect to carry out site inspections every 14 days shall also inspect sites within 24 hours of 0.25 inches of precipitation events or greater over 24 hours,or within 24 hours of a discharge that occurred due to snowmelt from 3.25 inches or greater of snow accumulation.[102] During the high flow periods in spring (i.e., months of April to June), inspection frequency shall be increased to once per week for all sites.

  i. To determine whether 3.25 inches or greater of snow accumulation has occurred at a site, snowfall measurements can be taken at the site,[103] or theoperator can rely on similar information from a local weather forecast.

j. Implementing structural improvements, enhanced/resilient pollution prevention measures, and other mitigation measures can help to minimize impacts from stormwater discharges from major storm events such as hurricanes, storm surge, extreme/heavy precipitation,[104] and flood events. Pursuant to 314 CMR 3.11 (2)(a), if such stormwater control measures are already in place due to existing requirements mandated by other state, local or federal agencies, the SWPPP shall include a brief description of the controls and a reference to the existing requirement(s). If the site may be exposed to or has previously experienced suchmajor storm events[105], additional stormwater control measures that may be considered, and implemented as necessary, include, but are not limited to:

  i. Reinforce materials storage structures to withstand flooding and additional exertion of force;

  ii. Prevent floating of semi-stationary structures by elevating to the Base Flood Elevation (BFE) level or securing with non-corrosive device;

  iii. When a delivery of exposed materials is expected, and a storm is anticipated within 48 hours, delay delivery until after the storm or storematerials as appropriate (refer to emergency procedures);

[102] This is the amount of snow that is equivalent to 0.25 inches of rain, based on information from the National Oceanic and Atmospheric Administration (NOAA) indicating that 13 inches of snow is, on average, equivalent to 1 inch of rain. See https://www.nssl.noaa.gov/education/svrwx101/winter/faq/.

[103] NOAA's National Weather Service has guidelines on snowfall measurements at https://www.weather.gov/jkl/snow_measurement. These guidelines recommend use of a "snowboard" (a piece of wood about 16 inches by 16 inches) that is placed in an unobstructed part of the site on a hard surface.

[104] Heavy precipitation refers to instances during which the amount of rain or snow experienced in a location substantially exceeds what is normal. What constitutes a period of heavy precipitation varies according to location and season. Heavy precipitation does not necessarily mean the total amount of precipitation at a location has increased— just that precipitation is occurring in more intense or more frequent events.

[105] To determine if your facility is susceptible to an increased frequency of major storm events that could impact the discharge of pollutants in stormwater, you may reference FEMA, NOAA, or USGS flood map products at https://www.usgs.gov/faqs/where-can-i-find-flood-maps?qt-news_science_products=0#qtnews_science_products.

iv. Temporarily store materials and waste above the Base Flood Elevation ***[EPA notes that it has deleted a footnote reference to the term "Base Flood Elevation" since the same footnote is already included in Part 9.1.2.g, above.]*** level;

v. Temporarily reduce or eliminate outdoor storage;

vi. Temporarily relocate any mobile vehicles and equipment to higher ground;

vii. Develop scenario-based emergency procedures for major storms that are complementary to regular stormwater pollution prevention planning andidentify emergency contacts for staff and contractors; and

viii. Conduct staff training for implementing your emergency procedures atregular intervals.

k. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(e) to maintain surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, permittees who seek coverage under the 2022 CGP and anticipate to carry out dust control shall limit their dust control methodology to using water only and specifically avoid using other techniques, such as solutions containing calcium chloride.

l. If MassDEP requests a copy of the Stormwater Pollution Prevention Plan (SWPPP) for any construction site at any time, the permittee shall submit the SWPPP to MassDEP within 14 days of such a request. MassDEP may conduct an inspection of any site covered by this permit to ensure compliance with state lawrequirements, including state water quality standards.

9.1.3 MTR10F000 Areas in the State of Vermont located at a federal facility

a. Earth disturbance at any one time is limited to five acres.

b. All areas of earth disturbance must have temporary or final stabilization within 14 days of the initial disturbance. After this time, disturbed areas must be temporarily or permanently stabilized in advance of any runoff producing event. A runoff producing event is an event that produces runoff from the construction site. Temporary stabilization is not required if precipitation is not forecast and work is to continue in the next 24-hours or if the work is occurring in a self-contained excavation (i.e. no outlet) with a depth of two feet or greater (e.g. house foundation excavation, utility trenches). Areas of a construction site that drain to sediment basins are not considered eligible for this exemption, and the exemption applies only to the excavated area itself.

c. Site inspections on active construction sites shall be conducted daily during the period from October 15 through April 15.

d. The use of chemical treatments (e.g. polymers, flocculants, and coagulants) for the settling and/or removal of sediment from stormwater runoff associated with construction and construction-related activities requires prior written approval and an approved site and project-specific plan, from the Vermont Agency of Natural Resources. In addition, the use of cationic polymers is prohibited unless approved by the Vermont Agency of Natural Resources under a site and project-specific plan.

e. Any applicant under EPA's CGP shall allow authorized Vermont Agency of Natural Resources representatives, at reasonable times and upon presentation of credentials, to enter upon the project site for purposes of inspecting the project and determining

compliance with this Certification.

f. The Vermont Agency of Natural Resources may reopen and alter or amend the conditions of this Certification over the life of the EPA 2022 Construction General Permit when such action is necessary to assure compliance with the VWQS.

9.2 EPA REGION 2

9.2.1 NYR10I000 Indian country within the State of New York

a. Saint Regis Mohawk Tribe

i. Any Responsible-Person/Decision-Maker required under the CGP to submit a Notice of Intent (NOI) to EPA for coverage under the CGP, must concurrently submit an electronic copy of the NOI to the SRMT Environmental Division, Water Resource Program Manager. Additionally, an electronic copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be electronically provided to the following addresses:

Mr. Tieman W. Smith
Water Resources Program Manager Saint Regis Mohawk Tribe
449 Frogtown Road
Akwesasne, NY 13655 Tiernan.Smith@srmt-nsn.gov 518.358.2272 ext. 5073

ii. Any Responsible-Person/Decision-Maker that is required as part of the CGP to prepare a Discharge Management Plan (OMP) or Storm Water Management Plan (SWMP) and/or Storm Water Pollution Prevention Plan (SWPPP) must submit an electronic copy of the DMP, SWMP and/or SWPPP to the SRMT Environment Division, Water Resources Program Manager IO business days prior to the start of construction of any work to be conducted under the CGP. The applicable documents must be provided to the electronic address listed above.

iii. Any Responsible-Person/Decision-Maker that is required under the CGP to submit an annual report to EPA must submit an electronic copy of the annual report concurrently to the SRMT Water Resource Program. Additionally, any correspondences between the applicant and EPA related to analytical data, written reports, corrective action, enforcement, monitoring, or an adverse incident must likewise be routed to the SRMT Water Resources Program at the above electronic address.

iv. An "Authorization to Proceed Letter" with site-specific mitigation requirements may be sent out to the permittee when a review of the NOI and OMP, SWMP and /or SWPPP on a case-by-case basis, is completed by the SRMT Environment Division, Water Resource Program. This approval will allow the application to proceed if all mitigation requirements are met.

b. Seneca Nation

i. Under Part 1.1.5 of the CGP, the Seneca Nation requests that an applicant must demonstrate that they meet the eligibility criteria listed in Appendix D (certify in your Notice of Intent (NOI) that you meet one of the eligibility criteria [Criterion A-F]) as well as species and critical habitats that are listed under the Seneca Nation's "Fishing and Conservation Laws" and the "Seneca Nation of Indians Comprehensive Conservation Law".

ii. The Tribal Historic Preservation Office (THPO) was established in 2000 after the Seneca Nation received a recognition letter from the National Park Service (NPS); therefore under Part 1.1.6 of the CGP (Appendix E) and prior to submitting a Notice of Intent (NOI) operators must complete the Nation's TPHO, Project Review Form (https://sni.org/media/246603/sni-thpo-project-review-form.pdf) and submit the completed form with associated information to the Tribal Historic Preservation Officer at 90 Ohi:yo' Way, Salamanca, NY 14779. Federal agencies engaging in construction activities must provide for construction review by a certified construction reviewer in accordance with 7 Del. C. §§4010 & 4013 and 7 DE Admin. Code 5101, subsection 6.1.6.

iii. Under Part 1.2 of the CGP, discharges must also follow the Section 13 of the Guide for Construction (Seneca Nation of Indians Source Water Code) and respectively, Council Resolution, dated April 13, 2013 (CN: R-04-13-13-11) to ensure that the health, safety and welfare of the citizens of the Seneca Nation, and all other within the Lands and Territories of the Seneca Nation of Indians, and to facilitate the adequate provisions of water through the elimination or prevention of ground water contamination in the vicinity of wells that supply drinking water for the Nation. The area is known as the Source Water Protection Area (SWPA) and specified activities are regulated within this SWPA, as cited in Section 13 of the Guide for Construction and Section VI, of CN: R-04-13-13-11.

iv. Under Part 1.4, any operator who seeks coverage of the CGP, and is required to submit a notice of intent NOI and Notice of Termination (NOT) (as necessary) to the EPA for coverage, under Part 1.4.2 must also submit a copy of the NOI to the Seneca Nation's Environmental Protection Department (EPD) within three business days of submittal to the EPA, (address shown below). Respectively, a copy of the NOT (as described under Part 8.3 of the CGP), which certifies that you have met the requirements of Part 8, must be provided within three business days after electronic confirmation is received from the EPA that the NOT has been accepted. In addition to a NOI and NOT, the Seneca Nation (Environmental Protection Department [EPD]) would require an Environmental Impact Assessment (EA) (Long Form), as shown in Section 2 of the Seneca Nation of Indians Laws, Ordinances & Policies (Guide for Construction), to be completed and submitted to the EPD prior to any project to determine whether the impacts from a project would create significant and detrimental effects to the Nation's lands, water (violate WQS), and environment. The NOI, NOT, and EA must be submitted electronically to epd@sni.org and provided to the following address:

Seneca Nation
Environmental Protection Department (EPD) Attn: Director of EPD
12837 Route 438
Irving, NY 14081

v. Under Part 3.0 of the CGP, discharges must be controlled as necessary to meet applicable WQS. The Seneca Nation is working actively towards finalizing and implementing the; therefore, the EPD would require an applicant to submit or grant access to the permit to obtain information on the impact of effluents on receiving waters, including the capability of receiving waters to support future designated uses and achieve the WQS of the Nation; and to advise prospective dischargers of discharge requirements, and coordinate with the appropriate

permitting agencies. As stated in the Decision Document, under Section 303(c) of the CWA, 33 U.S.C. § 1313(c), states develop, review, and revise (as appropriate) water quality standards for surface waters of the United States. At a minimum, such standards are to include designated water uses, water quality criteria to protect such uses, and an antidegradation policy. 40 C.F.R. § 131.6. In addition, under Section 401 of the CWA states may grant, condition, or deny "certification" for federally permitted or licensed activities that may result in a discharge to the waters of the United States 33 U.S.C. § 1341.

vi. Under Part 7.2.8(a)(b)(c) and for Part 9 of the CGP, the following Sections of the Seneca Nation's Guide for Construction shall be considered, in conjunction with the CGP:

(a) Section 1. Executive Order - To Establish a Policy for Governing Access to Nation Territories and Facilities by Officials of Foreign Government, dated March 31, 2011

(b) Section 3. Natural Resources Committee, Sand and Gravel Law (CN: R-06-24-05-08)

(c) Section 4. Fishing and Conservation Laws - Part 1.1.5 of the CGP

(d) Section 5. Seneca Nation of Indians Comprehensive Conservation Law, adopted January 14, 2012

(e) Section 9. Food is Our Medicine (FIOM) Program/Native Planting Policy (CN: R-03- 08-14-14)

(f) Section 10. Forestry Management Plan (CN: R-08-14-10-23)

(g) Section 11. Timber Ordinance #411-092, dated May 8, 1982

(h) Section 14. Flood Damage Prevention Local Law, dated September 27, 1988

(i) Section 16. Utilities Ordinance No. 87-100

(j) Authorizing Emergency Action and Contingency Plan to Restrain Pollution of Nations Waters, (Council Resolution: R-03-01-18-10), dated March 10, 2018 Seneca Nation of Indians Permit Application for Construction within Waterways Permit, Form NR98-01.00

9.3 EPA REGION 3

9.3.1 DCR100000 District of Columbia

a. Discharges authorized by this permit shall comply with the District of Columbia Water Pollution Control Act of 1984, as amended (DC Official Code § 8-103.01 and § 8-103.06, et seq.) to ensure that District of Columbia waters, waters in adjacent and downstream states, and the beneficial uses of these waters will not be harmed or degraded by the discharges.

b. Discharges authorized by this permit must comply with §§ 1104.1 and 1104.8 of Chapter 11 and the provisions of Chapter 19 of Title 21of District of Columbia Municipal Regulations in order to attain and maintain designated uses of the District of Columbia waters.

c. The permittee shall comply with the District of Columbia Stormwater Management and Soil Erosion and Sediment Control regulations in Chapter 5 of Title 21 of the District of Columbia Municipal Regulations.

d. The permittee shall comply with the District of Columbia Flood Management Control regulations in Chapter 31 of Title 20 of the District of Columbia Municipal Regulations.

e. The permittee shall submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Regulatory Review Division, Department of Energy & Environment, Government of the District of Columbia, 1200 First Street, NE, 5th Floor, Washington, DC 20002, during the review and approval of the permittee's DOEE Erosion and Sediment Control Plan in accordance with the provisions of Chapter 542 of Title 21 of the District of Columbia Municipal Regulations.

f. Upon request, the permittee shall submit all inspection and monitoring reports as required by this permit and 40 CFR § 122.41 to the Associate Director, Inspection and Enforcement Division, Department of Energy & Environment, Government of the District of Columbia, 1200 First Street, NE, 5th Floor, Washington, DC 20002; telephone (202) 535-2226, or by email at Joshua.Rodriguez@dc.gov.

g. In the event the permittee intends to discharge dewatering water, groundwater, or groundwater comingled with stormwater from a known contaminated site, the permittee shall contact the Regulatory Review Division, Department of Energy & Environment, Government of the District of Columbia, 1200 First Street, NE, 5th Floor, Washington, DC 20002; telephone (202) 535-2600, or by email at MS4DischargeAuthorization@dc.gov to request authorization to discharge dewatering water, groundwater, or groundwater comingled with stormwater to the District's Municipal Separate Storm Sewer System (MS4) or to a surface water body pursuant to §§ 8-103.02, 8-103.06, and 8-103.07 of the District of Columbia Water Pollution Control Act of 1984, as amended.

9.3.2 DER10F000 Areas in the State of Delaware located at a federal facility (as defined in Appendix A)

a. Federal agencies must submit a sediment and stormwater management plan (SSMP) and receive Department approval prior to undertaking any land clearing, soil movement or construction activity unless conducting an exempt activity.

b. Federal construction activities are required to have a third-party Certified Construction Reviewer (CCR) perform weekly reviews to ensure the adequacy of construction activities pursuant to the approved SSMP and regulations.

Implementation of approved SSMPs requires the daily oversight of construction activity by certified responsible personnel.

c. Implementation of approved SSMPs requires the daily oversight of construction activity by certified responsible personnel.

d. A current copy of the SSMP must be maintained at the construction site.

e. Unless authorized by the Department, not more than 20 acres may be disturbed at any one time.

9.4 EPA REGION 4

No additional conditions

9.5 EPA REGION 5

9.5.1 MIR10I000 Indian country within the State of Minnesota

a. Fond du Lac Reservation

i. New dischargers wishing to discharge to an Outstanding Reservation Resource Water (ORRW)[106] must obtain an individual permit from EPA for storm water discharges from large and small construction activities.

ii. A copy of the Storm Water Pollution Prevention Plan (SWPPP) must be submitted to the Office of Water Protection at least fifteen (15) days in advance of sending the Notice of Intent to EPA. The SWPPP can be submitted electronically to richardgitar@FDLREZ.com or by hardcopy sent to:

Fond du Lac Reservation
Office of Water Protection
1720 Big Lake Road
Cloquet, MN 55720

iii. Copies of the Notice of Intent (NOI) and the Notice of Termination (NOT) must be sent to the Fond du Lac Office of Water Protection at the same time they are submitted to EPA. [The condition helps the Office of Water Protection keep track of when a project is about to start and when it has ended. FDL Water Quality Certification Ordinance, Section 204 (a) (2)).

iv. If the project will entail a discharge to any watercourse or open water body, the turbidity limit shall NOT exceed 10% of natural background within the receiving water(s) as determined by Office of Water Protection staff. For such discharges, turbidity sampling must take place within 24 hours of a ½-inch or greater rainfall event. The results of the sampling must be reported to the Office of Water Protection within 7 days of the sample collection. All sample reporting must include the date and time, location (GPS: UTM/Zone 15), and NTU. CGP applicants are encouraged to work with the Office of Water Protection in determining the most appropriate location(s) for sampling. [This condition helps both the Office of Water Protection and the project proponent in knowing whether or not their erosion control efforts are effective. FDL Water Quality Certification, Section 204 (b) (1)).

v. Receiving waters with open water must be sampled for turbidity prior to any authorized discharge as determined by Office of Water Protection staff. This requirement only applies to receiving waters which no ambient turbidity data exists. [This condition allows the Office of Water Protection to obtain a baseline turbidity sample in which to compare to other samples. FDL Water Quality Certification Ordinance, Section 204 (b) (2)].

vi. All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in the Water Quality Standards of the Fond du Lac Reservation, Ordinance #12/98, as amended. This includes, but is not limited to, the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of water of the Fond du Lac

[106] Although additional waters may be designated in the future, currently Perch Lake, Rice Portage Lake, Miller Lake, Deadfish Lake, and Jaskari Lake are designated as ORRWs.

Reservation for any of the uses designated in the Water Quality Standards of the Fond du Lac Reservation. These uses include wildlife, aquatic life, warm water fisheries, cold water fisheries, subsistence fishing (netting), primary contact recreation, secondary contact recreation, cultural, wild rice areas, aesthetic waters, agriculture, navigation, commercial and wetlands. It also includes the designated uses of wetlands including, but not limited to, baseflow discharge, cultural opportunities, flood flow attenuation, groundwater recharge, indigenous floral and fauna) diversity and abundance, nutrient cycling, organic carbon export/cycling, protection of downstream water quality, recreation, resilience against climactic effects, sediment/shoreline stabilization, surface water storage, wild rice, and water dependent wildlife. [In addition to listing the designated uses of waters of the Fond du Lac Reservation, this condition also limits the project proponent to discharges that will not violate our Water Quality Standards. FDL Water Quality Certification Ordinance, Section 204 (a) (7)).

vii. Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the Fond du Lac Reservation. All spills must be reported to the appropriate emergency management Agency (National Response Center AND the State Duty Officer), and measures shall be taken immediately to prevent the pollution of waters of the Fond du Lac Reservation, including groundwater. The Fond du Lac Office of Water Protection must also be notified immediately of any spill regardless of size. [This condition helps protect water quality and also reminds project proponents of their responsibility in reporting spill events. FDL Water Quality Certification Ordinance, Section 204 (b) (3)).

viii. All seed mixes, whether used for temporary stabilization or permanent seeding, shall NOT contain any annual ryegrass (Lolium species). Wild rye (Elymus species) or Oats (Avena species) may be used as a replacement in seed mixes. [This condition prevents the use of annual ryegrass on the Reservation. Annual ryegrass is allelopathic, which means it produces biochemical in its roots that inhibit the growth of native plants. If used in seed mixes, annual ryegrass could contribute to erosion, especially on slopes. However, the condition also specifies substitute grasses that germinate almost as fast as annual ryegrass for use as a cover crop to help prevent erosion. FDL Water Quality Certification Ordinance, Section 204 (t) (1)).

ix. To prevent the introduction of invasive species, ALL contractors and subcontractors MUST disclose information stating prior equipment location(s) and ALL known invasive species potentially being transported from said location(s). All equipment MUST undergo a high pressure wash (including any equipment mats) BEFORE ENTERING the Fond du Lac Reservation. Personal equipment such as work boots, gloves, vest, etc. MUST be clean of debris, dirt and plant and animal material BEFORE ENTERING the Fond du Lac Reservation. Equipment being transported from known infested areas MUST undergo a high pressure wash as soon as possible after leaving the infested site and again BEFORE ENTERING the Fond du Lac Reservation, to avoid transport of invasive species into areas surrounding the Reservation. Written certification of equipment cleaning MUST be provided to the Fond du Lac Office of Water Protection. Upon arrival, ALL contractor and subcontractor equipment will be inspected by appointed Fond du Lac staff. If equipment is deemed unsatisfactory, the equipment MUST

undergo a high pressure washing until the equipment is cleared by the inspector, until such time, minimal travel will be allowed through the Reservation. The contractor shall be held responsible for the control of any invasive species introduced as a result of their project. [This condition requires the project proponent to prevent the inadvertent introduction of invasive species by taking an active role in cleaning all vehicles, equipment, and equipment mats before entering the Reservation. This condition has been placed in certifications since 2012, due to the introduction of Wild Parsnip in 2011 from a pipeline contractor. It is much easier to prevent the introduction of an invasive species than it is to eradicate it once it has been introduced. Many invasive plant species form monocultures, preventing native plants from growing. This situation often leads to cases of erosion, which in turn effects water quality. FOL Water Quality Certification Ordinance, Section 204 (g) (1)].

x. A copy of this certification MUST be kept by the contractor on-site at all times and be available for viewing by all personnel, including inspectors. [This condition ensures that the information contained in the certification, especially the conditions, is readily available onsite for reference. FOL Water Quality Certification Ordinance, Section 204 (a) (9)].

b. The Grand Portage Band of Lake Superior Chippewa

i. The CGP authorization is for construction activities that may occur within the exterior boundaries of the Grand Portage Reservation in accordance to the Grand Portage Land Use Ordinance. The CGP regulates stormwater discharges associated with construction sites of one acre or more in size. Only those activities specifically authorized by the CGP are authorized by this certification (the "Certification").

ii. All construction stormwater discharges authorized by the CGP must comply with the Water Quality Standards and Water Resources Ordinance, as well as Applicable Federal Standards (as defined in the Water Resources Ordinance).

iii. All appropriate steps must be taken to ensure that petroleum products or other chemical pollutants are prevented from entering the Waters of the Reservation. All spills must be reported to the appropriate emergency-management agency, and measures must be taken to prevent the pollution of the Waters of the Reservation, including groundwater.

iv. The 2022 CGP requires inspections and monitoring reports of the construction site stormwater discharges by a qualified person. Monitoring and inspection reports must comply with the minimum requirements contained in the 2022 CGP. The monitoring plan must be prepared and incorporated into the Storm Water Pollution Prevention Plan (the "SWPP"). A copy of the SWPP must be submitted to the Board at least 30 days in advance of sending the requisite Notice of Intent to EPA. The SWPP should be sent to:

Grand Portage Environmental Resources Board

P.O. Box 428

Grand Portage, MN 55605

Copies of the Notice of Intent and Notice of Termination required under the General Permit must be submitted to the Board at the address above at the same time they are submitted to the EPA.

v. If requested by the Grand Portage Environmental Department, the permittee must provide additional information necessary for a case-by-case eligibility determination to assure compliance with the Water Quality Standards and any Applicable Federal Standards. The burden is on the applicant to demonstrate compliance with the Water Quality Standards, the Water Resources Ordinance, and Applicable Federal Standards whether or not the application is ultimately eligible for the CGP.

vi. CGP discharges must not cause nuisance conditions as defined in Grand Portage Water Quality Standards.

vii. The Board retains full authority to ensure compliance with and to enforce the provisions of the Water Resource Ordinance and Water Quality Standards, Applicable Federal Standards, and these Certification conditions. Nothing herein affects the scope or applicability of other controlling tribal or federal requirements, including but not limited to impacts to cultural, historical, or archeological features or sites, or properties that may be eligible for listing on the National Register of Historic Places under the National Historic Preservation Act, 54 U.S.C. §§ 300101 et seq.

viii. Appeals related to Board actions taken in accordance with any of the preceding conditions may be heard by the Grand Portage Tribal Court.

c. Leech Lake Band of Ojibwe

i. The water quality standards that apply to the construction site are the standards at the time the operator submits its Notice of Intent (NOI) to EPA and the LLBO WRP (see conditions # 2 and # 3).

ii. A copy of the Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the LLBO WRP at least 30 days in advance of sending the NOI for the project to EPA. See attached LLBO 401 Water Quality Certification Ordinance. Section 304(a)(1). The SWPPP should be submitted electronically to Jeff.Harper@llojibwe.net and by hardcopy sent to:

Leech Lake Band of Ojibwe
ATTN: Water Resources Program - 401 Cert
Division of Resource Management
190 Sailstar Drive NW
Cass Lake, Minnesota 56633

iii. Copies of the NOI and the Notice of Termination (NOT) must be submitted to the LLBO WRP at the same time they are submitted to EPA. See attached LLBO 401 Water Quality Certification Ordinance, Section 304(a)(2). The NOI and NOT should be submitted electronically to Jeff.Harper@llojibwe.net and sent by hardcopy to the address cited in condition # 2.

iv. Any and all other conditions listed in Section 304 of the attached LLBO 401 Water Quality Certification Ordinance shall be observed unless the LLBO WRP deems that certain conditions therein are not applicable to the project in need of a permit under this certification.

v. A copy of this certification MUST be kept by the contractor on-site at all times and be available for viewing by all personnel, including inspectors.

vi. Upon consideration of the NOI, if the LLBO WRP finds that the discharge will not be controlled as necessary to meet applicable water quality standards, the LLBO WRP may insist, consistent with Part 3.1 of the CGP, that additional controls are installed to meet applicable water quality standards, or recommend to EPA that the operator obtain coverage under an individual permit.

9.5.2 WIR10I000 Indian country within the State of Wisconsin

a. Bad River Band of Lake Superior Tribe of Chippewa Indians

i. Only those activities specifically authorized by the CGP are authorized by this Certification. This Certification does not authorize impacts to cultural properties, orhistorical sites, or properties that may be eligible for listing as such.

ii. All projects which are eligible for coverage under the CGP and are located within the exterior boundaries of the Bad River Reservation shall be implemented in such a manner that is consistent with the Tribe's Water Quality Standards (WQS). The Tribe's WQS can be viewed at: http://www.badriver-nsn.gov/wp-content/uploads/2020/01/NRD_WaterQualityStandards_2011.pdf

iii. Operators are not eligible to obtain authorization under the CGP for all new discharges to an Outstanding Tribal Resource Water (OTRW or Tier 3 water). OTRWs, or Tier 3 waters, include the following: Kakagon Slough and the lower wetland reaches of its tributaries that support wild rice, Kakagon River, Bad River Slough, Honest John Lake, Bog Lake, a portion of Bad River, from where it enters the Reservation through the confluence with the White River, and Potato River. OTRWs can be viewed at: https://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c 7c7c5

iv. An operator proposing to discharge to an Outstanding Resource Water (ORW or Tier 2.5 water) under the CGP must comply with the antidegradation provisions of the Tribe's WQS. ORWs, or Tier 2.5 waters, include the following: a portion of Bad River, from downstream the confluence with the White River to Lake Superior, White River, Marengo River, Graveyard Creek, Bear Trap Creek, Wood Creek, Brunsweiler River, Tyler Forks, Bell Creek, and Vaughn Creek. ORWs can be viewed at: https://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c 7c7c5. The antidegradation demonstration materials described in provision E.4.iii., and included on the antidegradation demonstration template found at: https://www.badriver-nsn.gov/natural-resources/projectreviews/, must be submitted to the following address:

Bad River Tribe's Natural Resources Department

Attn: Water Regulatory Specialist

P.O. Box 39 Odanah, WI 54861

WaterReg@badriver-nsn.gov

v. An operator proposing to discharge to an Exceptional Resource Water (ERW or Tier 2 water) under the CGP must comply with the antidegradation provisions of the Tribe's WQS. ERWs, or Tier 2 waters, include the following: any surface water within the exterior boundaries of the Reservation that is not specifically classified as an Outstanding Resource Water (Tier 2.5 water) or an Outstanding Tribal Resource Water (Tier 3 water). ERWs can be viewed at:

https://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c 7c7c5. The antidegradation demonstration materials described in provision E.4.ii., and included on the antidegradation demonstration template found at: https://www.badriver-nsn.gov/natural-resources/projectreviews/, must be submitted to the following address:

Bad River Tribe's Natural Resources Department
Attn: Water Regulatory Specialist
P.O. Box 39 Odanah, WI 54861
WaterReg@badriver-nsn.gov

vi. Projects utilizing cationic treatment chemicals within the Bad River Reservation boundaries are not eligible for coverage under the CGP.

vii. A discharge to a surface water within the Bad River Reservation boundaries shall not cause or contribute to an exceedance of the turbidity criterion included in the Tribe's WQS, which states: Turbidity shall not exceed 5 NTU over natural background turbidity when the background turbidity is 50 NTU or less, or turbidity shall not increase more than 10% when the background turbidity is more than 50 NTU.

viii. All projects which are eligible for coverage under the CGP within the exterior boundaries of the Bad River Reservation must comply with the Bad River Reservation Wetland and Watercourse Protection Ordinance, or Chapter 323 of the Bad River Tribal Ordinances, including the erosion and sedimentation control, natural buffer, and stabilization requirements. Questions regarding Chapter 323 and requests for permit applications can be directed to the Wetlands Specialist in the Tribe's Natural Resources Department at (715) 682-7123 or wetlands@badriver-nsn.gov.

ix. An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must notify the Tribe prior to the commencing earth-disturbing activities. The operator must submit a copy of the Notice of Intent (NOI) to the following addresses at the same time it is submitted to the U.S. EPA:

Bad River Tribe's Natural Resources Department
Attn: Water Regulatory Specialist
P.O. Box 39 Odanah, WI 54861
WaterReg@badriver-nsn.gov

Bad River Tribe's Natural Resources Department
Attn: Tribal Historic Preservation Officer (THPO)
P.O. Box 39 Odanah, WI 54861
THPO@badriver-nsn.gov

The operator must also submit a copy of the Notice of Termination (NOT) to the above addresses at the same time it is submitted to the U.S. EPA. Photographs showing the current site conditions must be included as part of the NOT to document the stabilization requirements have been met.

x. The THPO must be provided 30 days to comment on the project.

xi. The operator must obtain THPO concurrence in writing. This written concurrence will outline measures to be taken to prevent or mitigate effects to historic properties. For more information regarding the specifics of the cultural resources process, see 36 CFR Part 800. A best practice for an operator is to consult with the THPO during the planning stages of an undertaking.

xii. An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the following address at the same time as submitting the NOI:

Bad River Tribe's Natural Resources Department
Attn: Water Regulatory Specialist
P.O. Box 39 Odanah, WI 54861
WaterReg@badriver-nsn.gov

xiii. Any corrective action reports that are required under the CGP must be submitted to the following address within one (1) working day of the report completion:

Bad River Tribe's Natural Resources Department
P.O. Box 39 Odanah, WI 54861
WaterReg@badriver-nsn.gov

xiv. An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must submit a copies of the inspection reports (including photographs) to the following address within 24 hours of completing any site inspection required:

Bad River Tribe's Natural Resources Department Attn: Water Regulatory Specialist
P.O. Box 39 Odanah, WI 54861
WaterReg@badriver-nsn.gov

xv. An operator shall be responsible for meeting any additional permit requirements imposed by the U.S. EPA necessary to comply with the Tribe's antidegradation policies if the discharge point is located upstream of waters designated by the Tribe.

9.6 EPA REGION 6

9.6.1 NMR100000 State of New Mexico, except Indian country

a. In Outstanding National Resource Waters (ONRWs) in New Mexico, no degradation is permitted except in limited, specifically defined instances. Therefore, Operators are not eligible to obtain authorization under this general permit for stormwater discharges to waters classified as ONRWs listed in Paragraph D of 20.6.4.9 New Mexico Administrative Code (NMAC), also referred to as "Tier 3 waters" as defined in Appendix A of this permit. Exception: When construction activities are in response to a public emergency (e.g., wildfire, extreme flooding, etc.) and the related work requires immediate authorization to avoid a threat to public health or safety.

i. Operators who conduct construction activities in response to a public emergency to mitigate an immediate threat to public health or safety shall

adhere to the requirements in 20.6.4.8(A)(3)(c) NMAC, including notifying the New Mexico Environment Department (NMED) within seven days of initiation of the emergency action and providing NMED with a summary of the action taken within 30 days of initiation of the emergency action.

ii. For all other scenarios, Operators with proposed discharges to ONRWs in New Mexico shall obtain coverage from EPA under an NPDES Individual Permit and will comply with the additional standards and regulations related to discharges to ONRWs in 20.6.4.8(A) NMAC. Additional information is available from:

New Mexico Environment Department Surface Water Quality Bureau

P.O. Box 5469

Santa Fe, NM 87502-5469 Telephone: 505-827-0187

https://www.env.nm.gov/surface-water-quality/wqs/
https://gis.web.env.nm.gov/oem/?map=swqb

b. If construction dewatering activities are anticipated at a construction site and non-stormwater discharges of groundwater, subsurface water, spring water, and/or other dewatering water are anticipated, the Operators/Permittees must complete the following steps:

1. Review the state's Ground Water Quality Bureau Mapper (https://gis.web.env.nm.gov/GWQB/) and Petroleum Storage Tank Bureau Mapper (https://gis.web.env.nm.gov/GWQB/).

   Check if the following sources are located within the noted distance from the anticipated construction dewatering activity. At a minimum, a list of the following potential sources of contaminants and pollutants at the noted distance is to be kept in the SWPPP.

Source of Potential Contamination or Pollutants*	Constituents likely to be required for testing*
Within 0.5 mile of an open Leaking Underground Storage Tank (LUST) site	BTEX (Benzene, Toluene, Ethylbenzene, and Xylene) plus additional parameters depending on site conditions**
Within 0.5 mile of an open Voluntary Remediation site	All applicable parameters or pollutants listed in 20.6.4.13, 20.6.4.52, 20.6.4.54, 20.6.4.97 thru 20.6.4.99, 20.6.4.101 through 20.6.4.899, and 20.6.4.900 NMAC (or an alternate list approved by the NMED-SWQB)*
Within 0.5 mile of an open RCRA Corrective Action Site	
Within 0.5 mile of an open Abatement Site	
Within 0.5 mile of an open Brownfield Site	
Within 1.0 mile or more of a Superfund site or National Priorities List (NPL) site with associated groundwater contamination.	
Construction activity contaminants and/or natural water pollutants	Additional parameters depending on site activities and conditions (Contact NMED- SWQB for an alternate list)*

*For further assistance determining whether dewatering may encounter contaminated sources, please contact the NMED Ground Water Quality Bureau at 505-827-2965 or NMED Surface Water Quality Bureau (SWQB) at 505-827-0187.

** EPA approved sufficiently sensitive methods must be used. For known PCB sources and analysis, EPA Method 1668C must be used (see https://www.epa.gov/cwa-methods).

2. If dewatering activities are anticipated, information on the flow rate and potential to encounter contaminated groundwater, subsurface water, spring water, or dewatering water must be provideddirectly to NMED at the following address:

   NMED Surface Water Quality Bureau

   Program Manager, Point Source Regulation
   SectionPO Box 5469, Santa Fe, NM 87502

   Please call the SWQB to obtain the appropriate email address (505-827-0187).

3. In addition, the Operator/Permittee must characterize the quality of the groundwater and subsurface water, spring water, or dewatering water being considered for discharge according to the table above and including dissolved hardness and pH. Considering the contaminant sources listed in the table above, water quality data may already be available. For further assistance, contactthe

NMED Surface Water Quality Bureau (505-827-0187), Ground Water Quality Bureau (505-827- 2965), Petroleum Storage Tank Bureau (505-476-4397), or Hazardous Waste Bureau (505-476- 6000).

i. The Operator/Permittee must submit recent analytical test results (i.e., within the past 5 years) according to the table above, and including dissolved hardness and pH, to the EPA Region 6 Stormwater Permit Contact and the NMED Surface Water Quality Bureau (see contact information in #2 above). If the test data exceed applicable water quality standards, then the groundwater, subsurface water, spring water, or dewatering water cannot be discharged into surface waters under this general permit. Operators/Permittees may submit an NPDES Individual Permit application to treat and discharge to waters of the U.S. or find alternative disposal measures. No discharges to surface waters are allowed until authorized.

ii. If the discharge has the potential to affect groundwater (e.g., land application), the Operator/Permittee must submit an NOI to the NMED Ground Water Quality Bureau (see 20.6.2.1201 NMAC – Notice of Intent to Discharge).

4. The Operator/Permittee must document any findings and all correspondence with NMED and EPA in the SWPPP.

c. Operators who intend to obtain authorization under this permit for new and existing storm water dischargesfrom construction sites must satisfy the following condition:

i. The SWPPP must include site-specific interim and permanent stabilization, managerial, and structural solids, erosion and sediment control best management practices (BMPs) and/or other controls that are designed to prevent to the maximum extent practicable an increase in the sediment yield and flow velocity from pre-construction, pre-development conditions to assure thatapplicable standards in 20.6.4 NMAC, including the antidegradation policy, and TMDL waste load allocations (WLAs) are met. This requirement applies to discharges both during construction and after construction operations have been completed. The SWPPP must identify and document the rationale for selecting these BMPs and/or other controls. The SWPPP must also describe design specifications, construction specifications, maintenance schedules (including a long-term maintenance plan), criteria for inspections, and expected performance and longevity of these BMPs.For sites greater than 5 acres in size, BMP selection must be made based on the use of appropriatesoil loss prediction models (i.e. SEDCAD, RUSLE, SEDIMOT, MULTISED, etc.) OR equivalent generallyaccepted (by professional erosion control specialists) soil loss prediction tools.

ii. For all sites, the Operator(s) must demonstrate, and include documentation in the SWPPP, that implementation of the site-specific practices will ensure that the applicable standards and TMDL WLAs are met, and will result in sediment yields and flow velocities that, to the maximum extent practicable, will not be greater than the sediment yield levels and flow velocities from preconstruction, pre-development conditions.

iii. All SWPPPs must be prepared in accordance with good engineering practices by qualified (e.g., CPESC certified, engineers with appropriate training) erosion control specialists familiar with the use of soil loss prediction models and design of erosion and sediment control systems based on these models (or equivalent soil

loss prediction tools). Qualifications of the preparer (e.g., professional certifications, description of appropriate training) must be documented in the SWPPP.The Operator(s) must design, implement, and maintain BMPs in the manner specified in the SWPPP.

NMED supports the use of EPA's small residential lot template if a site qualifies to use it as explained inthe permit, as long as it is consistent with the above requirements. NMED's requirement does not preclude small residential sites from using the template, but it may require an additional short paragraphto justify the selection of specific BMPs for the site.

d. Operators must notify NMED when discharges of toxic or hazardous substances or oil from a spill or other release occurs - see Emergency Spill Notification Requirements, Part 2.3.6 of the permit. For emergencies, Operators can call 505-827-9329 at any time. For non-emergencies, Operators can call 866-428-6535 (voice mail 24-hours per day) or 505-476-6000 during business hours from 8am-5pm, Monday through Friday. Operators can also call the NMED Surface Water Quality Bureau directly at 505-827-0187.

e. Operators of small construction activities (i.e., 1-5 acres) are not eligible to qualify for a waiver in lieu of needing to obtain coverage under this general permit based on Item C.3 of Appendix C (Equivalent Analysis Waiver) in the State of New Mexico.

9.6.2 NMR10I000 Indian country within the State of New Mexico, except Navajo Reservation Lands that are covered under Arizona permit AZR10000I and Ute Mountain Reservation Lands that are covered under Colorado permit COR10000I.

a. Nambe Pueblo

i. The operator must provide a copy of the Notice of Intent (NOI) and Notice of Termination (NOT) to the Nambe Pueblo Governor's Office at the same time it is provided to the US Environmental Protection Agency. The NOI and NOT should be provided to the following address:

Office of the Governor Nambe Pueblo

!SA NPI02 WEST

Nambe Pueblo, New Mexico 87506

ii. The operator must provide a copy of the Storm Water Pollution Prevention Plan (SWPPP) to Nambe Pueblo at the same time it is submitted to the EPA, either by email to governor@nambepueblo.org or mailed to the above address.

iii. The operator must provide copies of inspection reports, a copy of the corrective action log, and modifications made to the SWPPP as a result of inspection findings, upon request by the Nambe Pueblo Department of Environmental and Natural Resources or Nam be Governor.

b. Ohkay Owingeh Tribe

i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Ohkay Owingeh Office of Environmental Affairs, a copy of NOI modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be provided to the following address:

Naomi L. Archuleta - Environmental Programs Manager Ohkay Owingeh Office of Environmental Affairs
P.O. Box 717
Ohkay Owingeh, NM 87566
naomi.archuleta@ohkay.org

Noah Kaniatobe - Environmental Specialist Ohkay Owingeh, Office of Environmental Affairs
P.O. Box 717
Ohkay Owingeh, NM 87566
noah.kaniatohe@ohkay.org

ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Storm Water Pollution Prevention Plan (SWPPP) to Ohkay Owingeh Office of Environmental Affairsat the same time that the NOI is submitted to the tribe (see contact information listed above).

iii. Following each incident where the operator takes a corrective action the operator must provide thecorrective action log to the Ohkay Owingeh Office of Environmental Affairs.

iv. The operator must notify Ohkay Owingeh Office of Environmental Affairs within 24 hours, in the event of an emergency spill in addition to the notification requirements at Part 2.3.6 of the CGP. Please contact: Ohkay Owingeh Tribal Police Department at 505.852.2757.

Please contact:
Ohkay Owingeh
Tribal Police Department
505.852.2757

c. Pueblo of Isleta

i. All operators obtaining permit coverage under the EPA CGP must submit a copy of the certified Notice ofIntent (NOI) to the Pueblo of Isleta at the same time it is submitted to EPA for projects occurring within the exterior boundaries of the Pueblo of Isleta. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The Notices must be provided to the following address:

Water Quality Control OfficerPueblo of Isleta
Environment DepartmentPO Box 1270
Isleta NM 87022
505-869-7565
WQCO@isletapueblo.com

ii. The operator must notify the Pueblo of Isleta's Dispatch at 505-869-3030 as soon as possible and thePueblo of Isleta Water Quality Control Officer within 10 hours, in the event of a spill of hazardous ortoxic substances or if health or the

environment become endangered in addition to the notification requirements at Part 2.3.6 and at I.12.6.1 of the CGP.

iii. All operators obtaining permit coverage under the EPA CGP must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo of Isleta Water Quality Control Officer atthe above address, 30 days prior to submitting the certified NOI to EPA. If the electronic file is too largeto send through e-mail, a zip file or flash drive may be submitted.

iv. All operators obtaining permit coverage under the EPA CGP must give 2 days advance notice to the Pueblo of Isleta Water Quality Control Officer of any planned changes in the permitted activity whichmay result in noncompliance with permit requirements.

v. All operators obtaining permit coverage under the EPA CGP must post a sign or other notice of permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice mustbe located so that it is visible from the public road or tribal road that is nearest to the active part of the construction site. The sign must be maintained on-site from the time construction activities begin until final stabilization is met.

vi. Erosion and sediment controls shall be designed to retain sediment on-site and project-generatedwaste materials that have the potential to discharge pollutants shall not be placed on open soil oron a surface that is not stabilized. Volumes of sediment over five (5) cubic yards must be removed from the active construction site; additionally, if sediment is placed for disposal withinthe exterior boundaries of the Pueblo of Isleta, disposal must be within a tribally approved sediment disposal site.

d. Pueblo of Laguna

i. All operators obtaining permit coverage under the EPA CGP must submit an electronic copy of the certified (signed) Notice of Intent (NOI) to the Pueblo of Laguna's Environmental & Natural Resources Department (ENRD) within three business days of submittal to the EPA. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be provided within three business days after the EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be electronically submitted to info.environmental@pol-nsn.gov.

ii. All operators obtaining permit coverage under the EPA CGP must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo of Laguna's ENRD 14 days prior to the submittal of the NOI (see contact information listed above).

iii. The operator must provide copies of corrective actions logs and modifications made to the SWPPP as a result of inspection findings to the Pueblo of Laguna ENRD (see contact information above).

iv. In addition to the notification requirements of Part 2.3.6 of the CPG ***[EPA interprets this intending to refer to the CGP]***, the operator must notify the Pueblo of Laguna ENRD at 505-552-7512 in the event of an emergency spill as soon as possible.

e. Pueblo of Sandia. The following conditions apply only to discharges on the Pueblo of Sandia Reservation:

i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Pueblo of Sandia Environment Department concurrently with submittal to the EPA. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be provided concurrently with submittal to the EPA. The NOI and NOT must be provided electronically to the following addresses:

Electronic Addresses:

Amy Rosebrough (Water Quality Manager): rosebrough@sanidapueblo.nsn.us
Greg Kaufman (Environment Director):gkaufman@sandiapueblo.nsn.us

ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo of Sandia Environment. Department at least 14 days prior to submittal of the NOI to the Pueblo (see contact information listed above).

iii. If requested by the Pueblo of Sandia Environment Department, the permittee must provide additional information necessary on a case-by-case basis to assure compliance with the Pueblo of Sandia Water Quality Standards and/or applicable Federal Standards.

iv. An "Authorization to Proceed Letter" with site specific mitigation requirements may be sent out to the permittee when a review of the NOI and SWPPP, on a case-by-case basis, is completed by the Pueblo of Sandia Environment Department. This approval will allow the application to proceed if all mitigation requirements are met.

v. The Pueblo of Sandia will not allow Small Construction Waivers (Appendix C) to be granted for any small construction activities.

vi. The operator must provide copies of inspection reports, a copy of the corrective action log, and modifications made to the SWPPP as a result of inspection findings to the Pueblo of Sandia Environment Department upon request. An inspection report and corrective action log must be submitted to the Pueblo within 3 days of any inspection that results in corrective action (see contact information listed above).

vii. The operator must notify the Pueblo of Sandia within 24 hours in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the COP (see contact information listed above).

viii. Before submitting a Notice of Termination (NOT) to the EPA, permittees must clearly demonstrate to the Pueblo of Sandia Environment Department through a site visit or documentation that requirements for site stabilization have been met and any temporary erosion control structures have been removed. A short letter stating that the NOT is acceptable and all requirements have been met will be sent to the permittee to add to the permittee's NOT submission to the EPA.

f. Pueblo of Santa Ana. The following conditions apply only to discharges on the Pueblo of Santa Ana Reservation:

i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Pueblo's Department of Natural Resources within three business days of submittal to EPA. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be

provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be provided to the following address:

Regular U.S. Delivery Mail:
Pueblo of Santa Ana
Department of Natural Resources Water Resources Division
Attn: Andrew Sweetman 02 Dove Rd
Santa Ana Pueblo, NM 87004

Electronically:
Andrew Sweetman
Water Resources Division Manager Andrew.Sweetman@santaana-nsn.gov
Tammy Montoya Hydrologist
Tammy.Montoya@santaana-nsn.gov

ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copyof the Stormwater Pollution Prevention Plan (SWPPP) to the to the Pueblo's Department of Natural Resources at the same time that the NOI is submitted to the tribe (see contact information listed above).

iii. The operator must provide copies of inspection reports, a copy of the corrective action log, and modifications made to the SWPPP as a result of inspection findings, upon request by the Pueblo's Department of Natural Resources.

iv. The operator must notify the Pueblo's Department of Natural Resources within 24 hours in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the CGP.

g. Pueblo of Taos

i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOi) to the Taos Pueblo Environmental Office and Taos Pueblo Governor's Office within three business days of submittal to EPA. Additionally, a copy of NOi modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOi and NOTmust be provided to the following addresses:

Honorable Governor of Taos Pueblo PO Box 1846
Taos, New Mexico 87571

Taos Pueblo Environmental Office PO Box 1846
Taos, New Mexico 87571

ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of theStormwater Pollution Prevention Plan (SWPPP) to the Taos Pueblo Environmental Office when the NOI is submitted to the tribe. Electronic copy of SWPPP downloaded on flash drive may be sent to the above address for the Taos Pueblo Environmental Office.

iii. The operator must provide a copy of the corrective action log following each corrective action undertaken and modifications made to the SWPPP as a result of

a corrective action to the Taos Pueblo Environmental Office at address listed above.

h. Pueblo of Tesuque.

i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Pueblo of Tesuque Department of Environment and Natural Resources (DENR) and the Pueblo's Governor within three business days of submittal to EPA. Additionally, a copy of any NOi modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be provided to the following address:

Governor Mark Mitchell Pueblo of Tesuque
20 TP 828
Santa Fe, NM 87506 governor@puebloftesuque.org

Sage Mountain.flower Pueblo of Tesuque
Department of Environment and Natural Resources Director
20 TP 828

ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copyof the Stormwater Pollution Prevention Plan (SWPPP) to Pueblo of Tesuque DENR and the Pueblo's Governor at the same time that the NO! is submitted to the EPA (see contact information listed above).

iii. The operator must provide a copy of the corrective action log, and any modifications made tothe SWPPP as a result of inspection findings, or upon request by the Pueblo of Tesuque DENR.

iv. The operator must notify the Pueblo of Tesuque DENR within 24 hours in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the CGP (seecontact information listed above).

i. Santa Clara Indian Pueblo.

i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Santa Clara Pueblo Office of Environmental Affairs at the same time the NOI is submitted to the U.S. EPA. Additionally, a copy of the NOI modifications and the Notice of Termination (NOT), must be provided at the same time after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT shall be provided to the following address in electronic format:

Dino Chavarria,
Santa Clara Pueblo
Office of Environmental Affairs
dinoc@santaclarapueblo.org

ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Stormwater Pollution Prevention Plan to the Santa Clara Pueblo Office of Environmental Affairs at the same time the NOI is submitted to the U.S. EPA (see contact information listed above).

iii. The operator must notify the Santa Clara Pueblo Office of Environmental Affairs at the address above within 24 hours, in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the CGP

9.6.3 OKR10I000 Indian country within the State of Oklahoma, except areas of Indian country covered by an extension of state program authority pursuant to Section 10211 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA).

a. Pawnee Nation. The following conditions apply only to discharges within Pawnee Indian country:

i. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Pawnee Nation at the same time it is submitted to the Environmental Protection Agency to the following address:

Pawnee Nation Department of Environmental Conservation and Safety
P.O. Box 470
Pawnee, OK 74058
Or email to dnrs@pawneenation.org

ii. An electronic copy of the Storm Water Pollution Prevention Plan (SWPPP) must be submitted to the Pawnee Nation Department of Environmental Conservation and Safety at the same time the NOI is submitted.

iii. The operator must provide access to the site for inspections and for copies of inspection reports, copy of the corrective action log and modifications, made to the SWPPP because of inspection findings, upon request by the Pawnee Nation DECS.

iv. The Pawnee Nation Department of Environmental Conservation and Safety must be notified at 918.762.3655 immediately upon discovery of any noncompliance with any provision of the permit conditions.

9.6.4 OKR10F000 Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, or the Oklahoma Department of Agriculture and Forestry including activities associated with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09).

a. For activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Lee Creek or any water or watershed designated "ORW" in Oklahoma's Water Quality Standards, this permit may only be used to authorize discharges from temporary construction activities. Certification is denied for any on-going activities such as sand and gravel mining or any other mineral mining.

b. For activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Lee Creek or any water or watershed designated "ORW" in Oklahoma's Water Quality Standards, certification is denied for any discharges originating from support activities, including, but not limited to, concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, or borrow areas.

c. Dewatering discharges into sediment or nutrient-impaired waters, and waters identified as Tier 2, Tier 2.5, or Tier 3 (OAC 785:46-13) shall be controlled to meet water quality standards for turbidity in those waters as follows:

i. Cool Water Aquatic Community/Trout Fisheries: 10 NTUs (OAC 785: 45-5-12(f)(7)(A)(i)

ii. Lakes: 25 NTUs (OAC 785: 45-5-12(f)(7)(A)(ii)

iii. In waters where background turbidity exceeds these values, turbidity from dewatering discharges should be restricted to not exceed ambient levels (OAC 785: 45-5-12(f)(7)(B)

9.7 EPA REGION 7

No additional conditions.

9.8 EPA REGION 8

9.8.1 MTR10I000 Indian country within the State of Montana

a. Blackfeet Nation.

i. The Applicant and applicants for projects authorized under the NWPs should obtain all other permits, licenses, and certifications that may be required by federal, state, or tribal authority. Primary relevant tribal permit will be ALPO (Ordinance 117). Others may apply. It is the applicant's responsibility to know the tribal and local ordinances and complete all necessary permissions before they can commence work.

ii. If a project is unable to meet the enclosed conditions, or if certification is denied for an applicable NWP, the Applicant may request an individual certification from Blackfeet. An individual certification request must follow the requirements outlined in 40 CFR 121.5 of EPA's CWA § 401 Certification Rule, effective September 11, 2020.

iii. Copies of this certification should be kept on the job site and readily available for reference.

iv. If the project is constructed and/or operated in a manner not consistent with the applicable NWP, general conditions, or regional conditions, the permittee may be in violation of this certification.

v. Blackfeet and EPA representatives may inspect the authorized activity and any mitigation areas to determine compliance with the terms and conditions of the NWP.

vi. This NWP Reissuance does not reduce Tribal authority under any other rule.

vii. The project, including any stream relocations and restoration, must be built as shown and as otherwise described in the application, the construction plans, cross sections, mitigation plans and other supporting documents submitted to this office. Impacts to aquatic systems and restoration efforts will be monitored by an appropriate aquatic resource professional to ensure that disturbed areas are restored to at least their original condition.

viii. All existing water uses will be fully maintained during and after the completion of the project. (If applicable)

ix. Where practicable, perform all in-channel and wetland work during periods of low flow or drawn—down or when dry

x. Equipment staging areas must be located out of all delineated wetlands

xi. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during and immediately after construction, and all exposed soil and other fills, as well as any work below the ordinary high-water mark or in a wetland, must be permanently stabilized as soon as possible

xii. Materials such as piling, culverts, sandbags, fabric, mats, timbers used for temporary facilities in wetlands or below the high- water mark of Waters of the US must be free from oil, gas, excess dirt, loose paint and other pollutants.

xiii. Equipment staging areas in wetlands or in stream or river channels must be placed on mats, or other measures must be taken to minimize soil disturbance and compaction.

xiv. Clearing of riparian or wetland vegetation for the sole purpose of constructing work bridges, detours, staging areas or other temporary facilities must be limited to the absolute minimum necessary. When temporary impacts to native riparian or wetland vegetation are unavoidable, it must be mowed or cut above ground with the topsoil and root mass left intact.

xv. Remove all temporary fills and structures in the entirety when they are no longer needed. Restore affected areas to the appropriate original and planned contours where possible. Re-vegetate disturbed areas with appropriate native species when native species are impacted.

xvi. Construction methods and best management practices (BMPs) must minimize aquatic resource impacts to the maximum extent possible. Any BMPs described in the Joint Application must be followed. BMPs should include installation and maintenance of sediment control measures; separation, storage and reuse of any topsoil; and recovery of all disturbed areas where possible. All best management practices must in place prior to the onset of construction or as soon as practicable during the construction process.

xvii. Best available technology and/or best management practices must be utilized to protect existing water uses and maintain turbidity and sedimentation at the lowest practical level.

xviii. Applicant/contractor should manage disturbed streambank topsoil in a manner that optimizes plant establishment for the site.

xix. When operating equipment or otherwise undertaking construction in wetlands and water bodies the following conditions apply:

(a) Work should be done in dry conditions if possible.

(b) All equipment is to be inspected for oil, gas, diesel, anti-freeze, hydraulic fluid or other petroleum leaks. All such leaks will be properly repaired and equipment cleaned prior to being allowed on the project site. Leaks that occur after the equipment is moved to the project site will be fixed the same day or the next day or removed from the project area. The equipment is not allowed to continue operation once a leak is discovered.

(c) All equipment is to be inspected and cleaned before and after use to minimize the spread or introduction of invasive or undesirable species.

(d) Construction equipment shall not operate below the existing water surface except as follows:

- Impacts from construction should be minimized through the use of best management practices submitted in the permit application.
- Essential work below the waterline shall be done in a manner to minimize impacts to aquatic system and water quality.

(e) Containment booms and/or absorbent material must be available onsite. Any spills of petroleum products must be reported to the Army Corps, Blackfeet Nation BEO Office and the US EPA within 24 hours.

xx. Upland, riparian and in-stream vegetation should be protected except where its removal is necessary for completion of work. Revegetation should be completed as soon as possible. Applicant/contractor should revegetate disturbed soil in a manner that optimizes plant establishment for the site. Revegetation must include topsoil replacement, planting, seeding, fertilization, liming and weed-free mulching as necessary. Applicant must use native plant material and soils where appropriate and feasible. This certification does not allow for the introduction of non-native flora and fauna. All disturbed surface areas must be restored to pre-construction contours and elevation.

xxi. Spoils piles should not be placed or stored within the delineated wetlands or streams unless protected by a temporary structure designed to divert and handle high flows that can be anticipated during permit activity. Spoils piles should be placed on landscaping fabric or some other material to separate spoils material and allow retrieval of spoils material with minimal impact.

xxii. Impacts to wetlands shall not exceed 4.92 acres.

xxiii. Any unexpected and additional impacts to waters of the US should be reported to the

xxiv. Army Corps, Blackfeet Environmental Office Water Quality Coordinator and the US EPA.

xxv. All instream and stream channel reconstruction work must be completed before the stream is diverted into the new channel.

xxvi. Any temporary crossings, bridge supports, cofferdams, or other structures that are necessary during permit activity should be designed to handle high flows that can be anticipated during permit activity. All temporary structures should be completely removed from the water body at the conclusion of the permitted activity and the area restored to a natural function and appearance.

xxvii. The certification does not authorize any unconfined discharge of liquid cement into the waters of the United States. Grouting riprap must occur under dry conditions with no exposure of wet concrete to the water body.

xxviii. BMPs shall include application of certified weed-free straw or hay across all disturbed wetland areas that are temporarily impacted; installation and maintenance of sediment control measures during construction and if necessary, after construction is completed; use of heavy mud mats if necessary; separation,

storage and reuse of all streambank topsoil and wetland topsoil, as appropriate; and recovery of all disturbed wetland and streambank areas where possible. All conditions set by the Blackfeet Tribe and US Army Corps must be followed.

xxix. All applicants, including federal agencies, must notify EPA and the Blackfeet Environmental Office of the use of all NWPs for which certification has been granted prior to commencing work on the project. Notifications must include:

(a) project location (lat. Long., exact point on map);

(b) NWP that will be used and the specific activity that will be authorized under the NWP;

(c) amount of permanent and temporary fills;

(d) a short summary of the proposed activity, and all other federal, state, tribal or local permits or licenses required for the project;

(e) complete contact information of both the applicant and contractor (name, name of the company or property if applicable, telephone, mobile, and email); and,

(f) Summary of best management practices that will be used.

(g) A summary of communications with the affected Tribe's water quality staff regarding the project, including any concerns or issues.

(h) Notify Blackfeet and EPA at least 7 days before the completion of construction and operations begin.

xxx. Point source discharges may not occur: (1) in fens, bogs or other peatlands; (2) within 100 feet of the point of discharge of a known natural spring source; or (3) hanging gardens.

xxxi. Except as specified in the application, no debris, silt, sand, cement, concrete, oil or petroleum, organic material, or other construction related materials or wastes shall be allowed to enter into or be stored where it may enter into waters of the U.S.

xxxii. Silt fences, straw wattles, and other techniques shall be employed as appropriate to protect waters of the U.S. from sedimentation and other pollutants.

xxxiii. Water used in dust suppression shall not contain contaminants that could violate water quality standards.

xxxiv. Erosion control matting that is either biodegradable blankets or loose-weave mesh must be used to the maximum extent practicable.

xxxv. All equipment used in waters of the U.S. must be inspected for fluid leaks and invasive species prior to use on a project. All fluid leaks shall be repaired and cleaned prior to use or when discovered, or if the fluid leak can't be repaired, the equipment shall not be used on site. Equipment used in waters with the possibility of aquatic nuisance species infestation must be thoroughly cleaned and effectively decontaminated before they are used on the project.

xxxvi. Vegetation should be protected except where its removal is necessary for completion of the work. Locations disturbed by construction activities should be revegetated with appropriate native vegetation in a manner that optimizes plant establishment for the specific site.

xxxvii. Revegetation may include topsoil replacement, planting, seeding, fertilization, liming, and weed-free mulching, as necessary. Where practical, stockpile weed- seed-free topsoil and replace it on disturbed areas. All revegetation materials, including plants and plant seed shall be on site or scheduled for delivery prior to or upon completion of the earth moving activities.

xxxviii. Activities may not result in any unconfined discharge of liquid cement into waters of the U.S. Grouting riprap must occur under dry conditions with no exposure of wet concrete to the waterbody.

xxxix. Activities that may result in a point source discharge shall occur during seasonal low flow or no flow periods to the extent practicable.

xl. The placement of material (discharge) for the construction of new dams is not certified, except for stream restoration projects.

xli. Any decision-maker that is required under 7.0 of the CGP to prepare a Stormwater Pollution Prevention Plan (SWPPP), must submit an electronic copy of the SWPPP to the Blackfeet Environmental Office at least 30 days before construction starts for review and approval. Any modifications to the SWPPP should be submitted to the Blackfeet Environmental Office.

xlii. Any Decision-maker required under Part 1.4 of the CGP to submit a Notice of Intent (NOI) to EPA for coverage under the CGP, must submit a copy of the NOI to the Blackfeet Environmental Office within three business days of submittal to EPA. Additionally, a copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be provided to the following address Gerald Wagner, Blackfeet Environmental Office Director.

62 Hospital Drive, Browning, MT 59417

beo.director@gmail.com

b. Fort Peck Tribes.

i. Any Decision-maker required under Part 1.4 of the CGP to submit a Notice of Intent (NOI) to EPA for coverage under the CGP, must submit a copy of the NOI to the Fort Peck Tribes Office of Environmental Protection within three business days of submittal to EPA. Additionally, a copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be provided to the following address:

Martina Wilson, Office of Environmental Protection Director

501 Medicine Bear Rd Poplar, MT 59255

martinawilson@fortpecktribes.net

ii. Any Decision-maker that is required under Part 7.0 of the CGP to prepare a Stormwater Pollution Prevention Plan (SWPPP), must submit an electronic copy of the SWPPP to the Fort Peck Tribes Office of Environmental Protection at least 30 days before construction starts for review and approval. Any modifications to the

SWPPP should be submitted to the Fort Peck Tribes Office of Environmental Protection.

iii. Any Decision-maker that is required under Part 8.0 of the CGP to submit a weekly, bi-weekly, and/or annual report to EPA, must submit an electronic copy of the annual report to the Fort Peck Tribes Office of Environmental Protection within three business days after submittal to EPA.

9.9 EPA REGION 9

9.9.1 CAR10I000 Indian country within the State of California

a. Morongo Band of Mission Indians

i. A copy of the Stormwater Pollution Prevention Plan (SWPPP) must be submitted (either mailed or electronically) to the MEPD no less than thirty (30) days before commencing construction activities:

Morongo Band of Mission Indians
Environmental Protection Department
12700 Pumarra Road
Banning, CA 92220
Email: epd@morongo-nsn.gov

ii. Copies of the Notice of Intent (NOI) and the Notice of Termination (NOT) must be sent to the MEPD at the same time they are submitted to EPA.

iii. Operators of an "emergency-related project" must submit notice to the MEPD within twenty- four (24) hours after commencing construction activities.

iv. Spills, leaks, or unpermitted discharges must be reported to the MEPD within twenty-four (24) hours of the incident, in addition to the reporting requirements of the CGP.

v. Projects utilizing cationic treatment chemicals (as defined in Appendix A of the CGP) within the Morongo Reservation are not eligible for coverage under this certification of the CGP.

vi. Facilities covered under the CGP will be subject to compliance inspections by MEPD staff, including compliance with final site stabilization criteria prior to submitting an NOI ***[EPA assumes this intended to refer to an NOT]***.

9.9.2 GUR100000 Island of Guam

a. For purposes of this Order, the term "Project Proponent" shall mean U.S. Environmental Protection Agency, and its agents, assignees, and contractors.

b. For purposes of this Order, the permit "Operator" shall mean any party associated with a construction project that meets either of the following two criteria:

i. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g. in most cases this is the owner of the site); or

ii. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit; in most cases this is the general contractor of the project).

Subcontractors generally are not considered operators for the purposes of this permit.

c. The Project Proponent shall enforce the proposed 2022 CGP and ensure that the Operator complies with the conditions of the permit at all times.[107] (40 CFR §121.11(c))

d. All submittals required by this Order shall be sent to the Guam Environmental Protection Agency Attn: 401 Federal Permit Manager, Non-Point Source Program, EMAS Division, 3304 Mariner Avenue, Bldg. 17-3304, Barrigada, Guam 96913, AND via email to jesse.cruz@epa.guam.gov. The submittals shall be identified with WQC Order #2021- 04 and include the COP Permit Number, certifying representative's name, title, mailing address and phone number. (§51060)(4) 2017 GWQS)

e. A copy of the Operator's signed Stormwater Pollution Prevention Plan (SWPPP) and signed Notice of Intent (NOI) and Notice of Termination (NOT) submitted to EPA for review and approval, shall concurrently be submitted to Guam EPA, consistent with condition A4. Coordination with Guam EPA is encouraged when the receiving water(s) for the proposed discharge is/are being identified. (§10105.B.5.d.) GSESCR; (§51060)(4) 2017 GWQS)

f. The Operator must comply with the conditions and requirements set forth in 22 GAR 10, Guam Soil Erosion and Sediment Control Regulations (GSESCR).

g. Before submitting the NOT to EPA, Operators shall comply with GSESC regulations at §10105.B10. (Stabilization of Affected Areas) and §10107.B. {Final Inspection and Approval)

h. All operators/owners shall comply with the general design criteria for best management practices (BMPs) acceptable for meeting the Construction and Post-construction stormwater criteria in the 2006 CNMI and Guam Stormwater Management Manual. (E.O. 2012-02)

i. Operating reports and monitoring and analytical data (e.g. Discharge Monitoring Reports (DMRs), follow-up monitoring reports, Exceedance Reports for Numerical Effluent Limits, etc.) submitted to EPA shall be concurrently submitted to Guam EPA, consistent with condition A4. §51060)(4) 2017 GWQS

j. The Operators who install a sediment basin or similar impoundment shall maintain the storage capacity of five thousand cubic feet {5,000 cu. ft.) per acre of project area tributary to the basin. (§10105.B.5.i.) GSESCR

k. (1) This Order does not authorize EPA to qualify Rainfall Erosivity Waivers to stormwater discharges associated with small construction activities (i.e. 1-5 acres). Operators are required to apply for an NOI for those projects eligible for coverage under the proposed 2022 CGP. An Erosion and Sediment Control Plan is required for every site that would be covered by the proposed 2022 CGP. (22 GAR §10104) The average annual rainfall for Guam and the CNMI exceeds I00 inches per year in many locations. These climatic conditions combined with the region's unique limestone, volcanic geologic formations, sensitive water resources and significant land

[107] By incorporating this condition into the permit, EPA acknowledges receipt of Guam's certification conditions.

development forces make stormwater discharges a very significant environmental and economic issue. (2006 CNMJ/Guam Stormwater Management Manual) E.O. 2012-02

(2) This Order does not authorize EPA to approve a Sediment TMDL Waiver for the Ugum River. Operators of construction activities eligible for a TMDL Waiver in lieu of coverage under the proposed 2022 CGP, shall submit a complete and accurate waiver certification as described in C.2., Appendix C - (Small Construction Waivers) to Guam EPA per condition A4., prior to notifying EPA of its intention to obtain a waiver. §51060)(4) 2017 GWQS

l. The Project Proponent shall submit to Guam EPA a signed Statement of Understanding of Water Quality Certification Conditions.[108] (see Attachment A for an example) per condition A4. §51060)(4) 2017 GWQS

m. The Operator shall comply with applicable provisions of the Guam Pesticides Act of2007 (10 GCA Chapter 50) and implementing regulations at Title 22 GAR Chapter 15 for any use and application of pesticides.

n. Point source discharge(s) to waterbodies under the jurisdiction of Guam EPA must be consistent with the antidegradation policy in 22 GAR §510l(b).

o. The operator shall carry out construction activities in such a manner that will not violate Guam Water Quality Standards (GWQS). Proposed 2022 CGP discharges are prohibited as follows:

- **i.** In Marine Waters, Category M-1 Excellent 22 GAR Chapter 5 §5102(b)(I); and
- **ii.** In Surface Waters, Category S-1 High 22 GAR Chapter 5 §5102(c)(I)

p. In addition to complying with construction dewatering requirements in Part 2.4 and site inspection requirements for all areas where construction dewatering is taking place in Part 4 of the proposed 2022 CGP, Operators shall comply with all dewatering conditions and requirements set forth in 22 GAR 7, Water Resources Development and Operating Regulations, to include securing Guam EPA permits prior to any dewatering activities.

q. The Operator shall develop and implement a Spill Prevention and Containment Plan.

r. The Operator shall have adequate and appropriate spill response materials on hand to respond to emergency release of oil, petroleum or any other material into waters of the territory.

s. Any unpermitted discharge into territorial waters or onto land with a potential for entry into territorial waters, is prohibited. If this occurs, the Operator shall immediately take the following actions:

- **i.** Cease operations at the location of the violation or spill.
- **ii.** Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
- **iii.** Notify Guam EPA of the failure to comply. All petroleum spills shall be reported immediately to:

[108] By incorporating this condition into the permit, EPA acknowledges receipt of Guam's certification conditions.

(a) Guam's Emergency 911 system

(b) Guam EPA's 24-Hour Spill Response Team at (671) 888-6488 or during working hours (671) 300-4751

(c) US Coast Guard Sector Guam (671) 355-4824

(d) National Response Center 1-800-424-8802

iv. Submit a detailed written report to Guam EPA within five days of noncompliance that describes the nature of the event corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.

t. Compliance with this condition does not relieve the Operator from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.

u. Submittal or reporting of any of this information does not provide relief from any subsequent enforcement actions for unpermitted discharges to waters of the United States.

v. This Order is valid for five (5) Years from Date of Certification, unless otherwise approved by the Guam EPA Administrator.

w. The Operator shall be required to adhere to the current Guam Coral Spawning Moratorium dates for both hard and soft corals where in-water activities and/or construction activity in close proximity with marine waters may impair water quality. These dates can be obtained from the Guam Department of Agriculture, Division of Aquatic and Wildlife Resources, or the NOAA NMFS Pacific Islands Regional Office Habitat Conservation Division.

x. The Operator shall provide notice to Guam EPA consistent with Condition A4:

(a) Immediately upon discovery of noncompliance with the provisions of this Order.

y. A Notice of Violation/Work Stop Order will be issued if certification conditions are not adhered to or when significant or sustained water quality degradation occurs. Work or discharge shall be suspended or halted until the Operator addresses environmental problems/concerns to Guam EPA's satisfaction. Guam EPA may also levy penalties and fines (10 GCA §47111). Invalidity or enforceability of one or more provisions of this certification shall not affect any other provision of this certification.

9.10 EPA REGION 10

9.10.1 IDR10I000 Indian country within the State of Idaho, except Duck Valley Reservation lands (see Region 9)

a. Shoshone-Bannock Tribes

i. Copies of the following information must be sent to the SBT-WRD:

(a) Notice of Intents (NOI)

The Notice of Intent shall be forwarded to the SBT-WRD within thirty (30) days of receipt of submitting NOI to the USEPA.

Shoshone-Bannock Tribes Water Resources Department
PO Box 306 Pima Drive
Fort Hall, ID 83203 Phone: (208) 239-4582
Fax: (208) 239-4592
Or Email ctanaka@sbtribes.com

b. If requested by the SBT-WRD, the permittee must submit a copy of the SWPPP to SBT-WRD within fourteen (14) days of the request.

9.10.2 ORR10I000 Indian country within the State of Oregon, except Fort McDermitt Reservation lands (see Region 9)

a. Confederated Tribes of Coos, Lower Umpqua, and Siuslaw

i. No activities allowed under the CGP shall result in the degradation of any Tribal waters or affect resident aquatic communities or resident or migratory wildlife species at any life stage.

ii. The operator shall be responsible for achieving compliance with CTCLUSI Water Quality Standards and all other tribal codes, regulations, and laws as they exist at the time that the permit is submitted.

iii. The operator shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to the CTCLUSI Water Quality Program before, or at the same time as, it is submitted to EPA.

iv. The operator shall be responsible for submitting all Stormwater Pollution Prevention Plans (SWPPP) required under this general permit to the CTCLUSI Water Quality Program for review and determination that the SWPPP is sufficient to meet Tribal Water Quality Standards, prior to the beginning of any discharge activities taking place.

v. The operator shall be responsible for reporting an exceedance to Tribal Water Quality Standards to the CTCLUSI Water Quality Program at the same time it is reported to EPA.

vi. The THPO will be provided 30 days to comment on the APE as defined in the permit application.

vii. If the project is an undertaking, a cultural resource assessment must occur. All fieldwork must be permitted by the THPO (as appropriate), conducted by qualified personnel (as outlined by the Secretary of Interior's Standards and Guidelines; http://www.nps.gov/history/local-law/arch_stnds_O.htm) and documented according to Oregon Reporting Standards (Reporting_Guidelines.pdf) (oregon.gov). The resulting report must be submitted to the THPO and the THPO must concur with the finding of effect and recommendations before any ground disturbing work can occur. The THPO requires 30 days to review all reports.

viii. The operator must obtain THPO concurrence in writing. If historic properties are present, this written concurrence will outline measures to be taken to prevent or mitigate adverse effects to historic properties.

b. Confederated Tribes of the Umatilla Indian Reservation

i. The operator shall be responsible for achieving compliance with the

Confederated Tribes of the Umatilla Indian Reservation's (CTUIR) Water Quality Standards.

ii. The operator shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to the CTUIR Water Resources Program at the address below, at the same time it is submitted to EPA.

iii. The operator shall be responsible for submitting all Stormwater Pollution Prevention Plans (SWPPP) required under this general permit to the CTUIR Water Resources Program for review and determination that the SWPPP is sufficient to meet Tribal Water Quality Standards, prior to the beginning of any discharge activities taking place.

iv. The operator shall be responsible for reporting an exceedance to Tribal Water QualityStandards to the CTUIR Water Resources Program at the same time it is reported to EPA.

Confederated Tribes of the Umatilla Indian Reservation
Water Resources Program
46411 Timíne Way
Pendleton, OR 97801
(541) 429-7200

v. The THPO will be provided 30 days to comment on the APE as defined in the permit application.

vi. If the project is an undertaking, a cultural resource assessment must occur. All fieldwork must be permitted by the Tribal Historic Preservation Office (as appropriate), conducted by qualified personnel (as outlined by the Secretary of Interior's Standards and Guidelines; http://www.nps.gov/history/local-law/arch_stnds_0.htm) and documented according to Oregon Reporting Standards (Reporting_Guidelines.pdf (oregon.gov). The resulting report must be submitted to the THPO and the THPO must concur with the finding of effect and recommendations before any ground disturbing work can occur. The THPO requires 30 days to review all reports.

vii. The operator must obtain THPO concurrence in writing. If historic properties are present, this written concurrence will outline measures to be taken to prevent or mitigate adverse effects to historic properties.

9.10.3 WAR10F000 Areas in the State of Washington, except those located on Indian country, subject to construction activity by a Federal Operator

a. For purposes of this Order, the term "Project Proponent" shall mean those that are seeking coverage under this permit, and its agents, assignees and contractors.

b. The Federal Agency shall mean the US Environmental Protection Agency. The Federal Agency shall enforce the permit and ensure that the Project Proponent complies with the conditions of the permits at all times.

c. Failure of any person or entity to comply with this Certification may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Certification.

d. The Certification conditions within this Order must be incorporated into EPA's final NPDES permit. Per 40 CFR 121.10(a), all certification conditions herein that satisfy the

requirements of 40 CFR 121.7(d) must be incorporated into the permit. Per 40 CFR 121.10(b), the permit must clearly identify all certification conditions.

e. This Certification does not authorize exceedances of water quality standards established in chapter 173-201A WAC.

f. Discharges from construction activity must not cause or contribute to violations of the Water Quality Standards for Surface Water of the State of Washington (chapter 173-201A WAC), Ground Water Quality Standards (chapter 173- 200 WAC), Sediment Management Standards (chapter 173-204 WAC), and standards in the EPA's Revision of certain Federal water quality criteria applicable to Washington (40 CFR 131.45). Discharges that do not comply with these standards are prohibited.

g. Prior to discharge of stormwater and non-stormwater to waters of the State, the Permittee must apply all known, available, and reasonable methods of prevention, control, and treatment (AKART). This includes the preparation and implementation of an adequate Stormwater Pollution Prevention Plan (SWPPP), with all appropriate Best Management Practices (BMPs) installed and maintained in accordance with the SWPPP and the terms and conditions of the permit.

i. BMPs must be consistent with:

(a) The Stormwater Management Manual for Western Washington (most current approved edition at the time this permit was issued), for sites west of the crest of the Cascade Mountains; or

(b) The Stormwater Management Manual for Eastern Washington (most current approved edition at the time this permit was issued), for sites east of the crest of the Cascade Mountains; or

(c) Revisions to either manual, or other stormwater management guidance documents or manuals which provide equivalent level of pollution prevention, that are approved by Ecology and incorporated into this permit in accordance with the permit modification requirements of WAC 173-226-230. (For purposes of this section, the stormwater manuals listed in Appendix 10 of the Phase I Municipal Stormwater Permit are approved by Ecology); or

(d) Documentation in the SWPPP that the BMPs selected provided an equivalent level of pollution prevention, compared to the applicable stormwater management manuals, including:

- The technical basis for the selection of all stormwater BMPs (scientific, technical studies, and/or modeling) that support the performance claims for the BMPs being selected.
- An assessment of how the selected BMP will satisfy AKART requirements and the applicable federal technology-based treatment requirements under 40 CFR part 125.3.

The Stormwater Management Manuals for Eastern and Western Washington can be found at: https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Stormwater-manuals.

ii. An adequate SWPPP must include a narrative and drawings. All BMPs must be clearly referenced in the narrative and marked on the drawings. The SWPPP

narrative must include documentation to explain and justify the pollution prevention decisions made for the project. Documentation must include:

(a) Information about existing site conditions (topography, drainage, soils, vegetation, etc.).

(b) Potential erosion problem areas.

(c) The 13 elements of a SWPPP, including BMPs used to address each element. Unless site conditions render the element unnecessary and the exemption is clearly justified in the SWPPP, the 13 elements are as follows:

- Preserve Vegetation/Mark Clearing Limits
- Establish Construction Access
- Control Flow Rates
- Install Sediment Controls
- Stabilize Soils
- Protect Slopes
- Protect Drain Inlets
- Stabilize Channels and Outlets
- Control Pollutants
- Control Dewatering
- Maintain BMPs
- Manage the Project
- Protect Low Impact Development (LID) BMPs

h. Discharges of stormwater and authorized non-stormwater must be monitored for turbidity (or transparency) and, in the event of significant concrete work or engineered soils, pH must also be monitored. As applicable based on project specifics, monitoring, benchmarks, and reporting requirements contained in Condition S.4. (pp.10-16) of the Washington State Construction Stormwater General Permit, effective January 1, 2021, shall apply.

i. Discharges to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, phosphorus, or pH must comply with the following numeric effluent limits:

Parameter identified in 303(d) listing	Parameter Sampled	Unit	Analytical Method	Numeric Effluent Limit
• Turbidity • Fine Sediment • Phosphorus	Turbidity	NTU	SM2130	25 NTUs at the point where the stormwater is discharged from the site.
High pH	pH	su	pH meter	In the range of 6.5 – 8.5

All references and requirements associated with Section 303(d) of the Clean Water Act mean the most current EPA-approved listing of impaired waters that exists on the

effective date of the permit, or the date when the operator's complete permit application is received by EPA, whichever is later.

The EPA approved WQ Assessment can be found at: https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d

j. Discharges to a waterbody that is subject to a Total Maximum Daily Load (TMDL) for turbidity, fine sediment, high pH, or phosphorus must be consistent with the TMDL.

- **i.** Where an applicable TMDL sets specific waste load allocations or requirements for discharges covered by this permit, discharges shall be consistent with any specific waste load allocations or requirements established by the applicable TMDL.
- **ii.** Where an applicable TMDL has established a general waste load allocation for construction stormwater discharges, but no specific requirements have been identified, compliance with this permit will be assumed to be consistent with the approved TMDL.
- **iii.** Where an applicable TMDL has not specified a waste load allocation for construction stormwater discharges, but has not excluded these discharges, compliance with this permit will be assumed to be consistent with the approved TMDL.
- **iv.** Where an applicable TMDL specifically precludes or prohibits discharges from construction activity, the operator is not eligible for coverage under this permit.

Applicable TMDL means a TMDL for turbidity, fine sediment, high pH, or phosphorus which has been completed and approved by EPA as of the effective date of the permit, or prior to the date of the operator's complete application for permit coverage is received by EPA, whichever is later.

k. Discharges to waters of the state from the following activities are prohibited:

- **i.** Concrete wastewater.
- **ii.** Wastewater from washout and clean-up of stucco, paint, form release oils, curing compounds and other construction materials.
- **iii.** Process wastewater as defined by 40 Code of Federal Regulations (CFR) 122.2.
- **iv.** Slurry materials and waste from shaft drilling, including process wastewater from shaft drilling for construction of building, road, and bridge foundations unless managed to prevent discharge to surface water.
- **v.** Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
- **vi.** Soaps or solvents used in vehicle and equipment washing.
- **vii.** Wheel wash wastewater, unless managed to prevent discharge to surface water.
- **viii.** Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed according to appropriate controls described within the permit.

l. This Certification is valid until the expiration date including any administrative extension or termination date of the NPDES 2022 Construction General Permit. (40 CFR § 122.46)

m. The Federal Agency shall enforce and the Project Proponent must comply with all the reporting and notification conditions of the NPDES 2022 Construction General Permit in order to comply with this Order and the certification conditions herein (40 CFR § 121.11).

n. You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person (see addresses below). E-mail is not accepted.

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	**Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Noel Tamboer
Department of Ecology
P.O. Box 47600
Olympia, WA 98503-7600

(360) 701-6171
noel.tamboer@ecy.wa.gov

9.10.4 WAR10I000 Indian country within the State of Washington

a. Lummi Nation

i. This certification does not exempt and is provisional upon compliance with other applicable statutes and codes administered by federal and Lummi tribal agencies. Pursuant to Lummi Code of Laws (LCL) 17.05.020(a), the operator must also obtaina land use permit from the Lummi Planning Department as provided in Title 15 of theLummi Code of Laws and regulations adopted thereunder.

ii. Pursuant to LCL 17.05.020(a), each operator shall develop and submit a Storm WaterPollution Prevention Plan to the Lummi Water Resources Division for review and approval by the Water Resources Manager prior to beginning any discharge activities.

iii. Pursuant to LCL Title 17, each operator shall be responsible for achieving compliance with the Water Quality Standards for Surface Waters of the Lummi

iv. Indian Reservation (Lummi Administrative Regulations [LAR] 17 LAR 07.010 through 17 LAR 07.210 together with supplements and amendments thereto).

v. Each operator shall submit a signed copy of the Notice of Intent (NOI) to the Lummi Water Resources Division at the same time it is submitted electronically to the Environmental Protection Agency (EPA) and shall provide the Lummi Water Resources Division the acknowledgement of receipt of the NOI from the EPA and the associated NPDES tracking number provided by the EPA within 7 calendar days of receipt from the EPA.

vi. Each operator shall submit a signed copy of the Notice of Termination (NOT) to the Lummi Water Resources Division at the same time it is submitted electronically to the EPA and shall provide the Lummi Water Resources Division the EPA acknowledgement of receipt of the NOT.

vii. Storm Water Pollution Prevention Plans, Notice of Intent, Notice of Termination and associated correspondence with the EPA shall be submitted to:

Lummi Natural Resources Department
ATTN: Water Resources Manager 2665 Kwina Road
Bellingham, WA 98226-9298

b. Port Gamble S'Klallam Tribe

i. No discharge from the project site shall cause exceedances of Port Gamble S'KlallamSurface Water Quality Standards narrative or numeric criteria in Tribal waters. This includes activities outside of Tribal lands that occur upstream of Tribal waters.

(a) If any exceedance of these water quality standards occurred, the Natural Resources Department shall be notified immediately.

- The Department shall additionally be provided a complete draft of the proposed corrective action within a reasonable timeframe and its approval will be required before any corrective action may be taken.

ii. Operators performing activities under the CGP that may affect Tribal waters will requirea permit and shall submit their plans to the Port Gamble S'Klallam Natural Resources Department for review.

- The Department has the right to require conditions outside of this Water QualityCertification prior to permit approval.

iii. No activities allowed under the CGP shall result in the degradation of any Tribal watersor change in designated uses.

iv. No activities allowed under the CGP shall affect resident aquatic communities or resident/migratory wildlife species at any life stage.

- Biological assessment methods used to determine the effect of an activity allowedunder the CGP shall be approved by the PGST Natural Resources Department.

v. No activities allowed under the CGP shall be conducted within wetland and stream bufferzones, nor shall said activities affect in any way wetland or stream buffers, as defined by *PGST Law and Order Code 24.08.01(c)*.

vi. Concentrations for substances listed within the table in *Water Quality Standards for Surface Waters* sec. 7(7) shall not be exceeded by activities allowed under the CGP.

c. Spokane Tribe of Indians

i. Pursuant to Tribal Law and Order Code (TLOC) Chapter 30 each operator shall be responsible for achieving compliance with the Surface Water Quality Standards of the Spokane Tribe. The operator shall notify the Spokane Tribe, Water Control Board (WCB) of any spills of hazardous material and;

ii. Each operator shall submit a signed hard copy of the Notice of Intent (NOI) to the WCB at the same time it is submitted to EPA.

iii. The permittee shall allow the Tribal Water Control Board or its designee to inspect and sample at the construction site as needed.

iv. Each operator shall submit a signed copy of the Notice of Termination (NOT) to the WCB at the same time it is submitted to EPA

The correspondence address for the Spokane Tribe Water Control Board is:

Water Control Board c/o Brian Crossley PO Box480
Wellpinit WA 99040
(509)626-4409
crossley@spokanetribe.com

d. Swinomish Tribe

i. Owners and operators seeking coverage under this permit must submit a copy of the Notice of Intent (NOI) to the DEP at the same time the NOI is submitted to EPA.

ii. Owners and operators must also submit to the DEP changes in NOI and/or Notices of Termination at the same time they are submitted to EPA.

iii. Owners and operators seeking coverage under this permit must also submit a Stormwater Pollution Prevention Plan to the DEP for review and approval by DEP prior to beginning any discharge activities.

e. Tulalip Tribes

i. Submission of NOI: Copies of the Notice of Intent (NOI),) Certification shall be submitted to the Tribe's Natural Resources Department to notify the Tribes of the

pending project and in order for the Tribes to review the projects potential impacts to endangered or threatened species.

ii. Submission of SWPPP: A copy of the Stormwater Pollution Plans (SWPPPs) shall be submitted to the Tribe's Natural Resources Department along with the NOI during the 30 day waiting period.

iii. Submission of Monitoring Data and Reports: The results of any monitoring required by this permit and reports must be sent to the Tribe's Natural Resources Depa1tment,

iv. The Tulalip Tribes are federally recognized successors in the interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.

v. including a description of the corrective actions required and undertaken to meet effluent limits or benchmarks (as applicable).

vi. Authorization to Inspect: The Tribe's Natural Resources Department may conduct an inspection of any facility covered by this permit to ensure compliance with tribal water quality standards. The Department may enforce its certification conditions.

vii. Submission of Inspection Reports: Inspection reports must be sent to the Tribe's Natural Resources Department, including a description of the corrective actions required and undertaken to meet effluent limits or benchmarks (as applicable).

viii. Permits on-site: A copy of the pe1mit shall be kept on the job site and readily available for reference by the construction supervisor, construction managers and foreman, and Tribal inspectors.

ix. Project Management: The applicant shall ensure that project managers, construction managers and foreman, and other responsible parties have read and understand conditions of the permit, this certification, and other relevant documents, to avoid violations or noncompliance with this certification.

x. Emergency Spill Notification Requirements: In the event of a spill or the contractor shall immediately take action to stop the violation and correct the problem, and immediately repo1t spill to the Tulalip Tribes Police Department (425) 508-1565. Compliance with this condition does not relieve the applicant from responsibility to maintain continuous compliance with the tem1S and conditions of this certification or the resulting liability from failure to comply.

xi. Discharges to CERCLA Sites: This permit does not autho1ize direct stormwater discharges to certain sites undergoing remedial cleanup actions pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) unless first approved by the appropriate EPA Regional office. In the case of the Tulalip Landfill site (WAD980639256), the Tulalip Tribes also requests notification by the facility and consultation with EPA prior to discharge. Contaminants at this site may include but are not limited to: dioxins, furans, arsenic, copper, lead, zinc, 4- methyl-phenol, Hex-CB, HPAHs, PCBs, PCE, cadmium, mercury, and LPAHs.

xii. Discharge-related Activities that have Potential to Cause an Adverse Effect on Historic Properties: Installation of stormwater controls that involve subsurface disturbances may potentially have an adverse impact on historic properties.

xiii. Procedures detailed in the permit shall be completed. Richard Young, of the Tulalip Tribe's Cultural Resources Department shall be contacted prior to initiating discharge- related activities that may have an impact on historic properties. His contact information is (360) 716-2652, ryoung@tulaliptribes-nsn.gov.

xiv. Invalidation: This certification will cease to be valid if the project is constructed and/or operated in a manner not consistent with the project description contained in

xv. the permit. This certification will also cease to be valid and the applicant must reapply with an updated application if info1mation contained in the permit is voided by subsequent submittals.

xvi. Modification: Nothing in this certification waives the Tulalip Tribes of Washington's authority to issue modifications to this ce1iification if additional impacts due to operational changes are identified, or if additional conditions are necessary to protect water quality or further protect the Tribal Communities interest.

xvii. incorporation by reference: TI1is certification does not exempt the applicant from compliance with other statues and codes administered by the Tribes, county, state and federal agencies.

xviii. Compliance with Tribe's I996 Water Quality Standards: Each permittee shall be responsible for controlling discharges and achieving compliance with the T1ibe's Water Quality Standards.

xix. Compliant with Tulalip Tribes Tidelands Management Policy: Permittee shall be responsible for achieving compliance with applicable sections of the Tulalip Tribe's Tidelands Management Policy. (Tulalip Tribal Code Title 8 Chapter 8.30).

xx. Compliant with Tulalip Tribes Environmental Infractions: Permittee shall be responsible for achieving compliance with applicable sections of the Tulalip Tribe's Environmental Infractions. (Tulalip Tribal Code Title 8 Chapter 8.20).

xxi. Where to Submit information and for further Coordination: All requested documents should be sent to the: Tulalip Tribes Natural Resources Environmental Department c/o Kurt Nelson and Valerie Streeter, 6704 Marine Drive, Tulalip, Washington 98271. For further 40 I Certification coordination with the Tulalip Tribes Natural Resources Department, please contact Mr. Kurt Nelson (360) 716-4617 knelson@tu1aliptribes- nsn.gov. 6406 Marine Dr., Tulalip WA 98271.

f. Makah Tribe

i. The permittee shall be responsible for meeting any additional permit requirements imposed by EPA necessary to comply with the Makah Tribe's Water Quality Standards if the discharge point is located within the Makah's U&A treaty reserved areas.

ii. Each permittee shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to Makah Fisheries Management, Water Quality Department at the address listed below at the same time it is submitted to the EPA.

Makah Water Quality
Makah Fisheries Management (MFM)
ray.colby@makah.com

PO Box 115
Neah bay, WA 98357

iii. All supporting documentation and certifications in the NOI related to coverage under the general permit for Endangered Species Act purposes shall be submitted to the Tribe's Habitat programs for their review.

iv. If EPA requires coverage under an individual or alternative permit, the permittee shall submit a copy of the permit to Assistant Fisheries Director, ray.colby@makah.com.

v. The permittee shall submit all Stormwater Pollution Prevention plan (SWPP) to MFM for review and approval prior to beginning any activities resulting in a discharge to Makah tribal waters.

vi. The permittee shall notify Ray Colby, ray.colby@makah.com (360) 645-3150 prior to conducting inspections at construction sites generating stormwater discharges to tribal waters.

vii. The operator shall treat dewatering discharges with controls necessary to minimize discharges of pollutants to surface waters, or ground waters, and from stormwater runoff onsite from excavations, trenches, foundations, or storage areas. To the extent feasible, at all points where dewatering is discharged, comply with the velocity dissipation using check dams, sediment traps, and grouted outlets.

g. Puyallup Tribe of Indians

i. The permittee shall be responsible for meeting any additional permit requirements imposed by EPA necessary to comply with the Puyallup Tribe's antidegradation procedures.

ii. Each permittee shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to Char Naylor, Tribal Water Quality Manager at the following e-mail address: (char.naylor@puyalluptribe-nsn.gov) at the same time it is submitted to EPA.

iii. All supporting documentation and certifications in the NOI related to coverage under the general permit for Endangered Species Act purposes shall be submitted to Char Naylor, Tribal Water Quality Manager/Assistant Fisheries Director (char.naylor@puyalluptribe-nsn.gov) for review.

iv. If EPA requires coverage under an individual or alternative permit, the permittee shall submit a copy of the permit to Char Naylor at the email address listed above.

v. The permittee shall submit all stormwater pollution prevention plans to Char Naylor for review and approval prior to beginning any activities resulting in a discharge to Puyallup tribal waters.

vi. The permittee shall contact Brandon Reynon (Brandon.reynon@puyalluptribe-nsn-gov), Tribe's Historic Preservation Officer or Jennifer Keating (Jennifer.keating@puyalluptribe-nsn.gov), Tribe's Assistant Historic Preservation Officer regarding historic properties and cultural resources.

vii. To minimize the discharge of pollutants to groundwater or surface waters from stormwater that is removed from excavations, trenches, foundations, vaults, or

other storage areas, treat dewatering discharges with controls necessary to minimize discharges of pollutants. Examples of appropriate controls include sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, and filtration systems (e.g., bag or sand filters) that are designed to remove sediment.

To the extent feasible, utilize vegetated, upland areas of the site to infiltrate dewatering water before discharge. At all points where dewatering water is discharged, utilize velocity dissipation controls. Examples of velocity dissipation devices include check dams, sediment traps, riprap, and grouted riprap at outlets.

viii. The permittee shall provide and maintain natural buffers to the maximum extent possible (and/or equivalent erosion and sediment controls) when tribal waters are located within 100 feet of the boundaries. If infeasible to provide and maintain an undisturbed 100 foot natural buffer, erosion and sediment controls to achieve the sediment load reduction equivalent to a 100-foot undisturbed natural buffer shall be required.

Appendix A - Definitions and Acronyms

1. Definitions

"Action Area" – all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action. See 50 CFR 402. For the purposes of this permit and for application of the threatened and endangered species protection eligibility requirements, the following areas are included in the definition of action area:

- The areas on the construction site where stormwater discharges originate and flow toward the point of discharge into the receiving waters. This includes:
    - areas on the construction site where excavation, site development, or other ground disturbance activities occur, and
    - areas where stormwater controls will be constructed and operated, including any areas where stormwater flows to and from the stormwater controls.
- The areas in the vicinity of the construction site where stormwater discharges flow from the construction site to one or more points of discharge into receiving waters. (Example: Where stormwater flows into an off-site ditch, swale, or gully that leads to receiving waters.
- The extent of the receiving water potentially affected by stormwater discharges from your construction site through alteration of water chemistry, turbidity, temperature, or bank structure (i.e., erosive flow), regardless of whether the construction site is adjacent to the receiving water.

"Agricultural Land" - cropland, grassland, rangeland, pasture, and other agricultural land, on which agricultural and forest-related products or livestock are produced and resource concerns may be addressed. Agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of agricultural land used for the production of livestock.

"Antidegradation Policy" or "Antidegradation Requirements" - the water quality standards regulation that requires States and Tribes to establish a three-tiered antidegradation program:

1. Tier 1 maintains and protects existing uses and water quality conditions necessary to support such uses. An existing use can be established by demonstrating that fishing, swimming, or other uses have actually occurred since November 28, 1975, or that the water quality is suitable to allow such uses to occur. Where an existing use is established, it must be protected even if it is not listed in the water quality standards as a designated use. Tier 1 requirements are applicable to all surface waters.
2. Tier 2 maintains and protects "high quality" waters -- waterbodies where existing conditions are better than necessary to support CWA § 101(a)(2) "fishable/swimmable" uses. Water quality can be lowered in such waters. However, State and Tribal Tier 2 programs identify procedures that must be followed and questions that must be answered before a reduction in water quality can be allowed. In no case may water quality be lowered to a level which would interfere with existing or designated uses.
3. Tier 3 maintains and protects water quality in outstanding national resource waters (ONRWs). Except for certain temporary changes, water quality cannot be lowered in such waters. ONRWs generally include the highest quality waters of the United States. However, the ONRW classification also offers special protection for waters of exceptional ecological significance, i.e., those which are important, unique, or sensitive ecologically.

Decisions regarding which water bodies qualify to be ONRWs are made by States and authorized Indian Tribes.

"Arid Areas" – areas with an average annual rainfall of 0 to 10 inches. For assistance in determining average annual rainfall in specific locations, refer to the NOAA National Mapping webpage (https://www.ncdc.noaa.gov/cag/national/mapping), the PRISM Climate Group's Time Series Values for individual locations (https://prism.oregonstate.edu/explorer/), or EPA's US EPA EnviroAtlas (https://www.epa.gov/enviroatlas).

"Bank" (e.g., stream bank or river bank) – the rising ground bordering the channel of a water of the U.S.

"Biodegradable" – capable of decomposing under ambient soil conditions into naturally occurring materials over a period of time (e.g., one year).

"Bluff" – a steep headland, promontory, riverbank, or cliff.

"Borrow Areas" – the areas where materials are dug for use as fill, either onsite or off-site.

"Business day" – for the purposes of this permit, a business day is a calendar day on which construction activities will take place.

"Bypass" – the intentional diversion of waste streams from any portion of a treatment facility. See 40 CFR 122.41(m)(1)(i).

"Cationic Treatment Chemical" – polymers, flocculants, or other chemicals that contain an overall positive charge. Among other things, they are used to reduce turbidity in stormwater discharges by chemically bonding to the overall negative charge of suspended silts and other soil materials and causing them to bind together and settle out. Common examples of cationic treatment chemicals are chitosan and cationic PAM.

"Commencement of Construction Activities" – the initial disturbance of soils (or 'breaking ground') associated with clearing, grading, or excavating activities or other construction-related activities (e.g., grubbing; stockpiling of fill material; placement of raw materials at the site).

"Common Plan of Development or Sale" – A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. The "common plan" of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

"Construction Activities" – earth-disturbing activities, such as the clearing, grading, and excavation of land, and other construction-related activities (e.g., grubbing; stockpiling of fill material; placement of raw materials at the site) that could lead to the generation of pollutants. Some of the types of pollutants that are typically found at construction sites are:

- sediment;
- nutrients;
- heavy metals;
- pesticides and herbicides;
- oil and grease;
- bacteria and viruses;
- trash, debris, and solids;

- treatment polymers; and
- any other toxic chemicals.

"Construction and Development Effluent Limitations and New Source Performance Standards" (C&D Rule) – as published in 40 CFR § 450, the regulation requiring effluent limitations guidelines (ELGs) and new source performance standards (NSPS) for controlling the discharge of pollutants from construction sites.

"Construction Site" or "Site" – the land or water area where construction activities will occur and where stormwater controls will be installed and maintained. The construction site includes construction support activities, which may be located at a different part of the property from where the primary construction activity will take place, or on a different piece of property altogether.

"Construction Support Activity" – a construction-related activity that specifically supports the construction activity and involves earth disturbance or pollutant-generating activities of its own, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.

"Construction Waste" – discarded material (such as packaging materials; scrap construction materials; masonry products; timber, steel, pipe, and electrical cuttings; plastics; and styrofoam).

"Conveyance Channel" – a temporary or permanent waterway designed and installed to safely convey stormwater flow within and out of a construction site.

"Critical Habitat" – as defined in the Endangered Species Act at 16 U.S.C. 1531 for a threatened or endangered species, (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

"CWA" – the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

"Dewatering" – the act of draining accumulated stormwater and/or ground water from building foundations, vaults, and trenches, or other similar points of accumulation. Examples can include, but are not limited to:

- Surface area dewatering: water pumped from disturbed surface areas (e.g., trenches, sumps, excavation pits, or other excavations associated with construction where sediment-laden ground water or surface water/storm inflow must be removed) or from sediment basins or similar impoundments for maintenance or decommissioning purposes.
- Ground water dewatering: water discharged from well development, well pump tests, or pumping of ground water from a construction area. Common methods of ground water dewatering from a construction area include sumps and wells, generally described as follows:
  - Sumps: lowers ground water levels near the construction area. Dewatering using sumps consists of pumping ground water out of a lower collection point(s) typically gravity-fed by local ground water.
  - Wells: drilled wells, including bored/augured, driven, or jetted, which use vacuum or pumping to lower the ground water at greater depths than sumps. The two most common types of wells used for dewatering ground water are:

- Wellpoints: small-diameter shallow wells which are connected via a header pipe. A pump creates a vacuum in the header pipe.
- Deep Wells: larger-diameter holes, drilled relatively deep (typically greater than 10 feet), pumped by submersible electric pumps.

"Dewatering Water" – as used in this permit, water discharged from dewatering operations.

"Discharge" – when used without qualification, means the "discharge of a pollutant."

"Discharge of a Pollutant" – any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. See 40 CFR 122.2.

"Discharge Point" – for the purposes of this permit, the location where collected and concentrated stormwater flows or dewatering water are discharged from the construction site.

"Discharge-Related Activity" – activities that cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the siting, construction, and operation of stormwater controls to control, reduce, or prevent pollutants from being discharged.

"Discharge to an Impaired Water" – for the purposes of this permit, a discharge to an impaired water occurs if the first water of the U.S. to which you discharge is identified by a State, Tribe, or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting an applicable water quality standard and (1) requires development of a total maximum daily load (TMDL) (pursuant to section 303(d) of the CWA; or (2) is addressed by an EPA-approved or established TMDL; or (3) is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1). For discharges that enter a storm sewer system prior to discharge, the water of the U.S. to which you discharge is the first water of the U.S. that receives the stormwater discharge from the storm sewer system.

"Domestic Waste" – for the purposes of this permit, typical household trash, garbage or rubbish items generated by construction activities.

"Drainageway" – an open linear depression, whether constructed or natural, that functions for the collection and drainage of surface water.

"Drought-Stricken Area" – for the purposes of this permit, an area in which the National Oceanic and Atmospheric Administration's U.S. Seasonal Drought Outlook indicates for the period during which the construction will occur that any of the following conditions are likely: (1) "Drought to persist or intensify", (2) "Drought ongoing, some improvement", (3) "Drought likely to improve, impacts ease", or (4) "Drought development likely". See http://www.cpc.ncep.noaa.gov/products/expert_assessment/sdo_summary.php.

"Earth-Disturbing Activity"– actions taken to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, grubbing, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

"Earth-Disturbing Activities Conducted Prior to Active Mining Activities" – Consists of two classes of earth-disturbing (i.e., clearing, grading and excavation) activities:

a. activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to access road construction); providing access to a mine site for vehicles and equipment (except when related to access road construction); other earth disturbances associated with site preparation activities on any areas where active mining

activities have not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and

b. construction of staging areas to prepare for erecting structures such as to house project personnel and equipment, mill buildings, etc., and construction of access roads.

Note: only earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining (see (b) above) are considered to be "construction" and therefore stormwater discharges from these activities are eligible for coverage under this permit. See Part 1.2.1.b. The activities described in (a) above are not considered to be "construction" and therefore stormwater discharges associated with this activity are not eligible for coverage under this permit.

"Effective Operating Condition" – for the purposes of this permit, a stormwater control is kept in effective operating condition if it has been implemented and maintained in such a manner that it is working as designed to minimize pollutant discharges.

"Effluent Limitations" – for the purposes of this permit, any of the Part 2 or Part 3 requirements.

"Effluent Limitations Guideline" (ELG) – defined in 40 CFR § 122.2 as a regulation published by the Administrator under section 304(b) of the CWA to adopt or revise effluent limitations.

"Eligible" – for the purposes of this permit, refers to stormwater and allowable non-stormwater discharges that are authorized for coverage under this general permit.

"Emergency-Related Project" – a project initiated in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services.

"Endangered Species" – defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of this Act would present an overwhelming and overriding risk to man.

"Excursion" – a measured value that exceeds a specified limit.

"Existing Site" – a site where construction activities commenced prior to February 16, 2017.

"Exit Points" – any points of egress from the construction site to be used by vehicles and equipment during construction activities.

"Exposed Soils" – for the purposes of this permit, soils that as a result of earth-disturbing activities are left open to the elements.

"Federal Facility" – any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned by, or constructed or manufactured for the purpose of leasing to, the Federal government.

"Federal Operator" – an entity that meets the definition of "Operator" in this permit and is either any department, agency or instrumentality of the executive, legislative, and judicial branches of the Federal government of the United States, or another entity, such as a private contractor, performing construction activity for any such department, agency, or instrumentality.

"Final Stabilization" – on areas not covered by permanent structures, either (1) uniform, perennial vegetation *(e.g., evenly distributed, without large bare areas)* has been established, or for arid or semi-arid areas, will be established that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas, and/or (2) permanent non-

vegetative stabilization measures (e.g., riprap, gravel, gabions, and geotextiles) have been implemented to provide effective cover for exposed portions of the site

"General Contractor" – for the purposes of this permit, the primary individual or company solely accountable to perform a contract. The general contractor typically supervises activities, coordinates the use of subcontractors, and is authorized to direct workers at a site to carry out activities required by the permit.

"Hazardous Substances" or "Hazardous or Toxic Waste" – for the purposes of this permit, any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. See also 40 CFR §261.2.

"Historic Property" – as defined in the National Historic Preservation Act regulations, means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian Tribe or Native Hawaiian organization and that meet the National Register criteria.

"Impaired Water"– a water identified by the State, Tribe, or EPA as not meeting an applicable water quality standard and (1) requires development of a TMDL (pursuant to section 303(d) of the CWA; or (2) is addressed by an EPA-approved or established TMDL; or (3) is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1).

"Impervious Surface" – for the purpose of this permit, any land surface with a low or no capacity for soil infiltration including, but not limited to, pavement, sidewalks, parking areas and driveways, packed gravel or soil, or rooftops.

"Indian Country" or "Indian Country Lands" – defined at 40 CFR §122.2 as:

1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
2. All dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a State; and
3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.

"Infeasible" – for the purpose of this permit, infeasible means not technologically possible or not economically practicable and achievable in light of best industry practices. EPA notes that it does not intend for any permit requirement to conflict with State water rights law.

"Install" or "Installation" – when used in connection with stormwater controls, to connect or set in position stormwater controls to make them operational.

"Jar test" – a test designed to simulate full-scale coagulation/flocculation/sedimentation water treatment processes by taking into account the possible conditions.

"Landward" – positioned or located away from a waterbody, and towards the land.

"Large Construction Activity" – defined at 40 CFR § 122.26(b)(14)(x) and incorporated here by reference. Large construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres. Large construction activity does

not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

"Linear Construction Site" – includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area.

"Minimize" – to reduce and/or eliminate to the extent achievable using stormwater controls that are technologically available and economically practicable and achievable in light of best industry practices.

"Mining Activity" – for the purposes of this permit, includes mining-related construction activities defined at 40 CFR 122.26(b)(14)(x) and 122.26(b)(15)(i), and active mining activities defined at 40 CFR 122.26(b)(14)(iii). Both of these sub categories of activities include earth-disturbing activities, with the latter also including such activities as: extraction, removal or recovery, and beneficiation of mined material from the earth; removal of overburden and waste rock to expose mineable material; and site reclamation and closure activities.

"Mining Operations" – for the purposes of this permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each: 1) earth-disturbing activities conducted prior to active mining activities; and 2) active mining activities, which includes reclamation.

"Municipal Separate Storm Sewer System" or "MS4" – defined at 40 CFR §122.26(b)(8) as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned and operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian Tribe or an authorized Indian Tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
2. Designed or used for collecting or conveying stormwater;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

"National Pollutant Discharge Elimination System" (NPDES) – defined at 40 CFR §122.2 as the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA. The term includes an 'approved program.'

"Native Topsoil" – the uppermost layer of naturally occurring soil for a particular area, and is often rich in organic matter, biological activity, and nutrients.

"Natural Buffer" – for the purposes of this permit, an area of undisturbed natural cover surrounding waters of the United States within which construction activities are restricted. Natural cover includes the vegetation, exposed rock, or barren ground that exists prior to commencement of earth-disturbing activities.

"Natural Vegetation" – vegetation that occurs spontaneously without regular management, maintenance, or species introductions or removals, and that generally has a strong component of native species..

"New Operator of a Permitted Site" – an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site that is either a "new site" or an "existing site".

"New Site" – a site where construction activities commenced on or after February 16, 2017.

"New Source" – for the purposes of this permit, a construction project that commenced construction activities after February 1, 2010.

"New Source Performance Standards (NSPS)" – for the purposes of this permit, NSPS are technology-based standards that apply to construction sites that are new sources under 40 CFR 450.24.

"Non-Stormwater Discharges" – discharges that do not originate from storm events. They can include, but are not limited to, discharges of process water, air conditioner condensate, non-contact cooling water, vehicle wash water, sanitary wastes, concrete washout water, paint wash water, irrigation water, or pipe testing water.

"Non-Turbid" – a discharge that is free from visual turbidity.

"Notice of Intent" (NOI) – the form (electronic or paper) required for authorization of coverage under the Construction General Permit.

"Notice of Termination" (NOT) – the form (electronic or paper) required for terminating coverage under the Construction General Permit.

"NPDES eReporting Tool" (NeT) – EPA's online system for submitting electronic Construction General Permit forms.

"Operational" – for the purposes of this permit, stormwater controls are made "operational" when they have been installed and implemented, are functioning as designed, and are properly maintained.

"Operator" – for the purposes of this permit and in the context of stormwater discharges associated with construction activity, any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications *(*e.g. *in most cases this is the owner of the site)*; or
2. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g.*, they are authorized to direct workers at a site to carry out activities required by the permit; in most cases this is the general contractor of the project)*.

This definition is provided to inform permittees of EPA's interpretation of how the regulatory definitions of "owner or operator" and "facility or activity" are applied to discharges of stormwater associated with construction activity. Subcontractors generally are not considered operators for the purposes of this permit.

"Ordinary High Water Mark" – the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris.

"Permitting Authority" – for the purposes of this permit, EPA, a Regional Administrator of EPA, or an authorized representative.

"Point(s) of Discharge" – see "Discharge Point."

"Point Source" – any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

"Pollutant" – defined at 40 CFR §122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

"Pollution Prevention Controls" – stormwater controls designed to reduce or eliminate the addition of pollutants to construction site discharges through analysis of pollutant sources, implementation of proper handling/disposal practices, employee education, and other actions.

"Polymers" – for the purposes of this permit, coagulants and flocculants used to control erosion on soil or to enhance the sediment removal capabilities of sediment traps or basins. Common construction site polymers include polyacrylamide (PAM), chitosan, alum, polyaluminum chloride, and gypsum.

"Prohibited Discharges" – discharges that are not allowed under this permit, including:

1. Wastewater from washout of concrete;
2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
4. Soaps or solvents used in vehicle and equipment washing;
5. Toxic or hazardous substances from a spill or other release; and
6. Waste, garbage, floatable debris, construction debris, and sanitary waste.

"Provisionally Covered Under this Permit" – for the purposes of this permit, EPA provides temporary coverage under this permit for emergency-related projects prior to receipt of a complete and accurate NOI. Discharges from earth-disturbing activities associated with the emergency-related projects are subject to the terms and conditions of the permit during the period of temporary coverage.

"Qualified Person" – a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.

"Receiving Water" – a "Water of the United States" as defined in 40 CFR §122.2 into which the regulated stormwater discharges.

"Run-On" – sources of stormwater that drain from land located upslope or upstream from the regulated site in question.

"Seasonally Dry Period" – a month in which the long-term average total precipitation is less than or equal to 0.5 inches. Refer to EPA's Seasonally Dry Period Locator and supporting maps for assistance in determining whether a site is operating during a seasonally dry period for the area, located at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates.

"Sediment-Related parameter" – for the purposes of this permit, a pollutant parameter that is closely related to sediment such as turbidity, total suspended solids (TSS), total suspended sediment, transparency, sedimentation, and siltation.

"Semi-Arid Areas" – areas with an average annual rainfall of 10 to 20 inches. For assistance in determining average annual rainfall in specific locations, refer to the NOAA National Mapping webpage (https://www.ncdc.noaa.gov/cag/national/mapping), the PRISM Climate Group's Time Series Values for individual locations (https://prism.oregonstate.edu/explorer/), or EPA's US EPA EnviroAtlas (https://www.epa.gov/enviroatlas).

"Shared Control" - for the purposes of this permit, a stormwater control, such as a sediment basin or pond, used by two or more operators that is installed and maintained for the purpose of minimizing and controlling pollutant discharges from a construction site with multiple operators associated with a common plan of development or sale. Any operators that are contributing stormwater from their construction activities to a shared control are considered to rely upon a shared control.

"Small Construction Activity" – defined at 40 CFR §122.26(b)(15) and incorporated here by reference. A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

"Small Residential Lot" – for the purpose of this permit, a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre.

"Snowmelt" – the conversion of snow into overland stormwater and ground water flow as a result of warmer temperatures.

"Spill" – for the purpose of this permit, the release of a hazardous or toxic substance from its container or containment.

"Stabilization" – the use of vegetative and/or non-vegetative cover to prevent erosion and sediment loss in areas exposed through the construction process.

"Steep Slopes" – where a State, Tribe, local government, or industry technical manual (e.g., stormwater BMP manual) has defined what is to be considered a "steep slope", this permit's definition automatically adopts that definition. Where no such definition exists, steep slopes are automatically defined as those that are 15 percent or greater in grade.

"Storm Sewer System" – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) designed or used for collecting or conveying stormwater.

"Stormwater" – stormwater runoff, snowmelt runoff, and surface runoff and drainage.

"Stormwater Control" - refers to any best management practice or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

"Stormwater Discharge Associated with Construction Activity" – as used in this permit, a discharge of pollutants in stormwater to waters of the United States from areas where earth-disturbing activities (e.g., clearing, grubbing, grading, or excavation) occur, or where construction materials or equipment storage or maintenance (e.g., fill piles, borrow area,

concrete truck chute washdown, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants), are located.

"Stormwater Inlet" – a structure placed below grade to conduct water used to collect stormwater runoff for conveyance purposes.

"Stormwater Team" – the group of individuals responsible for oversight of the development and modifications of the SWPPP, and oversight of compliance with the permit requirements. The individuals on the "Stormwater Team" must be identified in the SWPPP.

"Storm Event" – a precipitation event that results in a measurable amount of precipitation.

"Storm Sewer" – a system of pipes (separate from sanitary sewers) that carries stormwater runoff from buildings and land surfaces.

"Subcontractor" – for the purposes of this permit, an individual or company that takes a portion of a contract from the general contractor or from another subcontractor.

"SWPPP" (Stormwater Pollution Prevention Plan) – a site-specific, written document that, among other things: (1) identifies potential sources of stormwater pollution at the construction site; (2) describes stormwater controls to reduce or eliminate pollutants in stormwater discharges from the construction site; and (3) identifies procedures the operator will implement to comply with the terms and conditions of this general permit.

"Temporary Stabilization" – a condition where exposed soils or disturbed areas are provided temporary vegetative and/or non-vegetative protective cover to prevent erosion and sediment loss. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place to re-disturb this area.

"Thawing Conditions" – for the purposes of this permit, thawing conditions are expected based on the historical likelihood of two or more days with daytime temperatures greater than 32˚F. This date can be determined by looking at historical weather data. Note: the estimation of thawing conditions is for planning purposes only. During construction the permittee will be required to conduct site inspections based upon actual conditions (i.e., if thawing conditions occur sooner than expected, the permittee will be required to conduct inspections at the regular frequency).

"Threatened Species" – defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

"Tier 2 Waters" – for antidegradation purposes, pursuant to 40 CFR 131.12(a)(2), those waters that are characterized as having water quality that exceeds the levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.

"Tier 2.5 Waters" – for antidegradation purposes, those waters designated by States or Tribes as requiring a level of protection equal to and above that given to Tier 2 waters, but less than that given Tier 3 waters. Some States have special requirements for these waters.

"Tier 3 Waters" – for antidegradation purposes, pursuant to 40 CFR 131.12(a)(3), Tier 3 waters are identified by States as having high quality waters constituting an Outstanding National Resource Water (ONRW), such as waters of National Parks and State Parks, wildlife refuges, and waters of exceptional recreational or ecological significance.

"Total Maximum Daily Load" or "TMDL" – the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources,

tributaries, or adjacent segments. TMDLs can be expressed in terms of mass per time, toxicity, or other appropriate measure.

"Toxic Waste" – see "Hazardous Substances."

"Treatment Chemicals" – polymers, flocculants, or other chemicals used to reduce turbidity in stormwater.

"Turbidity" – a condition of water quality characterized by the presence of suspended solids and/or organic material.

"Uncontaminated Discharge" – in the context of authorized non-stormwater discharges, a discharge that meets applicable water quality standards.

"Upland" – the dry land area above and 'landward' of the ordinary high water mark.

"Upset" – Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. See 40 CFR 122.41(n)(1).

"Visual Turbidity" – for the purposes of this permit, visual turbidity is present when there is a sediment plume in the discharge or the discharge appears cloudy, opaque, or has a visible contrast that can be visually identified by an observer.

"Water-Dependent Structures" – structures or facilities that are required to be located directly adjacent to a waterbody or wetland, such as a marina, pier, boat ramp, etc.

"Water Quality Standards" – defined in 40 CFR § 131.3, and are provisions of State (including Tribal) or Federal law which consist of a designated use or uses for the waters of the United States, water quality criteria for such waters based upon such uses, and an antidegradation policy to protect high-quality waters. Water quality standards protect the public health or welfare, enhance the quality of water and serve the purposes of the Act.

"Waters of the United States" – see definition at 40 CFR 122.2.

"Wetland" – those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. On-site evaluations are typically required to confirm the presence and boundaries of wetlands.

2. Acronyms

ACHP – Advisory Council on Historic Preservation

BMP – Best Management Practice

CBI – Confidential Business Information

CGP – Construction General Permit

CFR – Code of Federal Regulations

CWA – Clean Water Act

CZMA – Coastal Zone Management Act

ECHO – EPA Enforcement and Compliance History Online

ELG – Effluent Limitations Guideline

EPA – United States Environmental Protection Agency
ESA – Endangered Species Act
FR – Federal Register
MS4 – Municipal Separate Storm Sewer System
MSGP – Multi-Sector General Permit
NEPA – National Environmental Policy Act
NeT – NPDES eReporting Tool
NTU - Nephelometric turbidity units
NHPA – National Historic Preservation Act
NMFS – United States National Marine Fisheries Service
NPDES – National Pollutant Discharge Elimination System
NOI – Notice of Intent
NOT – Notice of Termination
NPDES – National Pollutant Discharge Elimination System
NRC – National Response Center
NRCS – National Resources Conservation Service
NSPS – New Source Performance Standards
ONRW – Outstanding National Resource Water
PAM – Polyacrylamide
POTW – Publicly Owned Treatment Works
RUSLE – Revised Universal Soil Loss Equation
SDS – Safety Data Sheet
SHPO – State Historic Preservation Office
SPCC – Spill Prevention Control and Countermeasure
SWPPP – Stormwater Pollution Prevention Plan
THPO – Tribal Historic Preservation Office
TMDL – Total Maximum Daily Load
TSS – Total Suspended Solids
UIC – Underground Injection Control
USDA – United States Department of Agriculture
USFWS – United States Fish and Wildlife Service
USGS – United States Geological Survey
WQS – Water Quality Standard

Appendix B - Permit Areas Eligible for Coverage and EPA Regional Addresses

Permit coverage for stormwater discharges from construction activity occurring within the following areas is provided by legally separate and distinctly numbered permits. For assistance in determining whether your construction activities are located within Indian country, refer to the Bureau of Indian Affairs' digital map of the land areas of Federally-recognized Tribes at https://biamaps.doi.gov/indianlands/#.

B.1 EPA Region 1

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 1:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
CTR10I000	Indian country within the State of Connecticut
MAR100000	Commonwealth of Massachusetts (except Indian country)
MAR10I000	Indian country within the State of Massachusetts
NHR100000	State of New Hampshire
RIR10I000	Indian country within the State of Rhode Island
VTR10F000	Areas in the State of Vermont located at a Federal Facility (as defined in Appendix A)
1R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 1 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

EPA Region 1 Address:
U.S. EPA Region 1
Office of Ecosystem Protection
Stormwater and Construction Permits Section
5 Post Office Square, Suite 100
(OEP 06-1)
Boston, MA 02109-3912

B.2 EPA Region 2

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 2:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
NYR10I000	Indian country within the State of New York
PRR100000	Commonwealth of Puerto Rico
02R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 2 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

EPA Region 2 Address:
For Puerto Rico:
U.S. EPA Region 2
Caribbean Environmental Protection Division
NPDES Stormwater Program
City View Plaza II – Suite 7000
48 Rd. 165 Km 1.2
Guaynabo, PR 00968-8069

For New York:
U.S. EPA Region 2
NPDES Stormwater Program
290 Broadway, 24th Floor
New York, NY 10007-1866

B.3 EPA Region 3

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 3:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
DCR100000	District of Columbia
DER10F000	Areas in the State of Delaware located at a Federal Facility (as defined in Appendix A)
VAR10I000	Indian country within the State of Virginia
03R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 3 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

EPA Region 3 Address:
U.S. EPA Region 3
Office of NPDES Permits and Enforcement
NPDES Permits Branch, Mailcode 3WP41
1650 Arch Street
Philadelphia, PA 19103

B.4 EPA Region 4

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 4:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
ALR10I000	Indian country within the State of Alabama
FLR10I00E	Indian country within the State of Florida
MSR10I000	Indian country within the State of Mississippi
NCR10I000	Indian country within the State of North Carolina
04R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country (except Catawba lands in South Carolina)

For stormwater discharges in EPA Region 4 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

EPA Region 4 Address:
U.S. EPA Region 4
Water Protection Division
NPDES Stormwater Program
Atlanta Federal Center
61 Forsyth Street SW
Atlanta, GA 30303-3104

B.5 EPA Region 5

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 5:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
MIR10I000	Indian country within the State of Michigan, except the L'Anse Reservation of the Keweenaw Bay Indian Community
MNR10I000	Indian country within the State of Minnesota, except sites located in the Fond du Lac Reservation discharging to Outstanding Reservation Resources Waters (ORRWs)[1]
WIR10I000	Indian country within the State of Wisconsin, except sites located in the Bad River Band of Lake Superior Tribe of Chippewa Indians discharging to Outstanding Tribal Resource Waters (OTRWs) or Tier 3 waters[2]
05R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

[1] The Tribe has identified Perch Lake, Rice Portage Lake, Miller Lake, Deadfish Lake, and Jaskari Lake as ORRWs.
[2] The Tribe has identified the following as OTRWs or Tier 3 waters: Kakagon Slough and the lower wetland reaches of its tributaries that support wild rice, Kakagon River, Bad River Slough, Honest John Lake, Bog Lake, a portion of Bad River, from where it enters the Reservation through the confluence with the White River, and Potato River.

For stormwater discharges in EPA Region 5 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

EPA Region 5 Address:
U.S. EPA Region 5
NPDES Program Branch
77 W. Jackson Blvd.
Mail Code WN16J
Chicago, IL 60604-3507

B.6 EPA Region 6

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 6:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
LAR10I000	Indian country within the State of Louisiana
NMR100000	State of New Mexico, except Indian country
NMR10I000	Indian country within the State of New Mexico, except Navajo Reservation Lands that are covered under Arizona permit AZR10000I and Ute Mountain Reservation Lands that are covered under Colorado permit COR10000I.
OKR10I000	Indian country within the State of Oklahoma, except areas of Indian country covered by an extension of state program authority pursuant to Section 10211 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA).
OKR10F000	Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, or the Oklahoma Department of Agriculture and Forestry including activities associated with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09).
TXR10I000	Indian country within the State of Texas
06R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 6 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

EPA Region 6 Address:
U.S. EPA Region 6
NPDES Stormwater Program (WQ-PP)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

B.7 EPA Region 7

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 7:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
IAR10I000	Indian country within the State of Iowa
KSR10I000	Indian country within the State of Kansas
NER10I000	Indian country within the State of Nebraska, except Pine Ridge Reservation lands (see Region 8)
07R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 7 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

EPA Region 7 Address:
U.S. EPA Region 7
NPDES Stormwater Program
11201 Renner Blvd
Lenexa, KS 66219

B.8 EPA Region 8

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 8:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
COR10F000	Areas in the State of Colorado located at a Federal Facility (as defined in Appendix A), except those located on Indian country
COR10I000	Indian country within the State of Colorado, as well as the portion of the Ute Mountain Reservation located in New Mexico
MTR10I000	Indian country within the State of Montana
NDR10I000	Indian country within the State of North Dakota, as well as that portion of the Standing Rock Reservation located in South Dakota (except for the portion of the lands within the former boundaries of the Lake Traverse Reservation which is covered under South Dakota permit SDR10000I listed below)
SDR10I000	Indian country within the State of South Dakota, as well as the portion of the Pine Ridge Reservation located in Nebraska and the portion of the lands within the former boundaries of the Lake Traverse Reservation located in North Dakota (except for the Standing Rock Reservation which is covered under North Dakota permit NDR10000I listed above)
UTR10I000	Indian country within the State of Utah, except Goshute and Navajo Reservation lands (see Region 9)
WYR10I000	Indian country within the State of Wyoming
08R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 8 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

EPA Region 8 Address:
EPA Region 8 Storm Water Program
Mailcode: 8P-W-WW
1595 Wynkoop Street
Denver, CO 80202-1129

B.9 EPA Region 9

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 9:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
ASR100000	Island of American Samoa
AZR10I000	Indian country within the State of Arizona, as well as Navajo Reservation lands in New Mexico and Utah
CAR10I000	Indian country within the State of California
GUR100000	Island of Guam
JAR100000	Johnston Atoll
MPR100000	Commonwealth of the Northern Mariana Islands
MWR100000	Midway Island and Wake Island
NVR10000I	Indian country within the State of Nevada, as well as the Duck Valley Reservation in Idaho, the Fort McDermitt Reservation in Oregon and the Goshute Reservation in Utah
09R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 9 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

EPA Region 9 Address:
U.S. EPA Region 9
Water Division
NPDES Stormwater Program (WTR-2-3)
75 Hawthorne Street
San Francisco, CA 94105-3901

B.10 EPA Region 10

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 10:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
AKR10I000	Indian country lands as defined in 18 U.S.C. 1151 within the State of Alaska
AKR10F000	Denali National Park and Preserve
IDR10I000	Indian country within the State of Idaho, except Duck Valley Reservation lands (see Region 9)
ORR10I000	Indian country within the State of Oregon, except Fort McDermitt Reservation lands (see Region 9)
WAR10F000	Areas in the State of Washington, except those located on Indian country, subject to construction activity by a Federal Operator
WAR10I000	Indian country within the State of Washington
010R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 10 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

EPA Region 10 Address:
U.S. EPA Region 10
NPDES Stormwater Program
1200 6th Avenue (OWW-191)
Seattle, WA 98101-3140

Appendix C - Small Construction Waivers and Instructions

These waivers are only available to stormwater discharges associated with small construction activities (i.e., 1-5 acres). As the operator of a small construction activity, you may be able to qualify for a waiver in lieu of needing to obtain coverage under this general permit based on: (A) a low rainfall erosivity factor, (B) a TMDL analysis, or (C) an equivalent analysis that determines allocations for small construction sites are not needed. Each operator, otherwise needing permit coverage, must notify EPA of its intention for a waiver. It is the responsibility of those individuals wishing to obtain a waiver from coverage under this general permit to submit a complete and accurate waiver certification as described below. Where the operator changes or another is added during the construction project, the new operator must also submit a waiver certification to be waived.

C.1 Rainfall Erosivity Waiver

Under this scenario the small construction project's rainfall erosivity factor calculation ("R" in the Revised Universal Soil Loss Equation) is less than five during the period of construction activity. The operator must certify to EPA that construction activity will occur only when the rainfall erosivity factor is less than five. The period of construction activity begins at initial earth disturbance and ends with final stabilization. Where vegetation will be used for final stabilization, the date of installation of a stabilization practice that will provide interim non-vegetative stabilization can be used for the end of the construction period, provided the operator commits (as a condition of waiver eligibility) to periodically inspect and properly maintain the area until the criteria for final stabilization as defined in the CGP have been met. If use of this interim stabilization eligibility condition was relied on to qualify for the waiver, signature on the waiver with its certification statement constitutes acceptance of and commitment to complete the final stabilization process. The operator must submit a waiver certification to EPA prior to commencing construction activities.

> *Note: The rainfall erosivity factor "R" is determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE), pages 21–64, dated January 1997; United States Department of Agriculture (USDA), Agricultural Research Service.*

EPA has developed an online rainfall erosivity calculator to help small construction sites determine potential eligibility for the rainfall erosivity waiver. You can access the calculator from EPA's website at: https://www.epa.gov/npdes/rainfall-erosivity-factor-calculator-small-construction-sites. The R factor can easily be calculated by using the construction site latitude/longitude or address and estimated start and end dates of construction. This calculator may also be useful in determining the time periods during which construction activity could be waived from permit coverage. You may find that moving your construction activity by a few weeks or expediting site stabilization will allow you to qualify for the waiver. Use this online calculator or the Construction Rainfall Erosivity Waiver Fact Sheet (https://www.epa.gov/sites/production/files/2015-10/documents/fact3-1.pdf) to assist in determining the R Factor for your small construction site.

If you are the operator of the construction activity and eligible for a waiver based on low erosivity potential, you can submit a rainfall erosivity waiver electronically via EPA's NPDES eReporting Tool (NeT) (https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting), unless you received a waiver from your EPA Regional Office (see Part 1.4.1 of the CGP for information about receiving a waiver from electronic reporting).

Note: If the R factor is five or greater, you do not qualify for the rainfall erosivity waiver, and must obtain coverage under an NPDES permit (e.g., the CGP), unless you qualify for the Water Quality Waiver as described in section B below.

If your small construction project continues beyond the projected completion date given on the waiver certification, you must recalculate the rainfall erosivity factor for the new project duration. If the R factor is below five, you must update all applicable information on the waiver certification and retain a copy of the revised waiver as part of your records. The new waiver certification must be submitted prior to the projected completion date listed on the original waiver form to assure your exemption from permitting requirements is uninterrupted. If the new R factor is five or above, you must obtain NPDES permit coverage.

C.2 TMDL Waiver

This waiver is available if EPA has established or approved a TMDL that addresses the pollutant(s) of concern for the impaired water and has determined that controls on stormwater discharges from small construction activity are not needed to protect water quality. The pollutant(s) of concern include sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any waterbody that will receive a discharge from the construction activity. Information on TMDLs that have been established or approved by EPA is available from EPA online at https://www.epa.gov/tmdl and from State and Tribal water quality agencies.

If you are the operator of the construction activity and eligible for a waiver based on compliance with an EPA-established or approved TMDL, you must provide the following information in order to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operator(s);
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the waterbody(s) that would be receiving stormwater discharges from your construction project;
5. The name and approval date of the TMDL;
6. A statement, signed and dated by an authorized representative as provided in Appendix G, Subsection G.11, that certifies that the construction activity will take place and that the stormwater discharges will occur, within the drainage area addressed by the TMDL.

C.3 Equivalent Analysis Waiver

This waiver is available for discharges to non-impaired waters only. The operator can develop an equivalent analysis that determines allocations for his/her small construction site for the pollutant(s) of concern or determines that such allocations are not needed to protect water quality. This waiver requires a small construction operator to develop an equivalent analysis based on existing in-stream concentrations, expected growth in pollutant concentrations from all sources, and a margin of safety.

If you are a construction operator who wants to use this waiver, you must develop your equivalent analysis and provide the following information to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operator(s);

2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the waterbody(s) that would be receiving stormwater discharges from your construction project;
5. Your equivalent analysis;
6. A statement, signed and dated by an authorized representative as provided in Appendix G, Subsection G.11, that certifies that the construction activity will take place and that the stormwater discharges will occur, within the drainage area addressed by the equivalent analysis.

C.4 Waiver Deadlines and Submissions

1. Waiver certifications must be submitted prior to commencement of construction activities.
2. If you submit a TMDL or equivalent analysis waiver request, you are not waived until EPA approves your request. As such, you may not commence construction activities until receipt of approval from EPA.
3. Late Notifications: Operators are not prohibited from submitting waiver certifications after initiating clearing, grading, excavation activities, or other construction activities. The Agency reserves the right to take enforcement for any unpermitted discharges that occur between the time construction commenced and waiver authorization is granted.

Submittal of a waiver certification is an optional alternative to obtaining permit coverage for discharges of stormwater associated with small construction activity, provided you qualify for the waiver. Any discharge of stormwater associated with small construction activity not covered by either a permit or a waiver may be considered an unpermitted discharge under the Clean Water Act. As mentioned above, EPA reserves the right to take enforcement for any unpermitted discharges that occur between the time construction commenced and either discharge authorization is granted or a complete and accurate waiver certification is submitted. EPA may notify any operator covered by a waiver that they must obtain NPDES permit coverage. EPA may notify any operator who has been in non-compliance with a waiver that they may no longer use the waiver for future projects. Any member of the public may petition EPA to take action under this provision by submitting written notice along with supporting justification.

Complete and accurate TMDL or equivalent analysis waiver requests must be sent to the applicable EPA Regional Office address specified in Appendix B.

Appendix D - Eligibility Worksheet Relating to Threatened and Endangered Species Protection

D.1 Introduction

This appendix provides a printable worksheet that can be helpful in selecting and documenting your eligibility criteria with respect to the protection of Federally listed threatened or endangered species and Federally designated "critical habitat" under the Endangered Species Act (ESA) [hereinafter "ESA-listed species and designated critical habitat(s)"] from discharges and discharge-related activities authorized under this permit. This is important because Section 9 of the ESA prohibits all persons and agencies from "taking" threatened and endangered species (16 U.S.C. § 1532(19)).

While coordination between you and the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) (together, referred to as the "Services") may not be required in all cases, EPA encourages you to coordinate with the Services, to document that coordination, and to do so early in the planning process prior to submitting your NOI.

D.2 Certifying ESA Eligibility Criterion for the CGP

To be eligible for coverage under the CGP, you must certify that you meet one of the criteria listed in this worksheet (Section D.5), which is then submitted with your NOI for coverage under this permit. If you do not meet one of the ESA eligibility criteria outlined in the worksheet below, you are not eligible for coverage under this permit. These criteria ensure that coverage is available only for discharges and discharge-related activities that (1) avoid or eliminate any short- or long-term adverse effects to ESA-listed species and designated critical habitat(s), or (2) may result in any short- or long-term adverse effects that result in incidental take addressed under the incidental take statement of a biological opinion or permit for take issued under Section 10 of the ESA.

As part of your determination of eligibility, EPA has developed a worksheet that assists operators in arriving at the correct criterion. The following requirements apply to the completion of the worksheet depending on how you are submitting your NOI for permit coverage:

1. If the EPA Regional Office grants you a waiver from electronic reporting, in accordance with Part 1.1.5 of the CGP, you must complete the worksheet in section D.4 of this appendix to provide all information as required on your NOI that supports the eligibility criterion you qualify under per Part 1.1.5 of the permit. **You must submit the worksheet with your NOI. If you do not submit the worksheet with your NOI, your NOI will be considered incomplete.**
2. If you do not have a waiver from electronic reporting, you must **complete your eligibility criteria selection outlined in the Endangered Species Protection section of the NOI in the NPDES eReporting Tool (NeT-CGP)** and provide all information as required on your NOI that supports the eligibility criterion you qualify under per Part 1.1.5 of the permit. The printable worksheet in this appendix may be helpful to you in preparing to submit your NOI, but you do not have to use it.

D.3 What to Expect Once you Submit your NOI

After you submit your NOI and before your NOI is authorized, EPA may notify you if any additional controls are necessary to ensure your discharges are not likely to result in any short- or long-term adverse effects on ESA-listed species and critical habitat.

The Services have the opportunity, within 14 days of submission of the NOI, to advise EPA whether either agency believes the planned discharges meet the selected eligibility criterion; whether the eligibility criterion could be met with additional conditions; or whether the eligibility criterion is not met. With respect to ESA issues, EPA recognizes the Services' expertise and will carefully consider their conclusion(s) in identifying eligibility for authorization, either with or without additional conditions. In the event EPA has placed a hold on your NOI based on NMFS or USFWS' recommendation, EPA will notify you as to whether your discharges are authorized or whether an individual permit will be required. If you do not hear from EPA within 14 days, you may assume that your discharge is authorized without further conditions.

D.4 Worksheet Instructions

Follow the instructions within the worksheet below to determine which criterion you are eligible for coverage under this permit. Check only 1 criterion, answer the required questions, and include the required information.

Please keep the following in mind as you complete the worksheet:

- The worksheet requires that you answer questions in a sequential order so that you can select the correct eligibility criterion. The worksheet does not go through each criterion alphabetically, but rather is organized in a way that allows you to eliminate those criteria that do not apply to your site. For instance, Step 1 of the worksheet requires you to determine whether criterion B, E, or F applies first, in that order, before proceeding to determining whether criterion A applies in Step 2.
- You must consider ESA-listed species and/or designated critical habitat(s) under the jurisdiction of both the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) and select the criterion that best applies to your site. You must comply with any applicable terms, conditions, or other requirements developed in theprocess of meeting one of the eligibility criteria in this section to remain eligible for coverage under this permit.
- When evaluating the potential effects of your activities, you must consider effects to listed species or critical habitats within the "action area" of your construction activity, as identified by the USFWS IPaC and/or the NOAA website resources on page D-10 through D-11 of this appendix. Please Note: *NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.* The definition of "action area," which is contained in Appendix A, is repeated below forconvenience.

"Action Area" – all areas to be affected directly or indirectly by the federal action and not merely theimmediate area involved in the action. See 50 CFR part 402. For the purposes of this permit and for application of the Endangered Species Act requirements, the following areas are included in the definition of action area:

- The **areas on the construction site** where stormwater discharges originate and flow toward the point of discharge into the receiving waters. This includes:
  - areas on the construction site where excavation, site development, or other ground disturbance activities occur, and
  - areas where stormwater controls will be constructed and operated, including any areas where stormwater flows to and from the stormwater controls.
- The areas **in the vicinity of the construction site** where stormwater discharges flow from the construction site to one or more points of discharge into receiving waters. (Example: Where stormwater flows into an off-site ditch, swale, or gully that leads to receiving waters.)
- **The extent of the receiving water** potentially affected by stormwater discharges from your construction site through alteration of water chemistry, turbidity, temperature, or bank structure (i.e., erosive flow), regardless of whether the construction site is adjacent to the receiving water.

D.5 Worksheet

Step 1 – Determine if You Meet the Eligibility Requirements of Criterion B, E, or F

Instructions

- First determine whether you are eligible under Criterion B by reviewing the eligibility requirements below.
- If you determine that your facility does not meet Criterion B (e.g., due to difference in action area described, lack of analysis of appropriate effects, new listings or designation of critical habitat), proceed to check if you meet the requirements for Criterion E or F.

Criterion B Eligibility Requirements

If your discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility under the current 2022 CGP that included your action area (e.g., a general contractor or developer may have completed and filed an NOI for the entire action area with the necessary ESA certifications (Criterion A, C, D, E, or F)), you may be eligible under Criterion B. In order to be eligible for coverage, you must confirm that **all** three of the following are true (**check all that apply**):

☐ I have confirmed that the other operator's certification of eligibility accounted for my action area and that the eligibility certification was valid.

☐ There has been no lapse of NPDES permit coverage in the other operator's certification.

☐ I will comply with all measures that formed the basis of the other operator's valid certification of eligibility.

Instructions

- **If all three of the above are true, you may check Criterion B below and answer questions B1-B5, and if applicable, B6-B7.**
- **If any of the above are not true** (for example, if there are any listed species in your action area that were not addressed in the other operator's certification, you are not eligible under Criterion B), **you may not select Criterion B and must proceed to check if you meet the requirements for Criterion E or F.**





B Eligibility requirements met by another operator under the 2022 CGP. The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your "action area" under eligibility Criterion A, C, D, E, or F of the 2022 CGP and you have confirmed that no additional ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS not considered in the

that certification may be present or located in the "action area." To certify your eligibility under this criterion, there must be no lapse of NPDES permit coverage in the other CGP operator's certification. By certifying eligibility under this criterion, you agree to comply with any conditions upon which the other CGP operator's certification was based. You must include below the NPDES ID from the other 2022 CGP operator's notification of authorization under this permit and list any measures that you must comply with). If your certification is based on another 2022 CGP operator's certification under Criterion C, you must provide EPA with the relevant supporting information required of existing dischargers in Criterion C.

B1. Provide the NPDES ID from the other CGP operator's NOI authorized under this permit:

_ _ _ _ _ _ _ _ _ _

B2. Identify the eligibility criterion of the other CGP operator's NOI? (check only one)

☐ A ☐ C ☐ D ☐ E ☐ F

B3. Provide the authorization date of the other CGP operator's NOI (MM/DD/YYYY):

_ _ / _ _ / _ _ _ _

By certifying eligibility under Criterion B, you must comply with any terms and conditions imposed under the eligibility requirements of the criterion for which the other operator has established eligibility (either Criterion A, C, D, E, or F) to ensure that your discharges and discharge-related activities are protective of listed species and/or critical habitat. *Note: If you are unable to meet these eligibility requirements, then you may either establish eligibility under one of the other criteria, or you may consider applying to EPA for an individual permit.*

B4. List any measures that formed the basis of the other operator's valid certification of eligibility that you will comply with (or enter "N/A" if none exist):

B5. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion B, including any of the terms and conditions, as well as the other operator's basis for establishing eligibility. Yes ☐

If your certification is based on another operator's certification under Criterion C, you must provide the following:

B6. What Federally listed species and/or designated habitat are located in your "action area"? (attached separate sheet if necessary)

B7. What is the distance between your site and the listed species or designated critical habitat (in miles)? _____

Instructions

- **If you selected Criterion B above and answered questions B1-B5, and if applicable, B6-B7, you are done with this worksheet. If you are *not* filing electronically, you must submit this worksheet with your NOI.**
- If you are not eligible under Criterion B, proceed to check if you meet the requirements for Criterion E or F.





Criterion E Eligibility Requirements

If consultation under ESA section 7 has concluded, you may be eligible for coverage under Criterion E. In order to be eligible for coverage under Criterion E, **you must confirm that both of the following are true (check all that apply)**:

☐ A consultation between a Federal agency and USFWS and/or the NMFS under section 7 of the ESA has concluded. Consultations can be either formal or informal, and would have occurred only as a result of a separate Federal action (e.g., during application for an individual wastewater discharge permit or the issuance of a wetlands dredge and fill permit), and the consultation must have addressed the effects of your construction activity's discharges and discharge-related activities on all ESA-listed threatened or endangered species and all designated critical habitat under the jurisdiction of each Service, as appropriate, in your action area. The result of this consultation must be either:

i. A biological opinion currently in effect that determined that the action in question (taking into account the effects of your facility's discharges and discharge-related activities) is likely to adversely affect, but is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The biological opinion must have included the effects of your facility's discharges[1] and discharge-related activities on all the listed species and designated

[1] Effects of discharge include, but are not limited to, the analysis of the hydrological, chemical, and biological effects of the discharge on listed species, their prey, and their habitat, as well as critical habitat, where designated. For example, the

critical habitat in your action area under the jurisdiction of each Service, as appropriate. To be eligible under (i), any reasonable and prudent measures specified in the incidental take statement must be implemented;

ii. Written concurrence (e.g., letter of concurrence) from the applicable Service(s) with a determination that your facility's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat. The concurrence letter must have included the effects of your facility's discharges and discharge-related activities on all the ESA-listed species and/or designated critical habitat on your species list(s) acquired from USFWS and/or NMFS as part of this worksheet.

☐ The consultation does not warrant reinitiation under 50 CFR §402.16; or, if reinitiation of consultation is required (e.g., due to a new species listing, critical habitat designation, or new information), the Federal action agency has reinitiated the consultation and the result of the consultation is consistent with the statements above. Include any reinitiation documentation from the Services or consulting Federal agency with your NOI.

Instructions

- **If both of the above are true, you may check Criterion E below and answer questions E1-E6.**
  - For more information on section 7 consultation, see 50 CFR part 402. If you receive a "jeopardy opinion," you may continue to work with USFWS and/or NMFS and your permitting authority to modify your project so that it will not jeopardize listed species or designated critical habitat.
  - Note that most consultations are accomplished through informal consultation. When conducting informal ESA section 7 consultation as a non-Federal representative, you must follow the procedures found in 50 CFR Part 402 of the ESA regulations. You must notify the Services of your intention and agreement to conduct consultation as a non-Federal representative.
  - Consultation may also occur in the context of another Federal action at the construction site (e.g., where ESA section 7 consultation was performed for issuance of a wetlands dredge and fill permit for the project or where a NEPA review is performed for the project that incorporates a section 7 consultation).
  - Any terms and conditions developed through consultations to protect listed species and critical habitat must be incorporated into the SWPPP. As noted above, a Federal operator may, if they wish, initiate consultation with the Services at Step Four. Non-Federal operators may seek technical assistance from the Services at Step 5.
  - Whether ESA section 7 consultation must be performed with either USFWS, NMFS, or both Services depends on the listed species that may be affected by the operator's stormwater discharges. In general, NMFS has jurisdiction over marine, estuarine, and anadromous species. Operators should also be aware that while formal section 7 consultation provides protection from incidental takings liability, informal consultation does not.

- **If not, proceed to check if you meet the requirements for Criterion F.**

effects analysis would have evaluated whether the various pollutants in the discharge (e.g., TSS, metals) would adversely affect listed species through exposure to the pollutants, or to their prey or habitat. Effects that look only at short-term effects unrelated to the stormwater discharge effects to listed species are not sufficient for these purposes.

☐ **E** **ESA Section 7 consultation has successfully concluded.** Consultation between a Federal Agency and the USFWS and/or NMFS under section 7 of the ESA has concluded. The consultation must have addressed the effects of the construction site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS. To certify eligibility under this criterion, **Indicate the result of the consultation**:

☐ Biological opinion and/or conference opinion and incidental take statement currently in effect currently in effect from USFWS and/or NMFS that concludes that the action in question (taking into account the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the continued existence of ESA-listed species, nor the destruction or adverse modification of critical habitat;

Or

☐ Written concurrence from USFWS and/or NMFS with a finding that the site's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat.

E1. Identify the federal action agency or agencies involved:

E2. Identify the Service(s) field or regional offices providing the consultation:

E3. Identify any tracking numbers associated with the consultation (e.g., IPaC number, ECO number):

E4. What is the date the consultation was completed? (MM/DD/YYYY) __ __ / __ __ / __ __ __ __

E5. Check to confirm that correspondence with USFWS and/or NMFS documenting the Biological Opinion, conference opinion (IPaC or ECO tracking number) or concurrence is attached. Yes ☐

E6. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion E, including copies of the correspondence between yourself and the Services. Yes ☐

Instructions

- **If you selected Criterion E above and answered questions E1-E6, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.**
- If you are not eligible under Criterion E, proceed to check if you meet the requirements for Criterion F.

Criterion F Eligibility Requirements

If your construction activities are the subject of a permit under ESA section 10, and this authorization addresses the effects of your site's discharges and discharge-related activities on ESA-listed species and designated critical habitat in your action area, you may be eligible for coverage under Criterion F. In order to be eligible or coverage under Criterion F, **you must confirm that the following is true:**

☐ A permit or permits issued under section 10 of the ESA specifically address the effects of your facility's discharges and discharge-related activities (if applicable) on all federally-listed species and designated critical habitat in your action area.

Note: You must follow USFWS and/or NMFS procedures when applying for an ESA section 10 permit (see 50 CFR §17.22(b)(1) for USFWS and §222.22 for NMFS). Application instructions for section 10 permits can be obtained from http://www.fws.gov and http://www.nmfs.noaa.gov or by contacting the appropriate Service office.

Instructions

- **If the above is true, you may check Criterion F below and answer questions F1-F6.**
- If you are not eligible under criterion F, proceed to Step 2.

☐ **F** **Issuance of section 10 permit**. Potential take is authorized through the issuance of a permit under section 10 of the ESA by the USFWS and/or NMFS, and this authorization addresses the effects of the site's discharges and discharge-related activities on ESA-listed species and designated critical habitat. You must include copies of the correspondence between yourself and the participating agencies in your SWPPP and your NOI.

F1. Which Service provided the section 10 permit? (check all that apply)

USFWS ☐ NMFS ☐

F2. Identify the field or regional offices providing the permit(s):

F3. Identify any tracking numbers associated with the consultation (e.g., IPaC number, ECO number):

F4. What is the date the permit(s) was granted? (MM/DD/YYY) __ __ / __ __ / __ __ __ __
(2nd permit date, if applicable: __ __ / __ __ / __ __ __ __)

F5. Check to confirm that correspondence with USFWS and/or NMFS and a copy of the section 10 permit or relevant tracking number(s) (IPaC and/or ECO number) is attached. Yes ☐

F6. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion F, including a copy of the section 10 permit and copies of the correspondence between yourself and the Services. Yes ☐

Instructions

- **If you selected Criterion F above and answered questions F1-F6, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.**
- If you are not eligible under Criterion F, proceed to Step 2.

Step 2 – Determine if Listed Threatened or Endangered Species or their Designated Critical Habitat(s) are Likely to Occur in your Site's Action Area

Instructions

- **First, determine the extent of your action area.** You must determine whether species listed as either threatened or endangered, or their critical habitat(s) are located in your site's action area (i.e., all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action, including areas beyond the footprint of the site that are likely to be affected by stormwater discharges, discharge-related activities, and authorized non-stormwater discharges).

You must consider the following in determining the action area for your site, and **confirm that all the following are true**:

☐ In determining my "action area", I have considered that discharges of pollutants from the project site can expand the action area well beyond the footprint of my site and the discharge point(s). I have taken into account the controls I will be implementing to minimize pollutants and the receiving waterbody characteristics (e.g., perennial, intermittent, ephemeral) in determining the extent of physical, chemical, and/or biotic effects of the

discharges. I confirm that all receiving waterbodies that could receive pollutants from my site are included in my action area.

☐ In determining my "action area", I have considered that discharge-related activities must also be accounted for in determining my action area. I understand that discharge-related activities are any activities that cause, contribute to, or result in stormwater and authorized non-stormwater point source discharges, and measures such as the siting, construction, timing,[2] and operation of stormwater controls to control, reduce, or prevent pollutants from being discharged. I understand that any new or modified stormwater controls that will have noise or other similar effects, and any disturbances associated with construction of controls, are part of my action area.

If you have any questions about determining the extent of your action area, you may contact EPA or the Services for assistance. https://www.epa.gov/npdes/contact-us-stormwater#regional

Instructions

- **Next, you must identify, to the best of your ability, any species listed as either threatened or endangered, or their critical habitat(s), that are located in your site's action area (see definitions of these terms in Appendix A).** You must follow the instructions on the https://www.epa.gov/npdes/construction-general-permit-threatened-and-endangered-species to obtain lists of any ESA-protected species and/or critical habitat that are expected to exist in your county, township, or the receiving water for your discharge.
- If ESA-protected resources occur within your action area, keep a copy of the species and critical habitat list(s) from the Service(s) with your SWPPP and use the list(s) to complete your NOI. For USFWS species, attach to this worksheet the full printout from your IPaC query/Official Species List. You can include the map from your IPaC query. For NMFS species, attach to this worksheet the full printout of the report from your query of the mapping resource you used (either the National or Greater Atlantic Region Mapper). The printed report from NMFS mappers will include a map of your query.

[2] Timing considerations could be related to, for example, a time of the year where a migratory bird species is present in the action area and the operator might want to consider that in terms of their construction sequencing; there are other times of the year where this consideration might not be relevant.

Instructions

- **After completing Step 2 above, if there are <u>no</u> listed species and <u>no</u> critical habitat areas in your action area,** you may be eligible for criterion A.

Criterion A Eligibility Requirements

In order to be eligible for coverage under criterion A, you must confirm that all the following are true (**check all that apply**):

☐ I confirm that I have used the species location resources of **BOTH** NMFS and USFWS to identify any ESA-listed species within my action area.

☐ I have confirmed there to be no ESA-listed species and no critical habitat in my action area.

Instructions

- **If all of the above are true, you may check criterion A below and answer questions A1-A5.**
- **If any of the above is not true, you may not select criterion A and must proceed to Step 3** to determine if you can become eligible under criterion C.

Note: For existing dischargers that have previously obtained coverage under criterion A, you must verify whether ESA-protected species and/or critical habitat are expected to exist in your action area, as described above. Please note that if you now find that your action area overlaps with ESA-protected species or critical habitat, you must proceed to Step 3.

☐ **A <u>No ESA-listed species and/or designated critical habitat present in action area</u>**. You certify that ESA-listed species and designated critical habitat(s) under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of this permit.. *Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.*

A1. USFWS information sources used (reliance on State resources is not acceptable):

Note: If your Official Species List from USFWS indicated no species or critical habitat were present in your action area, include the full consultation tracking code at the top of your Official Species List in your NOI in the basis statement for Criterion A. If an Official Species List was not available on IPaC, list the contact date and name of the Service staff with whom you corresponded to verify no USFWS species or critical habitat were present in your action area.

A2. NMFS information sources used (reliance on State resources is not acceptable):

A3. I confirm that aerial image(s) of the site is attached. Yes ☐

A4. I confirm that a printout of the species' list(s) showing no ESA-listed species or critical habitat in my action area is attached. Yes ☐

A5. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion A. For USFWS species, include the full printout from your IPaC query/Official Species List. You can include the map from your IPaC query. For NMFS species, include the full printout from the appropriate NMFS website resources on page X with the correct Region selected. Yes ☐

Instructions

- **If you selected Criterion A above and answered questions A1-A5, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.**



- **If listed species and/or critical habitat may exist in your action area, you must do one or more of the following**:



  - **Conduct visual inspections.** This method may be particularly suitable for construction sites that are smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat, or for construction activities that discharge directly into municipal stormwater collection systems.
  - **Conduct a formal biological survey**. In some cases, particularly for larger construction sites with extensive stormwater discharges, biological surveys may be an appropriate way to assess whether species are located in the action area and whether there are likely to be short- or long-term adverse effects to such species. Biological surveys are frequently performed by environmental consulting firms.
  - **If required, conduct an environmental assessment under the National Environmental Policy Act (NEPA).** Some construction activities might require review under NEPA for specific reasons, such as Federal funding or other Federal involvement in the project. Note: Coverage under the CGP does not trigger such a review for individual projects/sites. EPA has complied with NEPA in the issuance of the CGP.

    and
  - **Follow the instructions in Steps 3 – 5 below, as applicable.** Note that many but not all measures imposed to protect listed species under these steps will also protect critical habitat. Thus, meeting the eligibility requirements of this CGP may require measures to protect critical habitat that are separate from those to protect listed species.

Step 3 – Assess if the Construction Activity's Discharges or Discharge-Related Activities Are Likely to Result in Short- or Long-Term Adverse Effects to Listed Threatened or Endangered Species or Designated Critical Habitat

Instructions

- If in Step 2 you identified that listed species and/or designated critical habitat could exist in your action area, **you must next assess whether your discharges or discharge-related activities are likely to result in short- or long-term adverse effects to ESA-listed threatened or endangered species or designated critical habitat**.

Potential short- or long-term adverse effects from discharges and discharge-related activities include:

- **Hydrological**. Stormwater discharges may cause siltation, sedimentation, or induce other changes in receiving waters such as temperature, salinity, or pH. These effects will vary with the amount of stormwater discharged and the volume and condition of the receiving water. Where a stormwater discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely. Construction activity itself may also alter drainage patterns on a site where construction occurs that can impact listed species or critical habitat.
- **Habitat**. Excavation, site development, grading, and other surface disturbance activities from construction activities, including the installation or placement of stormwater controls, may result in adverse effects to listed species or their habitat. Stormwater may drain or inundate listed species habitat.
- **Toxicity**. In some cases, pollutants in construction stormwater may have toxic effects on listed species. For example: Stormwater discharges from construction on or adjacent to agricultural property may contain pesticides. Stormwater discharges from projects involving pavement and roofing could include tar and asphalt.

The scope of effects to consider will vary with each site. If you are having difficulty determining whether your project is likely to result in short- or long-term adverse effects to listed species or critical habitat, or one of the Services has already raised concerns to you, you should contact the appropriate Services office for assistance.

Instructions

- **If any short- or long-term adverse effects to listed threatened or endangered species or their critical habitat <u>are not</u> likely, then you may check Criterion C below and answer questions C1-C8.**
- **If any short- or long-term adverse effects to listed threatened or endangered species or their critical habitat <u>are</u> likely, you must follow Step 4 below.** You may still be eligible for Criterion C if you are able to install and implement appropriate measures to avoid the likelihood of adverse effects.

Criterion C Eligibility Requirements

☐ **C** **Discharges not likely to result in any short- or long-term adverse effects to ESA-listed species and/or designated critical habitat.** ESA-listed species and/or designated critical habitat(s) under the jurisdiction of the USFWS and/or NMFS are likely to occur in or near your site's "action area," and you certify to EPA that your site's discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects to ESA-listed threatened or endangered species and/or designated critical habitat. This certification may include consideration of any stormwater controls and/or management practices you will adopt to ensure that your discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects to ESA-listed species and/or designated critical habitat. To certify your eligibility under this criterion, you must indicate below1) the ESA-listed species and/or designated habitat located in your "action area" using the process outlined in this Appendix; 2) the distance between the site and the listed species and/or designated critical habitat in the action area (in miles); and 3) a rationale describing specifically how short- or long-term adverse effects to ESA-listed species will be avoided from the discharges and discharge-related activities. You must also include a copy of your site map from your SWPPP showing the upland and in-water extent of your "action area" with your NOI.

C1. I confirm that both ESA-listed species and designated critical habitat under the jurisdiction of the USFWS and/or NMFS were considered in my evaluation. Yes ☐

C2. Provide the USFWS information resources and expertise used to arrive at this criterion selection:

C3. Provide the NMFS information resources and expertise used to arrive at this criterion selection:

C4. What ESA-listed species and/or designated critical habitat are located in your "action area?" (or attach a printout of the species' list(s))

C5. What is the distance between your site and the ESA-listed species and/or designated critical habitat within the action area (in miles, state "on site" if the ESA-listed species and/or designated critical habitat is within the area to be disturbed)? _____

C6. Provide the rationale describing specifically how any short- or long-term adverse effects to ESA-listed species will be avoided from the discharge and discharge-related activities.

C7. I confirm that a site map from my SWPPP showing the upland and in-water extent of my "action area" is attached. Yes ☐

C8. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion C. Yes ☐

Instructions

- **If you selected Criterion C above and answered questions C1-C8, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.** 

- If not, please proceed to step 4. 

Step 4 - Determine if Measures Can Be Implemented to Avoid Adverse Effects

Instructions

If you make a preliminary decision in Step 3 that short- or long-term adverse effects from your construction activity's discharges or discharge-related activities are likely to occur, you can still receive coverage under eligibility Criterion C of the CGP if appropriate measures are undertaken to avoid or eliminate the likelihood of short- or long-term adverse effects prior to applying for CGP coverage.

These measures may involve relatively simple changes to construction activities such as re-routing a stormwater discharge to bypass an area where species are located, relocating stormwater controls, or by modifying the "footprint" of the construction activity. If you are unable to ascertain which measures to implement to avoid the likelihood of short- or long-term adverse effects, you must coordinate with USFWS and/or NMFS, in which case you would not be eligible for coverage under eligibility Criterion C, but may instead be eligible for coverage under eligibility criterion D (described in more detail in Step 5).

- **If you are able to install and implement appropriate measures to avoid the likelihood of short- or long-term adverse effects, then <u>you</u> <u>may go back</u> and check eligibility Criterion C above and answer questions C1-C8 above, <u>and</u> C9-C10 below.** The measures you adopt to avoid or eliminate short- or long-term adverse effects must be implemented for the duration of the construction project and your coverage under the CGP.
- **If you cannot ascertain which measures to implement to avoid the likelihood of adverse effects,** you must follow the procedures in Step 5.

C9. I confirm that I have or will install and implement appropriate measures to avoid the likelihood of any short- or long-term adverse effects to ESA-listed threatened or endangered species or their critical habitat. Yes ☐

C10. Provide a description of the measures installed/to be installed and implemented to avoid likelihood of any short- or long-term adverse effects.

Instructions

- **If you selected Criterion C above and answered questions C1-C10, you are done with this worksheet. If you are not filing you NOI electronically, you must submit this worksheet with your NOI.**
- If you are not eligible for Criterion C, please proceed to step 5.

Step 5 - Determine if the Eligibility Requirements of Criterion D Can Be Met

Instructions

- If in Step 4 you cannot ascertain which measures to implement to avoid the likelihood of short- or long-term adverse effects, you must contact USFWS and/or NMFS. You may still be eligible for CGP coverage if likely adverse effects can be addressed through meeting criterion D.
- If you meet the requirements of criterion D, **then you may check criterion D below and answer questions D1-D5.**

Criterion D Eligibility Requirements

D **Coordination with USFWS and/or NMFS has successfully concluded.** Coordination between you and the USFWS and/or NMFS has concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS, and resulted in a written confirmation from USFWS and/or NMFS that the effects of your site's discharges and discharge-related activities are not likely to result in short- or long-term adverse effects for ESA-listed species and/or designated critical habitat in your action area. By certifying eligibility under this criterion, you agree to comply with any conditions you must meet for your site's discharges and discharge-related activities to not likely result in any short- or long-term adverse effects. You must include copies of the correspondence with the participating agencies in your SWPPP and your NOI.

D1. Which Service participated in coordination? (check all that apply) USFWS ☐ NMFS ☐

D2. Identify the field and/or regional office(s) that provided the coordination?

D3. What is the date the coordination concluded? (MM/DD/YYY) __ __ / __ __ / __ __ __ __

D4. Check to confirm that correspondence with USFWS and/or NMFS documenting concurrence is attached. Yes ☐

D5. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion D, including copies of the correspondence between yourself and the Services. Yes ☐

Instructions

- **If you selected Criterion D above and answered questions D1-D5, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.**



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Appendix E – Historic Property Screening Process

Background

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of Federal "undertakings", such as the issuance of this permit, on historic properties that are either listed on, or eligible for listing on, the National Register of Historic Places. To address any issues relating to historic properties in connection with the issuance of this permit, EPA developed the screening process in this appendix that enables construction operators to appropriately consider the potential impacts, if any, of their installation of stormwater controls on historic properties and to determine whether actions can be taken, if applicable, to mitigate any such impacts. Although the coverages of individual construction sites under this permit do not constitute separate Federal undertakings, the screening process in this appendix provides an appropriate site-specific means of addressing historic property issues in connection with EPA's issuance of the permit.

Key Terms

Historic property- prehistoric or historic districts, sites, buildings, structures, or objects that are included in or eligible for inclusion in the National Register of Historic Places, including artifacts, records, and remains that are related to and located within such properties

SHPO – The State Historic Preservation Officer for a particular State

THPO or Tribal representative – The Tribal Historic Preservation Officer for a particular Tribe or, if there is no THPO, the representative designated by such Tribe for NHPA purposes

Instructions for All Construction Operators

You are required to follow the screening process in this appendix to determine if your installation of stormwater controls on your site has the potential to cause effects to historic properties, and whether or not you need to contact your SHPO, THPO, or other Tribal representative for further information. **You may not submit your NOI until you have completed this screening process.** The following four steps describe how applicants can meet the historic property requirements under this permit:

Step 1 *Are you installing any stormwater controls that require subsurface earth disturbance?*[1]

The first step of the screening process is to determine if you will install stormwater controls that cause subsurface earth disturbance. The installation of the following types of stormwater controls require subsurface earth disturbance:[2]

- Dikes
- Berms
- Catch Basins
- Ponds
- Ditches
- Trenches
- Culverts
- Channels

[1] You are only required to consider earth-disturbing activities related to the installation of stormwater controls in the NHPA screening process. You are not reqired to consider other earth-disturbing activities at the site. If you are installing one of the above stormwater controls or another type of control that requires subsurface earth disturbance, your stormwater controls have the potential to have an effect on historic properties. If this is the case, then you must proceed to Step 2.

[2] This list is not intended to be exhaustive. Other stormwater controls that are not on this list may involve earth-disturbing activities and must also be examined for the potential to affect historic properties.

- Perimeter Drains
- Swales

If you are not installing one of the above stormwater controls or another type of control that requires subsurface earth disturbance, then you may indicate this on your NOI, and no further screening is necessary. During the 14-day waiting period after submitting your NOI, the SHPO, THPO, or other Tribal representative may request that EPA hold up authorization based on concerns about potential adverse effects to historic properties. EPA will evaluate any such request and notify you if any additional controls to address adverse effects to historic properties are necessary.

Step 2 *Have prior professional cultural resource surveys or other evaluations determined that historic properties do not exist, or have prior disturbances precluded the existence of historic properties?*

If you are installing a stormwater control that requires subsurface earth disturbance, you must next determine if no historic properties exist on your site based on prior professional cultural resource surveys or other evaluations, or if the existence of historic properties has been precluded because of prior earth disturbances.

If prior to your project it has already been determined that no historic properties exist at your site based on available information, including information that may be provided by your applicable SHPO, THPO, or other Tribal representative, then you may indicate this on your NOI, and no further screening steps are necessary. Similarly, if prior earth disturbances have eliminated the possibility that historic properties exist on your site, you may indicate this on your NOI, and no further screening steps are necessary. After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, or other Tribal representative may request that EPA hold up authorization based on concerns about potential adverse effects to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse effects to historic properties are necessary.

If neither of these circumstances exists for your project, you must proceed to Step 3.

Step 3 *If you are installing any stormwater controls that require subsurface earth disturbance, you must determine if these activities will have an effect on historic properties.*

If your answer to the question in Step 2 is "no", then you must assess whether your earth-disturbing activities related to the installation of stormwater controls will have an effect on historic properties. This assessment may be based on historical sources, knowledge of the area, an assessment of the types of earth-disturbing activities you are engaging in, considerations of any controls and/or management practices you will adopt to ensure that your stormwater control-related earth-disturbing activities will not have an effect on historic properties, and any other relevant factors. If you determine based on this assessment that earth disturbances related to the installation of your stormwater controls will have no effect on historic properties, you may indicate this on your NOI, and document the basis for your determination in your SWPPP, and no further screening steps are necessary. After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, or other Tribal representative may request that EPA hold up authorization based on concerns about potential adverse effects to historic properties. EPA will evaluate any such request and notify you if any further processes are necessary including any additional measures to address adverse effects to historic properties are necessary.

If none of the circumstances in Steps 1 - 3 exist for your project, you must proceed to Step 4.

Step 4: *If you are installing any stormwater controls that require subsurface earth disturbance and you have not satisfied the conditions in Steps 1 - 3, you must contact and consult with the appropriate historic preservation authorities.*

Where you are installing stormwater controls that require subsurface earth disturbance, and you cannot determine in Step 3 that these activities will have no effect on historic properties, then you must contact the relevant SHPO, THPO, or other Tribal representative to request their views as to the likelihood that historic properties are potentially present on your site and may be impacted by the installation of these controls.

> *Note: Addresses for SHPOs may be found at https://ncshpo.org/directory/, and addresses for THPOs may be found at https://grantsdev.cr.nps.gov/THPO_Review/index.cfm. If a Tribe does not have a THPO, you should contact the appropriate Tribal government office designated by the Tribe for this purpose.*

You must submit the following minimum information in order to properly initiate your request for information:

1. Project name (*i.e.*, the name or title most commonly associated with your project);
2. A narrative description of the project;
3. Name, address, phone and fax number, and email address (if available) of the operator;
4. Most recent U.S. Geological Survey (USGS) map section (7.5 minute quadrangle) showing actual project location and boundaries clearly indicated; and
5. Sections of the SWPPP site map (see Part 7.2.4) that show locations where stormwater controls that will cause subsurface earth disturbance will be installed (see Step 1).

Without submitting this minimum information, you will not have been considered to have properly initiated your request. You will need to provide the SHPO, THPO, or other Tribal representative **a minimum of 15 calendar days** after they receive these materials to respond to your request for information about your project.

If you do not receive a response within 15 calendar days after receipt by the SHPO, THPO, or other Tribal representative of your request, then you may indicate this on your NOI, and no further screening steps are necessary. Or, if the applicable SHPO, THPO, or other Tribal representative responds to your request with an indication that no historic properties will be affected by the installation of stormwater controls at your site, then you may indicate this on your NOI, and no further screening steps are necessary. After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, or other Tribal representative may request that EPA hold up authorization based on concerns about potential adverse effects to historic properties. EPA will evaluate any such request and notify you if any further processes are necessary including any additional measures to address adverse effects to historic properties are necessary.

If within 15 calendar days of receipt of your request the applicable SHPO, THPO, or other Tribal representative responds with a request for additional information or for further consultation regarding appropriate measures for treatment or mitigation of effects on historic properties caused by the installation of stormwater controls on your site, you must comply with this request and proceed to Step 5.

Step 5: *Consultation with applicable consulting parties.*

If, following your discussions with the appropriate historic preservation authorities in Step 4, the applicable SHPO, THPO, Tribal representative, or any other consulting party requests additional information or further consultation, you must respond with such information or consult to determine impacts to historic properties that may be caused by the installation of stormwater controls on your site and appropriate measures for treatment or mitigation of such impacts. If as a result of your discussions with the applicable SHPO, THPO, Tribal representative, or any other

consulting party, you enter into, and comply with, a written agreement regarding treatment and/or mitigation of impacts on your site, then you may indicate this on your NOI, and no further screening steps are necessary.

If, however, agreement on an appropriate treatment or mitigation plan cannot be reached between you and the SHPO, THPO, Tribal representative, or any other consulting party within 30 days of your response to the SHPO, THPO, Tribal representative, or any other consulting party's request for additional information or further consultation, you may submit your NOI, but you must indicate that you have not negotiated measures to avoid or mitigate such effects. You must also include in your SWPPP the following documentation:

1. Copies of any written correspondence between you and the SHPO, THPO, Tribal representative, or any other consulting party; and
2. A description of any significant remaining disagreements as to mitigation measures between you and the SHPO, THPO, Tribal representative, or any other consulting party.

After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, ACHP, Tribal representative, or any other consulting party may request that EPA place a hold on authorization based upon concerns regarding potential adverse effects to historic properties. EPA, in coordination with the ACHP, will evaluate any such request and notify you if any further processes are necessary including any additional measures to address adverse effects to historic properties are necessary.

Appendix F – Buffer Requirements.

The purpose of this appendix is to assist you in complying with the requirements in Part 2.2.1 of the permit regarding the establishment of natural buffers and/or equivalent sediment controls. This appendix is organized as follows:

F.1 SITES THAT ARE REQUIRED TO PROVIDE AND MAINTAIN NATURAL BUFFERS AND/OR EQUIVALENT EROSION AND SEDIMENT CONTROLS 2
F.2 COMPLIANCE ALTERNATIVES AND EXCEPTIONS 3
F.2.1 Compliance Alternatives 3
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F.3.2 Small Residential Lot Compliance Alternatives 12

F.1 SITES THAT ARE REQUIRED TO PROVIDE AND MAINTAIN NATURAL BUFFERS AND/OR EQUIVALENT EROSION AND SEDIMENT CONTROLS

The requirement in Part 2.2.1 to provide and maintain natural buffers and/or equivalent erosion and sediment controls applies for any discharges to waters of the U.S. located within 50 feet of your site's earth disturbances. If the receiving water is not located within 50 feet of earth-disturbing activities, Part 2.2.1 does not apply. See Figure F – 1.

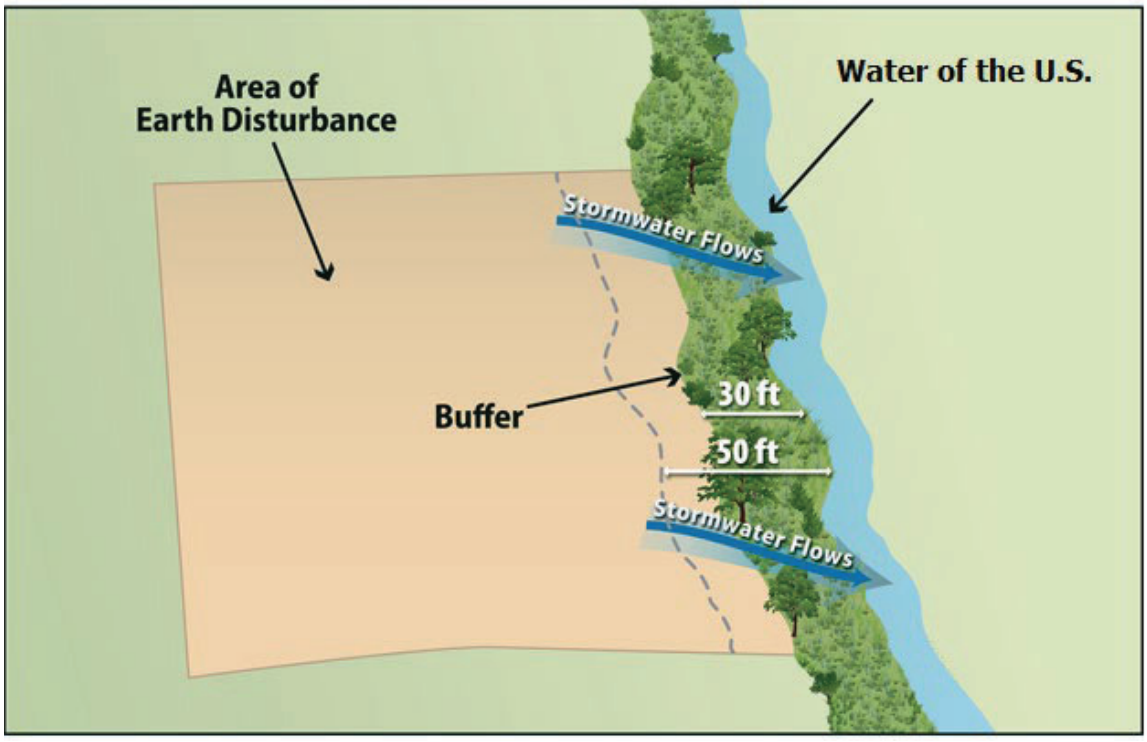


Figure F-1 Example of earth-disturbing activities within 50 feet of a water of the U.S.

F.2 COMPLIANCE ALTERNATIVES AND EXCEPTIONS

F.2.1 Compliance Alternatives

If Part 2.2.1 applies to your site, you have three compliance alternatives from which you can choose, unless you qualify for any of the exceptions (see below and Part 2.2.1.a):

1. Provide and maintain a 50-foot undisturbed natural buffer; or
2. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or
3. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

The compliance alternative selected must be maintained throughout the duration of permit coverage.

See Part F.2.2 below for exceptions to the compliance alternatives.

See Part F.2.3 for requirements applicable to providing and maintaining natural buffers under compliance alternatives 1 and 2 above.

See Part F.2.4 for requirements applicable to providing erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer under compliance alternatives 2 and 3 above.

F.2.2 Exceptions to the Compliance Alternatives

The following exceptions apply to the requirement to implement one of the Part 2.2.1.a compliance alternatives (see also Part 2.2.1.b):

- The following disturbances are exempt from the requirements Part 2.2.1 and this Appendix[1]:
  - Construction approved under a CWA Section 404 permit; or
  - Construction of a water-dependent structure or water access areas *(e.g., pier, boat ramp, trail)*.
- If there is no discharge of stormwater to waters of the U.S. through the area between the disturbed portions of the site and any waters of the U.S. located within 50 feet of your site, you are not required to comply with the requirements in Part 2.2.1 and this Appendix. This includes situations where you have implemented controls measures, such as a berm or other barrier, that will prevent such discharges.
- Where no natural buffer exists due to preexisting development disturbances *(e.g., structures, impervious surfaces)* that occurred prior to the initiation of planning for the current development of the site, you are not required to comply with the requirements in Part 2.2.1 and this Appendix.
  Where some natural buffer exists but portions of the area within 50 feet of the receiving water are occupied by preexisting development disturbances, you are

[1] This exemption does not apply, however, to disturbances within 50 feet of a receiving water that are adjacent to the disturbances listed here (i.e., construction permitted under CWA Section 404, or construction of a water-dependent structure or water access area) and that are covered by this permit.

required to comply with the requirements in Part 2.2.1 and this Appendix. For the purposes of calculating the sediment load reduction for either compliance alternative 2 or 3, you are not expected to compensate for the reduction in buffer function that would have resulted from the area covered by these preexisting disturbances. Clarity about how to implement the compliance alternatives for these situations is provided in F.2.3 and F.2.4 below.

If during your project, you will disturb any portion of these preexisting disturbances, the area removed will be deducted from the area treated as a "natural buffer."

- For "linear construction sites" (see Appendix A), you are not required to comply with this requirement if site constraints *(e.g., limited right-of-way)* make it infeasible to implement one of the Part 2.2.1.a compliance alternatives, provided that, to the extent feasible, you limit disturbances within 50 feet of any waters of the U.S. and/or you provide supplemental erosion and sediment controls to treat stormwater discharges from earth disturbances within 50 feet of the receiving water You must also document in your SWPPP your rationale for why it is infeasible for you to implement one of the Part 2.2.1.a compliance alternatives, and describe any buffer width retained and supplemental erosion and sediment controls installed.
- For "small residential lot" construction *(i.e., a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre),* you have the option of complying with one of the "small residential lot" compliance alternatives in Part F.3 of this appendix.

Note that you must document in your SWPPP if any disturbances related to any of the above exceptions occurs within the buffer area on your site.

F.2.3 Requirements for Providing and Maintaining Natural Buffers

This part of the appendix applies to you if you choose compliance alternative 1 (50-foot buffer), compliance alternative 2 (a buffer of < 50 feet supplemented by additional erosion and sediment controls that achieve the equivalent sediment load reduction as the 50-foot buffer), or if you are providing a buffer in compliance with one of the "small residential lot" compliance alternatives in Part F.3.

Buffer Width Measurement

Where you are retaining a buffer of any size, the buffer should be measured perpendicularly from any of the following points, whichever is further landward from the water:

1. The ordinary high water mark of the water body, defined as the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris; or
2. The edge of the stream or river bank, bluff, or cliff, whichever is applicable.

Refer to Figures F – 2 and F - 3. You may find that specifically measuring these points is challenging if the flow path of the receiving water changes frequently, thereby causing the measurement line for the buffer to fluctuate continuously along the path of the waterbody. Where this is the case, EPA suggests that rather than measuring each change or deviation along the water's edge, it may be easier to select regular intervals

from which to conduct your measurement. For instance, you may elect to conduct your buffer measurement every 5 to 10 feet along the length of the water.

Additionally, note that if earth-disturbing activities will take place on both sides of a receiving water that flows through your site, to the extent that you are establishing a buffer around this water, it must be established on both sides. For example, if you choose compliance alternative 1, and your project calls for disturbances on both sides of a small stream, you would need to retain the full 50 feet of buffer on both sides of the water. However, if your construction activities will only occur on one side of the stream, you would only need to retain the 50-foot buffer on the side of the stream where the earth-disturbance will occur.

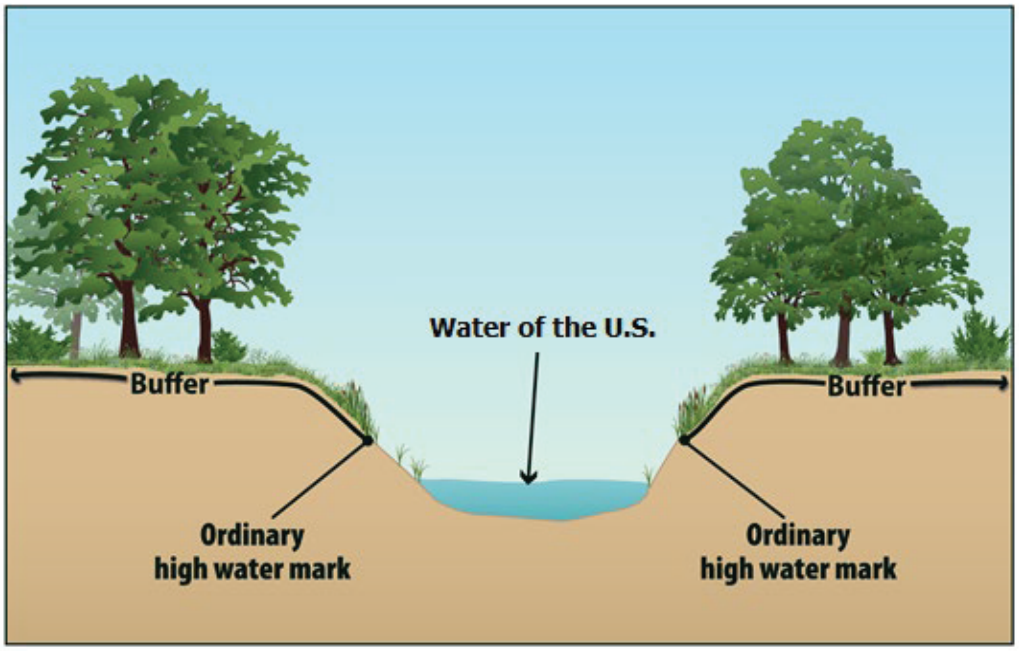


Figure F-2 Buffer measurement from the ordinary high water mark of the water body, as indicated by a clear natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, and/or the presence of litter/debris.

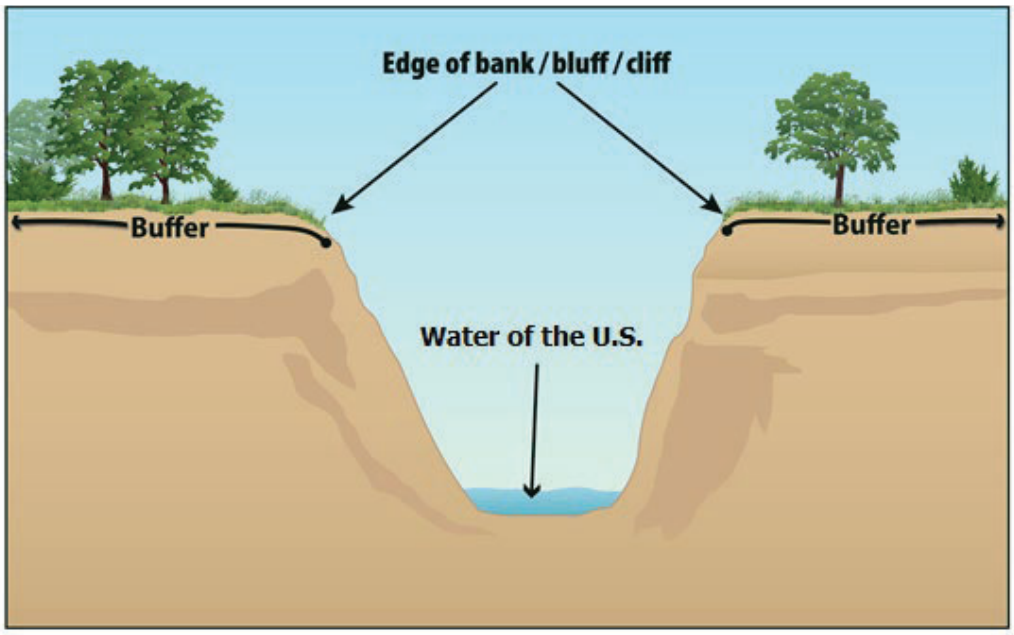


Figure F-3 Buffer measurement from the edge of the bank, bluff, or cliff, whichever is applicable.

Limits to Disturbance Within the Buffer

You are considered to be in compliance with the requirement to provide and maintain a natural buffer if you retain and protect from construction activities the natural buffer that existed prior to the commencement of construction. If the buffer area contains no vegetation prior to the commencement of construction (e.g., sand or rocky surface), you are not required to plant vegetation. As noted above, any preexisting structures or impervious surfaces may occur in the natural buffer provided you retain and protect from disturbance the buffer areas outside of the preexisting disturbance.

To ensure that the water quality protection benefits of the buffer are retained during construction, you are prohibited from conducting any earth-disturbing activities within the buffer during permit coverage. In furtherance of this requirement, **prior to commencing earth-disturbing activities on your site, you must delineate, and clearly mark off, with flags, tape, or a similar marking device, the buffer area on your site.** The purpose of this requirement is to make the buffer area clearly visible to the people working on your site so that unintended disturbances are avoided.

While you are not required to enhance the quality of the vegetation that already exists within the buffer, you are encouraged to do so where such improvements will enhance the water quality protection benefits of the buffer. (Note that any disturbances within the buffer related to buffer enhancement are permitted and do not constitute construction disturbances.) For instance, you may want to target plantings where limited vegetation exists, or replace existing vegetation where invasive or noxious plant species (see http://plants.usda.gov/java/noxiousDriver) have taken over. In the case of invasive or noxious species, you may want to remove and replace them with a diversity of native trees, shrubs, and herbaceous plants that are well-adapted to the climatic, soil, and hydrologic conditions on the site. You are also encouraged to limit the removal of naturally deposited leaf litter, woody debris, and other biomass, as this material contributes to the ability of the buffer to retain water and filter pollutants.

If a portion of the buffer area adjacent to the receiving water is owned by another party and is not under your control, you are only required to retain and protect from construction activities the portion of the buffer area that is under your control. For example, if you comply with compliance alternative 1 (provide and maintain a 50-foot buffer), but 10 feet of land immediately adjacent to the receiving water is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you must only retain and protect from construction activities the 40-foot buffer area that occurs adjacent to the property on which your construction activities are taking place. EPA would consider you to be in compliance with this requirement regardless of the activities that are taking place in the 10-foot area that is owned by a different party than the land on which your construction activities are taking place that you have no control over.

Discharges to the Buffer

You must ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by the site's erosion and sediment controls (*for example, you must comply with the Part 2.2.3 requirement to install sediment controls along any perimeter areas of the site that will receive pollutant discharges*), **and if necessary to prevent erosion caused by stormwater flows within the buffer, you must use velocity dissipation devices**. The purpose of this requirement is to decrease the rate of stormwater flow and encourage infiltration so that the pollutant filtering functions of the buffer will be achieved. To comply with this requirement, construction operators typically will use devices that physically dissipate stormwater flows so that the discharge entering the buffer is spread out and slowed down.

SWPPP Documentation

You are required to document in your SWPPP the natural buffer width that is retained. For example, if you are complying with alternative 1, you must specify in your SWPPP that you are providing a 50-foot buffer. Or, if you will be complying with alternative 2, you must document the reduced width of the buffer you will be retaining (and you must also describe the erosion and sediment controls you will use to achieve an equivalent sediment reduction, as required in Part F.2.4 below). Note that you must also show any buffers on your site map in your SWPPP consistent with Part 7.2.4.j. Additionally, if any disturbances related to the exceptions in Part F.2.2 occur within the buffer area, you must document this in the SWPPP.

F.2.4 Guidance for Providing the Equivalent Sediment Reduction as a 50-foot Buffer

This part of the appendix applies to you if you choose compliance alternative 2 (provide and maintain a buffer that is less than 50 feet that is supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot buffer) or compliance alternative 3 (implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot buffer).

Determine Whether it is Feasible to Provide a Reduced Buffer

EPA recognizes that there will be a number of situations in which it will be infeasible to provide and maintain a buffer of any width. While some of these situations may exempt you from the buffer requirement entirely (see F.2.2), if you do not qualify for one of these exemptions, there still may be conditions or circumstances at your site that make it infeasible to provide a natural buffer. For example, there may be sites where a significant portion of the property on which the earth-disturbing activities will occur is located within the buffer area, thereby precluding the retention of natural buffer areas.

Therefore, you should choose compliance alternative 2 if it is feasible for you to retain some natural buffer on your site. (Note: For any buffer width retained, you are required to comply with the requirements in Part F.2.3, above, concerning the retention of vegetation and restricting earth disturbances.) Similarly, if you determine that it is infeasible to provide a natural buffer of any size during construction, you should choose alternative 3.

Design Controls That Provide Equivalent Sediment Reduction as 50-foot Buffer

You must next determine what additional controls must be implemented on your site that, alone or in combination with any retained natural buffer, achieve a reduction in sediment equivalent to that achieved by a 50-foot buffer.

Note that if only a portion of the natural buffer is less than 50 feet, you are only required to implement erosion and sediment controls that achieve the sediment load reduction equivalent to the 50-foot buffer for discharges through that area. You would not be required to provide additional treatment of stormwater discharges that flow through 50 feet or more of natural buffer. See Figure F-4.

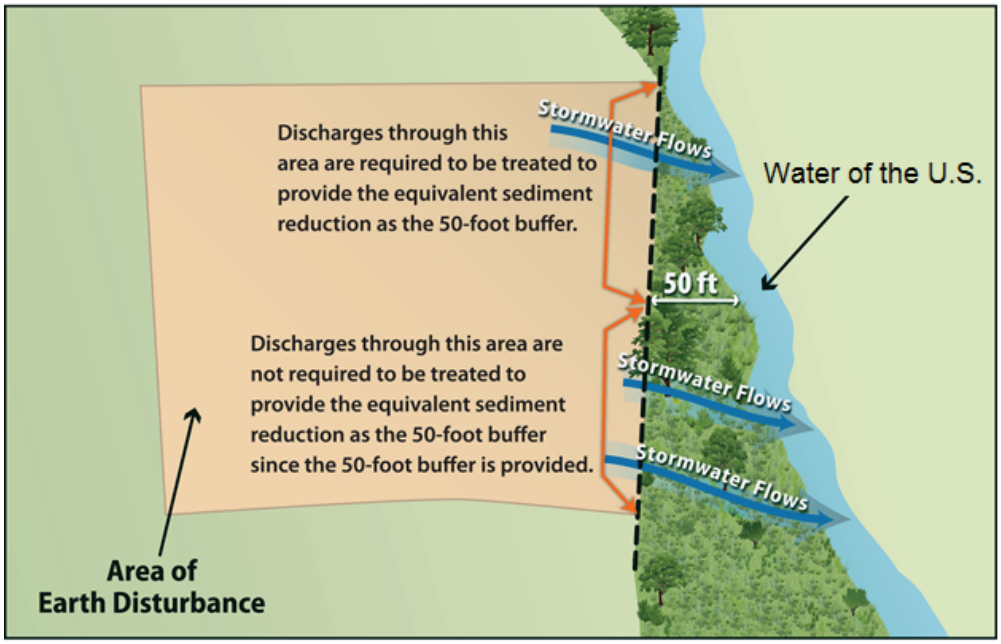


Figure F-4 Example of how to comply with the requirement to provide the equivalent sediment reduction when only a portion of your earth-disturbances discharge to a buffer of less than 50-feet.

Steps to help you meet compliance alternative 2 and 3 requirements are provided below.

Step 1 - Estimate the Sediment Reduction from the 50-foot Buffer

In order to design controls that match the sediment removal efficiency of a 50-foot buffer, you first need to know what this efficiency is for your site. The sediment removal efficiencies of natural buffers vary according to a number of site-specific factors, including precipitation, soil type, land cover, slope length, width, steepness, and the types of erosion and sediment controls used to reduce the discharge of sediment prior to the buffer. EPA has simplified this calculation by developing buffer performance tables covering a range of vegetation and soil types for the areas covered by the CGP. See

Attachment 1 of this Appendix, Tables F-8 through F-15. Note: buffer performance values in Tables F-8 through F-15 represent the percent of sediment captured through the use of perimeter controls (e.g., silt fences) and 50-foot buffers at disturbed sites of fixed proportions and slopes.[2]

Using Tables F-8 through F-15 (see Attachment 1 of this Appendix), you can determine the sediment removal efficiency of a 50-foot buffer for your geographic area by matching the vegetative cover type that best describes your buffer area and the type of soils that predominate at your site. For example, if your site is located in Massachusetts (Table F-9), and your buffer vegetation corresponds most closely with that of tall fescue grass, and the soil type at your site is best typified as sand, your site's sediment removal efficiency would be 81 percent.

In this step, you should choose the vegetation type in the tables that most closely matches the vegetation that would exist naturally in the buffer area on your site regardless of the condition of the buffer. However, because you are not required to plant any additional vegetation in the buffer area, in determining what controls are necessary to meet this sediment removal equivalency in Step 2 below, you will be able to take credit for this area as a fully vegetated "natural buffer."

Similarly, if a portion of the buffer area adjacent to the receiving water is owned by another party and is not under your control, you can treat the area of land not under your control as having the equivalent vegetative cover and soil type that predominates on the portion of the property on which your construction activities are occurring.

For example, if your earth-disturbances occur within 50 feet of a receiving water, but the 10 feet of land immediately adjacent to the receiving water is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you can treat the 10 foot area adjacent to the stream as having the equivalent soil and vegetation type that predominates in

[2] EPA used the following when developing the buffer performance tables:

- The sediment removal efficiencies are based on the U.S. Department of Agriculture's RUSLE2 ("Revised Universal Soil Loss Equation 2") model for slope profiles using a 100-foot long denuded slopes.
- Sediment removal was defined as the annual sediment delivered at the downstream end of the 50-foot natural buffer (tons/yr/acre) divided by the annual yield from denuded area (tons/yr/acre).
- As perimeter controls are also required by the CGP, sediment removal is in part a function of the reduction due to a perimeter control (i.e., silt fence) located between the disturbed portion of the site and the upstream edge of the natural buffer and flow traveling through a 50-foot buffer of undisturbed natural vegetation.
- It was assumed that construction sites have a relatively uniform slope without topographic features that accelerate the concentration for erosive flows.
- It was assumed that vegetation has been removed from the disturbed portion of the site and a combination of cuts and fills have resulted in a smooth soil surface with limited retention of near-surface root mass.

To represent the influence of soil, EPA analyzed 11 general soil texture classifications in its evaluation of buffer performance. To represent different types of buffer vegetation, EPA evaluated 4 or more common vegetative types for each State/Territory covered under the permit. For each vegetation type evaluated, EPA considered only permanent, non-grazed, and non-harvested vegetation, on the assumption that a natural buffer adjacent to the receiving water will typically be undisturbed. EPA also evaluated slope steepness and found that sediment removal efficiencies present in Tables G-8 through G-15 are achievable for slopes that are less than nine percent.

the 40 foot area under your control. You would then make the same assumption in Step 2 for purposes of determining the equivalent sediment removal.

Alternatively, you may do your own calculation of the effectiveness of the 50-foot buffer based upon your site-specific conditions, and may use this number as your sediment removal equivalency standard to meet instead of using Tables F-8 through F-15. This calculation must be documented in your SWPPP.

Step 2 - Design Controls That Match the Sediment Removal Efficiency of the 50-foot Buffer

Once you determine the estimated sediment removal efficiency of a 50-foot buffer for your site in Step 1, you must next select stormwater controls that will provide an equivalent sediment load reduction. These controls can include the installation of a single control, such as a sediment pond or additional perimeter controls, or a combination of stormwater controls. Whichever control(s) you select, you must demonstrate in your SWPPP that the controls will provide at a minimum the same sediment removal capabilities as a 50-foot natural buffer (Step 1). You may take credit for the removal efficiencies of your required perimeter controls in your calculation of equivalency, because these were included in calculating the buffer removal efficiencies in Tables F-8 through F-15. (Note: You are reminded that the controls must be kept in effective operating condition until you complete final stabilization on the disturbed portions of the site discharging to the receiving water)

To make the determination that your controls and/or buffer area achieve an equivalent sediment load reduction as a 50-foot buffer, you should use a model or other type of calculation. As mentioned above, there are a variety of models available that can be used to support your calculation, including USDA's RUSLE-series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other models. A couple of examples are provided in Attachment 3 to help illustrate how this determination could be made.

If you retain a buffer of less than 50 feet, you may take credit for the removal that will occur from the reduced buffer and only need to provide additional controls to make up the difference between the removal efficiency of a 50 foot buffer and the removal efficiency of the narrower buffer. For example, if you retain a 30 foot buffer, you can account for the sediment removal provided by the 30 foot buffer retained, and you will only need to design controls to make up for the additional removal provided by the 20 feet of buffer that is not being provided. To do this, you would plug the width of the buffer that is retained into RUSLE or another model, along with other stormwater controls that will together achieve a sediment reduction equivalent to a natural 50-foot buffer.

As described in Step 1 above, you can take credit for the area you retained as a "natural buffer" as being fully vegetated, regardless of the condition of the buffer area.

For example, if your earth-disturbances occur 30 feet from a receiving water, but the 10 feet of land immediately adjacent to the receiving water is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you can treat the 10-foot area as a natural buffer, regardless of the activities that are taking place in the area. Therefore, you can assume (for purposes of your equivalency calculation) that your site is providing the sediment removal equivalent of a 30-foot buffer, and you will only need to design controls to make up for the additional removal provided by the 20-foot of buffer that is not being provided.

Step 3 - Document How Site-Specific Controls Will Achieve the Sediment Removal Efficiency of the 50-foot Buffer

In Steps 1 and 2, you determined both the expected sediment removal efficiency of a 50-foot buffer at your site, and you used this number as a performance standard to design controls to be installed at your site, which alone or in combination with any retained natural buffer, achieves the expected sediment removal efficiency of a 50-foot buffer at your site. The final step is to document in your SWPPP the information you relied on to calculate the equivalent sediment reduction as an undisturbed natural buffer.

EPA will consider your documentation to be sufficient if it generally meets the following:

- For Step 1, refer to the table in Attachment 1 that you used to derive your estimated 50-foot buffer sediment removal efficiency performance. Include information about the buffer vegetation and soil type that predominate at your site, which you used to select the sediment load reduction value in Tables F-8 through F-15. Or, if you conducted a site-specific calculation for sediment removal efficiency, provide the specific removal efficiency, and the information you relied on to make your site-specific calculation.
- For Step 2, (1) Specify the model you used to estimate sediment load reductions from your site; and (2) the results of calculations showing how your controls will meet or exceed the sediment removal efficiency from Step 1.

If you choose compliance alternative 3, you must also include in your SWPPP a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size.

F.3 SMALL RESIDENTIAL LOT COMPLIANCE ALTERNATIVES

EPA has developed two additional compliance alternatives applicable only to "small residential lots" that are unable to provide and maintain a 50 foot buffer.

A **small residential lot** is a lot or grouping of lots being developed for residential purposes that will disturb less than 1 acre of land, but that is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre.

The following steps describe how a small residential lot operator would achieve compliance with one these 2 alternatives.

F.3.1 Small Residential Lot Compliance Alternative Eligibility

In order to be eligible for the small residential lot compliance alternatives, the following conditions must be met:

a. The lot or grouping of lots meets the definition of "small residential lot"; and

b. The operator must follow the guidance for providing and maintaining a natural buffer in Part F.2.3 of this Appendix, including:

i. Ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by the site's erosion and sediment controls, and use velocity dissipation devices if necessary to prevent erosion caused by stormwater within the buffer;

ii. Document in the SWPPP the natural buffer width retained on the property, and show the buffer boundary on your site plan; and

iii. Delineate, and clearly mark off, with flags, tape, or other similar marking device, all natural buffer areas.

F.3.2 Small Residential Lot Compliance Alternatives

You must next choose from one of two small residential lot compliance alternatives and implement the stormwater control practices associated with that alternative.

Note: The compliance alternatives provided below are not mandatory. Operators of small residential lots can alternatively choose to comply with the any of the options that are available to other sites in Part 2.2.1.a and F.2.1 of this Appendix.

Small Residential Lot Compliance Alternative 1

Alternative 1 is a straightforward tiered-technology approach that specifies the controls that a small residential lot must implement based on the buffer width retained. To meet the requirements of small residential lot compliance alternative 1, you must implement the controls specified in Table F–1 based on the buffer width to be retained. See footnote 3, below, for a description of the controls you must implement.

For example, if you are an operator of a small residential lot that will be retaining a 35-foot buffer and you choose Small Residential Lot Compliance Alternative 1, you must implement double perimeter controls between earth disturbances and the receiving water

In addition to implementing the applicable control, you must also document in your SWPPP how you will comply with small residential lot compliance alternative 1.

Table F-1 Alternative 1 Requirements[3]

Retain 50-foot Buffer	Retain <50 and >30 foot Buffer	Retain ≤ 30 foot Buffer
No Additional Requirements	Double Perimeter Controls	Double Perimeter Controls and 7-Day Site Stabilization

Small Residential Lot Compliance Alternative 2

Alternative 2 specifies the controls that a builder of a small residential lot must implement based on both the buffer width retained and the site's sediment discharge risk. By incorporating the sediment risk, this approach may result in the implementation of controls that are more appropriate for the site's specific conditions.

Step 1 – Determine Your Site's Sediment Risk Level

To meet the requirements of Alternative 2, you must first determine your site's sediment discharge "risk level" based on the site's slope, location, and soil type. To help you to determine your site's sediment risk level, EPA developed five different tables for different slope conditions. You should select the table that most closely corresponds to your site's average slope.

For example, if your site's average slope is 7 percent, you should use Table G–4 to determine your site's sediment risk.

After you determine which table applies to your site, you must then use the table to determine the "risk level" (e.g., "low", "moderate", or "high") that corresponds to your site's location and predominant soil type.[4]

For example, based on Table F-3, a site located in New Hampshire with a 4 percent average slope and with predominately sandy clay loam soils would fall into the "moderate" risk level.

[3] **Description of Additional Controls Applicable to Small Residential Lot Compliance Alternatives 1 and 2:**

- **No Additional Requirements:** If you implement a buffer of 50 feet or greater, then you are not subject to any additional requirements. Note that you are required to install perimeter controls between the disturbed portions of your site and the buffer in accordance with Part 2.2.3.
- **Double Perimeter Control:** In addition to the reduced buffer width retained on your site, you must provide a double row of perimeter controls between the disturbed portion of your site and the receiving water spaced a minimum of 5 feet apart.
- **Double Perimeter Control and 7-Day Site Stabilization:** In addition to the reduced buffer width retained on your site and the perimeter control implemented in accordance with Part 2.2.3, you must provide a double row of perimeter controls between the disturbed portion of your site and the receiving water spaced a minimum of 5 feet apart, and you are required to complete the stabilization activities specified in Parts 2.2.14 within 7 calendar days of the temporary or permanent cessation of earth-disturbing activities.

[4] One source for determining your site's predominant soil type is the USDA's Web Soil Survey located at http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx.

Table F-2 Risk Levels for Sites with Average Slopes of ≤ 3 Percent

Soil Type / Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	Moderate	Moderate	Moderate	Moderate	High
Puerto Rico	Moderate	Moderate	Moderate	Moderate	High
Virgin Islands	Low	Moderate	Low	Moderate	Moderate
American Samoa	Moderate	Moderate	Moderate	Moderate	High
Massachusetts and New Hampshire	Low	Moderate	Low	Low	Moderate
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Low	Low	Low	Low
Washington D.C.	Low	Moderate	Low	Low	Moderate

Table F-3 Risk Levels for Sites with Average Slopes of > 3 Percent and ≤ 6 Percent

Soil Type / Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	Moderate	Moderate	Moderate	Moderate	High
Puerto Rico	Moderate	Moderate	Moderate	Moderate	High
Virgin Islands	Moderate	Moderate	Moderate	Moderate	High
American Samoa	High	High	Moderate	High	High
Massachusetts and New Hampshire	Moderate	Moderate	Low	Moderate	High
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Low	Low	Low	Moderate
Washington D.C.	Moderate	Moderate	Moderate	Moderate	High

Table F-4 Risk Levels for Sites with Average Slopes of > 6 Percent and ≤ 9 Percent

Soil Type / Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	Moderate	High	Moderate	High	High
Puerto Rico	Moderate	High	Moderate	Moderate	High
Virgin Islands	Moderate	Moderate	Moderate	Moderate	High
American Samoa	High	High	High	High	High
Massachusetts and New Hampshire	Moderate	Moderate	Moderate	Moderate	High
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Low	Low	Low	Moderate
Washington D.C.	Moderate	Moderate	Moderate	Moderate	High

Table F-5 Risk Levels for Sites with Average Slopes of > 9 Percent and ≤ 15 Percent

Soil Type / Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	High	High	High	High	High
Puerto Rico	High	High	High	High	High
Virgin Islands	Moderate	High	Moderate	High	High
American Samoa	High	High	High	High	High
Massachusetts and New Hampshire	Moderate	Moderate	Moderate	Moderate	High
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Moderate	Low	Moderate	Moderate
Washington D.C.	Moderate	High	Moderate	Moderate	High

Table F-6 Risk Levels for Sites with Average Slopes of > 15 Percent

Soil Type / Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	High	High	High	High	High
Puerto Rico	High	High	High	High	High
Virgin Islands	High	High	High	High	High
American Samoa	High	High	High	High	High
Massachusetts and New Hampshire	High	High	Moderate	High	High
Idaho	Low	Low	Low	Low	Moderate
New Mexico	Moderate	Moderate	Moderate	Moderate	High
Washington D.C.	High	High	Moderate	High	High

Step 2 – Determine Which Additional Controls Apply

Once you determine your site's "risk level", you must next determine the additional controls you need to implement on your site, based on the width of buffer you plan to retain. Table F-7 specifies the requirements that apply based on the "risk level" and buffer width retained. See footnote 3, above, for a description of the additional controls that are required.

For example, if you are the operator of a small residential lot that falls into the "moderate" risk level, and you decide to retain a 20-foot buffer, using Table F-7 you would determine that you need to implement double perimeter controls to achieve compliance with small residential lot compliance alternative 2.

You must also document in your SWPPP your compliance with small residential lot compliance alternative 2.

Table F-7. Alternative 2 Requirements[2]

Risk Level Based on Estimated Soil Erosion	Retain ≥ 50' Buffer	Retain <50' and >30' Buffer	Retain ≤30' and >10' Buffer	Retain ≤ 10' Buffer
Low Risk	No Additional Requirements	No Additional Requirements	Double Perimeter Control	Double Perimeter Control
Moderate Risk	No Additional Requirements	Double Perimeter Control	Double Perimeter Control	Double Perimeter Control and 7-Day Site Stabilization
High Risk	No Additional Requirements	Double Perimeter Control	Double Perimeter Control and 7-Day Site Stabilization	Double Perimeter Control and 7-Day Site Stabilization

ATTACHMENT 1

Sediment Removal Efficiency Tables[5]

EPA recognizes that very high removal efficiencies, even where theoretically achievable by a 50-foot buffer, may be very difficult to achieve in practice using alternative controls. Therefore in the tables below, EPA has limited the removal efficiencies to a maximum of 90%. Efficiencies that were calculated at greater than 90% are shown as 90%, and this is the minimum percent removal that must be achieved by alternative controls.

Table F-8 Estimated 50-foot Buffer Performance in Idaho*

	Estimated % Sediment Removal				
Type of Buffer Vegetation**	**Clay**	**Silty Clay Loam or Clay-Loam**	**Sand**	**Sandy Clay Loam, Loamy Sand or Silty Clay**	**Loam, Silt, Sandy Loam or Silt Loam**
Tall Fescue Grass	42	52	44	48	85
Medium-density Weeds	28	30	28	26	60
Low-density Warm-season Native Bunchgrass (i.e., Grama Grass)	25	26	24	24	55
Northern Mixed Prairie Grass	28	30	28	26	50
Northern Range Cold Desert Shrubs	28	28	24	26	50

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

Table F-9 Estimated 50-foot Buffer Performance in Massachusetts and New Hampshire*

	Estimated % Sediment Removal				
Type of Buffer Vegetation**	**Clay**	**Silty Clay Loam or Clay-Loam**	**Sand**	**Sandy Clay Loam, Loamy Sand or Silty Clay**	**Loam, Silt, Sandy Loam or Silt Loam**
Warm-season Grass (i.e., Switchgrass, Lemongrass)	79	90	90	90	90
Cool-season Dense Grass (Kentucky Bluegrass, Smooth Bromegrass, Timothy)	78	90	90	90	90
Tall Fescue Grass	76	90	81	89	90
Medium-density Weeds	66	76	60	72	66

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

[5] The buffer performances were calculated based on a denuded slope upgradient of a 50-foot buffer and a perimeter controls, as perimeter controls are a standard requirement (see Part 2.2.3).

Table F-10 Estimated 50-foot Buffer Performance in New Mexico*

	Estimated % Sediment Removal				
Type of Buffer Vegetation **	**Clay**	**Silty Clay Loam or Clay-Loam**	**Sand**	**Sandy Clay Loam, Loamy Sand or Silty Clay**	**Loam, Silt, Sandy Loam or Silt Loam**
Tall Fescue grass	71	85	80	86	90
Medium-density Weeds	56	73	55	66	78
Low-density Warm-season Native Bunchgrass (i.e., Grama Grass)	53	70	51	62	67
Southern Mixed Prairie Grass	53	71	52	63	50
Southern Range Cold Desert Shrubs	56	73	55	65	53

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

Table F-11 Estimated 50-foot Buffer Performance in Washington, DC*

	Estimated % Sediment Removal				
Type of Buffer Vegetation **	**Clay**	**Silty Clay Loam or Clay-Loam**	**Sand**	**Sandy Clay Loam, Loamy Sand or Silty Clay**	**Loam, Silt, Sandy Loam or Silt Loam**
Warm-season Grass (i.e., Switchgrass, Lemongrass)	82	90	90	90	90
Cool-season Dense Grass (Kentucky Bluegrass, Smooth Bromegrass, Timothy)	81	90	90	90	90
Tall Fescue Grass	79	90	83	89	90
Medium-density Weeds	71	79	66	75	74

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

Table F-12 Estimated 50-foot Buffer Performance in American Samoa*

	Estimated % Sediment Removal				
Type of Buffer Vegetation **	**Clay**	**Silty Clay Loam or Clay-Loam**	**Sand**	**Sandy Clay Loam, Loamy Sand or Silty Clay**	**Loam, Silt, Sandy Loam or Silt Loam**
Bahiagrass (Permanent cover)	82	90	90	90	83
Warm-season Grass (i.e., Switchgrass, Lemongrass)	82	90	90	90	85
Dense Grass	82	90	90	90	83
Tall Fescue Grass	82	89	82	89	79
Medium-density Weeds	70	73	62	75	59

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

Table F-13 Estimated 50-foot Buffer Performance in CNMI and Guam*

	Estimated % Sediment Removal				
Type of Buffer Vegetation **	**Clay**	**Silty Clay Loam or Clay-Loam**	**Sand**	**Sandy Clay Loam, Loamy Sand or Silty Clay**	**Loam, Silt, Sandy Loam or Silt Loam**
Bahiagrass (Permanent cover)	80	90	90	90	89
Warm-season Grass (i.e., Switchgrass, Lemongrass)	80	90	90	90	90
Dense Grass	79	90	90	90	89
Tall Fescue Grass	76	90	80	88	87
Medium-density Weeds	63	73	53	68	61

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

Table F-14 Estimated 50-foot Buffer Performance in Puerto Rico*

	Estimated % Sediment Removal				
Type of Buffer Vegetation**	**Clay**	**Silty Clay Loam or Clay-Loam**	**Sand**	**Sandy Clay Loam, Loamy Sand or Silty Clay**	**Loam, Silt, Sandy Loam or Silt Loam**
Bahiagrass (Permanent cover)	83	90	90	90	90
Warm-season Grass (i.e., Switchgrass, Lemongrass)	83	90	90	90	90
Dense Grass	83	90	90	90	90
Tall Fescue Grass	82	90	84	90	89
Medium-density Weeds	72	78	65	76	64

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

Table F-15 Estimated 50-foot Buffer Performance in Virgin Islands*

Type of Buffer Vegetation**	**Clay**	**Silty Clay Loam or Clay-Loam**	**Sand**	**Sandy Clay Loam, Loamy Sand or Silty Clay**	**Loam, Silt, Sandy Loam or Silt Loam**
Bahiagrass (Permanent cover)	85	90	90	90	90
Warm-season Grass (i.e., Switchgrass, Lemongrass)	86	90	90	90	90
Dense Grass	85	90	90	90	90
Tall Fescue Grass	85	90	88	90	89
Medium-density Weeds	75	77	71	78	63

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

ATTACHMENT 2

Using the Sediment Removal Efficiency Tables – Questions and Answers

- *What if my specific buffer vegetation is not represented in Tables F-8 through F-15?* Tables F-8 through F-15 provide a wide range of factors affecting buffer performance; however, there are likely instances where the specific buffer vegetation type on your site is not listed. If you do not see a description of the type of vegetation present at your site, you should choose the vegetation type that most closely matches the vegetation type on your site. You can contact your local Cooperative Extension Service Office (http://nifa.usda.gov/partners-and-extension-map) for assistance in determining the vegetation type in Tables F-8 through F-15 that most closely matches your site-specific vegetation.
- *What if there is high variability in local soils?* EPA recognizes that there may be a number of different soil type(s) on any given construction site. General soil information can be obtained from USDA soil survey reports (http://websoilsurvey.nrcs.usda.gov) or from individual site assessments performed by a certified soil expert. Tables F-8 through F-15 present eleven generic soil texture classes, grouping individual textures where EPA has determined that performance is similar. If your site contains different soil texture classes, you should use the soil type that best approximates the predominant soil type at your site.
- *What if my site slope is greater than 9 percent after final grade is reached?* As indicated in the buffer performance tables, the estimated sediment removal efficiencies are associated with disturbed slopes of up to 9 percent grade. Where your graded site has an average slope of greater than 9 percent, you should calculate a site-specific buffer performance.
- *How do I calculate my own estimates for sediment reduction at my specific site?* If you determine that it is necessary to calculate your own sediment removal efficiency using site-specific conditions (e.g., slopes at your site are greater than 9 percent), you can use a range of available models that are available to facilitate this calculation, including USDA's RUSLE-series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other equivalent models.
- *What is my estimated buffer performance if my site location is not represented by Tables F-8 through F-15?* If your site is located in an area not represented by Tables F-8 through F-15, you should use the table that most closely approximates conditions at your site. You may instead choose to conduct a site-specific calculation of the buffer performance.
- *What if only a portion of my site drains to the buffer area?* If only a portion of your site drains to a receiving water, where that water is within 50 feet of your earth disturbances, you are only required to meet the equivalency requirement for the stormwater flows corresponding to those portions of the site. See Example 2 below for an example of how this is expected to work.

ATTACHMENT 3

Examples of How to Use the Sediment Removal Efficiency Tables

Example 1. Comparatively Wet Location (7.5 acre site located in Massachusetts)

The operator of a 7.5-acre construction site in Massachusetts has determined that it is infeasible to establish a buffer of any size on the site, and is now required to select and install controls that will achieve an equivalent sediment load reduction as that estimated in F-9 for their site conditions. The first step is to identify what percentage of eroded sediment is estimated to be retained from a 50-foot buffer. For this example, it is assumed that the site has a relatively uniform gentle slope (3 percent), so Table F-9 can be used to estimate the 50-foot buffer sediment load reduction. If the site's buffer vegetation is best typified by cool-season dense grass and the underlying soil is of a type best described as loamy sand, the 50-foot buffer is projected to capture 90 percent of eroded sediment from the construction site.

The second step is to determine what sediment controls can be selected and installed in combination with the perimeter controls already required to be implemented at the site (see Part 2.2.3), which will achieve the 90 percent sediment removal efficiency from Table F-9. For this example, using the RUSLE2 profile model, it was determined that installing a pair of shallow-sloped diversion ditches to convey runoff to a well-designed and maintained sediment basin provides 99 percent sediment removal. Because the estimated sediment reduction is greater than the required 90 percent that a 50-foot buffer provides, the operator will have met the buffer requirements. See Figure F-5. The operator could also choose a different set of controls, as long as they achieve at least a 90 percent sediment removal efficiency.

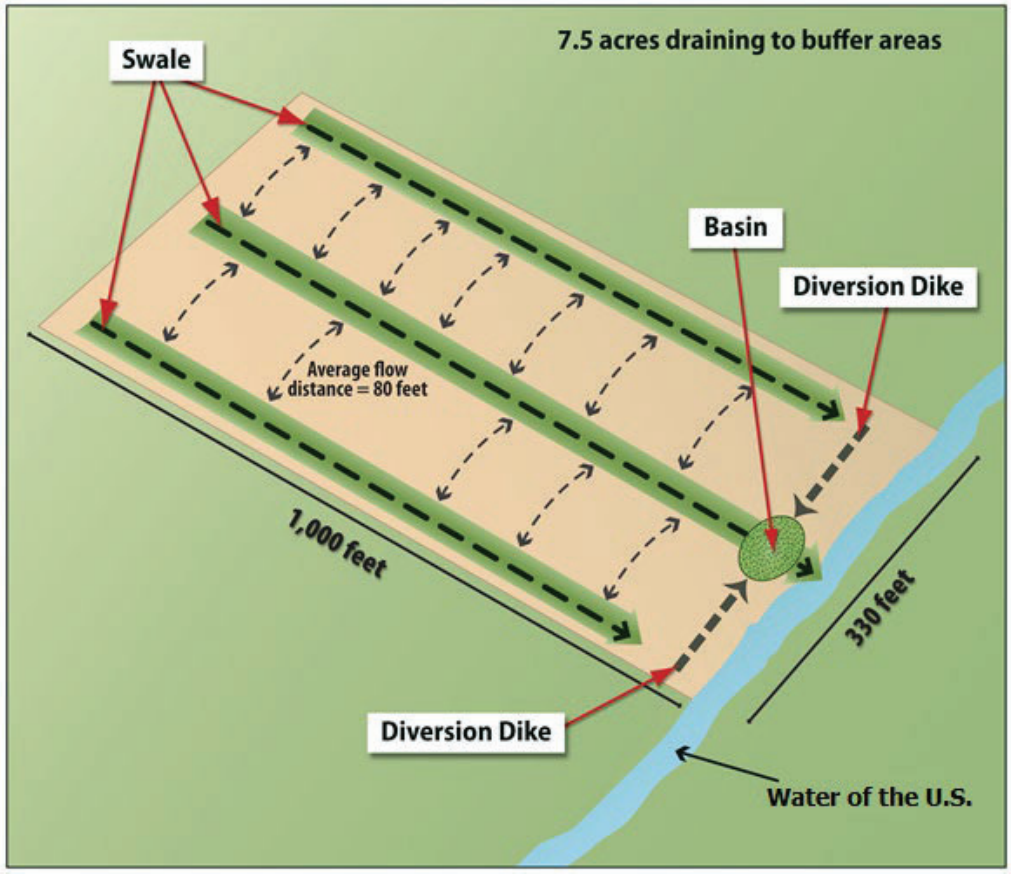


Figure F-5 Example 1 – Equivalent Sediment Load Reductions at a 7.5 ac Site in MA.

Example 2. Arid Location With Pre-existing Disturbances in the Natural Buffer (6.5 acre site located in New Mexico)

An operator of a site in New Mexico determines that it is not feasible to provide a 50-foot buffer, but a 28-foot buffer can be provided. Because the operator will provide a buffer that is less than 50 feet, the operator must determine which controls, in combination with the 28-foot buffer, achieve a sediment load reduction equivalent to the 50-foot buffer. In this example, the project will disturb 6.5 acres of land, but only 1.5 acres of the total disturbed area drains to the buffer area. Within the 28-foot buffer area is a preexisting concrete walkway. Similar to Example 1, the equivalence analysis starts with Step 1 in Part F.2.4 of this Appendix with a review of the New Mexico buffer performance (Table F-10). The operator determines that the predominate vegetation type in the buffer area is prairie grass, the soil type is similar to silt, and the site is of a uniform, shallow slope (e.g., 3 percent grade). Although the operator will take credit for the disturbance caused by the concrete walkway as a natural buffer in Step 2, here the operator can treat the entire buffer area as being naturally vegetated with prairie grass. Based on this information, the operator refers to Table F-10 to estimate that the 50-foot buffer would retain 50 percent of eroded soil.

The second step is to determine, based on the 50 percent sediment removal efficiency found in Table F-10, what sediment controls, in combination with the 28-foot buffer area, can be implemented to reduce sediment loads by 50 percent or more. The operator does not have to account the reduction in buffer function caused by the preexisting walkway, and can take credit for the entire 28-foot buffer being fully vegetated in the analysis. For this example, using the RUSLE2 profile model, the operator determined that installing a fiber roll barrier between the

silt fence (already required by Part 2.2.3) and the 28-foot buffer will achieve an estimated 84 percent sediment removal efficiency. See Figure F-6. Note that this operator is subject to the requirement in Part F.2.3 of this Appendix to ensure that discharges through the silt fence, fiber roll barrier, and 28-foot buffer do not cause erosion within the buffer. The estimated sediment reduction is greater than the required 50 percent; therefore the operator will have met the buffer alternative requirement.

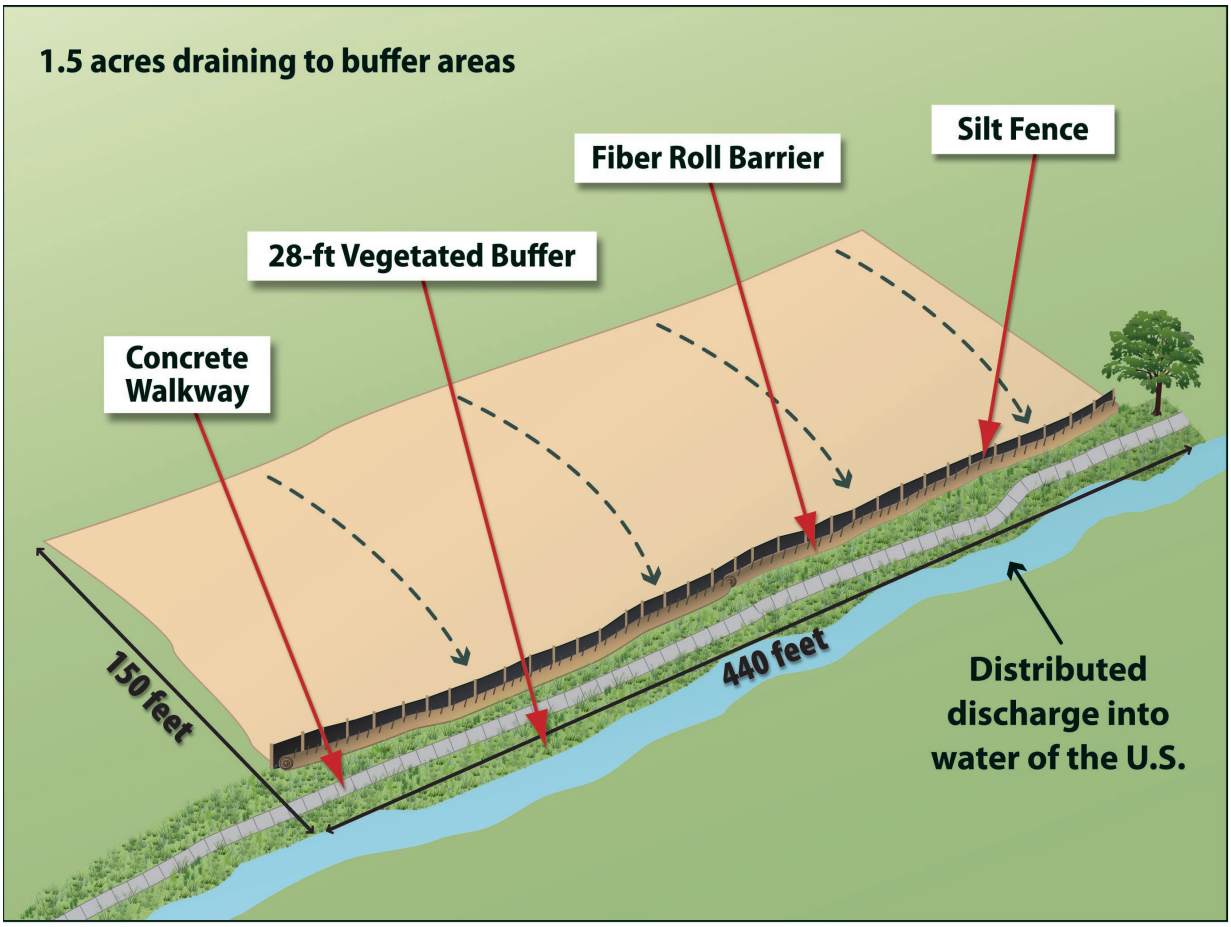


Figure F-6 Example 2 – Equivalent Sediment Load Reductions at a 6.5 ac Site in NM.

Appendix G - Standard Permit Conditions

Standard permit conditions in Appendix G are consistent with the general permit provisions required under 40 CFR 122.41.

G.1 Duty To Comply.

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

G.1.1 You must comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards, even if the permit has not yet been modified to incorporate the requirement.

G.1.2 Penalties for Violations of Permit Conditions: EPA and other federal agencies are required to adjust their maximum and minimum statutory civil penalty amounts through rulemaking by January 15 each year to account for inflation. EPA's annual rulemaking adjustments, codified in 40 C.F.R. § 19.4, are mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended through the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note). As such, the civil penalty amounts below may change in the future due to inflation. See 40 C.F.R. § 19.4 for the most up-to-date civil penalty amounts.

G.1.2.1 *Criminal Penalties.*

a. *Negligent Violations*. The CWA provides that any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to criminal penalties of not less than $2,500 nor more than $25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation or by imprisonment of not more than two years, or both.

b. *Knowing Violations.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $5,000 nor morethan $50,000 per day of violation, or by imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both.

c. *Knowing Endangerment.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he or she is placing another person in imminent danger of death or serious bodily injury shall upon conviction be subject to a fine of not more than $250,000 or by imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, aperson shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision be subject to a fine of not more than $1,000,000 and can fined up to $2,000,000 for second or subsequent convictions.

d. *False Statement.* The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

G.1.2.2 *Civil Penalties.* The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed the maximum amount authorized by Section 309(d) of the Act, as adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.

G.1.2.3 *Administrative Penalties.* The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

a. *Class I Penalty.* Not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act of 1990 as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.

b. *Class II Penalty.* Not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.

G.2 Duty to Reapply.

If you wish to continue an activity regulated by this permit after the expiration date of this permit, you must apply for and obtain authorization as required by the new permit once EPA issues it.

G.3 Need to Halt or Reduce Activity Not a Defense.

It shall not be a defense for you in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

G.4 Duty to Mitigate.

You must take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

G.5 Proper Operation and Maintenance.

You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by you to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the

operation of backup or auxiliary facilities or similar systems which are installed by you only when the operation is necessary to achieve compliance with the conditions of this permit.

G.6 Permit Actions.

This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

G.7 Property Rights.

This permit does not convey any property rights of any sort, or any exclusive privileges.

G.8 Duty to Provide Information.

You must furnish to EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), within a reasonable time, any information that EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. You must also furnish to EPA or an authorized representative upon request, copies of records required to be kept by this permit.

G.9 Inspection and Entry.

You must allow EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), upon presentation of credentials and other documents as may be required by law, to:

G.9.1 Enter upon your premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

G.9.2 Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

G.9.3 Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

G.9.4 Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

G.10 Monitoring and Records.

G.10.1 Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.

G.10.2 You must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date the permit expires or the date the permittee's authorization is terminated. This period may be extended by request of EPA at any time.

G.10.3 Records of monitoring information must include:

G.10.3.1 The date, exact place, and time of sampling or measurements;

G.10.3.2 The individual(s) who performed the sampling or measurements;

G.10.3.3 The date(s) analyses were performed

G.10.3.4 The individual(s) who performed the analyses;

G.10.3.5 The analytical techniques or methods used; and

G.10.3.6 The results of such analyses.

G.10.4 Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit.

G.10.5 The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

G.11 Signatory Requirements.

G.11.1 All applications, including NOIs and NOTs, must be signed as follows:

G.11.1.1 For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

G.11.1.2 For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

G.11.1.3 For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

G.11.2 Your SWPPP (including changes to your SWPPP inspection reports), corrective action log, turbidity monitoring report, site inspection and dewatering inspection reports, and any other compliance documentation required under this permit, must be signed by a person described in Appendix G, Subsection G.11.1 above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

G.11.2.1 The authorization is made in writing by a person described in Appendix G, Subsection G.11.1;

G.11.2.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental

matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

G.11.2.3 The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.

G.11.3 Changes to Authorization. If an authorization under this permit is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new NOI must be submitted to EPA. See Table 1 in Part 1.4.3 of the permit. However, if the only change that is occurring is a change in contact information or a change in the facility's address, the operator need only make a modification to the existing NOI submitted for authorization.

G.11.4 Any person signing documents in accordance with Appendix G, Subsections G.11.1 or G.11.2 above must include the following certification:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G.11.5 For persons signing NOIs electronically, in addition to meeting other applicable requirements in Appendix G, Subsection G.11, such signatures must meet the same signature, authentication, and identity-proofing standards set forth at 40 CFR § 3.2000(b) for electronic reports (including robust second-factor authentication).

G.11.6 The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

G.12 Reporting Requirements.

G.12.1 Planned changes. You must give notice to EPA as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

G.12.1.1 The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

G.12.1.2 The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).

G.12.2 Anticipated noncompliance. You must give advance notice to EPA of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

G.12.3 Transfers. This permit is not transferable to any person except after notice to EPA. Where a facility wants to change the name of the permittee, the original permittee (the first owner or operators) must submit a Notice of Termination pursuant to Part 8. The new

owner or operator must submit a Notice of Intent in accordance with Part 1.4 and Table 1. See also requirements in Appendix G, Subsections G.11.1 and G.11.2.

G.12.4 Monitoring reports. Monitoring results must be reported at the intervals specified elsewhere in this permit.

G.12.4.1 Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by EPA for reporting results of monitoring of sludge use or disposal practices.

G.12.4.2 If you monitor any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by EPA.

G.12.5 Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.

G.12.6 Twenty-four hour reporting. In addition to reports required elsewhere in this permit:

G.12.6.1 You must report any noncompliance which may endanger health or the environment directly to the EPA Regional Office (see contacts at https://www2.epa.gov/national-pollutant-discharge-elimination-system-npdes/contact-us-stormwater#regional). Any information must be provided orally within 24 hours from the time you become aware of the circumstances. A written submission must also be provided within five days of the time you become aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

G.12.6.2 The following shall be included as information which must be reported within 24 hours under this paragraph.

a. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR 122.41(m)(3)(ii))

b. Any upset which exceeds any effluent limitation in the permit

c. Violation of a maximum daily discharge limit for any numeric effluent limitation. (See 40 CFR 122.44(g).)

G.12.6.3 EPA may waive the written report on a case-by-case basis for reports under Appendix G, Subsection G.12.6.2 if the oral report has been received within 24 hours.

G.12.7 Other noncompliance. You must report all instances of noncompliance not reported under Appendix G, Subsections G.12.4, G.12.5, and G.12.6, at the time monitoring reports are submitted. The reports must contain the information listed in Appendix G, Subsection G.12.6.

G.12.8 Other information. Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Permitting Authority, you must promptly submit such facts or information.

G.13 Bypass.

G.13.1 Definitions.

G.13.1.1 Bypass means the intentional diversion of waste streams from any portion of a treatment facility See 40 CFR 122.41(m)(1)(i).

G.13.1.2 Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. See 40 CFR 122.41(m)(1)(ii).

G.13.2 Bypass not exceeding limitations. You may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Appendix G, Subsections G.13.3 and G.13.4. See 40 CFR 122.41(m)(2).

G.13.3 Notice.

G.13.3.1 Anticipated bypass. If you know in advance of the need for a bypass, you must submit prior notice, if possible at least ten days before the date of the bypass. See 40 CFR 122.41(m)(3)(i).

G.13.3.2 Unanticipated bypass. You must submit notice of an unanticipated bypass as required in Appendix G, Subsection G.12.6 (24-hour notice). See 40 CFR 122.41(m)(3)(ii).

G.13.4 Prohibition of bypass. See 40 CFR 122.41(m)(4).

G.13.4.1 Bypass is prohibited, and EPA may take enforcement action against you for bypass, unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. You submitted notices as required under Appendix G, Subsection G.13.3.

G.13.4.2 EPA may approve an anticipated bypass, after considering its adverse effects, if EPA determines that it will meet the three conditions listed above in Appendix G, Subsection G.13.4.1.

G.14 Upset.

G.14.1 Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. See 40 CFR 122.41(n)(1).

G.14.2 Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Appendix G, Subsection G.14.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. See 40 CFR 122.41(n)(2).

G.14.3 Conditions necessary for a demonstration of upset. See 40 CFR 122.41(n)(3). A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

G.14.3.1 An upset occurred and that you can identify the cause(s) of the upset;

G.14.3.2 The permitted facility was at the time being properly operated; and

G.14.3.3 You submitted notice of the upset as required in Appendix G, Subsection G.12.6.2.b (24 hour notice).

G.14.3.4 You complied with any remedial measures required under Appendix G, Subsection G.4.

G.14.4 Burden of proof. In any enforcement proceeding, you, as the one seeking to establish the occurrence of an upset, have the burden of proof. See 40 CFR 122.41(n)(4).

G.15 Retention of Records.

Copies of the SWPPP and all documentation required by this permit, including records of all data used to complete the NOI to be covered by this permit, must be retained for at least three years from the date that permit coverage expires or is terminated. This period may be extended by request of EPA at any time.

G.16 Reopener Clause.

G.16.1 Procedures for modification or revocation. Permit modification or revocation will be conducted according to 40 CFR §122.62, §122.63, §122.64 and §124.5.

G.16.2 Water quality protection. If there is evidence indicating that the stormwater discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, you may be required to obtain an individual permit, or the permit may be modified to include different limitations and/or requirements.

G.16.3 Timing of permit modification. EPA may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines that may be promulgated in the course of the current permit cycle.

G.17 Severability.

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. EPA's intent is that the permit is to remain in effect to the extent possible; in the event that any part of this permit is invalidated, EPA will advise the regulated community as to the effect of such invalidation.

Appendix H - Notice of Intent (NOI) Form and Instructions

Part 1.4.1 requires you to use the NPDES eReporting Tool, or "NeT" system, to prepare and submit your NOI electronically. However, if the EPA Regional Office grants you a waiver to use a paper NOI form, and you elect to use it, you must complete and submit the following form.

NPDES Form 3510-9	EPA	U.S. Environmental Protection Agency Washington, DC 20460 Notice of Intent for the 2022 NPDES Construction General Permit	OMB No. 2040-0305 Exp. Date 01/31/2025

Submission of this Notice of Intent (NOI) constitutes notice that the operator identified in Section III of this form requests authorization to discharge pursuant to the NPDES Construction General Permit (CGP) permit number identified in Section II of this form. Submission of this NOI also constitutes notice that the operator identified in Section III of this form meets the eligibility requirements of Part 1.1 CGP for the project identified in Section IV of this form. Permit coverage is required prior to commencement of construction activity until you are eligible to terminate coverage as detailed in Part 8 of the CGP. To obtain authorization, you must submit a complete and accurate NOI form. Discharges are not authorized if your NOI is incomplete or inaccurate or if you were never eligible for permit coverage. Refer to the instructions at the end of this form.

SECTION I. APPROVAL TO USE PAPER NOI FORM

Paper NOI Form

Have you been granted a waiver from electronic reporting from the Regional Office*? ☐ Yes ☐ No

If yes, check which waiver you have been granted, the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:

Waiver granted:

☐ The owner/operator's headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission.

☐ The owner/operator has issues regarding available computer access or computer capability.

Name of EPA staff person that granted the waiver	Date approval obtained (MM/DD/YYYY)

*** Note: You are required to obtain approval from the applicable Regional Office prior to using this paper NOI form. If you have not obtained a waiver, you must file this form electronically using the NPDES eReporting Tool (NeT).**

SECTION II. PERMIT INFORMATION

Permit

NPDES ID (EPA Use Only)	Master Permit Number (see Appendix B of the CGP for the list of eligible permit numbers)

SECTION III. OPERATOR INFORMATION

Operator Information

Operator Name

Are you requesting coverage under this NOI as a "Federal Operator" or for a "Federal Facility" as defined in Appendix A? ☐ Yes ☐ No

Mailing Address

Street

City	State	ZIP Code

County or Similar Government Division

Operator Point of Contact Information:

First Name	Middle Initial	Last Name

Title

Phone Number	Email Address

NOI Preparer

Complete if NOI was prepared by someone other than the certifier:

First Name	Middle Initial	Last Name

Organization

Phone number	Email address

SECTION IV. PROJECT/SITE INFORMATION

Project/Site Address

Project/Site Name

Street/Location

City	State	ZIP Code

County or Similar Government Division:

For the project/site you are seeking permit coverage, provide the following information:

Latitude (in decimal degrees to four decimal places):	Longitude (in decimal degrees to four decimal places):
° N	° W

Latitude/Longitude Data Source: ☐ Map ☐ GPS ☐ Other (Specify):

Horizontal Reference Datum: ☐ NAD 27 ☐ NAD 83 ☐ WGS 84

Site Information

Is your site located in Indian country lands, or on a property of religious or cultural significance to an Indian Tribe? ☐ Yes ☐ No

If yes, provide the name of the Indian Tribe associated with the area of Indian country (including name of Indian reservation, if applicable), or if not in Indian country, provide the name of the Indian Tribe associated with the property:

Project Information

Estimated Project Start Date (MM/DD/YYYY)	Estimated Project Completion Date (MM/DD/YYYY)

Estimated Area to be Disturbed (to the nearest quarter acre):

Type of Construction Site (check all that apply):

☐ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial
☐ Industrial ☐ Institutional ☐ Highway or Road
☐ Utility ☐ Other (Specify):

Was the pre-development land use used for agriculture (see Appendix A for definition of "agricultural land")? ☐ Yes ☐ No

Have earth-disturbing activities commenced on your project/site? ☐ Yes ☒ No

If yes, is your project an "emergency-related project" (see Appendix A)? ☒ Yes ☐ No

Project Information

Have stormwater discharges from your project/site been covered previously under an NPDES permit?	☐ Yes	☐ No
If yes, provide the NPDES ID (if you had coverage under EPA's 2017 CGP) or the NPDES permit number (if you had coverage under an EPA individual permit): _____		
Are there other operators that are covered under this permit for the same project site?	☐ Yes	☐ No
If yes, provide the NPDES ID number for all other operators at the site who have coverage under this permit: _____		
Will there be demolition of any structure built or renovated before January 1, 1980?	☐ Yes	☐ No
If yes, do any of the structures being demolished have at least 10,000 square feet of floor space?	☐ Yes	☐ No
Will you be discharging dewatering water from your site?	☐ Yes	☐ No
If yes, will you be discharging dewatering water from a current or former Federal or State remediation site?	☐ Yes	☐ No

SECTION V. DISCHARGE INFORMATION

Project Information

By indicating "Yes," I confirm that I understand that the CGP only authorizes the allowable stormwater discharges in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2. Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, State, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the Stormwater Pollution Prevention Plan (SWPPP), during an inspection, etc. If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.2.1 and 1.2.2 will be discharged, they must be covered under another NPDES permit.	☐ Yes	
Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)?	☐ Yes	☐ No
Are there any waters of the U.S. within 50 feet of your project's earth disturbances?	☐ Yes	☐ No

Receiving Waters Information

For each point of discharge, provide the following receiving water information. (Attach a separate list if necessary)

Point of Discharge ID	Provide the name of the first water of the U.S. that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to:	If the receiving water is impaired (on the CWA 303(d) list), list the pollutants that are causing the impairment:	If a TMDL been completed for this receiving waterbody, providing the following information:
			TMDL Name and ID:
			Pollutant(s) for which there is a TMDL:
			TMDL Name and ID:
			Pollutant(s) for which there is a TMDL:

Receiving Waters Information

For each point of discharge, provide the following receiving water information. (Attach a separate list if necessary)			
Point of Discharge ID	**Provide the name of the first water of the U.S. that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to:**	**If the receiving water is impaired (on the CWA 303(d) list), list the pollutants that are causing the impairment:**	**If a TMDL been completed for this receiving waterbody, providing the following information:**
			TMDL Name and ID: **Pollutant(s) for which there is a TMDL:**
			TMDL Name and ID: **Pollutant(s) for which there is a TMDL:**
			TMDL Name and ID: **Pollutant(s) for which there is a TMDL:**
			TMDL Name and ID: **Pollutant(s) for which there is a TMDL:**
			TMDL Name and ID: **Pollutant(s) for which there is a TMDL:**

Are any of the waters of the U.S. to which you discharge designated by the State or Tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water) or as a Tier 3 water (Outstanding National Resource Water)? (See Appendix F). ☐ Yes ☐ No

If yes, name(s) of receiving water(s) and its designation (Tier 2, Tier 2.5 or Tier 3):

SECTION VI. CHEMICAL TREATMENT INFORMATION

Chemical Treatment

Will you use polymers, flocculants, or other treatment chemicals at your construction site? ☐ Yes ☐ No

If yes, will you use cationic treatment chemicals at your construction site*? ☐ Yes ☐ No

If yes, have you been authorized to use cationic treatment chemicals by your applicable EPA Regional Office in advance of filing your NOI*? ☐ Yes ☐ No

If you have been authorized to use cationic treatment chemicals by your applicable EPA Regional Office, attach a copy of your authorization letter and include documentation of the appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

Please indicate the treatment chemicals that you will use:

* Note: You are ineligible for coverage under this permit unless you notify your applicable EPA Regional Office in advance and the EPA office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

SECTION VII. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) AND PERSONNEL TRAINING INFORMATION

SWPPP

Has the SWPPP been prepared in advance of filing this NOI, as required? ☐ Yes ☐ No

By indicating "Yes," I confirm that all required personnel, including those conducting inspections at your site, will meet the training requirements in Part 6 of this permit. ☐ Yes

SWPPP Contact Information

First Name	Middle Initial	Last Name

Professional Title

Phone number	Email address

SECTION VIII. ENDANGERED SPECIES PROTECTION

Endangered Species Protection

In accordance with Part 1.1.5, if the EPA Regional Office grants you a waiver from electronic reporting, you must complete the worksheet in Appendix D to select your eligibility criteria with respect to the protection of Federally listed threatened or endangered species and Federally designated "critical habitat" under the Endangered Species Act (ESA) [hereinafter "ESA-listed species and designated critical habitat(s)"] from discharges and discharge-related activities authorized under this permit.

You must submit the ESA worksheet and all required supporting documentation with this NOI. If you do not submit the worksheet and the required supporting documentation with your NOI, your NOI will be considered incomplete. After you submit your NOI and before your NOI is authorized, EPA may notify you if any additional controls are necessary to ensure your discharges are not likely to result in any short- or long-term adverse effects on ESA-listed species and critical habitat.

By indicating "Yes," I confirm that you have included the completed ESA worksheet from Appendix D and all required supporting information for your criterion selection with the submission of this NOI. ☐ Yes

SECTION IX. HISTORIC PRESERVATION

Historic Preservation

Are you installing any stormwater controls as described in Appendix E that require subsurface earth disturbance? (Appendix E, Step 1) ☐ Yes ☐ No

If yes, have prior surveys or evaluations conducted on the site have already determined historic properties do not exist, or that prior disturbances have precluded the existence of historic properties? (Appendix E, Step 2) ☐ Yes ☐ No

If no, have you determined that your installation of subsurface earth-disturbing stormwater controls will have no effect on historic properties? (Appendix E, Step 3) ☐ Yes ☐ No

If no, did the SHPO, THPO, or other Tribal representative (whichever applies) respond to you within the 15 calendar days to indicate whether the subsurface earth disturbances caused by the installation of stormwater controls affect historic properties? (Appendix E, Step 4) ☐ Yes ☐ No

If yes, describe the nature of their response:

- ☐ Written indication that no historic properties will be affected by the installation of stormwater controls.
- ☐ Written indication that adverse effects to historic properties from the installation of stormwater controls can be mitigated by agreed upon actions.
- ☐ No agreement has been reached regarding measures to mitigate effects to historic properties from the installation of stormwater controls.
- ☐ Other (Specify):

SECTION X. CERTIFICATION INFORMATION

Certification Information

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

First Name	Middle Initial	Last Name

Title

Signature	Date (MM/DD/YYYY)

Email Address

General Instructions

Who Must File an NOI Form?

Under the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et. seq.; the Act), Federal law prohibits stormwater discharges from certain construction activities to waters of the U.S. unless that discharge is covered under a National Pollutant Discharge Elimination System (NPDES) permit. Operators of construction sites where one or more acres are disturbed, smaller sites that are part of a larger common plan of development or sale where there is a cumulative disturbance of at least one acre, or any other site specifically designated by the Director, must obtain coverage under an NPDES general permit. For coverage under the 2022 CGP, each person, firm, public organization, or any other entity that meets either of the following criteria must file a Notice of Intent form: (1) they have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (2) they have day-to-day operational control of those activities at the project necessary to ensure compliance with the permit conditions. If you have questions about whether you need a NPDES stormwater permit, or if you need information to determine whether EPA or your State agency is the permitting authority, contact your EPA Regional Office.

Completing the Form

Obtain and read a copy of the 2022 CGP, viewable at https://www.epa.gov/npdes/stormwater-discharges-construction-activities#cgp. To complete this form, type or print uppercase letters, in the appropriate areas only. Please place each character between the marks (abbreviate if necessary to stay within the number of characters allowed for each item). Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions on this form, telephone EPA's NOI Processing Center at (866) 352-7755. **Please submit the original document with signature in ink - do not send a photocopied signature.**

Section I. Approval to Use Paper NOI Form

You must indicate whether you have been granted a waiver from electronic reporting from the EPA Regional Office. Note that you are not authorized to use this paper NOI form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA staff person who granted the waiver, and the date that approval was provided.

See https://www.epa.gov/npdes/contact-us-stormwater#regional for a list of EPA Regional Office contacts.

Section II. Permit Information

Provide the master permit number of the permit under which you are applying for coverage (see Appendix B of the general permit for the list of eligible master permit numbers)

Section III. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this NOI. Refer to Appendix A of the permit for the definition of "operator".

Indicate whether you are seeking coverage under this permit as a "Federal Operator" or "Federal Facility" as defined in Appendix A.

Also provide a point of contact, the operator's mailing address, county, telephone number, and e-mail address (to be notified via e-mail of NOI approval when available). Correspondence for the NOI will be sent to this address.

If the NOI was prepared by someone other than the certifier (for example, if the NOI was prepared by the facility SWPPP contact or a consultant for the certifier's signature), include the full name, organization, phone number, and email address of the NOI preparer.

Section IV. Project/Site Information

Enter the official or legal name and complete street address, including city, State, ZIP code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for permit coverage to be granted.

Provide the latitude and longitude of your facility in decimal degrees format. The latitude and longitude of your facility can be determined in several different ways, including through the use of global positioning system (GPS) receivers, U.S. Geological Survey (U.S.G.S.) topographic or quadrangle maps, and web-based siting tools, among others. For consistency, EPA requests that measurements be taken from the approximate center of the construction site. For linear construction sites, the measurement should be taken midpoint of the site. If known, enter the horizontal reference datum for your latitude and longitude. The horizontal reference datum is shown on the bottom left corner of USGS topographic maps; it is also available for GPS receivers.

Indicate whether the project is in Indian country lands or located on a property of religious or cultural significance to an Indian Tribe, and if so, provide the name of the Indian Tribe associated with the area of Indian country (including name of Indian reservation, if applicable), or if not in Indian country, provide the name of the Indian Tribe associated with the property.

Enter the estimated construction start and completion dates using four digits for the year (i.e., 10/06/2012). Indicate to the nearest quarter acre the estimated area to be disturbed. Indicate the type of construction site.

Indicate whether the pre-development land use of the site was used for agriculture Appendix A defines "agricultural land" as cropland, grassland, rangeland, pasture, and other agricultural land, on which agricultural and forest-related products or livestock are produced and resource concerns may be addressed. Agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of agricultural land used for the production of livestock.

Indicate whether earth-disturbing activities have already commenced on your project/site. If earth-disturbing activities have commenced on your site because stormwater discharges from the site have been previously covered under a NPDES permit, you must provide the 2017 CGP NPDES ID or

the NPDES permit number if coverage was under an individual permit.

Indicate if demolition is occurring, and if so, if the structure has at least 10,000 square feet of floor space.

Indicate if there are other operators covered under this permit for the same project site. If there are multiple operators, provide the NPDES ID number for the other operators at the site who have coverage under this permit.

Indicate whether you will be discharging dewatering water, as defined in Appendix A, during the course of the project. If you will be discharging dewatering water, indicate whether the site from which you will be dewatering is located on a current or former Federal or State remediation site. Federal remediation sites include cleanups covered by Superfund (both National Priorities List (NPL) sites and non-NPL sites), Resource Conservation and Recovery Act (RCRA) corrective actions sites, cleanups at Federal Facilities, and Federal, State, or Tribal brownfields sites. State remediation sites could include, for instance, brownfield site cleanups funded by the State, State superfund sites, and petroleum tank release sites. Operators may use online mapping resources, such as EPA's Cleanups in My Community Map, to help determine if they are located on a remediation site. The Cleanups in My Community Map is viewable at:

https://ordspub.epa.gov/ords/cimc/f?p=cimc:map::::71

Section V. Discharge Information

You must confirm that you understand that the CGP only authorizes the allowable stormwater discharges listed in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2. Any discharges not expressly authorized under the CGP are not covered by the CGP or the permit shield provision of the CWA Section 402(k) and they cannot become authorized or shielded by disclosure to EPA, State, or local authorities via the NOI to be covered by the permit or by any other means (e.g., in the SWPPP or during an inspection). If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.2.1 and 1.2.2 will be discharged, they must either be eliminated or covered under another NPDES permit.

Indicate whether discharges from the site will enter into a municipal separate storm sewer system (MS4), as defined in Appendix A.

Also, indicate whether any waters of the U.S. exist within 50 feet from your site. Note that if "yes", you are required to comply with the requirement in Part 2.2.1 of the permit to provide natural buffers or equivalent erosion and sediment controls.

For each unique point of discharge you list, you must specify the name of the first water of the U.S. that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to. You must specify whether any waters of the U.S. that you discharge to are listed as "impaired" as defined in Appendix A, and the pollutants for which the water is impaired. You must identify any Total Maximum Daily Loads (TMDL) that have been completed for any of the waters of the U.S. that you discharge to. Operators may find it useful to use EPA's Discharge Mapping Tool to determine whether the water of the U.S. is impaired, the pollutant causing the impairment, and whether a TMDL exists for the water body. The Discharge Mapping Tool is viewable at https://www.epa.gov/npdes/epas-stormwater-discharge-mapping-tools.

Indicate whether discharges from the site will enter into a water of the U.S. that is designated as a Tier 2, Tier 2.5, or Tier 3 water. A list of Tier 2, 2.5, and 3 waters is provided at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates. If the answer is "yes", name all waters designated as Tier 2, Tier 2.5, or Tier 3 to which the site will discharge.

Section VI. Chemical Treatment Information

Indicate whether the site will use polymers, flocculants, or other treatment chemicals. Indicate whether the site will employ cationic treatment chemicals. If the answer is "yes" to either question, indicate which chemical(s) you will use. Note that you are not eligible for coverage under this permit to use cationic treatment chemicals unless you notify your applicable EPA Regional Office in advance and the EPA office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards. If you have been authorized to use cationic treatment chemicals by your applicable EPA Regional Office, attach a copy of your authorization letter and include documentation of the appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards. Examples of cationic treatment chemicals include, but are not limited to, cationic polyacrylamide (C-PAM), PolyDADMAC (POLY DIALLYL DIMETHYL AMMONIUM CHLORIDE), and chitosan.

Section VII. Stormwater Pollution Prevention Plan (SWPPP) and Personnel Training Information

All sites eligible for coverage under this permit are required to prepare a SWPPP in advance of filing the NOI, in accordance with Part 7. Indicate whether the SWPPP has been prepared in advance of filing the NOI.

Confirm that all required personnel, including those conducting inspections at your site, will meet the training requirements in Part 6 of this permit.

Indicate the street, city, State, and ZIP code where the SWPPP can be found. Indicate the contact information (name, organization, phone, and email) for the person who developed the SWPPP for this project.

Section VIII. Endangered Species Information

Confirm that you have included the completed ESA worksheet from Appendix D and all required supporting information for your criterion selection with the submission of this NOI.

Section IX. Historic Preservation

Use the instructions in Appendix E to complete the questions on the NOI form regarding historic preservation.

Section X. Certification Information

The NOI must be signed as follows:

For a corporation: By a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making

major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, State, Federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA). Include the name and title of the person signing the form and the date of signing. An unsigned or undated NOI form will not be considered eligible for permit coverage.

Modifying Your NOI

If you have been granted a waiver from your Regional Office from electronic reporting, and if after submitting your NOI you need to correct or update any fields on this NOI form, you may do so by indicating changes on this same form.

Paperwork Reduction Act Notice

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2040-0305). Responses to this collection of information are mandatory (40 CFR 122.26). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to be 3.3 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

Submitting Your Form

Submit your NOI form by mail to one of the following addresses:

For Regular U.S. Mail Delivery:
Stormwater Notice Processing Center
Mail Code 4203M, ATTN: 2022 CGP
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

For Overnight/Express Mail Delivery:
Stormwater Notice Processing Center
William Jefferson Clinton East Building - Room 7420
ATTN: 2022 CGP
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

Visit this website for instructions on how to submit electronically:

https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting

Appendix I - Notice of Termination (NOT) Form and Instructions

Part 8.3 requires you to use the NPDES eReporting Tool, or "NeT" system, to prepare and submit your NOT electronically. However, if the EPA Regional Office grants you a waiver to use a paper NOT form, and you elect to use it, you must complete and submit the following form.

NPDES Form 3510-13	EPA	U.S. Environmental Protection Agency Washington, DC 20460 Notice of Termination for the 2022 NPDES Construction General Permit	OMB No. 2040-0305 Exp. Date 01/31/2025

Submission of this Notice of Termination constitutes notice that the operator identified in Section III of this form is no longer authorized discharge pursuant to the NPDES Construction General Permit (CGP) from the site identified in Section IV of this form. All necessary information must be included on this form. Refer to the instructions at the end of this form.

SECTION I. APPROVAL TO USE PAPER NOI FORM

Paper NOI Form

Have you been granted a waiver from electronic reporting from the Regional Office*? ☐ Yes ☐ No

If yes, check which waiver you have been granted, the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:

Waiver granted:

☐ The owner/operator's headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission.

☐ The owner/operator has issues regarding available computer access or computer capability.

Name of EPA staff person that granted the waiver	Date approval obtained (MM/DD/YYYY)

*** Note: You are required to obtain approval from the applicable Regional Office prior to using this paper NOI form. If you have not obtained a waiver, you must file this form electronically using the NPDES eReporting Tool (NeT).**

SECTION II. PERMIT INFORMATION

Permit

NPDES ID

Reason for Termination (Check only one):

☐ You have completed all construction activities at your site, and you have met all other requirements in Part 8.2.1.

Check this box to confirm that you have attached photographs as required by Part 8.2.1.a that document your compliance with the permit's final stabilization requirements.

Include the date each photograph was taken, and a brief description of the area of the site captured by the photograph (e.g., photo shows application of seed and erosion control mats to remaining exposed surfaces on northeast corner of site).

If any portion of your site is covered by one of the Part 2.2.14c.iii exceptions to the final stabilization criteria, indicate which exception applies and include a supplementary explanation with your photographs that provides the necessary context for why this portion of the site is in compliance even though it appears to be unstabilized.

☐ Another operator has assumed control over all areas of the site and that operator has submitted an NOI and obtained coverage under the CGP.

☐ You have obtained coverage under an individual permit or another general NPDES permit addressing stormwater discharges from the construction site.

SECTION III. OPERATOR INFORMATION

Operator Information

Operator Name

Mailing Address

Street

City	State	ZIP Code

County or Similar Government Division

Phone Number	Email Address

SECTION IV. PROJECT/SITE INFORMATION

Project/Site Address

Project/Site Name		
Street/Location		
City	State	ZIP Code
County or Similar Government Division:		

SECTION V. CERTIFICATION INFORMATION

Certification Information

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

First Name	Middle Initial	Last Name
Title		
Signature		Date (MM/DD/YYYY)
Email Address		

General Instructions

Who May File an NOT Form?

Permittees who are presently covered under the EPA-issued 2022 Construction General Permit (CGP) for Stormwater Discharges Associated with Construction Activity may submit an NOT form when: (1) earth-disturbing activities at the site are completed and the conditions in Parts 8.2.1.a through 8.2.1.b are met; or (2) the permittee has transferred all areas under its control to another operator, and that operator has submitted and obtained coverage under this permit; or (3) the permittee has obtained coverage under a different NPDES permit for the same discharges.

Completing the Form

Type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions about this form, refer to https://www.epa.gov/npdes/stormwater-discharges-construction-activities#cgp or telephone EPA's NOI Processing Center at (866) 352-7755. **Please submit original document with signature in ink - do not send a photocopied signature.**

Section I. Approval to Use Paper NOI Form

You must indicate whether you have been granted a waiver from electronic reporting from the EPA Regional Office. Note that you are not authorized to use this paper NOT form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA staff person who granted the waiver, and the date that approval was provided.

See https://www.epa.gov/npdes/contact-us-stormwater#regional for a list of EPA Regional Office contacts.

Section II. Permit Information

Enter the existing NPDES ID assigned to the project . If you do not know the NPDES ID number, or contact EPA's NOI Processing Center at (866) 352-7755.

Indicate your reason for submitting this Notice of Termination by checking the appropriate box. Check only one. If you selected the first box, confirm that you have attached photographs as required by Part 8.2.1.a. All submitted photographs must: (1) be taken both before and after the site has met the final stabilization criteria in Part 2.2.14.c; (2) be clear and in focus, and in the original format and resolution; and (3) include the date each photograph was taken, and a brief description of the area of the site captured by the photograph (e.g., photo shows application of seed and erosion control mats to remaining exposed surfaces on northeast corner of site).

If any portion of your site is covered by one of the Part 2.2.14c.iii final stabilization exceptions, indicate which exception applies and provide an explanation with your photographs that describes why this portion of the site is in compliance even though it may appear to be unstabilized.

Section III. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this NOT and is covered by the NPDES ID identified in Section II. Enter the complete mailing address, telephone number, and email address of the operator.

Section IV. Project/Site Information

Enter the official or legal name and complete street address, including city, State, ZIP code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for termination of permit coverage to be valid.

Section V. Certification Information

The NOT, must be signed as follows:

For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, State, Federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

Include the name, title, and email address of the person signing the form and the date of signing. An unsigned or undated NOT form will not be considered valid termination of permit coverage.

Paperwork Reduction Act Notice

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2040-0305). Responses to this collection of information are mandatory (40 CFR 122.26). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a

currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to be 1.2 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

Submitting Your Form

Submit your NOT form by mail to one of the following addresses:

For Regular U.S. Mail Delivery:
Stormwater Notice Processing Center
Mail Code 4203M, ATTN: 2022 CGP
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

For Overnight/Express Mail Delivery:
Stormwater Notice Processing Center
William Jefferson Clinton East Building - Room 7420
ATTN: 2022 CGP
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

Visit this website for instructions on how to submit electronically:

https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting

Appendix J - Suggested Format for Request for Chemical Treatment

If you plan to add "cationic treatment chemicals" (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, Part 1.1.9 requires you to notify your applicable EPA Regional Office in advance of submitting your NOI. The EPA Regional Office will authorize coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will result in discharges that meet applicable water quality standards. To notify your EPA Regional Office, you may use following form.

NPDES Form 6100-066	EPA	U.S. Environmental Protection Agency Washington, DC 20460 Suggested Form for Notifying EPA about Proposed Use of Cationic Treatment Chemicals under the 2022 NPDES Construction General Permit	OMB No. 2040-0305 Exp. Date 01/31/2025

Under Part 1.1.9 of the 2022 CGP, if you plan to add "cationic treatment chemicals" (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, you may not submit your Notice of Intent (NOI) until you notify your applicable EPA Regional Office in advance and the EPA Regional Office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will result in discharges that meet applicable water quality standards. You may use this suggested form to notify your EPA Regional Office about your proposed use of cationic treatment chemicals.

SECTION I. OPERATOR INFORMATION

Operator Information

Operator Name		
Mailing Address		
Street		
City	State	ZIP Code
County or Similar Government Division		
Phone Number	Email Address	

SECTION II. PROJECT/SITE INFORMATION

Project/Site Information

Project/Site Name		
Project/Site Address		
Street/Location		
City	State	ZIP Code
County or Similar Government Division		
Site Contact Information (if different from operator)		
First Name	Middle Initial	Last Name
Phone Number		
Receiving Waterbodies		
Name(s) of Receiving Waterbodies:		

SECTION III. MAP

Map

Attach a map that illustrates the entire site including all of the below items. Include this map in your Stormwater Pollution Prevention Plan (SWPPP).
- All receiving waterbodies
- All proposed location(s) of chemical treatment system(s)
- All proposed point(s) of discharge to receiving waterbodies
- All soil types within areas to be disturbed
- All areas of earth disturbance
- Sufficient indication of topography to indicate where stormwater flows

Attach a schematic drawing of the proposed treatment system(s). Include all components of the treatment train, sample points, and pipe configurations. In addition to sufficient holding capacity upstream of treatment, the system must have the capacity to hold water for testing and to re-treat water that does not meet water quality standards.

SECTION IV. RESPONSIBLE PERSONNEL

Responsible Personnel

Treatment System Operator or Company Name (if subcontracted out):		
Street/Location		
City	State	ZIP Code

Responsible Personnel

List personnel who will be responsible for operating the chemical treatment systems and application of the chemicals.	Cite the training that the personnel have received in operation and maintenance of the treatment system(s) and use of the specific chemical(s) proposed.

SECTION V. PROPOSED TREATMENT

Proposed Treatment

Check proposed treatment system to be used:	☐	Chitosan enhanced sand filtration with discharge to infiltration (ground water).
	☐	Chitosan enhanced sand filtration with discharge to temporary holding ponds (batch).
	☐	Chitosan enhanced sand filtration with discharge to surface waters (flow-through).
	☐	Other (describe below and submit documentation that the proposed system and chemical(s) demonstrate the ability to remove turbidity and produce non-toxic effluent/discharge):
Check proposed cationic chemical(s) to be used:	☐	FlocClear™ (2% chitosan acetate solution).
	☐	StormKlear™ LiquiFloc™ (1% chitosan acetate solution).
	☐	ChitoVan™ (1% chitosan acetate solution).
	☐	StormKlear™ LiquiFloc™ (3% chitosan acetate solution).
	☐	Other (Specify):

Estimated Treatment Period Start Date (MM/DD/YYYY)	Estimated Treatment Period End Date (MM/DD/YYYY)

Describe sampling and recordkeeping schedule. Attach additional sheets as needed:

Proposed Treatment

Explain why you have selected this proposed treatment system and chemicals. Include an explanation of why the use of cationic treatment chemicals is necessary at the site. Reference how the soil types on your site influenced your choices. Describe or provide an illustration of how the site of the discharge will be stabilized and why the discharge location will not cause erosion of the discharge water's bank or bed (please note that a permit from the Corps and State agencies may be necessary to place rock in the water body for this stabilization). Attach as many additional sheets as needed for a full explanation. If you have a report from a chemical treatment contractor describing their recommended approach you may attach that.

SECTION VI. CERTIFICATION INFORMATION

Certification Information

I have documented and hereby certify that the following information is correct and has been documented in the SWPPP for this project:

- The SWPPP includes a complete site-specific description of the chemical treatment system herein proposed for use, including specifications, design, and Material Safety Data Sheets for all chemicals to be used.
- The controls to be used on the site are compatible with the safe and effective use of cationic chemical treatment.
- I verified through jar tests that the site soil is conducive to chemical treatment.
- I verified that the chemical treatment system operators for this project received training.
- I read, understand, and will follow all conditions and design criteria in the applicable use designation(s).
- If the discharge is to Tribal waters, I notified the appropriate Tribal government of the intent to use chemical treatment on a site located within that jurisdiction.
- I will keep the use level designation, operation and maintenance manual, and training certificate on site prior to and during use of chemical treatment.
- A licensed engineer designed the system for this project including system sizing, pond sizing, and flow requirements.
- I verify that the discharge will not adversely affect downstream conveyance systems or stream channels (e.g., cause erosion).

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Authorized Official

First Name	Middle Initial	Last Name

Title

Signature	Date (MM/DD/YYYY)

Email Address

Section I. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the project. Refer to Appendix A of the permit for the definition of "operator." Provide the operator's mailing address, county, telephone number, and e-mail address.

Section II. Project/Site Information

Enter the official or legal name and complete street address, including city, State, ZIP code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34).

Provide site contact information, if different from the operator.

Provide the name of the receiving waterbodies to which your site/project will discharge.

Section III. Map

Attach a map of the entire site that includes the identified items. Attach a schematic of the proposed treatment system(s) that includes the identified items.

Section IV. Responsible Personnel

Provide the legal name of the treatment system operator or company and complete street address, including city, State, including city, State, and ZIP code.

List personnel who will be responsible for operating the chemical treatment systems and application of the chemicals. For each personnel listed, cite the training that the personnel have received in operation and maintenance of the treatment system(s) and use of the specific chemical(s) proposed.

Section V. Proposed Treatment

Indicate the proposed treatment system and proposed cationic chemicals to be used. Indicate the estimated treatment start and end dates. Describe the sampling and recordkeeping schedule. Explain why you have selected the proposed treatment system and chemicals.

Section VI. Certification Information

The form must be signed as follows:

For a corporation: By a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, State, Federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA). Include the name and title of the person signing the form and the date of signing.

Submitting Your Form

Submit this form to your applicable EPA Regional Office. Contact information can be found at: https://www.epa.gov/npdes/contact-us-stormwater#regional

Appendix K – Turbidity Monitoring Report Form and Instructions

Part 3.3 requires you to use the EPA NPDES eReporting Tool, or "NeT" system, to prepare and submit your report electronically. However, if the EPA Regional Office grants you a waiver to use a paper form, and you elect to use it, you must complete and submit the following form.

NPDES Form 6100-065	EPA	U.S. Environmental Protection Agency Washington, DC 20460 Turbidity Monitoring Report Form for Dewatering Discharges to Sensitive Waters Under the 2022 NPDES Construction General Permit	OMB No. 2040-0305 Exp. Date 01/31/2025

SECTION I. APPROVAL TO USE PAPER FORM

Paper Form

Have you been granted a waiver from electronic reporting from the Regional Office*? ☐ Yes ☐ No

If yes, check which waiver you have been granted, and provide the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:

Waiver granted:

☐ The owner/operator's headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission.

☐ The owner/operator has issues regarding available computer access or computer capability.

Name of EPA staff person that granted the waiver	Date approval obtained (MM/DD/YYYY)

*** Note: You are required to obtain approval from the applicable Regional Office prior to using this paper form. If you have not obtained a waiver, you must file this form electronically using the NPDES eReporting Tool (NeT).**

SECTION II. PERMIT INFORMATION

Permit

NPDES ID

Does this report fulfill turbidity monitoring report obligations of other operators that are covered under this permit for the same project site? ☐ Yes ☐ No

If yes, provide the NPDES ID number(s) for all other such operators at the same project site: _____

SECTION III. OPERATOR INFORMATION

Operator Information

Operator Name

Mailing Address

Street

City	State	ZIP Code

County or Similar Government Division:

Phone Number	Email Address

Preparer

Complete if form was prepared by someone other than the certifier:

First Name	Middle Initial	Last Name

Organization

Phone Number	Email Address

SECTION IV. SITE INFORMATION

Site Address

Site Name

Site Address

Street/Location

City	State	ZIP Code

County or Similar Government Division:

SECTION IV. MONITORING QUARTER

Monitoring Quarter

Identify monitoring quarter (select only one):

- ☐ Quarter 1 (January 1 – March 31)
- ☐ Quarter 2 (April 1 – June 30)
- ☐ Quarter 3 (July 1 – September 30)
- ☐ Quarter 4 (October 1 – December 31)

SECTION IVI. TURBIDITY MONITORING DATA

Turbidity Monitoring Data

Discharge Point Description/ Name:

Was dewatering water discharged during the monitoring quarter? ☐ Yes (Enter the data below) ☐ No (Skip to Section VII)

Specific Week within Monitoring Quarter[1]	Weekly Average (NTU)[2]	Benchmark Threshold (NTU)	Alternate Benchmark Threshold (NTU)[3]	Average exceeds Benchmark?[4]
Week 1		50		☐ Yes ☐ No
Week 2		50		☐ Yes ☐ No
Week 3		50		☐ Yes ☐ No
Week 4		50		☐ Yes ☐ No
Week 5		50		☐ Yes ☐ No
Week 6		50		☐ Yes ☐ No
Week 7		50		☐ Yes ☐ No
Week 8		50		☐ Yes ☐ No
Week 9		50		☐ Yes ☐ No
Week 10		50		☐ Yes ☐ No
Week 11		50		☐ Yes ☐ No
Week 12		50		☐ Yes ☐ No
Week 13		50		☐ Yes ☐ No
Week 14		50		☐ Yes ☐ No

[1] Refer to Table K-1 to determine the specific monitoring week number for which you are reporting turbidity data for this quarter.

[2] Report to the nearest whole number. Enter "N/A" if no dewatering discharge occurred during any particular week.

[3] Prior approval from the EPA Regional Office is required pursuant to Part 3.3.2.b. Unless and until EPA approves your request to use an alternate benchmark, you are required to use the standard benchmark of 50 NTU and take any required corrective actions if an exceedance occurs. Enter "N/A" if you have not received approval for an alternate benchmark threshold.

[4] If "Yes," the operator must conduct follow-up corrective action pursuant to Part 5.2.2 and document any corrective action taken in the corrective action log in accordance with Part 5.4.

VII. CERTIFICATION INFORMATION

Certification Information

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

First Name	Middle Initial	Last Name

Title

Signature	Date (MM/DD/YYYY)

Phone Number	Email Address

General Instructions

Who Must Submit A Turbidity Monitoring Report to EPA?

Sites covered under the Construction General Permit (CGP or permit) that are required to monitor pursuant to Part 3.3 of the permit must submit Turbidity Monitoring Reports consistent with the reporting requirements specified in Part 3.3.4 of the permit.

When Must I Submit A Turbidity Monitoring Report to EPA?

You must submit your report to EPA no later than 30 days following the end of each monitoring quarter. Submit a form for every quarter the site is active.

Monitoring Quarter #	Months	Reporting Deadline
1	January 1 – March 31	April 30
2	April 1 – June 30	July 30
3	July 1 – September 30	October 30
4	October 1 – December 31	January 30

Completing the Form

Obtain and read a copy of the 2022 CGP, viewable at https://www.epa.gov/npdes/stormwater-discharges-construction-activities#cgp. To complete this form, type or print, using uppercase letters, in the appropriate areas only. Please submit the original document with signature in ink - do not send a photocopied signature. **Photocopy your form for your records before you send the completed original form to the appropriate address.**

Section I. Approval to Use Paper Form

You must indicate whether you have been granted a waiver from electronic reporting from the EPA Regional Office. Note that you are not authorized to use this paper form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA staff person who granted the waiver, and the date that approval was provided. See https://www.epa.gov/npdes/contact-us-stormwater for a list of EPA Regional Office contacts.

Section II. Permit Information

Provide the NPDES ID (i.e., NOI tracking number) assigned to the site for which this form is being submitted. Submit the form only for sites discharging dewatering water to a sediment-impaired water or a water designated as a Tier 2, Tier 2.5, or Tier 3 water.

Indicate whether this report fulfills turbidity monitoring report obligations of other operators that are covered under this permit for the same project site. If the answer is yes, provide all relevant NPDES ID numbers.

Section III. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that is considered the operator of the site. See Part 1.1.1 and Appendix A for the definition of "operator." Provide the operator's mailing address, phone number, and e-mail. The operator information in this Section should match the operator information provided on your NOI form.

If this form was prepared by someone other than the certifier, include the name, organization, phone number, and email address of the person who prepared this form.

Section IV. Site Information

Enter the official or legal name and complete street address, including city, State, ZIP code, and county or similar government subdivision of the site. If the site lacks a street address, indicate the general location (e.g., Intersection of State Highways 61 and 34). The site information in this Section should match the site information provided on your NOI form.

Section V. Monitoring Quarter

Indicate the appropriate monitoring quarter (Quarter 1, 2, 3, or 4). The monitoring quarters are specified in the table in the section titled "When Must I Submit A Turbidity Monitoring Report to EPA." Select only one quarter.

Section VI. Turbidity Monitoring Data

Provide the discharge point description/name if you are discharging dewatering water from more than one point at the site. If you are discharging from only one point at the site, leave the spaces blank.

Submit Section VI data for each dewatering discharge point. For example, if you are discharging dewatering water from two points at the site, then submit two Section VIs (one for each discharge point).

Indicate whether dewatering occurred during the monitoring quarter. If "Yes" enter the data in the data table. If "No" skip to Section VII.

For averaging purposes, a monitoring week starts with a Monday and ends on Sunday. A numerical value is assigned for each week, which is called a Week Number (e.g., 1, 2, 3 etc.). The form includes a Week Number for each week of the year. Refer to Table K-1 for the dates that correspond with each Week Number.

Next, calculate the weekly average turbidity value for the corresponding monitoring week. The weekly average is calculated by adding all of the individual turbidity results for that monitoring week and dividing by the total number of samples. The calculation for the weekly average includes only those days when dewatering discharge occurred. Days when no dewatering discharge occurred, and therefore do not have turbidity data associated with them, are not included in the calculation of the weekly average. For example, if turbidity samples from your dewatering discharge in week 1 result in values of 30 NTU on Tuesday, 40 NTU on Wednesday, and 45 NTU on Thursday, your weekly average turbidity value would be 38 NTU ((30+40+45) ÷ 3 = 38 NTU). If in week 2, your turbidity samples resulted in values of 45 NTU on Monday, 30 NTU on Tuesday, 25 NTU on Wednesday, and 15 NTU on Thursday, you would calculate a new average for that week, which would yield an average turbidity value of 29 NTU ((45+30+25+15) ÷ 4 = 29 NTU). By comparison, if your samples on consecutive days from Friday to Monday were 60

NTU, 45 NTU, 40 NTU, and 43 NTU, respectively, and there are no other dewatering discharges for the remainder of the week, you would calculate one weekly average for the Friday to Sunday to be 48 NTU ((60+45+40) ÷ 3 = 48 NTU), and a separate weekly average for the one Monday to be 43 NTU (43 ÷ 1 = 43 NTU).

If you collect and analyze more than one turbidity sample per day from your dewatering discharge, you must include any additional results in the calculation of your weekly average. For example, if during a monitoring week you take two turbidity samples on Tuesday with a value of 30 NTU and 35 NTU, three samples on Wednesday with a value of 40 NTU, 45 NTU, and 48 NTU, and one sample on Thursday with a value of 45 NTU, your weekly average turbidity value for this week would be 41 NTU ((30+35+40+45+48+45) ÷ 6 = 41 NTU).

Enter the weekly average turbidity values for the corresponding week into the table. Enter "N/A" into the table for the turbidity weekly average if no dewatering discharge occurred during the week.

The benchmark threshold for turbidity for this permit is 50 NTUs unless EPA has authorized the use of an alternate benchmark in accordance with Part 3.3.2.b. If you are using an alternate benchmark threshold, enter the number into the table for the corresponding week. Unless and until EPA approves your request to use an alternate benchmark, you are required to use the standard benchmark of 50 NTU and take any required corrective actions if an exceedance occurs. Enter "N/A" if you have not received approval for an alternate benchmark threshold.

For each week with a value for the weekly average, select "Yes" or "No" in the table to indicate whether the weekly average value exceeds the 50 NTU benchmark or the alternate turbidity benchmark (whichever is applicable). If "Yes", the operator must conduct follow-up corrective action pursuant to Part 5.2.2 and document any corrective action taken in the corrective action log in accordance with Part 5.4.

Section VII. Certification Information

Forms must be signed by a person described below, or by a duly authorized representative of that person.

For a corporation: By a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, State, Federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA). Include the name and title of the person signing the form and the date of signing.

A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above;

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and

3. The written authorization is submitted to the Director.

An unsigned or undated form will be considered incomplete.

Submitting Your Form

If you have been granted a waiver from your Regional Office to submit a paper form, you must send your form by mail to one of the following addresses:

For Regular U.S. Mail Delivery:

Stormwater Notice Processing Center
Mail Code 4203M, ATTN: 2022 CGP Reports
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

For Overnight/Express Mail Delivery:

Stormwater Notice Processing Center
William Jefferson Clinton East Building - Room 7420
ATTN: 2022 CGP Reports
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

Visit this website for instructions on how to submit electronically:

https://epanet.zendesk.com/hc/en-us/sections/115000949868-CGP-Training-Material

Revisions to a Submitted Form

If you have previously submitted a form with an error, submit a revised form with the correct information. After discovering the error, submit the revised form as soon as possible. Make a notation on the revised form where the correction was made.

Paperwork Reduction Act Notice

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2040-0305). Responses to this collection of information are mandatory (40 CFR 122.26). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is

estimated to be 0.2 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

Table K-1: 2022 CGP - Dates Corresponding to Monitoring Weeks for Each Monitoring Quarter

2022			
Monitoring Quarter	Week #	*Monday* Start Date	*Sunday* End Date
1	1	1/3/22	1/9/22
	2	1/10/22	1/16/22
	3	1/17/22	1/23/22
	4	1/24/22	1/30/22
	5	1/31/22	2/6/22
	6	2/7/22	2/13/22
	7	2/14/22	2/20/22
	8	2/21/22	2/27/22
	9	2/28/22	3/6/22
	10	3/7/22	3/13/22
	11	3/14/22	3/20/22
	12	3/21/22	3/27/22
	13	3/28/22	4/3/22
2	1	4/4/22	4/10/22
	2	4/11/22	4/17/22
	3	4/18/22	4/24/22
	4	4/25/22	5/1/22
	5	5/2/22	5/8/22
	6	5/9/22	5/15/22
	7	5/16/22	5/22/22
	8	5/23/22	5/29/22
	9	5/30/22	6/5/22
	10	6/6/22	6/12/22
	11	6/13/22	6/19/22
	12	6/20/22	6/26/22
	13	6/27/22	7/3/22
3	1	7/4/22	7/10/22
	2	7/11/22	7/17/22
	3	7/18/22	7/24/22
	4	7/25/22	7/31/22
	5	8/1/22	8/7/22
	6	8/8/22	8/14/22
	7	8/15/22	8/21/22
	8	8/22/22	8/28/22
	9	8/29/22	9/4/22
	10	9/5/22	9/11/22
	11	9/12/22	9/18/22
	12	9/19/22	9/25/22
	13	9/26/22	10/2/22
4	1	10/3/22	10/9/22
	2	10/10/22	10/16/22
	3	10/17/22	10/23/22
	4	10/24/22	10/30/22
	5	10/31/22	11/6/22
	6	11/7/22	11/13/22
	7	11/14/22	11/20/22
	8	11/21/22	11/27/22
	9	11/28/22	12/4/22
	10	12/5/22	12/11/22
	11	12/12/22	12/18/22
	12	12/19/22	12/25/22
	13	12/26/22	1/1/23

2023			
Monitoring Quarter	Week #	*Monday* Start Date	*Sunday* End Date
1	1	1/2/23	1/8/23
	2	1/9/23	1/15/23
	3	1/16/23	1/22/23
	4	1/23/23	1/29/23
	5	1/30/23	2/5/23
	6	2/6/23	2/12/23
	7	2/13/23	2/19/23
	8	2/20/23	2/26/23
	9	2/27/23	3/5/23
	10	3/6/23	3/12/23
	11	3/13/23	3/19/23
	12	3/20/23	3/26/23
	13	3/27/23	4/2/23
2	1	4/3/23	4/9/23
	2	4/10/23	4/16/23
	3	4/17/23	4/23/23
	4	4/24/23	4/30/23
	5	5/1/23	5/7/23
	6	5/8/23	5/14/23
	7	5/15/23	5/21/23
	8	5/22/23	5/28/23
	9	5/29/23	6/4/23
	10	6/5/23	6/11/23
	11	6/12/23	6/18/23
	12	6/19/23	6/25/23
	13	6/26/23	7/2/23
3	1	7/3/23	7/9/23
	2	7/10/23	7/16/23
	3	7/17/23	7/23/23
	4	7/24/23	7/30/23
	5	7/31/23	8/6/23
	6	8/7/23	8/13/23
	7	8/14/23	8/20/23
	8	8/21/23	8/27/23
	9	8/28/23	9/3/23
	10	9/4/23	9/10/23
	11	9/11/23	9/17/23
	12	9/18/23	9/24/23
	13	9/25/23	10/1/23
4	1	10/2/23	10/8/23
	2	10/9/23	10/15/23
	3	10/16/23	10/22/23
	4	10/23/23	10/29/23
	5	10/30/23	11/5/23
	6	11/6/23	11/12/23
	7	11/13/23	11/19/23
	8	11/20/23	11/26/23
	9	11/27/23	12/3/23
	10	12/4/23	12/10/23
	11	12/11/23	12/17/23
	12	12/18/23	12/24/23
	13	12/25/23	12/31/23

2024			
Monitoring Quarter	Week #	*Monday* Start Date	*Sunday* End Date
1	1	1/1/24	1/7/24
	2	1/8/24	1/14/24
	3	1/15/24	1/21/24
	4	1/22/24	1/28/24
	5	1/29/24	2/4/24
	6	2/5/24	2/11/24
	7	2/12/24	2/18/24
	8	2/19/24	2/25/24
	9	2/26/24	3/3/24
	10	3/4/24	3/10/24
	11	3/11/24	3/17/24
	12	3/18/24	3/24/24
	13	3/25/24	3/31/24
2	1	4/1/24	4/7/24
	2	4/8/24	4/14/24
	3	4/15/24	4/21/24
	4	4/22/24	4/28/24
	5	4/29/24	5/5/24
	6	5/6/24	5/12/24
	7	5/13/24	5/19/24
	8	5/20/24	5/26/24
	9	5/27/24	6/2/24
	10	6/3/24	6/9/24
	11	6/10/24	6/16/24
	12	6/17/24	6/23/24
	13	6/24/24	6/30/24
3	1	7/1/24	7/7/24
	2	7/8/24	7/14/24
	3	7/15/24	7/21/24
	4	7/22/24	7/28/24
	5	7/29/24	8/4/24
	6	8/5/24	8/11/24
	7	8/12/24	8/18/24
	8	8/19/24	8/25/24
	9	8/26/24	9/1/24
	10	9/2/24	9/8/24
	11	9/9/24	9/15/24
	12	9/16/24	9/22/24
	13	9/23/24	9/29/24
	14	9/30/24	10/6/24
4	1	10/7/24	10/13/24
	2	10/14/24	10/20/24
	3	10/21/24	10/27/24
	4	10/28/24	11/3/24
	5	11/4/24	11/10/24
	6	11/11/24	11/17/24
	7	11/18/24	11/24/24
	8	11/25/24	12/1/24
	9	12/2/24	12/8/24
	10	12/9/24	12/15/24
	11	12/16/24	12/22/24
	12	12/23/24	12/29/24
	13	12/30/24	1/5/25

2025			
Monitoring Quarter	Week #	*Monday* Start Date	*Sunday* End Date
1	1	1/6/25	1/12/25
	2	1/13/25	1/19/25
	3	1/20/25	1/26/25
	4	1/27/25	2/2/25
	5	2/3/25	2/9/25
	6	2/10/25	2/16/25
	7	2/17/25	2/23/25
	8	2/24/25	3/2/25
	9	3/3/25	3/9/25
	10	3/10/25	3/16/25
	11	3/17/25	3/23/25
	12	3/24/25	3/30/25
	13	3/31/25	4/6/25
2	1	4/7/25	4/13/25
	2	4/14/25	4/20/25
	3	4/21/25	4/27/25
	4	4/28/25	5/4/25
	5	5/5/25	5/11/25
	6	5/12/25	5/18/25
	7	5/19/25	5/25/25
	8	5/26/25	6/1/25
	9	6/2/25	6/8/25
	10	6/9/25	6/15/25
	11	6/16/25	6/22/25
	12	6/23/25	6/29/25
	13	6/30/25	7/6/25
3	1	7/7/25	7/13/25
	2	7/14/25	7/20/25
	3	7/21/25	7/27/25
	4	7/28/25	8/3/25
	5	8/4/25	8/10/25
	6	8/11/25	8/17/25
	7	8/18/25	8/24/25
	8	8/25/25	8/31/25
	9	9/1/25	9/7/25
	10	9/8/25	9/14/25
	11	9/15/25	9/21/25
	12	9/22/25	9/28/25
	13	9/29/25	10/5/25
4	1	10/6/25	10/12/25
	2	10/13/25	10/19/25
	3	10/20/25	10/26/25
	4	10/27/25	11/2/25
	5	11/3/25	11/9/25
	6	11/10/25	11/16/25
	7	11/17/25	11/23/25
	8	11/24/25	11/30/25
	9	12/1/25	12/7/25
	10	12/8/25	12/14/25
	11	12/15/25	12/21/25
	12	12/22/25	12/28/25
	13	12/29/25	1/4/26

2026			
Monitoring Quarter	Week #	*Monday* Start Date	*Sunday* End Date
1	1	1/5/26	1/11/26
	2	1/12/26	1/18/26
	3	1/19/26	1/25/26
	4	1/26/26	2/1/26
	5	2/2/26	2/8/26
	6	2/9/26	2/15/26
	7	2/16/26	2/22/26
	8	2/23/26	3/1/26
	9	3/2/26	3/8/26
	10	3/9/26	3/15/26
	11	3/16/26	3/22/26
	12	3/23/26	3/29/26
	13	3/30/26	4/5/26
2	1	4/6/26	4/12/26
	2	4/13/26	4/19/26
	3	4/20/26	4/26/26
	4	4/27/26	5/3/26
	5	5/4/26	5/10/26
	6	5/11/26	5/17/26
	7	5/18/26	5/24/26
	8	5/25/26	5/31/26
	9	6/1/26	6/7/26
	10	6/8/26	6/14/26
	11	6/15/26	6/21/26
	12	6/22/26	6/28/26
	13	6/29/26	7/5/26
3	1	7/6/26	7/12/26
	2	7/13/26	7/19/26
	3	7/20/26	7/26/26
	4	7/27/26	8/2/26
	5	8/3/26	8/9/26
	6	8/10/26	8/16/26
	7	8/17/26	8/23/26
	8	8/24/26	8/30/26
	9	8/31/26	9/6/26
	10	9/7/26	9/13/26
	11	9/14/26	9/20/26
	12	9/21/26	9/27/26
	13	9/28/26	10/4/26
4	1	10/5/26	10/11/26
	2	10/12/26	10/18/26
	3	10/19/26	10/25/26
	4	10/26/26	11/1/26
	5	11/2/26	11/8/26
	6	11/9/26	11/15/26
	7	11/16/26	11/22/26
	8	11/23/26	11/29/26
	9	11/30/26	12/6/26
	10	12/7/26	12/13/26
	11	12/14/26	12/20/26
	12	12/21/26	12/27/26
	13	12/28/26	1/3/27

2027			
Monitoring Quarter	Week #	*Monday* Start Date	*Sunday* End Date
1	1	1/4/27	1/10/27
	2	1/11/27	1/17/27
	3	1/18/27	1/24/27
	4	1/25/27	1/31/27
	5	2/1/27	2/7/27
	6	2/8/27	2/14/27
	7	2/15/27	2/21/27
	8	2/22/27	2/28/27
	9	3/1/27	3/7/27
	10	3/8/27	3/14/27
	11	3/15/27	3/21/27
	12	3/22/27	3/28/27
	13	3/29/27	4/4/27

Appendix C – Copy of NOIs and IDEQ Acknowledgement Letters from all Operators

- Insert a copy of NOIs and IDEQ's acknowledgment letters showing coverage under the CGP
- Insert a copy of any NOTs that are filed as Operators terminate their permit coverage.

Appendix D - ITD Form 2951 – Contractor or Local Entity CGP Signature Authority

Follow the ITD “Form Finder” link below and search by the form number.

http://apps.itd.idaho.gov/apps/formfinder2dmz

Your Safety • Your Mobility
Your Economic Opportunity

Department Memorandum

Idaho Transportation Department

ITD 0500 (Rev. 07-17)
itd.idaho.gov

DATE: November 9, 2021

Program Number(s)

TO: District Engineers 1-6

Key Number(s)

FROM: Dan McElhinney, P.E.
Chief Operations Officer

Program ID, County, Etc. Stormwater Permitting

RE: Signatory Authorization for the NPDES/IPDES General Constructon Permit

The purpose of this document is to provide authorization from the Certifying Official/Administrator (District Engineer) in regards to the National Pollutant Discharge Elimination System Construction General Permit (NPDES) and Idaho Pollutant Discharge Elimination System (IPDES).

Per the NPDES Construction General Permit (CGP) Appendix I, Subsection 11.1.3 the Certifying Official for a public agency is a senior executive officer having the responsibility for the overall operations of a principal geographic unit. For ITD's purposes the following authorizations are made:

The District Engineer is the Certifying Official for certification of the Notice of Intent and the Notice of Termination.

In the event that the District Engineer (Certifying Official) is not available for certifying the Notice of Intent or Notice of Termination the Acting District Engineer becomes the Certifying Official.

For the purposes of the CGP this operational procedure duly authorizes the Resident Engineer to sign all documents except the Notice of Intent and Notice of Termination.

It is required that this authorization document be placed in all Stormwater Pollution Prevention Plans (SWPPPs) and available to the Environmental Protection Agency and the Idaho Department of Environmental Quality upon request.

Cc: Highways Development Administrator
Highways Construction & Operations Administrator
Environmental Services Manager

Appendix E - ITD Form 2952 – ITD Delegation of CGP Signature Authority

Follow the ITD “Form Finder” link below and search by the form number.

http://apps.itd.idaho.gov/apps/formfinder2dmz

2022 Construction General Permit (CGP)
ITD Delegation of CGP Signature Authority

ITD 2952 (Rev. 02-22) IPDES Mod
itd.idaho.gov

I hereby designate the person or described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the Construction General Permit (CGP), at the subject construction site referenced in this SWPPP Document.

PROJECT NAME: STC-8217, COVE RD BRIDGE, WASHINGTON CO
PROJECT KN: 19129
LHTAC ADMINISTRATOR: Laila Kral, P.E.

Agency Name			Telephone Number
Local Highway Technical Assistance Council (District 3)			208- 344-0565
Address	City	State	Zip Code
3330 W. Grace Street	Boise	ID	83703

The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit, **except the Notice of Intent (NOI) and Notice of Termination (NOT)**.

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in Part 9.11 Signatory Requirements, and that the designee above meets the definition of a “duly authorized representative” as set forth in Part 9.11.2 of the 2022 CGP.

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

LHTAC Administrator	Signature	Date Signed

Appendix F – ITD Form 2954 - Subcontractor Certifications/Agreements

Follow the ITD “Form Finder” link below and search by the form number.

http://apps.itd.idaho.gov/apps/formfinder2dmz

Subcontractor Certification of Stormwater Pollution Prevention Plan

Idaho Transportation Department

ITD 2954 (Rev. 04-13)
itd.idaho.gov

Project Number	Project Title
A019(129)	STC-8217, COVE RD BRIDGE, WASHINGTON CO
Operator(s)	

As a subcontractor, you are required to comply with the Stormwater Pollution Prevention Plan (SWPPP) for any work that you perform on-site. Any person or group who violates any condition of the SWPPP may be subject to substantial penalties or loss of contract. You are encouraged to advise each of your employees working on this project of the requirements of the SWPPP. A copy of the SWPPP is available for your review at the office trailer.

Each subcontractor engaged in activities at the construction site that could impact stormwater must be identified and sign the following certification statement.

By signing below, I certify under the penalty of law that I have read and understand the terms and conditions of the SWPPP for the above designated project and agree to follow the practices described in the SWPPP.

Company Name	Address		
City		State	Zip Code
Telephone Number	Type of construction service to be provided		
Signature	Title	Date	

Appendix G –ITD Form 2802, Stormwater Compliance Inspection & Inspection Instructions and Procedures

Follow the ITD “Form Finder” link below and search by the form number.

http://apps.itd.idaho.gov/apps/formfinder2dmz

ITD 2802 Instructions and Inspection Procedures

General Information

The inspection and documentation procedures must follow 2017 Construction General Permit (CGP) requirements.

A copy of the National Pollution Discharge Elimination System (NPDES) CGP and a copy of the current Stormwater Pollution Prevention Plan (SWPPP) must be available on the project site, or at an easily accessible location at all times per CGP section 7.3.

On all ITD projects with coverage under the CGP, the Prime Contractor must designate a Water Pollution Control Manager (WPCM) as specified in and required by ITD Contract. The WPCM performs stormwater compliance inspections on behalf of the Contractor, resolves compliance issues, and communicates regularly with ITD as part of the CGP required Stormwater Team and as required by the Engineer.

If there are any questions pertaining to the project SWPPP, contact the Senior Environmental Planner in the District.

If there are any questions regarding contract administration, contact Headquarters Construction.

If there are any questions regarding documentation and recordkeeping requirements, reporting of permit noncompliance or discharge events, contact the Stormwater Compliance Coordinator in the Headquarters Environmental Section.

Section 1 – Project Information

- Provide the EPA assigned unique NPDES permit tracking number for ITD and the Prime Contractor.
- Indicate whether the Prime Contractor has filed their Notice of Termination (NOT) of permit coverage, and if so, the date filed. If the Contractor has filed their NOT, the WPCM and Contractor are no longer required to sign the inspection forms.

Section 2 – Inspector Information

- Each project must be inspected by an ITD qualified Environmental Inspector and/or Prime Contractor designated, ITD qualified WPCM. Include the Inspector name and ITD Inspector Qualification Program (IQP) number. Enter WPCM qualification information into ITD 2802, Section 8 if applicable.
- Check the box that represents the Inspector's Designation, i.e., who participated in completion of the inspection. More than one box may be checked. Checking the first box represents a joint inspection by the ITD inspector and the WPCM.

Section 3 – Inspection and Weather Information

- The number of days since the last inspection is determined by counting the number of days beginning the day after the last inspection took place. For example, if an inspection was done on June 1st, the next 7-day inspection would be due on June 8th and the next 14-day inspection would be due on June 15th.
- Inspection frequency can change throughout the life of a project as long as a SWPPP modification is completed to document the change. Your SWPPP should always reflect the current frequency. Indicate whether a routine inspection is being performed or if it is a rain event inspection by checking the appropriate box. If needed, provide an explanation for any special circumstances or special inspection frequency in the space provided.
- Inspections are required during the project's normal working hours during Work Days as defined in CGP Appendix A, and should be documented in the SWPPP. Significant changes to the normal work day schedule should be documented in the SWPPP as a modification as needed. Outside of normal working hours on Work Days, WPCM inspections are required as specified by the Contract and/or by the Engineer.
- Provide a description of the weather conditions at the time of inspection, including the current temperature and cloud cover.
- If performing rain event inspections, each project must be inspected within 24 hours of a storm event producing 0.25 inches or greater. If the storm event is multiple days, and each day produces 0.25 inches or greater, another inspection must be completed within 24 hours after the end of the storm event. See CGP sections 4.2.2, 4.3.2, and 4.4.2 for additional rain event inspection information.
- For any day of rainfall during normal working hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with CGP section 4.7.1.d. Provide a description of each measureable precipitation event since the last inspection. Provide the date(s) and approximate amount of measureable precipitation recorded on the project.

- To determine storm events at your project, you must either keep a rain gage at the project in order to obtain site-specific rainfall information, or obtain the storm event information from a weather station that is representative of your project.

Section 4 – Construction and Stabilization/SWPPP Recordkeeping Status

- No clearing or grubbing is allowed outside the physical clearance limits shown on the site plans of any project. No clearing or grubbing shall take place outside the schedule in the project SWPPP.
- Estimate to the nearest ¼ acre the amount of land **currently** disturbed by construction and not stabilized with erosion controls. This is not the total project area, just what is currently disturbed. All areas disturbed including staging areas, stockpile areas, waste sites, and source areas must be included in the disturbed area calculation, unless the source areas are covered by a separate Multi Sector General Permit (MSGP). ITD specification 212.03 includes additional requirements for disturbed acreage limitations and installation of erosion and sediment controls.
- Estimate to the nearest ¼ acre the amount of land that has been temporarily stabilized with erosion controls. This does not include sediment controls such as perimeter protection. Only include erosion controls such as tackifier, mulch, plastic, blankets, etc.
- Estimate to the nearest ¼ acre the amount of land that has been permanently stabilized with erosion controls.
- Provide to the nearest ¼ acre the total disturbed acreage expected on the project. All three of the previous boxes (currently disturbed, temporarily stabilized, permanently stabilized) should add up to the total project area disturbance.
- Confirm that the project SWPPP reflects the most current project conditions, and provide the date of the most recent SWPPP update or modification. This includes routine SWPPP updates, recordkeeping, and/or formal SWPPP modifications.
- Provide any additional information or comments pertaining to the area of disturbance, stabilization, SWPPP status, etc. as needed.

Section 5 – Construction Areas, Discharge Points, and Installed Controls (BMPs) Inspected

General Procedures/Requirements:

- Include an explanation for any areas not inspected in ITD 2802, Section 5 in the Observations columns of the tables.
- Inspectors must look for evidence of or the potential for stormwater, non-stormwater, and pollutants discharging from and leaving the project limits, and/or entering the stormwater conveyance system or Water's of the U.S.
- Inspections need to include all construction areas and construction support areas, on-site and off-site, disturbed by construction activity, including waste sites, stockpiles, storage sites, and borrow areas, etc.
- Identify locations examined using descriptions like station numbers, mileposts, or other location designations.
- ITD 2802, Section 5 is not locked so that entries can be added or deleted to each table. To add a row to the end of a table, tab to the last cell of the last row and hit the tab button. To add a row to the middle of the table, place the cursor into the row you want to add to above or below, and right click your mouse. Click on Insert, and then Insert Above or Insert Below.
- To Delete an existing row, place the cursor into the row you want to delete, and right click your mouse. Click on Delete Cells, and then click Delete Entire Row.

Construction Areas:

- Fill out the table concerning Areas Cleared or Graded, Onsite and Offsite Waste/Borrow/Stockpile areas, Equipment Storage/Maintenance/Fueling Areas, Contractor Yards and Material Storage Areas, and Site Entrances/Exits.
- Erosion, sedimentation, and pollution prevention control measures identified in the SWPPP need to be observed in order to ensure proper installation and operation at these locations.
- Inspect locations where vehicles enter or exit the site for evidence of off-site sediment tracking. Track-out must be removed by the end of the same work day in which it occurred. See CGP section 2.2.4 for more information.

Discharge Points:

- Fill out the table listing all Discharge Points, or areas where the potential for discharges from the project exist. Some examples of these include median drain, cross drain, box culvert, drop inlet, perimeter control along a surface water, bridge abutment, etc.
- Discharge locations need to be inspected to ascertain whether erosion and sediment control measures are operating effectively and are adequate to ensure water quality standards are being met.

- If a discharge location is identified during an inspection that is not listed in the current SWPPP, and additional BMPs are required to address the new location, the SWPPP needs to be modified to include this location and required controls. Additionally, Corrective Action reporting may be required. See ITD 2802, Section 6 below for additional information.
- Identify if discharges are occurring or have occurred, and whether they have entered Waters of the U.S. If this has occurred, describe the discharge and whether the BMPs have operated effectively enough to meet water quality standards.
- If discharges have exceeded 50 NTU above background of the receiving water, or a prohibited discharge occurred per CGP Part 1.3, additional reporting requirements exist. Use form ITD 2790 and follow the instructions associated with that form. Also complete Corrective Action reporting requirements as described below in ITD 2802, Section 6.

Installed Controls (BMPs):

- Fill out the table listing all BMPs installed at the time of inspection. Add controls to the table as they are installed during construction build-out and phasing. On smaller projects you can list each individual control by its specific location. On larger more expansive projects with significant controls you can group the type of control together but list the multiple locations where it is installed.
- Some examples of these include perimeter controls such as fiber rolls or silt fence; erosion controls such as tackifier, mulch, or blankets; sediment controls such as rock check dams or inlet protection; sediment basins; or pollution prevention controls such as concrete washouts, dumpsters, portable toilets, etc.
- As controls are removed from the project, either delete them from the table, or simply note “removed on date X” in the Observations column for that control.

Section 6 – Maintenance Requirements, BMP Installations (per SWPPP), and Corrective Actions

Maintenance Requirements and BMP Installations per SWPPP:

- Per CGP sections 2.1.4 and 2.3.1, ensure that all erosion and sediment controls and pollution prevention controls remain in effective operating condition during permit coverage.
- If inspection reveals maintenance is required on erosion and sediment controls or pollution prevention controls, if the problem does not require significant repair or replacement, or can be corrected through routine maintenance, you must initiate work to fix the problem immediately after discovering the problem and complete the work by the close of the next work day. Examples include removing accumulated silt from behind a silt fence or check dam, or re-staking fiber wattles that are dislodged, basic site clean-up or housekeeping issues, etc.
- When installation of a new erosion or sediment control or pollution prevention control is needed, or a control requires significant repair, a new or modified control must be installed and operational by no later than 7 calendar days from the day of discovery. In the *Action Taken* or *Action Required* boxes of the tables in 2802 Section 6, indicate if the control is being installed per the SWPPP document or if it is a new, additional, or modified control not listed in the original SWPPP.
- If it is a new, additional, or significantly modified control not listed in the original SWPPP, it qualifies as a one of the Conditions Triggering Corrective Action Report, and additional documentation requirements apply per CGP section 5.4.1 and 5.4.2.
- Once any new control listed in ITD 2802 Section 6 has been installed, it should be listed in the Installed Controls (BMPs) table of ITD 2802 Section 5 of the following inspection report.
- There are instances where correcting BMP Deficiencies within 7 days could cause harm to water quality. An example is that site conditions are so wet that getting the equipment onto the project site to address the deficiencies could result in off-site discharge, therefore, the deficiency cannot be addressed until conditions dry out. In a case like this, thorough documentation of site conditions and weather conditions preventing the item from being corrected and completed is required.
- In the first box of ITD 2802, Section 6, provide information regarding actions taken/completed since the last inspection. This includes maintenance and installation actions identified on the previous inspection report that are carried over to document their completion, or actions identified since the last inspection was completed that have already been completed because completion was required by the day after they were identified (i.e. between inspections).
- In the second box, provide information regarding maintenance and installation actions identified during the current inspection that require completion, or items that were not satisfactorily completed from the previous inspection. This could also include new installation of BMPs that are already part of the SWPPP plan, but have not been installed yet due to project phasing or build-out.

- When describing maintenance or installation actions, include item number and inspection number (item 1 on inspection 20 would be shown as 20-1, item 2 would be shown as 20-2, etc.), the BMP location(s), action taken or required, and the date completed or required to be completed based on the type of action.
- Per CGP section 4.6.5, identify in the box provided any and all actual or potential incidents of CGP noncompliance observed.

Conditions Triggering Corrective Action Report(s):

- In the 2017 CGP section 5.1.2, there are 3 conditions which would trigger the completion of a Corrective Action Report(s). This is an additional layer of documentation in the SWPPP on top of the inspection and the SWPPP modification/amendments. The three check box options represent the conditions that would require the completion of a Corrective Action Report(s).
- Checkbox one represents the installation of BMPs that are not part of the original project plans or SWPPP, or a significant change in installation becomes required that is not part of the SWPPP. Based on observations made during the inspection, indicate where additional BMP(s) or modifications are required to ensure permit compliance. If this box is checked, you will need to make 24-hour and 7-day entries into the Corrective Action Reporting Tables in the project SWPPP; and upon installation, enter the new BMP into ITD 2802, Section 5 of the subsequent inspection. You will also need to add an entry into the SWPPP modification log within 7 days, and have both entries certified using the appropriate certification sheet in the SWPPP appendices.
- Checkbox two represents a situation where a BMP failed to operate as designed, proved inadequate, or wasn't installed properly resulting in discharges of sediment or other pollutants from the site that violated Idaho water quality standards. If this box is checked, you will need to make 24-hour and 7-day entries into the Corrective Action Reporting Tables in the project SWPPP; and upon installation, enter the new BMP(s) into ITD 2802, Section 5 of the subsequent inspection. You will also need to add an entry into the SWPPP modification log within 7 days, and have both entries certified using the appropriate certification sheet in the SWPPP appendices. You should also have filled in discharge information in the appropriate part of ITD 2802, Section 5 as described above, including completion of form ITD 2790 with submittal to the HQ ENV SWPPP mailbox. A discharge that violates Idaho water quality standards must be reported to EPA verbally within 24 hours and in writing within 5 days per 2017 CGP Appendix I.12.6. See the non-compliance reporting process at the end of these instructions for more details.
- Checkbox three represents a situation where a prohibited discharge (toxic or hazardous material) per CGP section 1.3 has occurred. If this box is checked, you will need to make 24-hour and 7-day entries into the Corrective Action Reporting Tables in the project SWPPP, and if BMP installation is required, enter the new BMP (s) into ITD 2802, Section 5 of the subsequent inspection. You may also need to add an entry into the SWPPP modification log, and have both entries certified using the appropriate certification sheet in the SWPPP appendices. You should also have filled in details of the discharge in the appropriate part of ITD 2802, Section 5 as described above, including completion of form ITD 2790 with submittal to the HQ ENV SWPPP mailbox. A toxic or hazardous material discharge must be reported to EPA verbally within 24 hours and in writing within 5 days per 2017 CGP Appendix I.12.6. See the non-compliance reporting process at the end of these instructions for more details.
- All Corrective Action Reports and SWPPP modifications must be signed and certified by the same ITD and Prime Contractor authorized representatives who signed the original SWPPP, or their duly authorized representatives per 2017 CGP Appendix I.11. That authorization must be made using the appropriate Delegation of Authority sheet in the SWPPP appendices. The revisions are also required to be made on plan sheets (similar to "as constructed" drawings). Refer to CGP section 7.4 for all instances requiring SWPPP modifications.

Summary of Inspection Findings:

- Use the checkboxes to summarize the overall findings of the inspection. One of the top three boxes will be checked on every inspection, but often an additional box will be checked. One or more of the fourth-sixth boxes are checked in addition to one of the top three if you note new maintenance or installation requirements, or corrective action requirements during the current inspection.
- First box would be checked if no maintenance items were noted in Section 6 of the previous ITD 2802.
- Second box would be checked if maintenance items noted in Section 6 of the previous ITD 2802 have all been completed, and no further action is required on those items. Those items should be identified in the first table of Section 6 of the current ITD 2802 as actions taken with the date completed.
- Third box would be checked if maintenance items identified in Section 6 of the previous ITD 2802 have not all been completed, not completed satisfactorily, or require additional or further action. They should be identified in the second table of Section 6 of the current ITD 2802 documenting that additional action is required. This scenario may indicate CGP noncompliance since CGP sections 2.1.4 and 2.3.1 specify maintenance completion timelines. If CGP noncompliance exists, provide that information in the last table (box) of Section 6 of the current ITD 2802.

- Fourth box would be checked in addition to one of the previous three if new maintenance requirements have been identified during the current inspection, and these would be noted in the second table of Section 6 of the current ITD 2802.
- Fifth box would be checked in addition to one of the previous four if new installation requirements per the initial SWPPP have been identified during the current inspection, and these would be noted in the second table of Section 6 of the current ITD 2802.
- Sixth box would be checked if one of the three boxes under the *Conditions Triggering Corrective Action Report* in Section 6 of the current ITD 2802 has been checked. If this is checked because of a discharge (second and third boxes), there should also be discharge information entered into the *Discharges Entering Waters of the US* tables of Section 5 of the current ITD 2802.
- Seventh box would be checked if the sixth box was checked, and discharge information is entered into the *Discharges Entering Waters of the US* tables of Section 5 of the current ITD 2802. This box would also be checked and an ITD 2790 submitted if the conditions identified as "Upset" in CGP Appendix I, section I.14 have occurred.

Section 7 – Other Outstanding Items

- Document any outstanding issues or project information, or any other issues determined not to be related to BMP maintenance, installation, or Corrective Action here.
- Document any special permitting information, special operating conditions, etc. This could include Army Corps of Engineers permitting information, IDWR stream alteration permitting information, CGP turbidity monitoring requirements, project scheduling driven by a BA or BO, etc.

Section 8 – Inspection Certification

- Within 24 hours of each completed inspection, the Primary inspector shall sign and date the inspection to certify completion and inspection findings, and the Primary Inspector or the WPCM shall make the Prime Contractor aware of the inspection findings.
- The WPCM is strongly encouraged to conduct joint inspections with the Primary inspector whenever possible. The WPCM is required to document their site inspections(s) and may do so by signing the ITD inspection report as documentation that he/she participated in a joint inspection with the Primary inspector. When signing, include the most recent WPCM training qualification date and unique qualification number.
- If a joint inspection is not feasible, the WPCM must complete an independent inspection using ITD 2802 to document their inspections per Contract requirements. ITD does not sign any independent WPCM inspections. If the WPCM performs independent inspections, it is not recommended that the inspections be included as formal SWPPP recordkeeping inspections, as this could create discrepancies with maintenance/installation requirements and corrective action tracking and completion records. However, they should be inserted into the SWPPP as an appendix. If requested, these independent inspections must be made available to the Engineer.
- The Prime Contractor must check the box that represents his/her interpretation of the inspection findings. Either agrees with findings, or disagrees with findings. If disagrees, the Prime Contractor must specify the reason for disagreement in the box provided. Sign and certify the form per CGP requirements. The Prime Contractor's signature must be that of the individual who certified the SWPPP and/or NOI, or their duly authorized representative. Refusal to sign the form could result in a breach of contract as well as CGP noncompliance.
- Any delegation of signature authority to someone other than the signer of the initial SWPPP must be documented in the SWPPP.
- The ITD District Engineer, or ITD District Engineering Manager as their Duly Authorized Representative, must sign and date the inspection. Any delegation of signature authority must be documented in the project SWPPP.

ITD 2802, Corrective Action Reporting, and SWPPP Modification Submittal and Distribution Process

- Records of inspection, corrective action, or SWPPP modification completion can be accomplished by inserting a copy of the unsigned/uncertified documentation in the SWPPP as a placeholder until the certified copy is routed back to the SWPPP. This documents completion of any maintenance, installation, or corrective action requirements, and can be referenced while the physical document is routed for signature/certification. This record provides documentation that the work was completed as required, while the original document is routed for required signatures and certifications.
- Upon completion, and once signed by the Primary Inspector and WPCM, the ITD 2802 is distributed to the District Engineer and Prime Contractor, or their duly authorized representatives, for signature and certification.

- Upon completion of any corrective action reporting and/or SWPPP modifications, the signature and certification sheet describing actions taken is distributed to the District Engineer and Prime Contractor, or their duly authorized representatives, for signature and certification.
- The signed and certified ITD 2802 and any corrective action and/or SWPPP modification signature and certification sheet should be placed back into the SWPPP recordkeeping section within approximately 2 weeks of completion, per EPA recommendations.
- Upon completion of all signatory and certification requirements, the completed ITD 2802 is distributed to the District Engineer, District Engineering Manager, Resident Engineer, District Senior Environmental Planner, Headquarters Environmental via the HQ ENV SWPPP Inbox, and the Prime Contractor.
- Hard copies of all original, signed and certified ITD 2802s and other SWPPP records are archived by project by the Districts and retained for three years from the date the permit expires or is terminated.

Non-Compliance Reporting Process

- Per CGP sections 5.1.2 and I.12, noncompliance issues which endanger health or the environment must be reported to EPA verbally within 24 hours and in writing within 5 days of discovery. Any violation of Idaho water quality standards or prohibited discharge per CGP section 1.3 is considered to endanger health or the environment. District staff must report any instances of noncompliance to the Headquarters Environmental as soon as any issue is discovered so that it can be reported to EPA verbally.
- District staff must not report noncompliance directly to EPA. All communications with EPA must be completed through Headquarters Environmental or ITD's Legal Department Attorney General representative.
- Noncompliance issues must be reported through the HQ ENV SWPPP e-mail inbox using ITD 2790 as soon as identified. Provide all required information on the ITD 2790 to capture the noncompliance issue being reported. Follow the directions on that form.
- If there is uncertainty as to whether or not an issue of noncompliance exists, it is best to be cautious and report any issues that could be deemed non-compliant. Headquarters Environmental and ITD Legal can determine if the issue represents reportable noncompliance to EPA.

Appendix H – Completed ITD 2802, Stormwater Compliance Inspection Reports

Note: Place an uncertified copy of each inspection report into this appendix as a placeholder until the DE/DEM certified version is routed back to the SWPPP. The suggested turn-around time to get certified copies back into the SWPPP is 2 weeks or less.

Your Safety • Your Mobility
Your Economic Opportunity

Stormwater Compliance Inspection

ITD 2802 (Rev. 05-22)
itd.idaho.gov

Inspection Identification Number* -19129-

*Identification Number is created automatically once District Number, Key Number, and Inspection Number have been entered.

Section 1 - Project Information

Key Number	Project Number	Project Name	
19129	A019(129)	STC-8217, COVE RD BRIDGE, WASHINGTON CO	
ITD District	Resident Engineer		ITD's Permit Tracking No.
Prime Contractor's Name	Contractor's Permit Tracking No.	Contractor Has Filed Their NOT ☐ Yes ☐ No	If Yes, Date NOT Filed

Section 2 - Inspector Information

Inspected By	ITD Inspector Qualification Program Number (IQP)
Inspector(s) Designation ☐ Joint ITD and WPCM ☐ ITD Environmental ☐ Contractor's WPCM ☐ Other/3rd Party	

Section 3 – Inspection and Weather Information

Inspection No.	Current Inspection Date	Previous Inspection Date	Number of Days Since Last Inspection
Reason for Inspection ☐ Routine ☐ Rain Event ☐ Snowmelt Resulting in Discharge		Explanation (if required)	
Current Weather Conditions and Temperature		Describe each measureable precipitation event since the last inspection	

Section 4 – Construction and Stabilization/SWPPP Recordkeeping Status

Estimate the construction site and construction support activity area currently disturbed and unstabilized.	Acres
Estimate the construction site and construction support activity area currently temporarily stabilized with erosion controls.	Acres
Estimate the construction site and construction support activity area currently permanently stabilized with erosion controls, or that has yet to be disturbed by construction activities and is therefore stabilized.	Acres
Provide the total acreage of disturbance expected, or the total project footprint. The previous 3 boxes should add up to this amount, and it should match what is shown on the project plans, SWPPP narrative, and NOI.	Acres
The SWPPP reflects the most current project conditions including grading, stabilization, and BMP installation.	☐ Yes ☐ No
Provide the date of the most recent SWPPP update or modification.	
Comments	

Section 5 – Construction Areas, Discharge Points, and Installed Controls (BMPs) Inspected

For any areas not inspected, include the reason in the Observations section.

Construction Areas

Area	Station No. or Location Description	Observations
Areas Cleared, Graded, or Excavated		
Onsite Waste / Borrow / Stockpiles		
Offsite Waste / Borrow / Stockpiles		

Area	Station No. or Location Description	Observations
Equipment Storage/Maintenance/Fueling		
Contractor Yards / Material Storage		
Site Entrances and Exits/Offsite Tracking		

Discharge Points – Includes stormwater, non-stormwater, and other potential pollutant sources

Note all discharge points in this table. Document any controls required to address them in the Installed Controls (BMPs) table below.

Type of Discharge Point	Station No. or Location Description	Observations

Discharges Entering Waters of the US

If a discharge violated ID water quality standards (3.1), or is a prohibited discharge (5.1.43), it must be reported to HQ ENV SWPPP using Form ITD 2790 within 24 hours, and documented in the project's Corrective Action Reporting Log as required by 5.4.

If a discharge is occurring or has occurred, describe the discharge location (s) and visual observation/description/quality (4.6.2) Record in this section the presence of color, odor, floating, settled or suspended solids, foam, oil sheen, or other indicators of storm water pollutants. If the discharge occurring is dewatering water, complete the daily dewatering discharge report.

Installed Controls (BMPs)

In this table note all installed controls used to divert/convey/retain/treat stormwater and/or non-stormwater, erosion and sediment controls, temporary or permanent stabilization measures, and pollution prevention measures

Type/Description of Control	Station No. or Location Description	Observations

Section 6 – Maintenance Requirements, BMP Installations (per SWPPP), and Corrective Actions

Completed Since Last Inspection

Item No.	Location	Action Taken	Date Completed
1			
2			

Identified During Current Inspection

Item No.	Location	Action Required	Date to be Completed
1			
2			

Identify any and all actual or potential incidents of CGP noncompliance, including administrative noncompliance

Conditions Triggering Corrective Action Report

If any of the 6 conditions below are checked, an entry must be made into the Corrective Actions Reporting Tables in the SWPPP per CGP 5.4.

- ☐ A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly
- ☐ A stormwater control needs repair or replacement (beyond routine maintenance required under CGP Part 2.1.4b)
- ☐ Your discharges are not meeting applicable water quality standards.
- ☐ A prohibited discharge has occurred.
- ☐ A sediment plume or visible sheen or visible hydrocarbon deposits are observed
- ☐ Your turbidity monitoring shows your discharge exceeds water quality standards found in CGP 3.3 and 3.4

Summary of Inspection Findings - Check all that apply

☐ No Maintenance Requirements were noted in the previous inspection report.

☐ All Maintenance Requirements noted in the previous inspection report **have been** satisfactorily completed.

☐ All Maintenance Requirements noted in the previous inspection report **have not been** satisfactorily completed.

☐ New Maintenance Requirements have been identified in the current inspection report.

☐ BMP Installation Requirements per SWPPP have been identified in the current inspection report.

☐ Conditions exist that triggered an entry into the Corrective Actions Reporting Log in the SWPPP per CGP 5.4.

☐ Conditions exist that triggered the need to submit an ITD 2790.

Section 7 - Other Outstanding Items or Notes

Document Outstanding Issues or Other Project Information **Not** Designated as a Corrective Action or Maintenance Requirement
List any Permits/Special Operating Conditions for the Project

Section 8 - Inspection Certification

Key Number	Inspection Number	Current Inspection Date
19129		

Primary Inspector's Name (Type or Print)	
Primary Inspector's Signature	Date Signed

Water Pollution Control Manager (WPCM) Signature

WPCM Name (Type or Print)	WPCM Training Qualification Date	WPCM Training Qualification Number
WPCM Signature		Date Signed

Contractors Acknowledgment – Receipt of Inspection and Acknowledgment of Inspection Findings

I have received a copy of this inspection report and been informed of Maintenance Requirements and/or Corrective Actions, and:

☐ I agree with the inspection findings

☐ I disagree with the inspection findings (specify reasons below)

If contractor disagrees with findings and recommended Maintenance Requirements and/or Corrective Actions, specify reasons in the space below

Must be signed by Prime Contractor or Duly Authorized Representative

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Prime Contractor or Duly Authorized Representative's Name (Type or Print)	Title
Prime Contractor or Duly Authorized Representative's Signature	Date Signed

Section 9 – ITD Compliance Certification - Must be signed by District Engineer or Duly Authorized Representative

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the

information submitted is other than true, accurate, and complete I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

District Engineer or Authorized Representative's Name (Type or Print)	Title
District Engineer or Authorized Representative's Signature	Date Signed

Distribution: Original – DE Copies – RE DEM. Dist. Env. HQ ENV SWPP Contractor

Appendix I - ITD Form 2953 - Corrective Action Reporting Tables

Follow the ITD “Form Finder” link below and search by the form number.

http://apps.itd.idaho.gov/apps/formfinder2dmz

Corrective Action Reporting Tables - Part A & B

ITD 2953 (Rev. 05-17)
itd.idaho.gov

A – Document the Corrective Action Condition

This Table should be filled out within 24 hours of identifying the corrective action condition. (CGP Part 5.4)

Project Name STC-8217, COVE RD BRIDGE, WASHINGTON CO Location WEISER, ID

Corrective Action Number	ITD 2802 Number Documenting Corrective Action (CA) Reporting Requirement	Date and Time the Corrective Action Condition was Identified	Which Condition Below Triggered the Corrective Action? CGP 5.1 Enter the Subsection number of CGP[1]	Describe the Specific Deficiency Requiring the Corrective Action	What is the Deadline for Correcting the Deficiency? As per CGP 5.2[2] (Include the date of the deadline.)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

[1] 5.1.1 - A stormwater control needs repair or replacement (beyond routine maintenance required under CGP Part 2.1.4.
5.1.2 - A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly.
5.1.3 – A discharges is causing an exceedance of applicable water quality standards.
5.1.4 - A prohibited discharge has occurred. CGP Part 1.3.

[2] 5.2.1 - Immediately.
5.2.2 - Close of Next Business Day.
5.2.3 - 7 Days from the Time of Discovery.
Note: Default print size is Legal. It can be modified to print on 11x17 sheets for additional size and space.

B – Document the Follow-Up Action Taken to Address the Deficiency

This Table should be filled out within 24 hours of correcting the stormwater control deficiency listed in Part A. (CGP Part 5.4.2)

Entries into this table correspond to, and are a result of, the initial entries made in the previous Corrective Action Table.

Project Name STC-8217, COVE RD BRIDGE, WASHINGTON CO Location WEISER

Corrective Action Number (From Part A)	ITD 2802 Number Documenting Corrective Action (CA) Reporting Requirement	Date Follow-up Actions Taken	Follow-up Actions Taken to Address Stormwater Control Deficiency	What is the date the Corrective Action was Due. (See date in the last column in above table.)	Were SWPPP modifications per CGP Part 7.4.1 required as a result of the CA condition identified?	
					Yes	No
1					☐	☐
2					☐	☐
3					☐	☐
4					☐	☐
5					☐	☐
6					☐	☐
7					☐	☐
8					☐	☐
9					☐	☐
10					☐	☐

*Note: Default print size is Legal. It can be modified to print on 11x17 sheets for additional size and space.

Appendix J - ITD Form 2955 - SWPPP Modification Log

Follow the ITD Form Finder link below and search by the form number.

http://apps.itd.idaho.gov/apps/formfinder2dmz

SWPPP Modification Log

Idaho Transportation Department

ITD 2955 (Rev. 04-13)
itd.idaho.gov

Project Name STC-8217, COVE RD BRIDGE, WASHINGTON CO Location WEISER, ID

Mod. Number	Modification Description	Modification Date	Modification Prepared by [Name(s) and Title]

*Note: Default print size is Legal. It can be modified to print on 11x17 sheets for additional size and space.

Appendix K – ITD Form 2956 - Grading and Stabilization Activities Log

Follow the ITD Form Finder link below and search by the form number.

http://apps.itd.idaho.gov/apps/formfinder2dmz

Grading and Stabilization Activities Log

Idaho Transportation Department

ITD 2956 (Rev. 04-13)
itd.idaho.gov

Project Name _____ Location _____

Date Grading Activity Initiated	Description of Grading Activity	Description of Stabilization Measure and Location	Date Grading Activity Ceased Indicate Temporary or Permanent	Date When Stabilization Measures Initiated

*Note: Default print size is Legal. It can be modified to print on 11x17 sheets for additional size and space.

Appendix L – ITD Form 2957 – SWPPP Modification and /Or Corrective Action Report

Follow the ITD Form Finder link below and search by the form number.

http://apps.itd.idaho.gov/apps/formfinder2dmz

SWPPP Modification And/Or Corrective Action Report(s) Signature and Certification

ITD 2957 (Rev. 04-17)
itd.idaho.gov

Idaho Transportation Department

SWPPP Modification Number _____ **and/or** Corrective Action Report(s) Number _____

Description of Corrective Actions taken and/or SWPPP Modification

Certification

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

This signature/certification sheet must be signed by the SWPPP certifier or their duly authorized representative and fulfills the Signature/Certification Requirements of the CGP, Sections 5.4.3, 7.4.3 and Appendix I, Part 1.11.b.

ITD Key Number	Project Name	
19129	STC-8217, COVE RD BRIDGE, WASHINGTON CO	
District Engineer or Duly Authorized Representative's Signature		Date Signed
Office Address		Phone Number
Prime Contractor or Duly Authorized Representative's Signature		Date Signed
Office Address		Phone Number

Additional Operator

ITD Key Number	Project Name	
19129	STC-8217, COVE RD BRIDGE, WASHINGTON CO	
SWPPP Certifier or Duly Authorized Representative's Signature		Date Signed
Office Address		Phone Number

Additional Operator

ITD Key Number	Project Name	
19129	STC-8217, COVE RD BRIDGE, WASHINGTON CO	
SWPPP Certifier or Duly Authorized Representative's Signature		Date Signed
Office Address		Phone Number

Appendix M – SWPPP Training and Qualifications

Include:

- ITD Inspector qualification certificate
- Contractor's Water Pollution Control Manager (WPCM) qualification certificate.

Use ITD Form 2958 – SWPPP Training Log to document any additional project specific training completed.

Follow the ITD Form Finder link below and search by the form number.

http://apps.itd.idaho.gov/apps/formfinder2dmz

Stormwater Pollution Prevention (SWPPP) Training Log

ITD 2958 (Rev. 04-13)

itd.idaho.gov

Idaho Transportation Department

Project Name	Project Location		
STC-8217, COVE RD BRIDGE, WASHINGTON CO	WEISER, ID		
Instructor's Name(s)		Instructor's Title(s)	
Course Location		Date	Course Length (hours)

Stormwater Training Topic(s) (check as appropriate)

- ☐ Sediment and Erosion Controls
- ☐ Emergency Procedures
- ☐ Stabilization Controls
- ☐ Inspections/Corrective Actions
- ☐ Pollution Prevention Measures

Specific Training Objective _____

Attendee Roster (attach additional pages as necessary)

No.	Attendee Name	Company
1		
2		
3		
4		
5		
6		
7		
8		

ITD inpsector/RE stormwater training					
First Name	Last Name	organization	title	email	NPDES IQP#
Todd	Bartolome	LHTAC	Construction Engineering Manager	tbartolome@lhtac.org	23,187
Karissa	Hardy	LHTAC	Environmental, Staff Engineer	khardy@lhtac.org	20,350
Steve	Sprague	LHTAC	Construction Coordinator	ssprague@lhtac.org	21,941

Idaho Transportation Department

3.09 NPDES / Storm Water BMP Construction Re-Qualification

Table of Contents:

A. EPA 2012 Stormwater Construction General Permit

B. Special Provision Contractor's Note:

I. CGP
II. Winter Shutdown
III. Erosion and Sediment Control Plan
IV. Turbidity Monitoring

C. Forms:

I. 2802: Stormwater Compliance Inspection & Instructions
II. 2790: Notice of Potential Violation or Prohibited Discharge
III. Corrective Action Reporting Tables
IV. SWPPP Modification, Corrective Action Signature & Signature / certification sheet

D. Contractor Request To File Notice of Termination Form

E. Exercises:

I. photos
II. 2802 inspection report review

F. Evaluation form

COURSE: **3.07 NPDES STORM WATER FOR INSPECTORS(IQP)**

STATUS: Currently Available

DESCRIPTION: This course will provide information and a catalog form useful in selecting, designing and implementing measures to control erosion, sedimentation and water pollution at construction sites as required for National Pollution Discharge Elimination Systems (NPDES) and Storm Water Pollution Prevention Plan (SWPPP) permitted projects. Its main focus is construction and maintenance work on highway facilities such as roads, bridges, maintenance yards and ports of entry. The course material will include the 212 section of the Standard Specifications for highway Construction, the 200 section of the Maintenance Manual, the Contract Administration Manual, the ITD Environmental Manual and the ITD Erosion and Sediment Control Manual.

OBJECTIVES: Upon completion of this course participants will be able to:

- Effectively use the ITD Erosion and Sediment Control Manual and other ITD manuals for information concerning erosion and sediment control.
- Use ITD flow charts to determine if a NPDES and a SWPPP permit are necessary.
- Select the proper Best Management Practices (BMP) technique to fit the project needs.
- Identify BMP's used for soil stabilization.
- Identify BMP's used for Structural/Mechanical Controls.
- Identify BMP's used for Storm Water Management.
- Identify BMP's used for Construction Site Management.
- Develop & document an effective Storm Water Pollution Prevention Plan.

TARGET AUDIENCE: This course is designed for those individuals who are designing, inspecting or maintaining a construction or maintenance project subject to NPDES an SWPPP storm water rules.

EVALUATIVE METHOD: A timed, open book written exam. A passing score of 80% is required.

PREREQUISITES: None

LENGTH: 24 Hours

CLASS SIZE: 24-40 Students

PRESENTED BY: ITD (HQTS Environmental section or their designee)
ITD: (Cost: None); Cost for Non ITD see: 114 Section of C.A. Manual

COURSE: **3.08 NPDES STORM WATER FOR DESIGNERS**

STATUS: Currently Available

DESCRIPTION: This course is a combination of both classroom discussion and a field session that examines the long term usefulness of BMP's installed during construction and maintenance projects. Concepts are discussed in terms of pre-construction plans and specifications development. SWPP plan development is emphasized.

OBJECTIVES: Upon completion of this course participants will be able to:

- Effectively use the Erosion and Sediment Control Manual and other ITD manuals for information concerning erosion and sediment control.
- Use ITD flow charts to determine if a NPDES and a SWPPP permit are necessary.
- Select the proper Best Management Practices (BMP) technique to fit the project needs.
- Select proper BMP's used for Construction Site Management.
- Select proper BMP's used for Temporary measures.
- Select proper BMP's used for Permanent measures.
- Become familiar with specifications used for Seedbed Preparation and Seeding.
- Develop and document an effective Storm Water Pollution Prevention Plan.

TARGET AUDIENCE: Designers and consultants who prepare and review NPDES permit requirements or anyone who prepares an initial/final SWPPP for contract documents.

EVALUATIVE METHOD: None

PREREQUISITES: None

LENGTH: 32 Hours

CLASS SIZE: Maximum of 25 Students

PRESENTED BY: ITD Environmental Section Designated Trainer(s)

COURSE: **3.09 NPDES STORM WATER FOR INSPECTORS REFRESHER (IQP)**

STATUS: Currently Available

DESCRIPTION: This course is intended as a refresher to update and maintain the NPDES / Storm-water inspector qualification status as required by the EPA Construction General Permit.

OBJECTIVES: Upon completion of this course the participant will be able to:

- Effectively use the Erosion and Sediment Control Manual and Other ITD Manuals for information concerning erosion and sediment control
- Use ITD flow charts to determine if a NPDES and a SWPPP permit are necessary.
- Select the proper Best Management Practices (BMP) technique to fit the project needs.
- Recognize BMPs used for Construction Site Management.
- Recognize BMPs used for Temporary measures.
- Recognize BMPs used for Permanent measures.
- Recognize Specifications used for Seedbed Preparation and Seeding.
- Develop and document an effective Storm Water Pollution Prevention

TARGET AUDIENCE: Any personnel, including ITD, contractors or consultants who will construct Storm Water BMP's, conduct NPDES / Storm Water inspections, review and update SWPPP.

EVALUATIVE METHOD: Written Exam. A passing score of 80% is required for qualification renewal.

PREREQUISITES: Completion of the initial course, 3.07

LENGTH: 8 Hours

CLASS SIZE: Maximum of 40 Students

PRESENTED BY: ITD Environmental Section Designated Trainer(s)

Idaho Associated General Contractors
Water Pollution Control Manager Course

Table of Contents

Course Schedule

Glossary

Course Evaluation

Part 1: Introduction

Part 2: Importance of Stormwater Management

Part 3: Basics of Construction Site Pollution Prevention

Part 4: Overview of Regulatory Requirements

Part 5: Roles and Responsibilities

Part 6: Overview of ITD Guidance and Resources

Part 7: SWPPP Introduction and Detailed Discussion of SWPPP Requirements by Section

Part 8: Overview of ITD BMPs

Part 9: Inspection and Corrective Action Requirements

Appendices

A. 2012 EPA Stormwater Construction General Permit
B. Fact Sheet to 2012 EPA Stormwater Construction General Permit
C. IDEQ FINAL §401Water Quality Certification
D. ITD SWPPP Template
E. Contractor's Note: Environmental CGP
F. Contractor's Note: Environmental Winter Shutdown
G. Contractor's Note: Environmental Erosion and Sediment Control Plan
H. ITD Standards Specification Section 212
I. ITD Form 2788: Erosion And Sediment Control Plan Template
J. ITD Form 2802: Stormwater Compliance Inspection
K. ITD Form 2790: Notice of Potential Violation or Prohibited Discharge
L. ITD Contractor Request To File Notice of Termination Form
M. EPA Low Erosivity Calculator Fact Sheet

Idaho AGC
A PROUD CHAPTER OF AGC OF AMERICA

Water Pollution Control Manager Course

Course Completion Certificate

JoEllen Ross-Hauer

Certificate No.: AGC2018-47
Date: 3/13/2018-3/14/2018

Boise, ID

Kristy Watson, Idaho AGC

Adam Lyman, Syman LLC

Construction NPDES Stormwater Management Qualification IQP

This is to certify that

Thomas (Matt) Koster

has been granted reciprocity though completion of an approved (16) hour Water Pollution Control Manager course and reciprocity process covering the 2017 Construction General Permit completed on February 28, 2017

This training shall be valid for the duration of the 2017 Construction General Permit

Your Safety • Your Mobility
Your Economic Opportunity

As certified by the Idaho Transportation Department

Garth Newman
ITD Technical Training Specialist

Construction NPDES Stormwater Management Qualification IQP

This is to certify that
Karissa Hardy

has completed the Idaho Transportation Department's Re-Qualification Process on September 3, 2017. This Qualification is valid for the duration of the Environmental Protection Agency 2017 Construction General Permit (CGP)

Your Safety • Your Mobility
Your Economic Opportunity

As certified by the Idaho Transportation Department

Garth Newman
ITD Technical Training Specialist

Idaho AGC
A PROUD CHAPTER OF AGC OF AMERICA

Water Pollution Control Manager Course

Course Completion Certificate

Megan Kautz

Certificate No. AGC - 71 - 0513142014

05/13/2014 – 05/14/2014

Idaho AGC 1649 W. Shoreline Dr. Boise, ID

Idaho AGC

Adam Lyman, Syman LLC

Construction NPDES Stormwater Management Qualification IQP

This is to certify that

Megan Kautz

has completed the Idaho Transportation Department's Re-Qualification Process on September 11, 2017. This Qualification is valid for the duration of the Environmental Protection Agency 2017 Construction General Permit (CGP)

Your Safety • Your Mobility
Your Economic Opportunity

As certified by the Idaho Transportation Department

Garth Newman
ITD Technical Training Specialist

Construction NPDES Stormwater Management Qualification IQP

This is to certify that

Megan Kautz

has been granted reciprocity though completion of an approved (16) hour Water Pollution Control Manager course covering the 2012 Construction General Permit given on the 13th day of the month of May, 2014

This training shall be valid for the duration of the 2012 Construction General Permit

As certified by the Idaho Transportation Department

Garth Newman
ITD Technical Training Specialist

Appendix N – Endangered Species Documentation

Insert documentation consistent with SWPPP Section 4.1

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Idaho Fish And Wildlife Office
1387 South Vinnell Way, Suite 368
Boise, ID 83709-1657
Phone: (208) 378-5243 Fax: (208) 378-5262

In Reply Refer To:
Consultation Code: 01EIFW00-2019-SLI-0143
Event Code: 01EIFW00-2021-E-01811
Project Name: Cove Rd Bridge, Weiser

March 04, 2021

Subject: Updated list of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (https://ww.fws.gov/migratorybirds/pdf/management/eagleconservtionplanguidance.pdf). Additionally, wind energy projects should follow the wind energy guidelines (https://www.fws.gov/ecologica-servces/energy-develpment/wind/html) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: https://www.fws.ov/bidsbird-enthusiasts/threats-to-birds/collisions/communication-towers.php.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Idaho Fish And Wildlife Office
1387 South Vinnell Way, Suite 368
Boise, ID 83709-1657
(208) 378-5243

Project Summary

Consultation Code: 01EIFW00-2019-SLI-0143
Event Code: 01EIFW00-2021-E-01811
Project Name: Cove Rd Bridge, Weiser
Project Type: TRANSPORTATION
Project Description: Bridge replacement project
Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@44.2416903615707,-116.94393385958963,14z



Counties: Washington County, Idaho

Endangered Species Act Species

There is a total of 0 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

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1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Dec 1 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the

FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

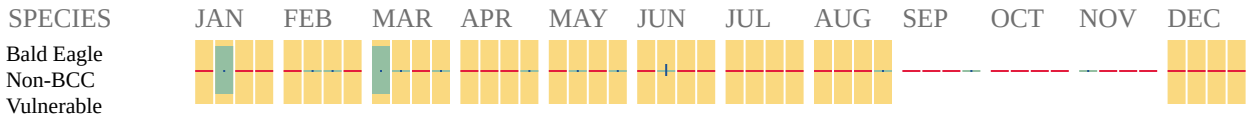
1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Measures for avoiding and minimizing impacts to birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Nationwide conservation measures for birds http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the AKN Phenology Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets .

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?
To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?
Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects
For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?
If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report
The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER FORESTED/SHRUB WETLAND

- PFOC

RIVERINE

- R3UBH

COVID-19 INFORMATION Learn more...

Idaho Department of Fish and Game

Please note: The quantity and quality of data collected by the Idaho Department of Fish and Game (IDFG) are dependent on the research and observations of many individuals and organizations. In most cases, these data are not the result of comprehensive or site-specific field surveys; many natural areas in Idaho have never been thoroughly surveyed. For these reasons, IDFG cannot provide a definitive statement on the presence, absence, or condition of biological elements in any part of Idaho. IDFG reports summarize the existing information known to the IDFG at the time of the request regarding the biological elements or locations in question. They should never be regarded as final statements on the elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments.

The contents of this document are for informational use only and not to be used in place of offical consulation from the Idaho Department of Fish and Game.

Species Occurrences

Category: Select species category ☐ **ESA species only** ☐ **Observed ( ) species only** ☐ **Target ( ) species only**

SGCN Tier: Tier 1 **State Conservation rank:** ALL

Species of Greatest Conservation Need 5

Greater Sage-Grouse *Centrocercus urophasianus*
Category: Bird
SGCN: Tier 1
State Rank: S3
Global Rank: G3G4

Morrison's Bumble Bee *Bombus morrisoni*
Category: Invertebrate
SGCN: Tier 1
State Rank: S4
Global Rank: G4G5

Southern Idaho Ground Squirrel *Urocitellus endemicus*
Category: Mammal
SGCN: Tier 1
State Rank: S2
Global Rank: G2T1

Suckley's Cuckoo Bumble Bee *Bombus suckleyi*
Category: Invertebrate
SGCN: Tier 1
State Rank: S2
Global Rank: GU

Western Bumble Bee *Bombus occidentalis*

Western Bumble Bee *Bombus occidentalis*

Category: Invertebrate
SGCN: Tier 1
State Rank: S3
Global Rank: G4

Appendix O – Historic Properties Documentation

Not required for IPDES. Documentation optional - if available from other project development reviews.

Determination Of Significance And Effect

Idaho Transportation Department – State or Tribal Historic Preservation Office

ITD 1502 (Rev. 1-16)
itd.idaho.gov

(To be completed by ITD HQ Cultural Resource Section Only)

Key Number	Project Number	Project Title
19129	A019(129)	Cove Road Bridge, Washington County

District	County	Township/Range/Section
3 (LHTAC)	Washington	T.10N R.5W Section 33; T.11N R.5W Section 4

Clearance Authorized Without Survey	Agency or Consultant
☐ PA ☐ ER ☐ Review ☐ *800.3(a)(1) ☐ Section 106 Interstate Exemption ☐ ACHP Post-1945 Bridge Comment	TAG Historical Research and Consulting

This Determination is based on the corresponding Request for Cultural Resources Clearance (ITD Form 1500) dated March 13, 2017

Determination of Eligibility

	Site Number(s)	Resource Type/Description
☐ No Sites		
☒ Not Eligible	87-13765, COV-001	Buildings (Residences)
☒ Eligible	87-5142	Cove Road Bridge

Determination of Effect

	Rationale	Site Number(s)
☐ No Historic Properties Affected	☐ They are outside impact zones	
	☐ Final project plans will avoid them	
	☐ NR character will not be changed	

☐ No Adverse Effect to Historic Properties Sites will be affected (See Comments section below or attached explanation)

☒ Adverse Effect to Historic Properties Sites will be affected (See Comments section below or attached explanation)

Comments/Summary: The Washington County Highway District, with funding from the Federal Highway Administration (FHWA) and assistance from the Local Highway Technical Assistance Council (LHTAC) are proposing to replace the existing Cove Road Bridge. The existing bridge is a three-span steel truss structure that is 249' long and 19' wide. Due to the elevated profile of the new bridge, and associated flood conveyance design, the roadway design will extend approximately 1,600 feet north of the bridge and approximately 550 feet south. The roadway design will consist of a rural road section with two travel lanes estimated at 13' each and shoulders estimated at 3' with drainage and borrow pits. There will be a sidewalk on the west side of the proposed bridge and metal, traffic rail. A staging area is proposed on a residential parking area at 606 Cove Road.

Three (3) cultural resources were identified within the Area of Potential Effect (APE). 87-5142 (Cove Road Bridge) was previously determined eligible for listing in the National Register of Historic Places (NRHP). 87-13765 (Moser House) was previously recorded, but unevaluated. It has been determined not eligible for listing in the NRHP. COV-001 (599 Cove Road) has been determined not eligible for listing in the NRHP.

Overall project actions will result in an Adverse Effect to Historic Properties (87-5142 [Cove Road Bridge]).

☐ Project will be monitored during construction due to the potential for cultural resources

ITD Cultural Resource Professional's Signature	Date
	May 14, 2018

SHPO or THPO 106 Comment: I have reviewed the documentation and recommendations provided by ITD and

☑ I agree with the above determination of eligibility and effect and with the conditions of compliance.

☐ I agree with the above determinations of eligibility and effect given stipulations explained below or in the attached letter.

☐ I disagree with the above determinations of eligibility and effect as explained below or in the attached letter.

State or Tribal Historic Preservation Officer's Signature	Date
M. Hamilton	24 May 2018

Appendix P – Additional Tribal, State, or Local Programs

Insert documentation consistent with SWPPP Section 4.3 and 4.4

Appendix Q – Turbidity Monitoring Records

If applicable to this project, insert documentation consistent with SWPPP Section 3.2. and the Turbidity Monitoring contract Special Provision. Use this Appendix for Discharge Turbidity Monitoring and Dewatering Monitoring documentation. See Construction General Permit Appendix I – Suggested Format for Turbidity Monitoring Reports

Appendix R - ITD Form 2790 - Notice of Potential Violation of CGP or Notice of Prohibited Discharge

Follow the ITD Form Finder link below and search by the form number.

http://apps.itd.idaho.gov/apps/formfinder2dmz

Notice of Potential Violation of the Construction General Permit (CGP) or Notice of Prohibited Discharge

ITD 2790 (Rev. 07-19)
itd.idaho.gov

Form Completed By	Organization Name	Date Completed

Part 1 – Project Information

Key Number	Project Name	District	Region (if applicable)
19129	STC-8217, COVE RD BRIDGE, WASHINGTON CO	3	

ITD NPDES Permit Number	ITD Project Inspector's Name	Resident Engineer's Name

Project WPCM's Name	Prime Contractor's Name

Contractor NPDES Permit Number

Part 2 – Prohibited Discharge Information

Name of Water Body Receiving Stormwater or Pollutant Discharge		
Photo Documentation (if applicable): Yes ☐ No ☐ Weather Information (if applicable):		
Water Body Receiving Discharge Has TMDL? ☐ Yes ☐ No	Turbidity Was Tested During the Discharge? ☐ Yes ☐ No	Water Quality Samples Were Collected During the Discharge ☐ Yes ☐ No
Date Discharge Occurred	Date Contractor Became Aware of Discharge	Date District Became Aware of Discharge
ITD 2802 Insp. No. Documenting Discharge	Date Corrective Action Taken to Resolve Issue	Date EPA Was Verbally Notified of Discharge
EPA was notified by:	☐ HQ Environmental Section	☐ District

Part 2A – Steps Taken to Fix or Resolve Discharge or Impacts of Discharge

Photo Documentation (if applicable): Yes ☐ No ☐ Weather Information (if applicable):

Discharges requiring reporting include the following:

- Stormwater discharges from a disturbed area to a waterway or storm drain without treatment by a combination of erosion and sediment control BMPs.
- Stormwater discharges to a waterway or storm drain system where the control measures (BMPs) have been overwhelmed, not properly installed, or not properly maintained.

- Discharges where water quality sampling results indicate levels of turbidity exceeded State Water Quality Standards per IDAPA 58.01.02 (greater than 50 NTU above background levels instantaneously or 25 NTU for more than ten (10) consecutive days) in the water body sampled.
- Any discharge identified in Part 1.3 of the CGP
- Non-stormwater discharges, other than those allowed in Section 1.2.2 of the CGP.
- Discharges of hazardous substances above reportable quantities in Part 2.3.6 of CGP.
- Any other discharges that may endanger human health or the environment.

EPA Reporting requirements:

EPA noncompliance reporting requirements are found in Appendix I.12.6

ITD Reporting Protocol:

Timeframe	Procedure
At the time of discovery	Contact DEQ If the discharge involved a hazardous material or petroleum product that could impact either ground or surface waters, call the appropriate DEQ regional office immediately. If after hours, call the State Communications Center at: (208) 632-8000. If the spilled volume is above the federal reportable quantities, call the National Response Center at (800) 424-8802. CGP 9.7.1(e)
Within 24 hours from the time of discovery	Contact DEQ If turbidity exceeds background turbidity by more than 50 NTU instantaneously, or 25 NTU for more than ten (10) consecutive days, contact the appropriate DEQ regional office within 24 hours of the time of discovery. *Contact EPA Contact EPA at: (206) 553-1846 to notify them within 24 hours from the time of discovery. *Contact ITD Contact the HQ Environmental Section by phone or e-mail. (208) 334-8631 within 24 hours from of the time of discovery. *When contacting the HQ Environmental Section or EPA include the following information: • Name • Phone number • Date and time of call • Date of non-compliance • Name of project • CGP permit number • Brief description of the event. Example: Discharge occurred that exceeded State turbidity standards; or a release of hazardous material or petroleum occurred that impacted ground or surface waters.
Within 3 calendar days	Submit form ITD-2790 and any relevant support documentation (inspection reports, photos, weather data, etc.) via e-mail to the HQ Environmental Section. Use the following naming convention in the subject line: District-Key#-NOV-date.
Within 5 calendar days	The HQ Environmental Section will review and forward the information, via e-mail, to the EPA at R10_Stormwater@epa.gov. If HQ Environmental Section does not respond within this time, the District shall submit form ITD-2790 and any support documentation, before the reporting deadline, via e-mail, to R10_Stormwater@EPA.gov. and cc: the HQ Environmental Section and HQ ENV SWPPP: HQ.ENVSWPP@itd.idaho.gov.
Within 7 calendar days	If the spilled volume was above the federal reportable quantities, a report, including the date, description and circumstances leading to the release must be sent to the National Response Center. CGP 9.7.1(e)

2024 BUY AMERICA INSERT

This document is intended as a Build America Buy America (BABA or BA) contract insert that includes changes to the 2023 Standard Specifications for Highway Construction (SSHC), and the 2020 Quality Assurance Manual (Dated 10/19).

REVISIONS TO THE 2023 SSHC

ON PAGE 11, SUBSECTION 101.04 – DEFINITIONS **02/24**

Replace the definition of "Construction Material" with the following:

Construction Material. A Construction Material is an article, material, or supply that consists of only one of the items listed, except for minor additions: non-ferrous metals; plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cable); glass (including optic glass); lumber (including treated wood, and untreated wood); Fiber optic cable; Optical fiber; Engineered wood or drywall. To the extent one of the items listed above contains as inputs other items listed above, it is nonetheless a Construction Material. For example, fiber optic cable contains as inputs other items listed, such as glass and/or plastics, but fiber optic cable is nonetheless a Construction Material. Items specifically excluded from Construction Materials are products that are primarily iron or steel (defined under Iron and Steel Products); cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives. Coatings do not change the categorization of a Construction Material. Minor additions of articles, materials, supplies, or binding agents to a Construction Material do not change the categorization of Construction Material. For example, wax added to engineered wood should not disqualify the engineered wood from categorization as a Construction Material. However, if before the engineered wood is brought to the work site, it is combined with glass or other items or materials to produce a new product, which is not listed above, the new product would be classified as a Manufactured Product, not a Construction Material.

ON PAGE 14, SUBSECTION 101.04 – DEFINITIONS **02/24**

Add the following in alphabetical order:

Manufactured Product. Any product that is classified as an iron or steel product, or a Construction Material is not a Manufactured Product. Cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives, also cannot be classified as a Manufactured Product. Otherwise, the following definition of Manufactured Product applies: Articles, materials, or supplies that have been: a) Processed into a specific form and shape; or b) Combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.

ON PAGE 59, 106.01.A.1 – IRON AND STEEL PRODUCTS **02/2024**

Add the following after the first paragraph.

Iron or steel products means articles, materials, or supplies that consist wholly or predominantly of iron or steel or a combination of both. "Predominantly of iron or steel" means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components.

ON PAGE 60, 106.01.A.1 – IRON AND STEEL PRODUCTS **02/2024**

Delete the second sentence of the fifth paragraph and replace with the following:

Cost determination is based on supplier invoice costs.

ON PAGE 60, 106.01.A.2 – CONSTRUCTION MATERIALS **02/2024**

Delete the first paragraph and replace with:

All Construction Materials must be produced in the United States. Produced in the United States is defined below for each Construction Material.

(1) Non-ferrous metals. All manufacturing processes, from initial smelting or melting through final shaping, coating, and assembly, occurred in the United States.
(2) Plastic and polymer-based products. All manufacturing processes, from initial combination of constituent plastic or polymer-based inputs, or, where applicable, constituent composite materials, until the item is in its final form, occurred in the United States.
(3) Glass. All manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States.
(4) Fiber optic cable (including drop cable). All manufacturing processes, from the initial ribboning (if applicable), through buffering, fiber stranding and jacketing, occurred in the United States. All manufacturing processes also include the standards for glass and optical fiber, but not for non-ferrous metals, plastic and polymer-based products, or any others.
(5) Optical fiber. All manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States.
(6) Lumber. All manufacturing processes, from initial debarking through treatment and planing, occurred in the United States.
(7) Drywall. All manufacturing processes, from initial blending of mined or synthetic gypsum plaster and additives through cutting and drying of sandwiched panels, occurred in the United States.
(8) Engineered wood. All manufacturing processes from the initial combination of constituent materials until the wood product is in its final form, occurred in the United States.

ON PAGE 60, 106.01.A.2 – CONSTRUCTION MATERIALS **04/2024**

Add the following after the second paragraph:

The Engineer may allow small quantities of foreign or non-compliant Construction Materials, so long as the total value of the foreign or non-compliant Construction Materials does not exceed the lesser of $1,000,000 or 5 percent of the Total Applicable Project Costs for the project or where the Total Amount of Federal Financial Assistance is below $500,000. "Total Applicable Project Costs" are defined as the cost of iron/ steel, Construction Materials and Manufactured Products used in the project that are subject

to a domestic preference requirement, including materials that are within the scope of an existing waiver. "Total Amount of Federal Financial Assistance" includes federal funding provided for preliminary engineering, right of way, and all construction contracts. For projects under a NEPA decision, include all federal funding provided for all projects under that NEPA decision.

The Contractor must maintain and provide in .csv format for each estimate to the Engineer a running total, listed by bid item and manufacturer, of the cost of Construction Materials not meeting the Buy America criteria and a running total of the Total Applicable Project Costs (as defined in the paragraph above). Invoices must be available for audit at any time and must be retained for a period of five years from the date of substantial completion for the project. If the Contractor does not provide these costs for each estimate, the estimate payment will not be made until the costs are supplied, or the Contractor provides a written statement(*) that they are not going to supply these costs. The written statement will include a statement from the Contractor acknowledging that they will not be able to incorporate any non-compliant Construction Materials into the project. The Engineer needs to make sure the running total of the Total Applicable Project Costs and the running total of foreign or non-compliant Construction Materials are received prior to issuing each pay estimate and that the Contractor does not exceed the Buy America threshold for non-compliant Construction Materials or have received the written statement from the Contractor indicating they will not be providing the running total.

* The written statement must include the following sentence:

"As the authorized representative of the Contractor, by providing this written statement that I will not be providing the running total for each estimate of the Total Applicable Project Costs, the Contractor is acknowledging that non-compliant Construction Materials cannot be incorporated into the project."

REVISIONS TO THE 2020 QUALITY ASSURANCE MANUAL (DATED 10/19)

Section 100.00.01 – Quality Control (QC) Producer

Delete the second sentence of the first paragraph and replace with:

Quality control of materials used in construction is the Contractor's responsibility and is performed during the production of the material and/or at the point of delivery.

Section 200 "Outline"

Revise Section 230.01 as follows:

230.01	General Provisions and Buy America.
230.01.01	General Provisions.
230.01.02	Buy America.
230.01.02.01	Iron and Steel Products
230.01.02.02	Construction Materials

Section 230.01 General Provisions

Delete Section 230.01 and replace with the following:

230.01 General Provisions and Buy America

230.01.01 General Provisions

Standard Department certification forms will be used. The standard forms are:

- ITD-849 Geotextile and Geogrid
- ITD-851 Miscellaneous Items
- ITD-875 Non-Structural Concrete
- ITD-914 Steel and Iron, and Buy America
- ITD-915 Construction Materials for Buy America
- ITD-966 PG Asphalt Binder
- ITD-968 Cement / Fly Ash

The standard forms must be completed in their entirety and be signed by the manufacturer's representative who has quality control responsibility for the manufacture or fabrication of the material.

When required by the contract, QC test results must be attached to the specified standard form. Certification does not preclude inspection, sampling, testing, or verification of certified test results of the material received on the project. Project inspectors will review all certification results for specification compliance before accepting the material. If the certified material is found to be outside acceptable specification limits, the material is subject to rejection.

Each shipment of certified material must be visually inspected for obvious defects and shipping/handling damage. Repair, reject, or replace damaged or defective material to the satisfaction of the Engineer. Where feasible, simple measurements of specified properties should be spot-checked at least once per project and recorded to verify certification. Examples would be length, mass per unit length, or thickness of steel items.

Withdraw acceptance of material by certification when sample test or inspection results show the material consistently fails to meet specifications requirements. Reestablishment of the certification acceptance may be achieved through Department pre-testing, pre-inspection, and review of historical certification records and test results of the material before its incorporation into a project. Additionally, the manufacturer's QA program may require revision and reevaluation by the Department.

230.01.02 Buy America

Buy America applies to any contract eligible for Federal Aid Highway funding within the scope of an applicable NEPA finding, determination, or decision regardless of the funding source of such contracts if at least one contract or phase of the project is funded with Federal-Aid highway funds. All permanently incorporated steel and iron materials along with Construction Materials as established in Standard Specification 106.A must be certified that they were manufactured in the United States of America including application of a coating. Certification must be provided before incorporation of the materials into the project. Materials that are only used or rented during the project construction, but not incorporated into the work (temporarily installed), do not require certification.

230.01.02.01 Iron and Steel Products

The ITD-914 form will serve as Buy America Certification and be signed by a person having quality control responsibility for the company that manufactures or fabricates the material. The ITD-914 will be sent with mill tests reports attached, except as noted in the MTRs.

Small quantities of steel and iron may be accepted without Buy American Certification, so long as its total cost for the project does not exceed 0.1% of the contract amount or $2,500, whichever is greater. The total cost of steel and iron includes the cost of the material plus the cost of transportation to the project site, as evidenced by delivery receipt, but does not include labor cost involved in final assembly performed on the project site.

If Department project staff or consultant inspectors discover that foreign iron and/or steel products are incorporated into a federal-aid project that exceed the Buy America minimal use amount for iron or steel (the greater of $2,500 or 0.1% of the contract value), the FHWA Idaho Division must be contacted to resolve this after-the-fact discovery. All information on foreign iron and steel permanently incorporated into a project that exceeds the minimal use amount must be presented to FHWA to determine the appropriate resolution. The Department will not complete a project's Material's Certification without FHWA's resolution when the project is not compliant with Buy America. The Department has no authority to complete such a resolution and cannot resolve Buy America compliance issues by use of non-Federal funds.

230.01.02.02 Construction Materials

A Construction Material is an article, material, or supply that consists of only one of the items listed, except for minor additions: non-ferrous metals; plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cable); glass (including optic glass); lumber (including treated wood, and untreated wood); Fiber optic cable; Optical fiber; Engineered wood or drywall.

To the extent one of the items listed above contains as inputs other items listed above, it is nonetheless a Construction Material. For example, fiber optic cable contains as inputs other items listed, such as glass and/or plastics, but fiber optic cable is nonetheless a Construction Material.

Items specifically excluded from Construction Materials are products that are primarily iron or steel (defined under Iron and Steel Products); cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives.

Coatings do not change the categorization of a Construction Material. Minor additions of articles, materials, supplies, or binding agents to a Construction Material do not change the categorization of Construction Material. For example, wax added to engineered wood should not disqualify the engineered wood from categorization as a Construction Material. However, if before the engineered wood is brought to the work site, it is combined with glass or other items or materials to produce a new product, which is not listed above, the new product would be classified as a Manufactured Product, not a Construction Material.

Any product that is classified as an iron or steel product, or a Construction Material is not a Manufactured Product. Cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives, also cannot be classified as a Manufactured Product. Otherwise, the following definition of Manufactured Product applies: Articles, materials, or supplies that have been: a) Processed into a specific form and shape; or b) Combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.

For awards obligated on or after August 16, 2023, the Engineer may allow small quantities of foreign Manufactured Products and Construction Materials, so long as the total value of the non-compliant products does not exceed the lesser of $1,000,000 or 5 percent of the total applicable costs for the project or where the total amount of federal financial assistance is below $500,000. "Total applicable project costs" are defined as the cost of Construction Materials and Manufactured Products used in the project that are subject to a domestic preference requirement, including materials that are within the scope of an existing waiver. "Total Amount of Federal Financial Assistance" includes federal funding provided for preliminary engineering, right of way, and all construction contracts. For projects under a NEPA decision, include all federal funding provided for all projects under that NEPA decision.

The Contractor must maintain and provide in .csv format for each estimate to the Engineer a running total, listed by bid item and manufacturer, of the cost of Construction Materials not meeting the Buy America criteria and a running total of the Total Applicable Project Costs (as defined in the paragraph above).). Invoices must be available for audit at any time and must be retained for a period of five years from the date of substantial completion for the project. If the Contractor does not provide these costs for each estimate, the estimate payment will not be made until the costs are supplied, or the Contractor provides a written statement(*) that they are not going to supply these costs. The written statement will include a statement from the Contractor acknowledging that they will not be able to incorporate any non-compliant Construction Materials into the project. The Engineer needs to make sure the running total of the Total Applicable Project Costs and the running total of foreign or non-compliant Construction Materials are received prior to issuing each pay estimate and that the Contractor does not exceed the Buy America threshold for non-compliant Construction Materials or have received the written statement from the Contractor indicating they will not be providing the running total.

* The written statement must include the following sentence:

"As the authorized representative of the Contractor, by providing this written statement that I will not be providing the running total for each estimate of the Total Applicable Project Costs, the Contractor is acknowledging that non-compliant Construction Materials cannot be incorporated into the project."

The ITD-915 form serves as Buy America Certification for Construction Materials and must be signed by a person having quality control responsibility for the company that manufactures the Construction Material.

If Department project staff or consultant inspectors discover that foreign Construction Materials are incorporated into a federal-aid project, the FHWA Idaho Division must be contacted to resolve this after-the-fact discovery. All information on foreign Construction Materials permanently incorporated into a project must be presented to FHWA to determine the appropriate resolution. The Department will not complete a project's Material's Certification without FHWA's resolution when the project is not compliant with Buy America requirements. The Department has no authority to complete such a resolution and cannot resolve Buy America compliance issues by use of non-Federal funds.

Section 230.03 Steel.

Delete the last sentence of the first paragraph and replace with:

Steel will comply with 230.01.02 Buy America.

Section 230.07 Corrugated Metal Pipe and Corrugated Plate Pipe.

Add the following to the end of the second paragraph of the section:

Additionally, a form ITD-915 will be submitted attesting that the aluminum pipe meets applicable Buy America requirements for Construction Material (non-ferrous metals).

Section 230.08 Plastic Pipe.

Add the following to the end of the first paragraph of the section:

Additionally, a form ITD-915 will be submitted attesting that the plastic pipe meets applicable Buy America requirements for Construction Material (plastic and polymer-based products).

Section 230.09 Geosynthetics.

Add the following to the end of the first paragraph of the section:

Additionally, a form ITD-915 will be submitted attesting that the geosynthetic meets applicable Buy America requirements for Construction Material (plastic and polymer-based products).

Section 270.00 Minimum Testing Requirements (Table)

Use the Buy America Summary Table below for BA requirements and BA certifications of materials. Iron or steel products are listed as "Fe". Construction Materials as listed as "CM". If the material is listed as a possible Construction Material (CM), it is up to the manufacturer to either certify the product with the ITD-0915, or submit the product through the Buy America Exemption Application for review by HQ Construction and Materials for a possible exemption. Only products that are not by definition a Construction Material can receive an exemption.

Buy America Summary Table (Section 270)

Section	Item Desc.	Code[1,4,6,7]	Form(s)[2,3,5,9]	Comments
212	Slope Drain	Fe, CM	ITD-914, ITD-915	
405	Pavement Reinforcement Fabric	CM	ITD-915	
503	GFRP	BA N/A		GFRP is a combination of glass and polymers combined in a manufacturing process. See notes 10 and 11.
503	GFRP	BA N/A		
504	Bolts, Nuts, Hardened Washers, DTI	Fe, CM	ITD-914, ITD-915	
504	Two Tube Curb-Mount Railing	Fe, CM	ITD-914, ITD-915	
504	Pedestrian Bicycle Railing	Fe, CM	ITD-914, ITD-915	
504	Combination Pedestrian Bicycle, and Traffic Railing	Fe, CM	ITD-914, ITD-915	
505	Timber Piles	CM	ITD-915	
507	Neoprene Bearing Pads	CM	ITD-915	
507	TFE/PTFE Bridge Bearing Pads	CM	ITD-915	
508	Corrugated Plate Pipe - Entire Section	Fe, CM	ITD-914, ITD-915	
511	Concrete Waterproofing Systems - Types A, B	CM	ITD-915	
511	Concrete Waterproofing Systems - Types C, D	BA N/A		Note, Type C Silanes and siloxane chemicals are not polymers and are not Construction Materials. Type D is an asphalt filled fabric laminate combined in a manufacturing process and is not a Construction Material.
511	Concrete Waterproofing Systems - Types E	CM	ITD-915	
565	Backer Rod	CM	ITD-915	
565	Location Spike	Fe, CM	ITD-914, ITD-915	
566	Neoprene Seals - Compression Seal Expansion Joint	CM	ITD-915	

Buy America Summary Table (Section 270)

Section	Item Desc.	Code[1,4,6,7]	Form(s)[2,3,5,9]	Comments
567	Neoprene Seals - Strip Seal Expansion Joint	CM	ITD-915	
578	Gaskets for Concrete Pipe	CM	ITD-915	
586	Utility Conduit	Fe, CM	ITD-914, ITD-915	
586	Deck Inserts	Fe, CM	ITD-914, ITD-915	
602-608	Corrugated Metal pipe and Pipe arches	Fe, CM	ITD-914[2], ITD-915	
602-608	Structural Plate Pipe, Pipe Arches and Arches	Fe, CM	ITD-914, ITD-915	
602-608	Pipe Underdrains (Metallic Coated corrugated steel, aluminum pipe, corrugated PE drainage tubing PVC Pipe.	Fe, CM	ITD-914, ITD-915	
602-608	Abs or PVC or PE Pipe	CM	ITD-915	
602-608	Metal Aprons	Fe, CM	ITD-914, ITD-915	
602-608	Gaskets for Concrete Pipe	CM	ITD-915	
602-608	Rubber Gaskets for CMP	CM	ITD-915	
602-608	Corrugated Metal Embankment Protectors	Fe, CM	ITD-914, ITD-915	
609	Timber - Minor Structures	CM	ITD-915	
610	Wood Posts	CM	ITD-915	
610	Gates	Fe, CM	ITD-914, ITD-915	
610	Hardware for Barbed or Woven Wire Fence	Fe, CM	ITD-914, ITD-915	
612	Wood Post and Blocks - Guardrail	CM	ITD-915	
612	Non - Wood Post and Block - Guardrail	CM	ITD-915	
612	Aluminum Rail and Fittings - Guardrail	CM	ITD-915	
612	Metal Terminal Section - Guardrail	Fe, CM	ITD-914, ITD-915	

Buy America Summary Table (Section 270)

Section	Item Desc.	Code[1,4,6,7]	Form(s)[2,3,5,9]	Comments
612	Impact Attenuator - Permanent - Guardrail	Fe, CM	ITD-914, ITD-915	
613	Crash Cushions	CM	ITD-915	
616	Signs and Sign Support Extruded Aluminum	CM	ITD-915	
616	Signs and Sign Support Sheet Aluminum	CM	ITD-915	
616	Signs and Sign Support - Steel and Aluminum	Fe, CM	ITD-914, ITD-915	
616	Signs and Sign Support - Hardware for Signs	Fe, CM	ITD-914, ITD-915	
616	Plywood for Type E Signs	CM	ITD-915	
616	Signs and Sign Support - Breakaway Wood Posts	CM	ITD-915	
617	Aluminum Posts Delineators and Mileposts	CM	ITD-915	
617	Aluminum Posts Delineators and Mileposts Plates	CM	ITD-915	
617	Aluminum Posts Delineators and Mileposts Reflector Unit	CM	ITD-915	
617	Aluminum Posts Delineators and Mileposts Reflective Sheeting	BA N/A		Finished product undergoes manufacturing process to combine the sheeting and aluminum into one product so it is not a Construction Material. See notes 10 and 11.
618	Right of Way Marker	Fe, CM	ITD-914, ITD-915	
618	Brass Caps	CM	ITD-915	
618	Reference Marker	Fe, CM	ITD-914, ITD-915	
618	Project Markers	Fe, CM	ITD-914, ITD-915	BA N/A if temporary
618	Reference Marker	Fe, CM	ITD-914, ITD-915	BA N/A if fiberglass is used. See notes 8, 10 and 11.
618	Witness Posts - Wood	CM	ITD-915	

Buy America Summary Table (Section 270)

Section	Item Desc.	Code[1,4,6,7]	Form(s)[2,3,5,9]	Comments
618	Witness Posts - Fiberglass	BA N/A		Fiberglass is a combined material and is a Manufactured Product.
619	Illumination Poles and Bases	Fe, CM	ITD-914, ITD-915	
619	Illumination Components	Fe, CM	ITD-914, ITD-915	
623	Pre-formed expansion Joint Filler Concrete Slope Paving	CM	ITD-915	
625	Pre-formed expansion Joint Filler Joints	CM	ITD-915	
625	Neoprene Compression Seal	CM	ITD-915	
630	Glass Beads	CM	ITD-915	
630	Preformed Thermoplastic	CM	ITD-915	
634	Support Mailbox	Fe, CM	ITD-914, ITD-915	
634	Mailbox	Fe, CM	ITD-914, ITD-915	
640	Geosynthetics all materials	CM	ITD-915	
641	Biaxial Geogrid	CM	ITD-915	
652	Underground Sprinkler System - All Items	CM	ITD-915	
656	Signal Poles and Mast Arms Traffic Signal Installation	Fe, CM	ITD-914, ITD-915	
656	Signal Components Traffic Signal Installation	Fe, CM	ITD-914, ITD-915	
656	Signal Cabinet Electrical Components Traffic Signal Installation	BA N/A		Electrical Components are a combination of materials that are combined thru a manufacturing process so they are not a Construction Material. See note 10 and 11.

Notes:

1. Code Key: Fe = iron & steel, CN = Construction Material, BA N/A = Item determined not to apply to BA.
2. The ITD-914 applies to Iron and steel products only. There is no change to the Buy America certification process for Iron and Steel.
3. This table makes additional requirements to the existing table only; the existing ITD-914 requirements for Iron and Steel are not restated.

Buy America Summary Table (Section 270)

Section	Item Desc.	Code[1,4,6,7]	Form(s)[2,3,5,9]	Comments
4. Buy America requirements apply to all iron and steel items no matter what form of manufacturing or material combinations are used. 5. The ITD-915 applies to Construction Materials only (eight listed items). 6. Besides Fe and CM, no other products/items are considered by the Department to be applicable to these Buy America requirements. 7. Field assembly does not constitute a manufactured process and does not necessarily preclude applicability to Buy America requirements. 8. Wood products, even when treated, are considered Construction Materials. 9. Any justification denying applicability to the Buy America requirements is to be submitted on/with the ITD-915 form. 10. Items consisting of a combination of two or more Construction Materials combined in a manufacturing process are not Construction Materials. 11. Items consisting of one construction material with something else in a manufactured process are not Construction Materials.				

Section 470.01 Exceptions.

In the sixth full paragraph, replace the sentence with:

> Exceptions to the Buy America specification must be presented to FHWA for determination of a resolution, see Section 230.01.02 Buy America.

2023 Quality Assurance Special Provision for State Acceptance (2023 QASP SA) 12/7/2023

ON PAGE13, 15 AND 16, SUBSECTION 101.04 – DEFINITIONS

HMA Paving Quality Control Plan. A quality control plan specific to hot mix asphalt paving.

Quality Assurance. All planned and systematic operations to ensure that the operation, material, and/or end product meets specifications. Quality assurance includes:

1. Approval and oversight of the Contractor's quality control plan.
2. Review of inspector, sampler, tester, and laboratory qualifications.
3. Inspection for conformity with contract requirements.
4. Contractor quality control.
5. Acceptance.
6. Independent assurance.
7. Challenge resolution.

Quality Control Plan. The documentation, approved by the Department, of the program used by the Contractor which specifies the actions, inspection, sampling, and testing necessary to keep production and placement operations within specifications, including provisions to quickly determine when an operation becomes out of control and those actions that the Contractor will take to restore compliance.

ON PAGE 36, SUBSECTION 105.03 – CONFORMITY WITH PLANS AND SPECIFICATIONS

Add after the first sentence:

For the quality characteristics of the items included in QASP SA Table 106.03-1, and subject to quality level analysis, acceptance will be based on the requirements of the 2023 Quality Assurance Special Provision for State Acceptance (2023 QASP SA).

ON PAGE 61, SUBSECTION 106.03 – SAMPLES, TESTS, AND CITED SPECIFICATIONS

Delete this subsection and replace with the following:

106.03 Samples, Tests, and Cited Specifications.

The Engineer will accept material, based on inspection and test results, before the Contractor incorporates material into the work. The Contractor may, with approval, incorporate material the Engineer cannot routinely sample before delivery, at the Contractor's risk. The Department will pay the Contractor for material incorporated into the work if the material meets the sampling, testing, and certification requirements.

Ensure the sampling and testing required by the contract, including references to WAQTC, ASTM, AASHTO, and Idaho standard test methods are from the current edition at time of bid opening, except as modified by the contract.

For testing performed on the Contractor's behalf for plant mix designs, alkali-silica reactivity expansion, and claim or dispute resolution, a professional engineer, licensed in the state where the testing will be performed, will supervise testing reporting.

Ensure a safe means of sampling and testing. If safe means of sampling and testing is not provided, work will be halted, at no additional cost to the Department. No material will be accepted after unsafe conditions have been identified and the Contractor has been notified of the unsafe conditions, until corrective action has been taken and the resumption of work is approved by the Engineer.

Ensure the individuals sampling and testing material and the testing facilities are qualified for the tests performed.

Provide crushing, screening, and mixing plants with approved sampling equipment capable of operating from the ground or a platform. Ensure the sampling equipment is capable of the following:

1. Moving at a constant rate across the width of the material falling from the discharge belt or chute.
2. Taking a representative sample of the material.
3. Conveying (e.g., slide, chute) the sample to the ground level where the sample can be safely and conveniently collected.

The Contractor is responsible for the quality of construction and materials incorporated into the work. The Contractor will perform all necessary quality control inspection, sampling, and testing and the Department is responsible for acceptance testing and independent assurance (IA) testing. Sampling and testing costs are included in the respective contract pay items. The Contractor is allowed to take the acceptance or IA samples as long as the sample collection is witnessed by the Department. The Contractor may employ an independent laboratory. The laboratory must follow the Contractor's approved quality control plan. Make all project records, including test results and all original source documentation for specified contract quality requirements available for review and allow Department representatives immediate access to the testing facilities during delivery and production hours.

The Contractor may observe the Department's sampling and testing activities. If the Contractor observes a deviation from the specified sampling or testing procedures, then the Contractor must describe the deviation to the Department immediately and document the deviation in writing within 24 hours to preserve their ability to challenge the sample.

A. Material Subject to Statistical-Based Acceptance.

When specified in the contract, the Department will use the quality level analysis as specified in 106.03.B to determine quality-based pay adjustments.

The Contractor and the Department will work cooperatively within their respective quality assurance (QA) responsibilities to produce and document a high quality project, meeting or exceeding the quality requirements of the contract.

1. The Department's Quality Assurance Responsibilities.

   The Department is responsible for determining the acceptability of the work, approving and monitoring of the Contractor's quality control plan (QCP). The Department will perform acceptance sampling, testing, and inspection for any element of the work to ensure Contractor compliance with the QCP and contract requirements. The Department may also perform IA and verification sampling and testing at any time.

   Acceptance sampling and testing is the Department's responsibility, unless alternate procedures are specified. The Department is responsible for performing acceptance testing and for evaluating the quality characteristics as specified in the QASP SA Table 106.03-1.

   The Department will obtain all samples by utilizing stratified random sampling in accordance with Idaho IR 148.

   Rounding will not be permitted at any level of calculating acceptance test results. The final reported value will be rounded to the nearest significant figure as specified in the QASP SA Table 106.03-1. ASTM E 29 does not apply.

   The Department will provide official acceptance test results within 24 hours of receipt of the final sample for the lot. The Department will not provide official acceptance test results before the completion of the lot. Acceptance results and all original source documents/datasheets used during material acceptance testing will be made available for review upon request.

   Unofficial results before final review can be shared with the Contractor, if available. These results must not be used for process quality control.

   The Department will complete acceptance sampling, splitting, and testing as specified in the QASP SA Table 106.03-1 using independent, stratified random samples. Approximately ½ of the sample will be used for acceptance testing and the other ½ retained for challenge testing. The challenge samples must be secured with Department provided serialized security tape. All chain of custody information must be documented on Department provided forms and samples must be stored in a location only accessible by Department representatives.

   a. Lot Description.

      A lot is a specific quantity of material from a single source which is produced or placed by the same controlled process. Acceptance tests will be grouped into lots by the Engineer. Lot size will be determined by the Engineer using the following criteria:

      i. The minimum lot size is 3 tests for each quality characteristic. The minimum testing frequency is specified in the QASP SA Table 106.03-1.

      ii. A lot is based on a work shift's production when the minimum lot size is achieved.

         1. If the work shift is represented by less than 3 tests for any quality

characteristic, the work shift will be combined with the following work shift to form a lot.

2. If the final work shift is represented by less than 3 tests for any quality characteristic, the final work shift will be combined with the previous work shift to form a lot. A Superpave HMA acceptance test strip is considered a lot.

2. The Contractor's Quality Control Responsibilities.

The Contractor is responsible for quality control for all work. The Contractor will not rely on the Department's acceptance testing results for their process quality control.

a. Quality Control Plan (QCP). The Contractor will develop, submit, and implement a QCP that meets the requirements of Idaho IR 158, as approved by the Department, for each of the materials included in QASP SA Table 106.03-1. A QCP for each of the materials, will be submitted to the Department at or before the preconstruction conference. The Department will provide the Contractor with approval or rejection of each QCP within 5 business days after receiving the QCP. Rejection of the QCP will require an additional 5 business days for re-evaluation. The QCP must be approved before that material is incorporated into the work/project. The QCP, as approved by the Department in accordance with Idaho IR 159, is binding upon the Contractor as a contract requirement.

i. QCP Amendments. Amend the QCP as necessary to conform to the current operations and submit the amended QCP for the Engineer's approval in accordance with IR 158. The Engineer will review and provide approval or rejection of the QCP amendment in accordance with Idaho IR 159 before the amendment is implemented.

At a minimum, the QCP will consist of plans, procedures, responsibilities, authority, and an organizational structure that demonstrates that an effective level of quality control will exist resulting in the end product complying with the contract requirements. The Contractor will provide all necessary quality control inspection, sampling, and testing to implement the QCP. The QCP will include an organizational structure and reporting requirements that demonstrate that QC personnel have sufficient independence to allow them to be primarily concerned with quality, as opposed to schedule and budget.

The Department will not sample or test for process control or assist in controlling the Contractor's production operations. The Contractor will provide QC personnel and testing equipment capable of providing a quality product that meets or exceeds the contract requirements. Continued production of non-conforming work for a reduced price as determined by the Department, instead of making adjustments to bring the work into conformance, is not allowed. The QCP will specifically include:

i. Construction items covered by the QCP as specified in the contract.

ii. Sampling location and techniques.

iii. Sampling plan.

iv. Tests and test methods.

v. Testing frequencies.

vi. Testing forms.

vii. Inspection frequencies.

viii. Detailed description of production and placement equipment and methods.

ix. Detailed calibration processes and procedures for hot plants or mixing plants.

x. Documentation procedures, including:

(1) Inspection and test records.

(2) Temperature measurements.

(3) Accuracy, calibration, or recalibration checks performed on production or testing equipment.

The QCP will identify the Contractor's QC personnel, including the company official ultimately responsible for the quality of the work. The Department's QCP approval process may include inspection of testing equipment and a sampling and testing demonstration by the Contractor's QC personnel to assure an acceptable level of performance.

The Contractor will comply with the approved QCP and will take all other steps necessary to assure a high quality project.

Failure by the Contractor to comply with the approved QCP will result in mandatory work suspension until compliance.

The Contractor will maintain and make available, quality control charts (at a minimum, a run chart as the material is being produced) for each quality characteristic to be used in the statistical analysis. Where applicable, the run chart will be plotted with the material's specification upper and lower limits for statistical analysis.

B. Quality Level Analysis.

Quality level analysis will not be performed if the total quantity of material, except the test strip(s), based on planned quantity, is less than the quantity computed for 3 tests at the frequencies specified in QASP SA Table 106.03-1.

1. Statistical Analysis. Unless otherwise specified, quality levels and pay factors will be computed as specified below:

a. Determine the unrounded arithmetic mean $(\bar{X})$.

$$\bar{X} = \frac{\sum x_i}{n}$$

Where:

Σ = Summation.

x_i = Individual test value.

n = Total number test values.

b. Compute the unrounded sample standard deviation (S).

$$S = \sqrt{\frac{\sum (x_i - \bar{X})^2}{n - 1}}$$

c. Compute the unrounded upper quality index (Q_u).

$$Q_u = \frac{USL - \overline{X}}{S}$$

Where:

USL = Upper specification limit.

S = Standard deviation.

d. Compute the unrounded lower quality index (Q_L).

$$Q_L = \frac{\overline{X} - LSL}{S}$$

Where:

LSL = Lower specification limit.

S = Standard deviation.

e. Determine P_U (percent within the upper specification limit, which corresponds to a given Q_U).

$$P_U = 100 - (100 \times \int_0^A \text{beta}(X; \frac{n}{2} - 1)\, dX)$$

Where:

P_U = Unrounded percent within upper limits.

$A = \text{Maximum}\left[0, 0.5 - Q_U \times \frac{n^{0.5}}{2(n-1)}\right]$ $X = \text{Maximum}\left[0, 0.5 - Q_U \times \frac{n^{0.5}}{2(n-1)}\right]$

$\text{beta}(X; \frac{n}{2} - 1)$ = Beta distribution density with $\alpha = \beta = \frac{n}{2} - 1$ where α and β are parameters of the beta distribution.

If a USL is not specified, P_U will be 100.

f. Determine P_L (percent within lower specification limit, which corresponds to a given Q_L).

$$P_L = 100 - (100 \times \int_0^A \text{beta}(X; \frac{n}{2} - 1)\, dX)$$

Where:

P_L = Unrounded percent within lower limits.

$A = \text{Maximum}\left[0, 0.5 - Q_L \times \frac{n^{0.5}}{2(n-1)}\right]$

$X = \text{Maximum}\left[0, 0.5 - Q_L \times \frac{n^{0.5}}{2(n-1)}\right]$

$\text{beta}(X; \frac{n}{2} - 1)$ = Beta distribution density with $\alpha = \beta = \frac{n}{2} - 1$ where α and β are parameters of the beta distribution.

If a LSL is not specified or the specification is zero, P_L will be 100.

g. Determine the unrounded percent within limits (PWL) (i.e., the total percent within the specification limits).

$$PWL = (P_U + P_L) - 100$$

h. Repeat steps 106.03.B.1.c through 106.03.B.1.g to calculate the PWL for each quality characteristic.

2. Acceptance Criteria. The Engineer will accept a lot containing material that does not meet specifications if the PWL is at least 40 for each of the quality characteristics. The Engineer must reject a lot containing non-specification material, which does not obtain at least a PWL of 40 for each quality characteristic. Remove rejected material, including those portions of the work in which that material was incorporated, at no additional cost to the Department. The Contractor may reuse the removed material if adjustments are made so the material meets the specifications.

   If the PWL of a lot falls below 60 for any quality characteristic, stop production and/or delivery. A corrective action plan must be submitted to the Engineer and approved. Production and/or delivery may resume after the Contractor takes effective and acceptable actions to improve the production quality as outlined in the approved corrective action plan. If resuming production involves a significant change to the production process, as determined by the Engineer, stop the current lot and begin a new lot.

   The Contractor may elect to remove defective material and replace it with new material on an entire lot basis, at no additional cost to the Department. The Department and the Contractor must re-sample, retest, and re-evaluate the new lot for acceptance.

   The Engineer may isolate and reject obviously defective material without regard to testing procedures. The Contractor may isolate and reject obviously defective material during delivery and production before acceptance testing.

3. Materials.

   a. 301, 303, and 635 Materials. The upper and lower specification limits (USL and LSL) for gradations will be set based on the applicable requirements of 703 except as specified below:

      (1) Test results will not be included in the quality level analysis for fracture, sand equivalent, cleanness value, 100 percent passing, or for any sieves where the upper specification limit is 100 percent passing and the lower specification limit is 95 percent passing or greater.

      The Engineer will use the lowest PWL computed for any 1 sieve as the basis of acceptance for that lot. The average PWL will be used for payment.

   b. 404 Material. When the lower specification limit is 0 percent and the upper specification limit is less than 3 percent, the upper specification limit will be 3 percent for statistical analysis. A 2 percent tolerance will be given for the percentage retained on the maximum sized sieve provided that 100 percent of the material passes the next larger sieve size. Only #4 and #8 sieves will be used for quality level analysis.

   c. 405 Superpave Material. The upper and lower specification limits for Superpave quality characteristics will be set by the limits established in 405.

(1) For SP 2 aggregates, the lowest PWL for any 1 sieve will be used for acceptance and pay factor calculations.

ON PAGE 62, SUBSECTION 106.07 – TEST RESULT CHALLENGE RESOLUTION

Delete this subsection and replace with the following:

106.07 Test Result Challenge Resolution.

The Contractor and the Department may enter into a challenge resolution when the quality of a lot is believed to be misrepresented.

The test result challenge process as specified in 106.07 will be exhausted in its entirety before other dispute or claims processes are initiated as specified in 105.16, 105.17, 105.18, and 105.19. The intent of challenge resolution is to resolve testing issues early, efficiently, and as close to the project level as possible. The Contractor will waive their right to challenge test results if they fail to comply with the requirements set forth in this subsection.

A. Initiation of a Challenge.

To request a challenge of acceptance test results, provide written notice, including all quality characteristics and copies of original quality control source documentation, within 3 business days after receipt of the acceptance test results. Failure to comply with these requirements in this subsection will bar either party from any further administrative, equitable, or legal remedy.

1. The Contractor will waive their right to challenge if either of the following conditions occur:
    i. The Engineer does not receive a written notice as specified within the time requirements (i.e., 3 business days).
    ii. The Contractor does not obtain the required number of the Contractor's quality control tests reported on forms established in the QCP at the frequency specified in QASP SA Table 106.3-1.
2. The Department will review the written notice and quality control documentation.

B. Challenge Resolution Process.

1. The Department and the Contractor will identify differences in procedures and equipment.
2. The Department and the Contractor will agree to a work plan for initiating resolution by a challenge laboratory as specified in 106.07.C. or 106.07.D.
3. The Contractor can witness challenge testing.

C. Challenge of Material <u>Not</u> Subject to Statistical-Based Acceptance.

The challenge lab is the Department Central Materials Laboratory or a Department District Materials Laboratory not associated with the District in which the acceptance testing is being performed. Splits of the Department's acceptance samples for the entire lot will be used for challenge testing. The challenge samples will be tested for all quality characteristics used in the quality level analysis by the challenge laboratory. The challenge laboratory results are final and the Engineer will use the challenge laboratory's test results for all quality characteristics for acceptance.

1. If the Department's acceptance test results indicate reject level material, and:

i. The challenge laboratory test results indicate acceptable material, then the Department will bear the cost of challenge laboratory testing.

ii. The challenge laboratory test results indicate reject level material, then the costs of challenge laboratory testing will be deducted from any monies due or that may come due the Contractor under the contract at the rate of $500.00 per sample.

For challenging of density properties, the Department's acceptance cores will be retained for retesting. The Contractor may request to observe challenge testing.

D. Challenge Laboratory Resolution of Material Subject to Statistical-Based Acceptance.

The challenge laboratory is the Department Central Materials Laboratory. The Central Materials Laboratory may elect to choose another challenge laboratory as needed to accommodate testing timelines. Upon challenge notification, the Department will arrange for testing of all challenged acceptance samples of the lot in question. Splits of the Department's acceptance samples will be used for challenge testing. The challenge samples for the entire lot will be tested for all quality characteristics used in the quality level analysis by the challenge laboratory. The challenge laboratory test results are final and the Engineer will use the challenge laboratory test results of all quality characteristics for acceptance for the entire lot.

The Contractor may use challenge resolution for density when the density pay factor is less than 1.00. The entire lot will be retested for density and used in the quality level analysis. A challenge resolution test will be performed by obtaining cores in new, stratified random sample locations equal to the same number of original acceptance tests. Sample locations will be identified by the Department using Idaho IR 148. Sampling of cores will be performed by the Contractor and must be witnessed by the Engineer. Traffic control and sampling will be performed by the Contractor. Challenge resolution may be performed regardless of the sampling location being exposed to traffic. The challenge test results are final and the Engineer will use the challenge test results for acceptance of the entire lot.

1. If the new composite pay factor results in a lower or equal composite pay factor for the lot in question, then the costs of challenge testing, in addition to the cost of any work related to traffic control performed for retesting at unit bid prices for the costs incurred, will be deducted from any monies due or that may come due the Contractor under the Contract at the rate shown in Table 106.07-1 per sample in the challenged lot.
2. If the new composite pay factor results in a higher composite pay factor for the lot in question, then the Department will bear the costs associated with the challenge testing, and the cost of any work related to traffic control performed for retesting at unit bid prices for the costs incurred.

Table 106.07-1 – Challenge Laboratory Testing Rates

Material	Rate Per Sample
301 Granular Subbase	$200
303 Aggregate Base	$250
404 Cover Coat Material	$300
635 Anti-Skid Material in Stockpile	$300
405 SP 2 Mix Quality Characteristics	$600
405 SP 2 Roadway Quality Characteristics	$400
405 SP 3 Mix Quality Characteristics	$600

Material	Rate Per Sample
405 SP 3 Roadway Quality Characteristics	$400
405 SP 5 Mix Quality Characteristics	$600
405 SP 5 Roadway Quality Characteristics	$400

ON PAGE 91, SUBSECTION 108.04 – PRECONSTRUCTION AND PREOPERATIONAL CONFERENCES

Delete #4 and replace with the following: :

4. A quality control plan as specified in 106.03.A.2.

ON PAGE 115, NEW SUBSECTION 109.09 – PAY FACTOR EQUATIONS

Insert with the following new subsection:

109.09 Pay Factor Equations.

The Engineer will determine a pay factor for each quality characteristic in an individual lot not rejected and replaced, except as otherwise specified, for use in the basis of payment calculations.

With the exception of 405 pay items or reject quality level material, if any quality characteristic used in calculating the pay factor for the lot falls below 60 PWL, all quality characteristics will be paid corresponding to the lowest, unrounded PWL.

For 405 pay items, with the exception of reject quality level material, if any two quality characteristic used in calculating the pay factor for the lot fall below 60 PWL, all quality characteristics will be paid corresponding to the average two lowest, unrounded PWL.

A. 405 Mainline Density.

For mainline density, calculate the pay factor for each lot using the following formula:

$$\mathrm{PF}_{MLD} = \frac{55 + 0.5\times \left(PWL_{92} - \frac{(\mathrm{PWL}_{92} - 90) + |PWL_{92} - 90|}{2}\right)}{100} + \frac{((PWL_{92} - 90)) + |(PWL_{92} - 90)|}{1000} + \frac{(PWL_{93} - 90) + |PWL_{93} - 90|}{1000} + \frac{(PWL_{94} - 90) + |PWL_{94} - 90|}{2000}$$

Where:

PWL_{92} is the percent of material between 92.0 to 100.0% compaction.

PWL_{93} is the percent of material between 93.0 to 100.0% compaction.

PWL_{94} is the percent of material between 94.0 to 100.0% compaction.

B. All Other Quality Characteristics.

For all other quality characteristics calculate the unrounded pay factors for each lot using the following equation:

$$PF = \frac{55 + 0.5 \times (PWL)}{100}$$

ON PAGE 184, SUBSECTION 301.05 – BASIS OF PAYMENT

Add the following:

A. Granular Subbase Pay Factor. All acceptable material will be paid at contract unit price.

When RAP material is included in acceptable subbase, the natural material will be tested as specified in 301 and the blended material will be paid at contract unit price.

ON PAGE 188, SUBSECTION 303.05 – BASIS OF PAYMENT

Delete this subsection and replace with the following:

Calculation of Incentive/Disincentive. The incentive/disincentive dollar amount to be paid or deducted for all ____aggregate type _____for base accepted by the Department will be computed using the following formula:

$$PA_{303} = (PF_{303} - 1) \times Q_i \times P$$

Where:

PA_{303} = Pay adjustment for all _____aggregate type _____for base in dollars.

PF_{303} = Per 106.B.3 and 109.09.

Q_i = Quantity represented by individual lot (n).

P = Contract unit price.

The incentive/disincentive dollar amount to be paid or deducted for all _____aggregate type _____for base in stockpile accepted by the Department will be computed using the following formula:

$$PA_{STKPL\,303} = (PF_{STKPL\,303} - 1) \times Q_i \times P$$

Where:

$PA_{STKPL303}$ = Pay adjustment for all _____aggregate type _____for base in stockpile in dollars.

$PF_{STKPL303}$ = Per 106.B.3 and 109.09.

Q_i = Quantity represented by individual lot (n).

P = Contract unit price.

Note: The incentive may be a negative amount (i.e., a deduction from the total amount bid for the item).

ON PAGE 208, SUBSECTION 404.05 – BASIS OF PAYMENT

Add the following:

If the aggregate pay factor is less than 0.75, the material may be allowed to be left in place with a price adjustment if the finished product is found to be capable of performing its intended purpose. The price adjustment will be 50 percent of the contract unit bid price multiplied by the total quantity of material with a pay factor less than 0.75.

For surface treatment aggregate, the Engineer will use the lowest pay factor computed for any 1 sieve as the pay factor for that lot.

Calculation of Incentive/Disincentive. The incentive/disincentive dollar amount to be paid or deducted for

all cover coat material class _____accepted by the Department, excluding material in stockpile and material with a pay factor less than 0.75 allowed to remain in place with a price adjustment, will be computed using the following formula:

$PA_{404} = (PF_{404} - 1) \times Q_i \times P$

Where:

PA_{404} = Pay adjustment for all cover coat material class _____in dollars.

PF_{404} = Per 106.B.3 and 109.09.

Q_i = Quantity represented by individual lot (n).

P = Contract unit price.

The incentive/disincentive dollar amount to be paid or deducted for all cover coat material class _____in stockpile accepted by the Department will be computed using the following formula:

$PA_{STKPL404} = (PF_{STKPL404} - 1) \times Q_i \times P$

Where:

$PA_{STKPL404}$ = Pay adjustment for all cover coat material class _____in stockpile in dollars.

$PF_{STKPL404}$ = Per 106.B.3 and 109.09.

Q_i = Quantity represented by individual lot (n).

P = Contract unit price.

Note: The incentive may be a negative amount (i.e., a deduction from the total amount bid for the item).

ON PAGE 556, SUBSECTION 635.05 – BASIS OF PAYMENT

Add the following:

For anti-skid material, the Engineer will use the lowest pay factor computed for any 1 sieve as the pay factor for that lot.

Calculation of Incentive/Disincentive. The incentive/disincentive dollar amount to be paid or deducted for all anti-skid material accepted by the Department, excluding anti-skid defined as small quantity, will be computed for each lot using the following formula:

$$PA_{635} = (PF_{635} - 1) \times Q_i \times P$$

Where:

PA_{635} = Pay adjustment in dollars.

PF_{635} = Per 106.B.3 and 109.09.

Q_i = Quantity represented by individual lot (n).

P = Contract unit price.

Note: The incentive may be a negative amount (i.e., a deduction from the total amount bid for the item).

QASP SA Table 106.03-1 – Material Subject to Statistical Based Acceptance

Material	Quality Characteristic	Test Method	Quality Characteristic Reported to	Quality Control Plan by the Contractor	Acceptance by the Department	
				Minimum Testing Frequency [a]	Minimum Testing Frequency [a]	Point of Sampling
301 Granular Subbase [f]	Gradation – 703.11	FOP for AASHTO T 27	0.01%	1 test per 5,000 Tons 1 test per 5,000 Tons	1 test per 5,000 Tons	From windrow or roadway
	Sand Equivalent	FOP for AASHTO T 176 (Alt. Method #2), Mechanical	See Note 2.	1 test per 5,000 Tons 1 test per 5,000 Tons	1 test per 5,000 Tons (pass/fail, no statistical analysis)	From windrow or roadway
303 Aggregate Base [f]	Gradation – 703.04	FOP for AASHTO T 27 with FOP for AASHTO T 11 (use wash method for all gradation measurements)	0.01%	1 test per 1,000 Tons 1 test per 1,000 Tons	1 test per 1,000 Tons	From windrow or roadway
	Sand Equivalent	FOP for AASHTO T 176 (Alt. Method #2), Mechanical	See Note 2.	1 test per 1,000 Tons	1 test per 1,000 Tons (pass/fail, no statistical analysis)	From windrow or roadway
	Fracture Count	FOP for AASHTO T 335, Method 1	See Note 2.	1 test per 1,000 Tons	1 test per 1,000 Tons (pass/fail, no statistical analysis)	From windrow or roadway
404 Cover Coat Material [f]	Gradation – 703.06	FOP for AASHTO T 27 with FOP for AASHTO T 11 (use wash method for all gradation measurements)	0.01%	1 test per 400 Tons 1 test per 400 Tons	1 test per 400 Tons	At point of loading to the roadway
	Cleanness Value	Idaho IT 72	See Note 2.	1 test per 400 Tons 1 test per 400 Tons	1 test per 400 Tons (pass/fail, no statistical analysis)	At point of loading to the roadway
	Fracture Count	FOP for AASHTO T 335, Method 1	See Note 2.	1 test per 400 Tons 1 test per 400 Tons	1 test per 400 Tons (pass/fail, no statistical analysis)	At point of loading to the roadway

Continued –QASP SA Table 106.03-1 – Material Subject to Statistical Based Acceptance						
Material	Quality Characteristic	Test Method	Quality Characteristic Reported to	Quality Control Plan by the Contractor	Acceptance by the Department	
				Minimum Testing Frequency [a]	Minimum Testing Frequency [a]	Point of Sampling
405 Superpave Class SP2 [f] [g]	Asphalt Content, P_b [e]	FOP for AASHTO T 168[c] and FOP for AASHTO R 47 and FOP for AASHTO T 308 and FOP for AASHTO T 329	0.01%	1 test minimum per 750 Tons	1 test per 750 Tons	FOP for AASHTO R 97 [c]
	Gradation[e	FOP for AASHTO T 168[c] and FOP for AASHTO R 47 and FOP for AASHTO T 30 (use wash method for all gradation measurements)	0.01%	1 test minimum per 750 Tons	1 test per 750 Tons	FOP for AASHTO R 97 [c]
	Fracture Count	FOP for AASHTO T 335, Method 1	See Note 2.	By the Contractor as needed to control the operation. 1 test minimum per 1,500 Ton	N/A	N/A
	Sand Equivalent	FOP for AASHTO T 176 (Alt. Method #2), Mechanical	See Note 2.	By the Contractor as needed to control the operation. 1 test minimum per 1,500 Tons	N/A	N/A
	Mainline Density, MLD [d]	FOP for AASHTO T 355 [b] or FOP for AASHTO T 343	0.01%	1 test minimum per 375 Tons	1 test per 375 Tons [b]	FOP for AASHTO R 97 [c]
	Recycled Asphalt Pavement	FOP for AASHTO T 308 and FOP for AASHTO T 30	See Note 2.	1 test minimum per 1,500 Tons	N/A	N/A

Continued –QASP SA Table 106.03-1 – Material Subject to Statistical Based Acceptance						
Material	Quality Characteristic	Test Method	Quality Characteristic Reported to	Quality Control Plan by the Contractor	Acceptance by the Department	
				Minimum Testing Frequency [a]	Minimum Testing Frequency [a]	Point of Sampling
405 Superpave HMA Class SP 3, and SP 5 [f] [g]	Asphalt Content, P_b [e]	FOP for AASHTO T 168[c] and FOP for AASHTO R 47 and FOP for AASHTO T 308 and FOP for AASHTO T 329	0.01%	1 test minimum per 750 Tons	1 test minimum per 750 Tons	FOP for AASHTO R 97 [c]
	Gradation [e]	FOP for AASHTO T 30 (use wash method for all gradation measurements)	0.01%	1 test minimum per 750 Tons	1 test minimum per 750 Ton	FOP for AASHTO R 97 [c]
	Maximum Specific Gravity, G_{mm} [e]	FOP for AASHTO T 168[c] and FOP for AASHTO R 47 and FOP for AASHTO T 209 (Bowl Method)	0.001	1 test minimum per 750 Tons	1 test minimum per 750 Ton	FOP for AASHTO R 97 [c]
	Bulk Specific Gravity of Compacted Mix, G_{mb} [e]	FOP for AASHTO T 168[c] and FOP for AASHTO R 47 and FOP for AASHTO T 312 and FOP for AASHTO T 166 (Method A)	0.001	1 test minimum per 750 Tons	1 test minimum per 750 Tons	FOP for AASHTO R 97 [c]
	Effective Specific Gravity of Combined Aggregate, G_{se} [e]	WAQTC TM 13	0.001	1 test minimum per 750 Tons	1 test minimum per 750 Tons	FOP for AASHTO R 97 [c]
	Air Voids @ N_{design}, P_a [e]	WAQTC TM 13	0.01%	1 test minimum per 750 Tons	1 test minimum per 750 Tons	FOP for AASHTO R 97 [c]
	VMA @ N_{design} [e]	WAQTC TM 13	0.01%	1 test minimum per 750 Tons	1 test minimum per 750 Tons	FOP for AASHTO R 97 [c]
	Dust Proportion, DP [e]	WAQTC TM 13	0.001	1 test minimum per 750 Tons	1 test minimum per 750 Tons	FOP for AASHTO R 97 [c]
	Mainline Density [d] [e]	FOP for AASHTO T 355 [b] or FOP for AASHTO T 343 For cores: FOP for AASHTO R 67; FOP for AASHTO T 166 Method A or FOP for AASHTO T 331	0.01%	1 test minimum per 375 Tons	1 test per 375 Tons [b]	Roadway [c]
	Recycled Asphalt Pavement	FOP for AASHTO T 308 and FOP for AASHTO T 30	See Note 2.	1 test minimum per 1,500 Tons	N/A	N/A
635 Anti-Skid Material in Stockpile [f]	Gradation – 703.10	FOP for AASHTO T 27 with FOP for AASHTO T 11 (use wash method for all gradation measurements)	0.01%	1 test per 1,000 Tons By the Contractor as needed to control the operation	1 test per 1,000 Tons	From crusher or if previously crushed, final stockpile location.

Note: 1. Refer to the QA Manual minimum test requirements for minimum testing not included in QASP SA Table 106.03-1.

[a] If the total quantity of material is less than the minimum testing frequency for 1 test from QASP SA Table 106.03-1, acceptance will be as specified in the QA Manual Section 270.04.

[b] When a test strip is not required, density acceptance is based on cores as specified in 405.L.

[c] Sampling from the plant is not permitted unless the planned quantity is less than 750 tons or during the acceptance test strip.

[d] The Department will use nuclear gauges. The Contractor may use nuclear or non-nuclear (i.e., electronic) gauges.

[e] Calculated value based on unrounded results.

[f] This material requires an approved quality control plan.

[g] If the total quantity of material is between 750 and 2,250 tons, the entire quantity of material will be considered a single lot and will be accepted as specified in 405.03.I.

2. This quality characteristic is not subject to statistical based acceptance. Refer to the QA Manual Table 275.01.1 for calculating and reporting requirements.

2024 Special Provision for 405 Superpave Hot Mix Asphalt (for use with 2023 Spec Book) 11/29/2023

ON PAGES 209-234, SECTION 405 – SUPERPAVE® HOT MIX ASPHALT

Delete this section, in its entirety, and replace with the following:

405.01 Description. Construct 1 or more courses of Superpave hot mix asphalt (HMA) plant mix, including leveling courses if applicable, on a prepared surface. References in this section also apply to warm mix asphalt (WMA).

405.02 Materials. Provide materials as specified in:

Aggregate 703

Asphalt 702

Anti-Stripping Additive 702

Hydrated Lime 720.06

Recycled Asphalt Pavement (RAP) 720.07

Test materials in accordance with the following applicable standard methods:

Particle Size Distribution of Aggregate ..... FOP for AASHTO T 27

With Materials Finer than 75um (No. 200) Sieve in Mineral Aggregate by Washing ..... FOP for AASHTO T 11 Method A or B

Mechanical Analysis of Extracted Aggregate ..... FOP for AASHTO T 30

Preparing and Determining the Density of Hot Mix Asphalt (HMA) Specimens by Means of the Superpave Gyratory Compactor ..... FOP for AASHTO T 312

Superpave Volumetric Design for Hot Mix Asphalt (HMA) ..... AASHTO R 35

Determining the Percentage of Fracture in Coarse Aggregate ..... FOP for AASHTO T 335 Method 1

Percent Air Voids in Compacted Dense and Open Bituminous Paving Mixtures ..... AASHTO T 269

Theoretical Maximum Specific Gravity and Density of Bituminous Paving Mixtures ..... FOP for AASHTO T 209 Bowl Method

Bulk Specific Gravity of Compacted Bituminous Mixtures Using Saturated Surface Dry Specimens ..... FOP for AASHTO T 166 Method A

Pavement Straightedge Procedures ..... Idaho IR 87

In-Place Density of Asphalt Mixtures by Nuclear Methods ..... FOP for AASHTO T 355 Backscatter mode

Sampling Asphalt Mixtures after Compaction (Obtaining Cores) ..... FOP for AASHTO R 67

Determining Volume of Liquids in Horizontal or Vertical Storage Tanks ..... Idaho IT 120

Acceptance Test Strip for Hot Mix Asphalt (HMA) Pavement ..... Idaho IR 125

Sampling of Aggregate…… …… ……FOP for AASHTO R 90

Standard Practice for Operating Inertial Profilers and
Evaluating Pavement Profiles .....AASHTO R 57

Determining the Asphalt Binder Content
of Hot Mix Asphalt (HMA) by the Ignition Method ..... FOP for AASHTO T 308

Sampling Asphalt Mixtures.....AASHTO R 97
(See QA Manual Section 270 for sampling method)

Reducing Samples of Hot Mix Asphalt to Testing Size .....FOP for AASHTO R 47

Moisture Content of Hot Mix Asphalt (HMA) by Oven Method..... FOP for AASHTO T 329

Plastic Fines in Graded Aggregate and Soils By Use of the
Sand Equivalent Test ..... FOP for AASHTO T 176
Alternate Method #2, Mechanical, Pre-wet

Standard Method of Test for Compressive Strength of Hot Mix Asphalt.....AASHTO T 167

Standard Test Method for Effect of Water on Compressive Strength
of Compacted Bituminous Mixtures (Immersion-Compression) ..... ASTM D1075
(Replace ASTM D1074 and ASTM D2726 with AASHTO T 167 and AASHTO T 166)

Resistance of Compacted Asphalt Mixtures to Moisture-Induced Damage .....AASHTO T 283

Uncompacted Void Content of Fine Aggregate, Method A .....AASHTO T 304

Mixture Conditioning of Hot-Mix Asphalt (HMA) .....AASHTO R 30

Sampling Asphalt Materials..... FOP for AASHTO R 66

Determining Rutting Susceptibility of Asphalt Pavement
Mixture Using the Asphalt Pavement Analyzer (APA).....AASHTO T 340

Superpave Volumetric Mix Design ..... AASHTO M 323

Evaluation of the Superpave Gyratory Compactor (SGC)

Internal angle of Gyration Using Simulated Loading .....AASHTO T 344

Standard Test Method for Flat Particles, Elongated Particles,
or Flat and Elongated Particles in Coarse Aggregate .....Idaho FOP for ASTM D4791
(ratio of length to thickness equal to or greater than 5:1)

Bulk Specific Gravity and Density of Compacted Asphalt Mixtures
Using Automatic Vacuum Sealing Method.....AASHTO T 331

Standard Practice for Rapid Drying of Compacted
Asphalt Specimens Using Vacuum Drying Apparatus .....AASHTO R 79

Standard Test Method for Maximum Specific Gravity and Density of
Bituminous Paving Mixtures Using Automatic Vacuum Sealing Method ..... ASTM D6857

Specific Gravity and Absorption of Aggregate
Using Automatic Vacuum Sealing Method.....Idaho IT 144

Quantitative Extraction of Bitumen from Bituminous Paving Mixtures .....AASHTO T 164

Quantitative Extraction and Recovery of Asphalt Binder from
Asphalt Mixtures .....AASHTO T 319

Lime for Asphalt Mixtures.....AASHTO T 303

Determination of Recycled Asphalt Pavement (RAP)
Aggregate Dry Bulk Specific Gravity (G_{sb}) .....Idaho IT 146

Standard Test Method for Automated Extraction of Asphalt Binder
From Asphalt Mixtures (Asphalt Analyzer™) ..... ASTM D8159

Standard Method of Test for Determination of Cracking
Tolerance Index of Asphalt Mixture Using the Indirect
Tensile Cracking Test at Intermediate Temperature ..... ASTM D8225

Hamburg Wheel-Track Testing of Compacted Hot Mix Asphalt (HMA) .....AASHTO T 324

Stratified Random Sampling..... Idaho IR 148

Superpave Mix Design ..... Idaho IR 150

Superpave Mix Design Evaluation..... Idaho IR 151

HMA Quality Control Plan Development and Implementation ..... Idaho IR 152

Split Sample Comparison..... Idaho IR 153

Nuclear Density Gauge Correlation..... Idaho IR 154

Procedures for Checking Asphalt Drum Mix Plant Calibrations ..... Idaho IR 155

Method for Determining Rolling
G_{mm}.....Idaho IR 156

NCAT Correction Factor..... Idaho IR 157

Evaluation and Approval of HMA Plants..... Idaho IR 160

Provide Superpave HMA composed of a combination of aggregate, approved additives, mineral filler (if required), RAP (if used), WMA additives or process (if used), and performance graded (PG) asphalt binder material. Provide a job mix formula (JMF) reported on ITD-0774 and a Superpave HMA pavement as specified and meeting the requirements in this section, 703, and 720.

Table 405.02-1 – Superpave Mixture Requirements

Mixture Type	SP 2 (50 gyrations)	SP 3 (75 gyrations)	SP 5 (100 gyrations)
Design ESALs [(a)] (millions)	< 1	1 < 10	≥ 10
Gyratory Compaction Gyrations for N_{ini} Gyrations for N_{des} Gyrations for N_{max}	 6 50 75	 7 75 115	 8 100 160
Relative Density, % G_{mm} @ N_{ini}	≤ 90.5	≤ 89.0	≤ 89.0
Relative Density, % G_{mm} @ N_{des}	96.0	96.0	96.0
Relative Density, % G_{mm} @ N_{max}	≤ 98.0	≤ 98.0	≤ 98.0

Air Voids, % P_a	4.0	4.0	4.0
Dust Proportion Range [b]	0.6 – 1.4	0.6 – 1.4	0.6 – 1.4
Voids Filled with Asphalt (VFA) Range, % 1½" 1" ¾" ½" ⅜" #4	 64 – 80 65 – 78 65 – 78 65 – 78 65 – 78 67 – 79	 64 – 75 65 – 75 65 – 75 65 – 75 73 – 76 67 – 77	 64 – 75 65 – 75 65 – 75 65 – 75 73 – 76 67 – 77
Rut Depth, mm [c]	≤ 10.0 mm	≤ 10.0 mm	≤ 10.0 mm
Stripping, passes [d]	12,500	15,000	15,000
Cracking Test, IDEAL-CT_{Index} [e]	80 (index value)	80 (index value)	80 (index value)

[a] The anticipated project traffic level expected on the design lane over a 20 year period. Regardless of the actual design life of the roadway, determine the design ESALs for 20 years.

[b] For No. 4 nominal maximum size mixtures, the dust proportion is 1.0 to 2.0 for SP 2 mixes and 1.5 to 2.0 for SP 3 and SP 5 mixes. For coarse graded ⅜, ½, and ¾ inch nominal maximum size mixtures, the dust proportion is 0.6 – 1.5. (Fine and coarse graded mixtures are defined in 703.05).

[c] Maximum depth after specified number of stripping passes. The Hamburg must have passing test results in the mix design.

[d] Minimum number of passes with no stripping inflection point. The Hamburg must have passing test results in the mix design.

[e] The Ideal-CT value and the associated data generated will be included in the mix design submittal; the data will only be used for information.

Approved SP 3 mixes may be substituted for SP 2 mixes. Use the binder content corresponding to 3.5 percent air voids. Adjust the SP 3 mix binder content by selecting the binder content that achieves 3.5 percent air voids at 75 gyrations from the binder content versus air voids graph of the approved mix design and target this binder content in the C-JMF. The SP 3 mix will be tested during production and accepted as an SP 2 mix (i.e., measuring binder content and gradation) when a substitution is made and the SP 2 VFA value will be used.

Use a QPL anti-stripping additive, if needed. Determine the amount of liquid anti-stripping additive or lime required by performing AASHTO T 324 during the mix design development.

1) Warm Mix Asphalt (WMA). WMA is defined as HMA that is produced at a target discharge temperature of 275 °F or less using QPL WMA additives or processes. WMA is allowed for use. QPL WMA additives or processes may be used to facilitate mixing and compaction of HMA produced at target discharge temperatures above 275 °F; however, such mixtures will not be defined as WMA.

   Use additives or processes from the QPL. Follow the supplier's or the manufacturer's written instructions for additives and processes when producing WMA mixtures.

   Use equipment and WMA technologies capable of producing an asphalt mixture that meet specifications and is workable at the minimum placement and compaction temperature desired, regardless of storage or haul distance considerations.

Produce Superpave WMA by 1 or a combination of several QPL-approved technologies including chemical, foaming, and organic processes.

The Department and the Contractor will prepare Superpave WMA field samples, as recommended by the manufacturer's representative, for WMA mixture testing.

2) Recycled Asphalt Pavement (RAP). The Department will allow RAP in the Superpave HMA. Provide RAP as specified in 720.07. Produce the mixture as specified in 405. Select the mass of RAP, the type of RAP, and the extent of RAP processing necessary to meet specifications. The Department will not change specifications or the contract unit price if RAP is used in the mixture.

If RAP material is to be used from the project, obtain a representative sample of material for the mix design.

The mass of RAP used in Superpave HMA is the mass of asphalt binder, in percent that the RAP contributes to the total mass of binder in the mixture.

Use the following equation to determine the percent of RAP

by weight of mix: X% = c (a/b)

Where:

a = optimum asphalt content, percent in mixture to produce 4.0% air voids.

b = percent asphalt content in the RAP (from chemical extraction and/or FOP for AASHTO T 308 burn with asphalt binder correction factor).

c = percent of RAP binder by weight of the total binder

desired in the mix. X = desired RAP percent by total weight

of mix.

The following is an example of the calculation:

Total RAP binder desired equals 17% of total binder in the mixture. If RAP will contribute 5.1% asphalt content and the optimum asphalt content is 5.8%, then:

X% = 17% * (5.8/5.1) = 19.3% RAP percent by total weight of mix.

3. Recycled Asphalt Shingles (RAS). RAS is not allowed in any Superpave HMA.
4. Re-refined Engine Oil Bottoms (REOB). REOB is not allowed in any Superpave HMA.
5. Crumb Rubber Modifier (CRM). CRM is not allowed in any Superpave HMA.

405.03 Construction Requirements.

A. Specific Gravity of Aggregates and RAP. The Department will determine the bulk dry specific gravity of aggregate, G_{sb}, apparent specific gravity of aggregate, G_{sa}, and water absorption (by percent weight of dry aggregate) of the coarse and fine aggregate for each stockpile used in the mixture using AASHTO T 85 and Idaho IT 144. The Department will evaluate the RAP G_{sb}, if used, by determining the RAP G_{se} in accordance with Idaho IT-146. The Department will determine the specific gravity of aggregates and RAP at a minimum of once a calendar year for each stockpile.

1. Sampling Requirements. The date, time, and location of sampling will be agreed to by the Engineer and the Contractor. The Contractor will sample the aggregate stockpiles and RAP stockpiles to be used in the mix design in accordance with FOP for AASHTO R 90 and reduce in accordance with FOP for AASHTO 76. Obtain samples from at least 6 distinct locations within each stockpile. When project millings are used, obtain samples of the project millings to be used in the mix design from the sampling location specified in the approved HMA quality control plan. Sample, combine, and reduce the material for each stockpile to the Department's required material submittal size in the Engineer's presence. Immediately give possession of the samples to the Engineer.
2. Submittal Requirements. Provide blend sheets for the mixture proportions and submit the following:
    a. Aggregate Stockpile. For each aggregate stockpile, submit:
        i. 100 pound minimum sample in clean 5-gallon plastic buckets with airtight lids.
            (1) Each bucket must weigh no more than 50 pounds.
        ii. A summary of all QC test data used to develop average stockpile gradation.
        iii. A summary of all QC test data of G_{sb}, G_{sa}, and water absorption (by percent weight of dry aggregate) of the coarse and fine aggregate produced during stockpile production.
        iv. Source number.
    b. RAP Stockpile. For each RAP stockpile, submit:
        i. 100 pound minimum sample in clean 5-gallon plastic buckets with airtight lids.
            (1) Each bucket must weigh no more than 50 pounds.
        ii. All QC test data used to develop average stockpile gradation.
        iii. Report the asphalt binder/aggregate correction factor for asphalt binder and gradation for each RAP stockpile as specified in 720.
3. Testing Timeframe. The Department will not begin testing until the complete submittal has been received. The Engineer will provide the Contractor with an aggregate test report (i.e., ITD-802 form) within 7 business days after receiving the complete submittal package. G_{sb} testing will be performed by either the Headquarters Lab or a District Lab. A Contractor's representative may be present during the G_{sb} testing, if requested. Retesting, at the Contractor's request, will require an additional 15 business days for re-evaluation. Additional materials and additional information may be required from the Contractor. The Contractor may request a retest only if the QC data submitted supports retesting.

The Contractor will use the established G_{sb} in the mix design calculation, the mix design report, and for production paving testing.

The Engineer will use the established G_{sb} and G_{sa} during the mix design submittal evaluation, acceptance test strip testing, production acceptance testing, and challenge testing.

If the G_{sb} changes during production more than 0.030, as determined by the Engineer, the Engineer will notify the Contractor. The Engineer will establish a new G_{sb} and re-evaluate the mix design as

specified in 405.03.B. All subsequent mix produced after the Contractor has been notified of the new G_{sb} will use the newly established G_{sb}. If at any time testing indicates that G_{sa} is greater than or equal to G_{se} and/or G_{se} is greater than or equal to G_{sb} (i.e., $G_{sa} \geq G_{se}$ and/or $G_{se} \geq G_{sb}$) is not true, production will be halted and a new G_{sb} will be established in accordance with this section.

Following bid award, and before HMA mix design submittal, small areas within the project site may be milled to collect RAP for pre-mix design testing. Perform this work according to a 405.03.C. HMA quality control plan, approved by the Engineer, including the plan and methods to sample and process RAP. At a minimum, for pre-milling the HMA quality control plan will include:

1. An approved traffic control plan that will minimize disturbance to traveling public.
2. Identification of no more than 6 RAP sampling locations within the project site. Each location must be less than 100 feet long with a maximum of 1 lane wide, unless otherwise approved.
3. The milling depth of each location must not be deeper than that shown in the plans for each location.
4. Patching plan.
5. Patch maintenance plan.
6. Detailed narrative of processing of milling and sampling locations to ensure representative samples are obtained.

After processing, sample for G_{sb} and asphalt content testing in accordance with the FOP for AASHTO R 90 and
405.03.A.

B. Mix Design. Develop a Superpave mix design in accordance with Idaho IR 150 to determine the appropriate combination of aggregate, approved additives, mineral filler (if required), RAP (if used), WMA additives or process (if used), and performance graded (PG) asphalt binder material meeting the requirements in 405, 703, and 720. The grade of asphalt is specified on the plans. Mix designs will be designed with a minimum of three virgin stockpiles. The Contractor may also "bump" this PG binder with the following restrictions: the selected PG binder may be one grade lower than the low PG grade temperature. A binder may be selected one grade higher than the upper PG grade temperature if it meets the intermediate testing ($G^*(\sin \delta)$) of the specified binder grade. Binder adjustments/"bumps" must meet the contract requirements at no additional cost to the Department. (Examples: A specified PG 58-28 may be bumped to PG 58-34. A specified PG 58-28 binder may be bumped to PG 64-28 if it meets the $G^*(\sin \delta)$ requirements of the specified binder. A specified PG 58-28 binder may be bumped to PG 64-34 if it meets the requirements of the specified binder.)

1. Approved Mix Design. A mix design must be approved before use using the following process:
   a. Mix Design Submittal. Submit the mix design and all supporting documentation in accordance with Idaho IR 150 a minimum of 5 business days before paving is scheduled to begin. Email to mixdesigns@ITD.idaho.gov and submit to the Engineer. Only 1 mix design per email notification will be accepted.
   b. Mix Design Submittal Evaluation. The Engineer in conjunction with the District Materials Engineer, the Construction and Materials section, and the Central Materials Laboratory will evaluate the mix design in accordance with Idaho IR 151. The

Engineer will provide the Contractor with written approval or rejection of the mix design within 5 business days after receiving the full submittal package.

i. Mix Design Submittal Approval. Once the mix design submittal is approved by the Department, and the FOP AASHTO T-308 correction factor samples have been submitted as per 405.03.B.3 the Contractor may proceed with acceptance test strip using the JMF from the approved mix design submittal. The mix design will be approved for use for up to 2 calendar years from the date of test strip acceptance.

ii. Mix Design Submittal Rejection. Rejection of the mix design will require:
   (1) The mix designer will amend the mix design to address the items noted in the notification of rejection. The Contractor will resubmit the mix design as specified in 405.B.2. The Department will re-evaluate the mix design for approval or rejection as specified in 405.B.3.
   (2) Develop and submit a new mix design as specified in 405.B.

2. Approved Mix Design Expiration. An approved mix design, associated JMF, and any associated C-JMF will be considered expired when one of the following situations occur (but not limited to):

   a. More than 2 calendar year has elapsed from the time of test strip acceptance for the mix design.

   b. Changes in stockpile gradation.

   c. Changes in aggregate specific gravity or absorption.

   d. Changes in RAP specific gravity.

   e. Changes in aggregate, RAP, or binder sources.

   f. Aggregate does not meet physical requirements specified in 703.

   g. Changes in additives, including a change in the dosage rates.

   h. Repeated non-conformance as defined in 405.03.M.1.

3. The Contractor will use FOP AASHTO T-308 to prepare Minimum of 18 hand mixed JMF correction factor samples and four "blank" samples for a Plant Mix design that will be used for one year. The contractor must allow the Engineer to witness samples being prepared and mixed. Each sample will be a virgin aggregate and virgin oil sample constructed to the same NCAT blank proportion. A prebatch meeting will be held 48 hours before starting to mix the samples. In addition to FOP AASHTO T-308 the Engineer will require the following:

   a. Virgin aggregate will be graded per each individual sieve through the minus #200 or 95% retained or greater whichever comes first,

   b. Batch two individual virgin aggregate sample specimens. Perform FOP AASHTO T11 and FOP AASHTO T27 on the samples and determine the difference between target and actual values. Determine what masses need to be adjusted to get back to the target on each sieve size. Batch two more individual sample specimens using the adjusted masses, repeat until washed gradation matches JMF.

c. RAP will not be added to the sample.

d. T-308 samples will target JMF blended gradation values and oil values.

e. Establish a correction Factor for each JMF. This procedure must be performed for every ignition furnace on a project and for each JMF before any acceptance or verification testing is started.

A new correction factor is required if the source or grade of the asphalt cement changes, if a different ignition furnace is used, or for a new JMF. A new correction factor shall be determined for each JMF and each oven prior to its first use every calendar year.

Prepare 23 correction factor samples at the JMF without asphalt cement and with the appropriate proportions of mineral filler, fibers or other additive included in the JMF. (For JMFs with RAP, batch the virgin aggregate to the JMF targets. The Recycled Asphalt Materials will not be used for batching correction Factor samples.)

- Batch each sample separately and according to the JMF target values with the following tolerances

Batching Tolerances "Virgin Aggregate and Add Asphalt Cement"

Sieve Size	**Allowable Difference**
Larger than (No. 8)	±3.0%
Size (No. 8)	±2.0%
Larger than (No. 200) and smaller than (No. 8)	±1.0%
Size (No. 200) and smaller	±0.5%
Asphalt Cement	±0.10%

- The "blank" sample shall have the same gradation, but no asphalt cement shall be added. This "blank" samples will be used to establish correction factors for the aggregate gradations. The "blank" samples is not burned. The engineer will select the four samples after all samples have been built to the same gradation and before any asphalt has been added. Provide sample sizes meeting the requirements of AASHTO T 308.
- Mix and discard one of the remaining 19 samples. The purpose of this sample is to "butter" the mixing bowl.
- For the remaining 18 (or more) samples, tare the mixing bowl and weigh the mixing bowl again after the mixture is removed from the bowl. The empty bowl must be within ±1 gram of the previous tare weight. The weights of the bowl before and after will be done within 10°F of each other. The Engineer will randomly select four samples for test strip lab, four samples for production testing lab, four samples for contractor, four samples for dispute testing, and two sample for HQ lab for info only testing.
- Individually identify each calibration sample and supply documentation showing the actual weights of aggregate, asphalt cement, mineral filler, fibers or any other additive for each sample and resultant actual calculated asphalt cement content for each sample. Also provide documentation for each sample verifying that the empty bowl weight after mixing is within ±1 gram of the empty bowl weight prior to mixing.

The gradation correction factor for each sieve size is the difference between the result

from the "blank" sample and the average of the two incinerated correction samples to the nearest 0.1%.

If the correction factor for any single sieve size exceeds the allowable difference for that sieve established in the following table, contact the Engineer. The Engineer will apply the gradation correction factors for all sieves.

Gradation Difference Tolerances

Sieve	Allowable Difference
Sizes larger than (No. 8)	±5.0%
Size (No. 8)	±4.0%
Sizes larger than (No. 200) and smaller than (No. 8)	±2.0%
Size (No. 200) and smaller	±1.0%

Ignition oven specimen verification. The Department will perform FOP AASHTO T11 and FOP AASHTO T27 on the "blank" samples and compare the results to the JMF. If the gradation varies by more than the allowable difference in table Batching Tolerances "Virgin Aggregate and Add Asphalt Cement" the AASHTO T308 correction factor samples will be discarded and new AASHTO T308 correction factor samples will be made.

- The Department may sample aggregate being used to make the AASHTO T308 during the specimen batching process. The sample will be delivered to either the Headquarters Lab or a District Lab for verification Gsa testing. The verification Gsa test results will be compared to the Gsa test results determined prior to Mix Design approval. For coarse materials tested using AASHTO T 85, the difference in values must not vary by more than 0.035 and the fine Gsa aggregate tested using IT 144 must not vary by more than 0.015. If the differences in Gsa values for both course and fine aggregates are not within tolerance, FOP AASHTO T 308 correction factor samples will be discarded and new AASHTO T308 samples will be made using aggregates that can be proven to have come from the aggregate source described in the mix design documents. The Gsa differences will be recorded on Source Verification Form, ITD 4666.

  Conduct all NCAT AASHTO T 308 ignition furnace correction factor determination and AASHTO T 308 asphalt content ignition furnace testing at 426 ± 5°C (800 ± 9°F). Manually record the furnace temperature (set point) before the initiation of the test if the furnace does not record automatically.

  The JMF correction factor samples will be collected by the Engineer a minimum of 5 business days before test strip.

C. HMA Quality Control Plan. Develop and submit for approval a HMA quality control plan that complies with the requirements of Idaho IR 152, Idaho IR 155, Idaho IR 160, and 106.03.A.2. The Contractor HMA quality control plan must be approved by the Engineer in accordance with 106.03.A.2, Idaho IR 152, Idaho IR 159, Idaho IR 160, and Idaho IR 155 before the material is incorporated into the work/project.

D. Weather Limitations for Permanent Paving. Do not place Superpave HMA on a wet or frozen surface or when weather or surface conditions will otherwise prevent the proper handling or finishing of the Superpave HMA material. Place Superpave HMA as specified in the temperature limitations in Table 405.03-2.

Table 405.03-2 – Air and Surface Temperature Limitations

Compacted Thickness of Individual Courses	Top Course	Leveling and Courses Below the Top Course
Less than 0.10 foot	60 °F	50 °F
0.10 to 0.18 foot	50 °F	40 °F
Greater than 0.18 foot	40 °F	40 °F

Provide a paved surface for travel if the work extends into the winter. Do not start construction on the pavement surface, unless the progress schedule realistically shows the pavement can be replaced or completed within the temperature limitations listed above.

E. Mixing Plants. Use an approved mixing plant that complies with Idaho IR 160 and in accordance with the approved HMA Quality Control Plan. Meet the requirements of Idaho IR 155, with the exception that the Contractor may calibrate the asphalt plant according to current National Asphalt Pavement Association (NAPA) manuals and documented best practices or in accordance to the manufacturer's recommendations. The Contractor will provide the calibration documentation (e.g., manufacturer's recommendation) to the Engineer.

F. Hauling Equipment. Provide hauling equipment in accordance with the approved HMA Quality Control Plan.

G. Paver. Provide a paver that complies with the approved HMA Quality Control Plan.

H. Pre-Paving Meeting. Immediately before paving, the Contractor, the asphalt supplier, the Engineer, and the Department personnel involved in the paving operation will hold a pre-operational paving meeting to discuss how to achieve the highest quality surface. The Engineer will prepare minutes of the pre-operational paving meeting and distribute them to the attendees. Any requests to revise the minutes must be made to the Engineer within 7 business days of receipt. These minutes will constitute the final record of the pre-operational paving meeting.

I. Acceptance Test Strip (Lot 1). Note: If a C-JMF has been accepted, this section does not apply because a test strip has already been accepted. Construct an acceptance test strip of 200 to 750 tons in accordance with Idaho IR 125 using the approved JMF (including offsite test strips). The Department does not require acceptance test strips on small quantity pavement less than 750 tons, nonstructural pavement, or temporary pavement.

The Engineer will base acceptance on the requirements in Table 405.03-4. Do not continue production paving until properties of the acceptance test strip are accepted and a C-JMF has been established as specified in 405.03.K.

1. Test Strip Location. The first day of production paving will be considered the acceptance test strip. The Contractor may elect to perform an offsite mix verification of the JMF. Do not use Department-owned or controlled sources for offsite testing.
2. Testing Timeframe. The Department will require 5 full business days from the time of receipt of Superpave HMA mix samples, core samples, and cold feed samples to perform acceptance testing. Time will begin when all the required samples and associated paperwork needed to perform the specified testing are in the Engineer's possession.

3. Acceptance Testing Lab. Acceptance testing for the acceptance test strip will be performed by either the Headquarters Lab or a District Lab. The Contractor will give 48 hour notice to the Engineer prior to test strip.

4. Test Strip Tolerance. The Engineer will apply the tolerances to the acceptance test strip test properties as specified in Table 405.03-4 to establish the upper specification limit (USL) and lower specification limit (LSL) for quality level analysis.

Table 405.03-4 – Acceptance Test Strip Tolerance

Quality Characteristic	Test Strip Mix Tolerance
VMA, %	703.05 minimum value-0.20
Laboratory Air Voids, %	4.0 ± 1.5
Asphalt Binder Content, %	JMF ± 0.40
Dust Proportion (DP)	Table 405.02-1 range ± 0.10
VFA, %	Table 405.02-1 range ± 5
No. 4 and larger sieves, %	JMF value ± 6.0 [a]
No. 8 to No. 30 sieves, %	JMF value ± 5.0 [a]
No. 50 to No. 100 sieves, %	JMF value ± 4.0 [a]
No. 200 and smaller sieves, %	JMF value ± 2.0 [a]
G_{mm}	JMF value at P_b ± 0.012 [d]
G_{se}	JMF value ± 0.012 [d]
Mainline Density, % Compaction	92.0 – 100.0
Rut Depth, mm [b]	10.0 mm maximum [d]
Stripping, passes [c]	12,500/15,000 [d]
Cracking Test, IDEAL-CT_{Index}	80 (index value) [d]

[a] The upper and lower specification limits are never allowed to be outside the control points specified in 703.05.

[b] Maximum depth after 12,500/15,000 passes. For information only.

[c] Minimum number of passes with no stripping inflection point.

[d] For information only.

If the acceptance test strip is considered acceptable, the Contractor may proceed to production paving once a C-JMF is established as specified in 405.03.K.

The Engineer will reject an unacceptable test section for SP 3 and SP 5 mixtures and require removal. The Department will not pay for the removal or the applicable contract pay item quantities. An unacceptable test section for an SP 2 mixture will be subject to rejection. If the Engineer determines the failed SP 2 test section may remain in place, the Contractor may leave the test section in place with a 50 percent reduction in price or remove the failed material and replace it with acceptable

material and receive full payment. Remove the failed SP 2 test section if rejected. The Department will not pay for removal or for the applicable contract pay item quantities.

If the Contractor is unable to meet the requirements after 3 test strips, the Engineer will require a new mix design to meet specifications. Place a new acceptance test strip at no additional cost to the Department.

If the Contractor's testing determines the test strip fails and the Contractor chooses to proceed with another test strip before receiving the Engineer's results, the Engineer will not complete testing of the test strip in question and the failed test strip will count as a failed test strip.

Statistical Acceptance and payment for the Test Strip. Use the statistical method outlined in 106.03.B. for evaluating acceptance and payment for the test strip. For material with a percent within limits (PWL) 40 and greater, use a 1.0 pay factor. If any quality characteristic, except Gmm or Gse, has a PWL less than 40, the asphalt mix will be rejected.

J. Production Laboratory Comparison Process. The Contractor, the lab performing test strip testing, and the lab performing acceptance testing will perform a split sample comparison testing during test strip, or before, split sample can either be one of the test strip samples or a separate sample. Previously used designs will perform split sample comparison on, or before the first day of production paving. The split sample comparison will be performed using Idaho IR 153.

1. The Contractor or the Engineer may request split sample comparison testing at any time during the project

K. C-JMF. Once a JMF is confirmed at acceptance test strip, the Contractor will establish an initial C-JMF.

1. Adjusting the C-JMF. C-JMF adjustments are allowed that will result in improved mix quality characteristics. If a lot is currently in progress, the adjustment will go into effect at the beginning of the next lot.
    a. Adjustments within Table 405.03-5. Adjustments listed in Table 405.03-5 can be made to the JMF. Provide a detailed description of how these adjustments will be made and what quality characteristics will be affected. The Engineer will be notified within 24 hours of adjustments and descriptions.

Table 405.03-5 – C-JMF Adjustment Limit Table

Parameter	Adjustment
No. 4 (4.75 mm) and greater	± 3% from JMF
No. 8 (2.36 mm)	± 2% from JMF
No. 100 to No. 30 (0.600 mm)	± 2% from JMF
No. 200 (0.075 mm)	± 0.3% from JMF
Asphalt Content	± 0.2% from JMF
G_{mm}	± 0.010 from C-JMF [(c)]
G_{se}	± 0.010 from C-JMF [(c)]
Individual Cold Feed Percentage for Aggregate	± 10.0% from JMF [(a) (d)]

Cold Feed Percentage for RAP	- 10.0% from JMF [(b) (d)]

[(a)] The cold feed percentage of any aggregate may be adjusted up to 10 percentage points from the amount listed on the JMF, however no aggregate listed on the JMF will be eliminated.

[(b)] The cold feed percentage for RAP may be reduced up to 10 percentage points from the amount listed on the JMF and must not exceed the percentage of RAP approved in the JMF or for the specific application under any circumstances.

[(c)] Based on the initial C-JMF.

[(d)] Individual cold feed percentages for aggregate and RAP greater than 5.0% for a single stock pile of the same product must have a new correction factor established in accordance with IR 157.

b. Adjustments outside of Table 405.03-5. Adjustments outside the limits listed in Table 405.03-5 can be requested, but these adjustments are considered significant adjustments and will require the Contractor to document any differences in the asphalt plant settings necessary to achieve the designed asphalt plant output as documented by acceptance test results. Thus, additional supporting documentation and justification must be submitted and how these adjustments will affect on the quality characteristics of the asphalt mix. Adjustments and descriptions must be submitted for the Engineer's prior approval and the Engineer will have 1 business day after the date the request was submitted.

Use the C-JMF to establish target values and control limits when producing control charts during production paving.

L. Tack Coat. Apply an asphalt tack coat as specified in 401 to the following surfaces:

1. Existing plant mix surfaces and to the surface of each course constructed, except the final course.
2. Surfaces of curbing, gutters, manholes, portland cement pavement, and other structures. Paint or spray a thin, uniform tack coat of asphalt before placing pavement against the surfaces.
3. Contact surfaces of transverse joints and cold longitudinal joints just before additional mixture is placed against previously laid material.

M. Production Paving. Before production milling, obtain approval for Superpave HMA mix design(s). Milling, coring, or sampling for preliminary sample collection will be allowed for mix design development in accordance with the QCP.

The Contractor may request to continue production paving in accordance with the C-JMF after the acceptance test strip (Lot 1) is approved. Superpave HMA paving acceptance during production is based on the requirements in Table 405.03-6. The production paving lot (Lot 2) following the accepted test strip will be based on Table 405.03-4 except the gradation requirements. The Contractor will produce and place mix in accordance with the approved QCP.

If aggregate or asphalt binder sources change from the approved mix design, develop a new mix design as specified in 405.03.B. at no additional cost to the Department. If the G_{sb} changes during production more than 0.030, the Engineer may establish a new G_{sb} and re-evaluate the mix design.

1. Conformance to the C-JMF. The Contractor will produce mix that meets the requirements of Table 405.03-6. The Contractor may elect to remove defective material and replace it with new

material on a lot basis, at no additional cost to the Department to ensure conformance to the C-JMF.

a. Isolated Non-Conformance. If the Contractor is unable to meet the requirements on a single lot, the Engineer will require the Contractor to stop production and/or delivery until a corrective action plan can be developed and implemented to remedy the non-conformance. Submit the corrective action plan to the Engineer before resuming work.

b. Repeated Non-Conformance. If the Contractor is unable to meet the requirements on 2 consecutive lots, the C-JMF, mix design, and associated JMF will be considered expired as defined in 405.03.B.2. The Engineer will require a new mix design to meet the specifications in 405.03.B. at no additional cost to the Department.

If aggregate or asphalt binder sources change from the approved mix design, develop a new mix design to meet the specifications in 405.03.B. at no additional cost to the Department.

2. Production Limits**.** The properties listed in Table 405.03-6 will be used for purpose of quality analysis calculations, acceptance, and payment. The Engineer will apply the tolerances to the properties as specified in Table 405.03-6 to establish the upper specification limit (USL) and lower specification limit (LSL) for quality level analysis.

3. Production Acceptance Criteria. The Engineer will perform quality level analysis and determine acceptance as specified in 106.03.B using the quality characteristics specified in Table 405.03-6. ITD will submit test results to contractors as soon as possible.

Table 405.03-6 – Production Paving Quality Limits

Mix Quality Characteristic	**Limits**
SP 2 Mixture	
No. 4 sieve and larger sieves, %	C-JMF value ± 5.0 [a]
No. 8 to No. 30 sieves, %	C-JMF value ± 4.0 [a]
No. 50 to No. 100 sieves, %	C-JMF value ± 3.0 [a]
No. 200 sieve and smaller sieves, %	C-JMF value ± 1.5 [a]
Asphalt Binder Content, %	C-JMF value ± 0.3
SP 3 and SP 5 Mixtures	
Laboratory Air Voids, % N_{design}	SP 3: 2.5 – 5.0% SP 5: 2.8 – 5.0%
VMA, % N_{design}	703.05 minimum value
Dust Proportion	Table 405.02-1Range
G_{se} [f]	C-JMF value ± 0.012 [g]
G_{mm} [e, f]	C-JMFvalue@ P_b± 0.012 [g]
Rut Depth, mm	10.0 maximum [b, c]
Stripping, passes	12,500/15,000 [b, d]
Cracking Test, IDEAL-CT_{Index}	80 (index value)[b]
Roadway Quality Characteristic	**Limits**
Mainline Density, % Compaction	92.0 –100.0

[a] The upper and lower specification limits are never allowed to be outside the control points specified in 703.05.
[b] Hamburg and Ideal-CT are for information only at this time.
[c] Maximum depth after 15,000 passes.
[d] Minimum number of passes with no stripping inflection point.
[e] G_{mm} tests must be performed only after a 2-hour oven cure time in accordance to the mix design requirements to limit test result variability.
[f] G_{mm} and G_{se} values are indicators of consistency of the asphalt mix and are tracked using PWL. G_{mm} and G_{se} will be monitored for information only and, if the PWL is less than 40, the Engineer and the Contractor will review the data and take appropriate action (e.g., review plant settings, review test results). There will be no deduction for a low PWL based on G_{mm} or G_{se}.
[g] Based on the initial C-JMF.

N. Spreading and Finishing. Place the mixture on an approved surface. Use pavers to distribute the mixture over the entire width or over a partial width as practical. Do not extend partial width paving beyond one day's production. Minimum lift thickness will be no less than 3.5 times nominal maximum aggregate size (NMAS) of the mix design.

Use pavement marking tape to temporarily mark roadway centerline on pavements being used by traffic as specified in 626.03.

Unless otherwise specified, equip the paver with a shoe on the outside to provide slopes as follows:

The Engineer will allow an 18-inch-wide shoe for depths 0.2 foot or less on initial pavement placement. The shoe must be 24 inches wide for depths greater than 0.2 foot. The shoe must be 24 inches wide on pavement overlays.

Meet-lines must be within 1 foot of lane lines or within 1 foot of center of lanes. Meet-lines are not allowed within a wheel path. Ensure transverse and longitudinal joints are smooth and match the adjacent surfaces.

O. Compaction. Compact the pavement to a density between 92.0 percent and 100.0 percent of maximum theoretical density for SP 2, SP 3, and SP 5 asphalt mixes. Determine G_{mm} using Idaho IR156.

Following acceptance test strip approval or C-JMF approval, pavement density testing for acceptance will be performed by the Department using a nuclear density gauge with the readings corrected by cores in accordance with AASHTO T 355. The G_{mm} for determining the percent compaction will be determined using a rolling, consecutive 2-lot average (i.e., the most recent 2 completed lots) of the Department's acceptance test results. For the first lot of production paving, the test strip's G_{mm} corresponding to the C-JMF is used for determining the percent compaction. The Contractor is responsible for quality control testing.

Density Gauge Correlation. When nuclear density gauges are used for acceptance, the Engineer will correlate the gauges in accordance with Idaho IR 154. A new gauge correlation will be established for each mix design, each paving lift, each paving lift thickness, and each underlying material (e.g., ¾" base, CRABs, 0.25' underlying lift of HMA).

Repair holes left in the pavement by the coring operation with non-shrink grout at no additional cost to the Department. Do not begin coring until repair methods and materials have been approved.

P. Joints. Do not roll over the unprotected end of freshly laid mixture. Form transverse joints by

cutting back on the previous run to expose a vertical edge the full depth of the course.

Slope the cold transverse construction joints open to public traffic at 20H:1V. Remove the sloped surface (ramp) without damage to the base just before paving is resumed. Test the new joint for smoothness as specified in 405.03.S.

Construct end transitions between overlays and the adjoining pavement by milling a wedge out of the adjoining pavement, starting at the surface and continuing into the adjoining pavement on a 200H:1V slope or flatter until a vertical edge equal to 0.15 foot or the depth of overlay is reached. Transitions to ramps and crossroads are transverse joints. The milled wedge is a transverse joint when the adjoining pavement is concrete. Mill the wedge from the pavement to be overlaid, with the vertical edge against the concrete, when the adjoining pavement is concrete. Taper transitions between overlays and approaches to form a smooth transition while maintaining drainage.

Provide a positive bond, density, and a finish surface to the new mixture at longitudinal joints that is equal to the mixture against which it is placed. The Engineer may take density tests at longitudinal joints to ensure the integrity of material in the joint area.

Locate the longitudinal joint in the top course at the centerline of the traveled way if the roadway is two lanes wide or at the lane lines if the roadway is more than 2 lanes wide. On the lower courses, stagger the longitudinal joint and offset it 6 inches to 1 foot from the centerline of the traveled way if the roadway is 2 lanes wide or from the lane lines if the roadway is more than 2 lanes wide. Match the pavement surface across a longitudinal joint with the transverse slope shown on typical sections.

Test joints, except crowns, for smoothness in accordance with Idaho IR 87. Use an approved 10-foot straightedge. Complete the test and necessary corrections before the material temperature drops below 175 °F.

Place longitudinal joints straight and true. Use approved methods to bring back to straight and true unacceptable deviations. Make adjustments as needed to achieve the specified results.

Obtain approval for Superpave HMA mix design(s) before the start of milling operations.

Q. Miscellaneous Pavement. Place miscellaneous Superpave HMA pavement in irregular areas (e.g., raised or depressed medians, gores, tapers, radii (excluding approach radii), tapered paving for guardrail terminal widening). Include areas that taper from 0 to 8 feet maximum width and gore areas from roadway shoulders to termini in this work. Do not include pavement widening for installation of guardrail in this work.

R. Small Quantities. Small quantities will be accepted in accordance with the QA Manual. When an acceptance test strip is not required as per 405.03.I, the Department will base acceptance for pavement density on the density of cores taken from the finished pavement. Obtain 5 randomly located core samples in accordance with the FOP for AASHTO R 67 from the compacted Superpave HMA in the Engineer's presence. The Engineer will determine the random core locations. Immediately submit the cores for testing. The Department will determine the density of the cores the FOP for AASHTO T 166 Method A or AASHTO T 331. In addition, obtain 3 randomly located mix samples during HMA placement, in the Engineer's presence, and immediately submit samples for testing. Obtain the samples in accordance with the AASHTO R 97 (see the QASP Table 106.03-1 Note 1.c.). The Engineer will randomly locate the mix samples and the Department will test the mix samples to determine the G_{mm} value in accordance with the FOP for AASHTO T 209 or ASTM D6857. The Department will use the average of the 3 G_{mm} values to compute in-place density of the cores taken for

density acceptance. If paving will be performed in different construction seasons (e.g., bridge approaches), obtain 5 additional cores from the compacted Superpave HMA and 3 additional mix samples for density acceptance when paving resumes. The Contractor is responsible for quality control testing.

S. Leveling Course. Construct the leveling course of Superpave HMA, with a compacted thickness greater than 0.2 foot, in multiple courses.

Place the leveling course on the existing surface in quantities as approved. Use pavers and/or motor graders and a sufficient number of pneumatic tire rollers to adequately place and compact the leveling course to the required cross-section and grade. Use a steel-wheel roller for final rolling if the leveling course is to be used as a wearing course or if a seal coat is to be applied.

When blade laid leveling course is specified, place Superpave HMA in wheel ruts and other surface irregularities. Blade Superpave HMA into the low areas using a motor grader. Normally, 2 passes are required to fill depressions. Follow each pass of the motor grader with a pneumatic tired roller to provide compaction. Position the blade of the motor grader so light contact with the existing pavement surface is maintained. The Contractor may dispose of excess coarse aggregate resulting from placing the blade laid leveling course along the edge of the roadway.

When machine laid leveling course is specified, place Superpave HMA on the roadway with a paver to restore crown, super elevation, or rideability. Operate the screed close to the existing pavement surface. The Engineer will accept minor surface tears from this operation. Use pneumatic and vibratory rolling for compaction.

T. Surface Smoothness. Place pavement complying with Schedule II unless otherwise specified.

For Schedule III only, perform pre-paving, quality control, and acceptance surface smoothness testing, analyze the results of this testing, and submit the results. Submit pre-paving results. Before paving, submit a plan showing how Schedule III smoothness will be achieved.

Perform acceptance testing on the final lift and submit the results before corrective action. Complete acceptance testing within 1 week of paving completion.

Perform quality control testing in international roughness index (IRI). Request to use quality control testing for acceptance before the start of paving.

Submit quality control results by the next business day following placement.

If the quality control testing results show surface smoothness is not within the acceptable specification limits, suspend paving operations until it can be shown the steps taken to modify operations will result in acceptable smoothness.

Acceptance surface smoothness testing must be verified by the Engineer. The profile run must be witnessed by the Engineer and a preliminary copy of the report submitted immediately after the end of the run. The Engineer will not accept the testing, unless witnessed. Submit the profile data in a format suitable for evaluation using ProVAL or other industry standard software. In addition, each week or as requested by the Engineer, submit to the Engineer an electronic, editable Microsoft Excel spread sheet containing the data produced from the acceptance smoothness testing. Do not perform corrective action until approved.

The Engineer may elect to perform additional testing for verification. If the results vary from the Contractor's IRI results by more than 10 percent, the Engineer will use the Department's IRI results for acceptance.

Measure the finished pavement as follows:

1. Test the surface with a 10-foot straightedge at locations determined by the Engineer. Identify the locations that vary more than ¼ inch from the lower edge when the straightedge is laid on finished pavement in a direction parallel with centerline or perpendicular to centerline. Remove the high points that cause the surface to exceed the ¼ inch tolerance by grinding with equipment specified in Corrective Action below.
2. Profile the surface 3 feet from and parallel to each edge of each traffic lane. The Engineer will use the average of the results for each 0.1 mile section to calculate incentive payments and determine sections requiring corrective action.

   Use Class 1 or Class 2 profilers as defined in ASTM E950. Operate profilers in accordance with the manufacturer's instructions and AASHTO R 57. Set the profiler as follows:

   1. High pass or pre-filter: off or at least 200 feet.
   2. Bump detection: on
   3. Dip detection: on
   4. Resolution: 0.01 inch
   5. Low pass filter: off
   6. Other filters: off

   Operate the profiler according to the manufacturer's recommended speed. Calibrate the profiler at the beginning of the work and as needed thereafter.

   The Department requires the pavement to comply with the following surface smoothness schedule requirements:

   a. Where longitudinal grade is 6.5 percent or less, pavement on tangent alignment and pavement on horizontal curves having centerline radius of curve 1,000 feet or more must meet the surface smoothness requirements for the smoothness schedule specified. The Engineer will add consecutive 0.1 mile sections of roadway tested together to obtain the mile section. There will be no overlapping of the 0.1 mile or 1 mile sections to change cumulative test results.

      (1) Smoothness Schedule using IRI:

         (a) Schedule I Projects: Target IRI values range from 60.0 to 70.0 inches per mile per0.1 mile. Corrective action required above 95.0 inches per mile per 0.1 mile.

         (b) Schedule II Projects: Target IRI values range from 71.0 to 80.0 inches per mile per

      0.1 mile. Corrective action required above 95.0 inches per mile per 0.1 mile.

   (c) Schedule III Projects: Target IRI value range defined as one of the following:

      i. For sections with a pre-paving IRI less than 160.0 inches per mile per 0.1mile the final index must not exceed 80.0 inches per mile per 0.1 mile.

ii. For sections with a pre-paving IRI of 160.0 inches per mile per 0.1 mile or greater, use the smoother of either:

1. A 50 percent improvement of the pre-paving index.

2. A maximum final index of 100.0 inches per mile per 0.1 mile. Corrective action is required above the target IRI.

b. The Engineer will exclude acceptance test strips, pavement on horizontal curves having a centerline radius of curve of less than 1,000 feet and pavement within the super elevation transition of such curves, or pavement with a longitudinal grade greater than 6.5 percent from incentive/disincentive payments. Meet the corrective action requirements for the smoothness schedule specified.

c. Profile the pavement to provide continuous, uninterrupted profile data. The Department will not apply profile smoothness tolerances and incentive/disincentive payments to the following:

(1) Pavement within 50 feet of a transverse joint that separates the pavement from a structure deck, an approach slab, or an existing pavement not constructed under the contract.

(2) Pavement for approaches and structure decks.

(3) Roadways with a speed limit less than 40 mph.

(4) Interstate ramps.

Smoothness acceptance for these areas will be as specified with straightedge requirements.

Surface Smoothness Corrective Action:

Use power-driven grinding equipment that is specifically designed to smooth portland cement concrete pavement with diamond blades. Use a machine with an effective wheelbase at least 12 feet and a cutting width of at least 3 feet. Restrict the machine forward speed to 5 feet per minute while milling. Provide grinding equipment of a shape and dimension that does not encroach on traffic movement.

Grind parallel to centerline. Extend adjacent grinder passes, within ground area, to produce a neat rectangular area having a uniform surface appearance. Make smoothly feathered transitions at transverse boundaries between ground and unground areas. Apply a fog coat to the ground pavement surface as specified in 408 after grinding has been completed.

Grind individual high points in excess of 0.3 inch within 25 feet or less, as determined by the California Profilograph simulation, until such high points do not exceed 0.3 inch.

After individual high point grinding has been completed, perform additional grinding in sections requiring corrective action to reduce the IRI to a maximum of 80.0 inches per mile per 0.1 mile section along lines parallel with the pavement edge.

Individual low points are areas in excess of 0.3 inch within 25 feet or less, as determined by the California Profilograph simulation. Low points will be subject to rejection and replacement at no cost to the Department. Under these circumstances, the Engineer's decision whether to accept

the completed pavement or to require corrections is final.

Check the pavement for smoothness after grinding as specified in this subsection and make additional corrections necessary to achieve smoothness. Submit a report and graph showing compliance of the final surface to the smoothness requirements. The Department will not pay for the cost of grinding, milling or related work (e.g., fog coat), disposal of milled material, traffic control, flagging, profiling, surface repair of ground or milled areas, or temporary striping.

Surface Smoothness Deductions, Incentives, and Disincentives:

1. Straight-Edge Evaluation.

   If correction of the roadway as specified will not produce satisfactory smoothness results or it reduces pavement thicknesses and serviceability, the Engineer may accept the completed pavement and will deduct from monies due or may become due to the Contractor the sum of $500.00 for each individual high point exceeding ¼ inch tolerance or $3,000.00 for each 0.1 mile section. $500.00 per individual low point exceeding
   ¼ inch tolerance will be deducted from monies due or may become due to the Contractor. Low points exceeding ½ inch will be subject to rejection and replacement at no cost to the Department. Under these circumstances, the Engineer's decision whether to accept the completed pavement or to require corrections is final.

2. Profilograph Evaluation.

   For each evaluation section, the Contractor is entitled to a payment adjustment excluding acceptance test strips and Schedule III surface smoothness work. An evaluation section is defined as a 0.1 mile per traffic lane or fraction as applicable. The Department will not pay an incentive for pavement on the roadway shoulders, center turn lanes, turn bays, crossovers, tapers, or other miscellaneous pavement. The Department will pay incentive as specified in Table 405.03-7.

   The Department will base incentive payments on initial profiles before corrective work on the top course of paving.

Table 405.05-1 – IRI
Initial Index inches per mile per 0.1 mile section

Payment $ per 0.1 mi	Schedule I	Schedule II
$500.00	40.4 or less	45.4 or less
$300.00	40.5 to 50.4	45.5 to 60.4
$100.00	50.5 to 60.4	60.5 to 70.4
$0.00	60.5 to 70.4	70.5 to 80.4
-$100.00	70.5 to 75.4	80.5 to 85.4
-$300.00	75.5 to 85.4	85.5 to 95.4
-$500.00	85.5 to 95.4	—
-$500.00 and corrective action	95.5 or greater	95.5 or greater
-$500.00 and corrective action	Individual high points [a]	Individual high points [a]
-$500.00 and corrective action	Individual low points [a]	Individual low points [a]

[a] In addition to the incentive/disincentive payment applied to the 0.1 mile section, the Engineer will deduct from monies due or may become due to the Contractor the sum of $500.00 for each individual high point or low point up to a maximum of $3,000.00 for each 0.1 mile section.

The Department will make only 1 incentive payment per evaluation section. An evaluation section runs consecutively from the point paving begins to the point paving is interrupted (e.g., at bridges, the end of lane paving areas specifically excluded by the specifications). The Department will prorate partial sections based on their percentage of a full section.

The Department will base incentive payments on initial profiles before corrective work on the top course of paving.

405.04 Method of Measurement. The Engineer will measure acceptably completed work as follows:

1. Pavements, leveling courses, and asphalts by the ton. The Engineer will not permit batch weights as a method of measurement. The Superpave HMA quantity will be the weight used in the accepted pavement and will include the weight of the aggregate, asphalt, and additives in the mixture.
2. Anti-stripping additive by the percentage of additive per ton of asphalt.
3. Miscellaneous pavement by the square yard. Final measurement will be based on plan quantities, unless changed by the Engineer. Miscellaneous pavement measurement is in addition to the measurement of asphalt and Superpave HMA material.
4. Approaches per each regardless of width or length. Separate mailbox turnouts will be measured as an approach. Mailbox turnouts adjacent to an approach will be considered as part of the approach and no separate measurement will be made. Approach measurements are in addition to the measurement of asphalt and Superpave HMA material.
5. Wedge milling for the transition section by the square yard.
6. Tack coat will be paid for as specified in 401.

405.05 Basis of Payment.

1. Superpave SP3 and SP5.

Composite mix pay factor will be computed for each lot using the following equation:

$$CPF_{405Mix} = (0.4 \times PF_{AIRVOIDS}) + (0.4 \times PF_{VMA}) + (0.2 \times PF_{DP})$$

Where:

CPF_{405Mix} = Composite pay factor for mix quality characteristics.

$PF_{AIRVOIDS}$ = Pay factor for air voids.

PF_{VMA} = Pay factor for VMA.

PF_{DP} = Pay factor for dust proportion.

Calculation of Composite Incentive/Disincentive. The composite incentive/disincentive dollar amount to be paid or deducted for Superpave plant mix pavement accepted by the

Department, excluding plant mix pavement for test strips, small quantity, approaches, and miscellaneous paving not placed with mainline paving, will be computed for each lot using the formula:

$PA_{405} = (CPF_{405Mix} + PF_{MLD} - 2) \times Q_i \times P$

Where:

PA_{405} = Pay adjustment for material and main line density in dollars for the lot.

CPF_{405Mix} = Composite pay factor for material characteristics for the lot.

PF_{MLD} = Pay factor for main line density for the lot.

Q_i = Quantity represented by individual lot.

P = Contract unit price.

Note: The incentive may be a negative amount (i.e., a deduction from the total amount bid for the item).

A pay factor of 1.00 will be used for all acceptable Superpave plant mix pavement incorporated into the onsite acceptance test strip for volumetrics.

Density pay factor for the Superpave plant mix leveling course will be 1.00.

2. Pay factors for approaches and miscellaneous paving not placed with mainline paving will be 1.00.Superpave SP2.

Composite pay factors will be computed for each lot using the following equations:

$CPF_{405} = (0.3 \times PF_{AC}) + (0.3 \times PF_{AGG}) + (0.4 \times PF_{MLD})$

Where:

CPF_{405} = Composite pay factor for mix quality characteristics. PF_{AC} = Pay factor for asphalt content.

PF_{AGG} = Pay factor for plant mix aggregate. PF_{MLD} = Pay factor for main line density.

Calculation of Composite Incentive/Disincentive. The composite incentive/disincentive dollar amount to be paid or deducted for Superpave plant mix pavement accepted by the Department, excluding plant mix pavement for test strips, small quantity, approaches, and miscellaneous paving not placed with mainline paving, will be computed for each lot using the formula:

$PA_{405} = (CPF_{405} - 1) \times Q_i \times P$

Where:

PA_{405} = Pay adjustment for material and main line density in dollars for the lot. CPF_{405} = Composite pay factor for material

characteristics for the lot.

Q_i = Quantity represented by

individual lot. P = Contract

unit price.

Note: The incentive may be a negative amount (i.e., a deduction from the total amount bid for the item).

Density pay factor for the Superpave plant mix leveling course will be 1.00.

Pay factors for approaches and miscellaneous paving not placed with mainline paving will be 1.00.

A pay factor of 1.00 will be used for calculating a pay factor for all acceptable Superpave plant mix pavement incorporated into an onsite acceptance test strip for volumetrics.

The Department will pay for accepted quantities as follows:

Pay Item	**Pay Unit**
Superpave HMA Pavement Class SP	Ton
Superpave HMA Pavement, including asphalt and additives Class SP	Ton
Leveling Course Class SP	Ton
Leveling Course, including asphalt and additives, Class SP	Ton
___Asphalt Binder for Superpave HMA Pavement	Ton
___Percent Anti-stripping Additive for Superpave HMA Pavement	TOA
Miscellaneous Pavement	SY
Approaches	Each
Wedge Milling	SY

The cost to produce the required aggregate in each stockpile to accommodate blends is incidental and included in the contract unit price for the Superpave HMA contract pay item.

When Superpave HMA includes RAP, in any proportion, the Department will not include the asphalt binder contributed by the RAP in the quantity for asphalt and additives when asphalt and additives are paid for separately.

3. Pre-milling, Coring, or Sampling for RAP.

All work and maintenance associated with the pre-mix design RAP sampling is incidental.

ON PAGES 631-634, SECTION 703.05 – AGGREGATE FOR SUPERPAVE HMA PAVEMENT
Delete this section, in its entirety, and replace with the following:

703.05 Aggregate for Superpave HMA Pavement. Provide aggregate for mixes, except SP 2, in at least 3 separate stockpiles. Use aggregate consisting of crushed stone or crushed gravel. Combine with other required aggregate fractions and fillers in the proper proportion so the resulting mixture meets the gradation required.

Screen the aggregate used for Superpave HMA so 10 percent or less of the naturally occurring minus ½ inch material remains in the material used to produce the stockpile(s). Crush the plus ½ inch material to produce the required gradation. This requirement does not apply to SP 2 mixes or mixtures designated as nonstructural or temporary mixtures.

Size, grade, and combine the fractions for the mixture in proportions so the resulting blend conforms to the grading requirements as defined in Table 703.05-2a and Table 703.05-2b.

Use aggregate that meets the requirements in Table 703.05-1.

Table 703.05-1 – Superpave Mixture Requirements

Mix Type	SP 2	SP 3	SP 5
Design ESALs [a] (millions)	< 1	1 < 10	≥ 10
Idaho Degradation, maximum loss, %	5.0	5.0	5.0
Ethylene Glycol, minimum retained, %	90	90	90
R-Value	80 or more minimum	80 or more minimum	80 or more minimum
LA Wear, Maximum % loss	35	30	30
Sodium Sulfate Soundness [b] Maximum loss after 5 cycles, %	12	12	12
Fractured Face, Coarse Aggregate [c] % Minimum	65/-	75/60	98/98
Uncompacted Void Content of Fine Aggregate, % Minimum	40	40	45
Sand Equivalent, Minimum	35	40	45
Flat and Elongated [d], % Maximum	10	10	10

[a] The anticipated project traffic level expected on the design lane over a 20 year period. Regardless of the actual design life of the roadway, determine the design ESALs for 20 years.
[b] Perform sodium sulfate soundness testing when directed.

(c) 75/60 denotes that 75 percent of the coarse aggregate has 1 fractured face and 60 percent has 2 or more fractured faces.
(d) This criterion does not apply to No. 4 nominal maximum size mixtures.

Table 703.05-2a – Nominal Maximum Aggregate Size-Control Points (Percent Passing) and VMA Requirements PCS Control Points for Mixture Nominal Maximum Aggregate Size (b)

Sieve Size	1 1/2 in		1 in		3/4 in	
	Restricted Zone	Control Points	Restricted Zone	Control Points	Restricted Zone	Control Points
2 in	—	—	—	—	—	—
1 1/2 in	—	90 to 100	—	100	—	—
1 in	—	90 max	—	90 to 100(a)	—	100
3/4 in	—	—	—	90 max	—	90 to 100(a)
1/2 in	—	40 to 70(a)	—	—	—	90 max
3/8 in	—	—	—	42 to 70(a)	—	52 to 80(a)
No. 4	34.7	—	39.5	—	—	—
No. 8	23.3	15 to 41(a)	26.8	19 to 45(a)	34.6	23 to 49(a)
No. 16	15.5	—	18.1	—	23.1	—
No. 30	11.7	—	13.6	—	16.7	—
No. 50	10	—	11.4	—	13.7	—
No. 100	—	—	—	—	—	—
No. 200	—	0.0 to 6.0(a)	—	1.0 to 7.0(a)	—	2.0 to 8.0(a)
VMA	11.5		12.5		13.5	
Primary Control Sieve	3/8 in		No. 4		No. 4	
PCS Control Point (% passing)	47		40		47	

Table 703.05-2b – Nominal Maximum Aggregate Size-Control Points (Percent Passing) and VMA Requirements PCS Control Points for Mixture Nominal Maximum Aggregate Size [b]

Sieve Size	1/2 in		3/8 in		#4	
	Restricted Zone	Control Points	Restricted Zone	Control Points	Restricted Zone	Control Points
2 in	—	—	—	—	—	—
1 1/2 in	—	—	—	—	—	—
1 in	—	—	—	—	—	—
3/4 in	—	100	—	—	—	—
1/2 in	—	90 to 100[a]	—	100	—	100
3/8 in	—	90 max	—	90 to 100[a]	—	95 to 100[a]
No. 4	—	—	—	90 max	—	90 to 100
No. 8	39.1	28 to 58[a]	47.2	32 to 67[a]	—	—
No. 16	25.6	—	31.6	—	—	30 to 55[a]
No. 30	19.1	—	23.5	—	—	—
No. 50	15.5	—	18.7	—	—	—
No. 100	—	—	—	—	—	—
No. 200	—	2.0 to 10.0[a]	—	2.0 to 10.0[a]	—	6.0 to 13.0[a]
VMA	14.5		15.5		16.5	
Primary Control Sieve	No. 8		No. 8		No. 16	
PCS Control Point (% passing)	39		47		42	

(a) Denotes the sieves that will be used for mix design control points and quality analysis sieves for a Class SP 2 mix.

(b) The combined aggregate gradation will be classified as coarse-graded when it passes below the primary control sieve (PCS) control point as defined in Table 703.05-2a and Table 703.05-2b. Other gradations will be classified as fine graded. This classification is based on the Contractor's job mix formula and not individual gradation tests. Coarse graded mixtures will not pass through the restricted zone.

ON PAGES 711-713, SECTION 720.07 – RECYCLED ASPHALT PAVEMENT (RAP)

Delete this section, in its entirety, and replace with the following:

720.07 Recycled Asphalt Pavement (RAP). Prepare and maintain a RAP processing and stockpiling quality control plan and make these records available to the Department.

1. RAP Categories. Provide RAP that complies with one of the following categories:
   A. Category 1. The Department defines this material as being from a Department project or is traceable to another public agency sponsored project. The Engineer will accept Category 1 RAP for use provided the Contractor submits a letter stating the RAP is from a specific pavement, including the route and mile post. Do not add material from other sources during stockpiling and submit certification of this from the producer on a stockpile-by-stockpile basis.

      Category 1 RAP may consist of asphalt material removed from interstates, United States Highways, or State Highways.

   B. Category 2. The Department defines this material as not being from Department projects or is not traceable to a Department project. Produce uniform RAP stockpiles when Category 2 material originates from different sources. The Engineer will accept Category 2 RAP for use as Category 1 RAP if the Contractor performs tests as specified in 720.07.3 and submits test results and materials that show the RAP meets the specifications and is verifiable by the Department.

      Do not use Category 2 RAP that does not meet these requirements as Category 1 RAP.

Category 2 RAP is:

1) Production Returns. Asphalt material generated from plant waste (e.g., start-up/shut down material).

2) Random RAP. Crushed and screened asphalt material removed from private paving projects, plant overruns, rejected loads, or combination.

2 RAP Processing. The Contractor may use processed RAP as follows:

a) Processed RAP. RAP that is processed by crushing and screening to produce a uniform gradation from coarse to a fine and a uniform binder content in the RAP before use in a recycled mix. Provide processed RAP with 100 percent passing the ⅝ inch sieve on entry into the mixing plant.

The Contractor may recycle processed RAP in Superpave HMA at the percentages shown below:

1) Category 1 RAP is limited to 17 percent by binder replacement.

2) Category 2 RAP is allowed up to 10 percent by binder replacement when used in the top lift and is limited to 17 percent maximum by binder replacement when used in a lower lift.

Processed RAP stockpiles may contain RAP from sources as indicated by the category and may be replenished with RAP from sources of that same category.

3 RAP Testing and Test Frequency. Perform the following tests at the specified testing frequencies for each category and provide the data to the Department as soon as test results are available:

a. Category 1. Establish an extraction correlation. Determine the asphalt binder content and aggregate gradation in accordance with the FOP for AASHTO T 308 and AASHTO T 30 at the minimum frequency of 1 test per 500 tons for the first 2,000 tons and 1 test per 1,000 tons thereafter. Then perform at least 6 tests for stockpiles less than 4,000 tons.

Perform chemical binder extractions in accordance with AASHTO T 319 to reclaim the binder from the RAP when blending charts are used. Determine the PG binder grading of the recycled binder as specified in 702 at the frequency of 1 test per 5,000 tons with at least 1 test per stockpile.

b. Category 2. Asphalt binder content, aggregate gradation, and binder grade testing requirements are the same as Category 1. In addition, test the aggregate recovered from the RAP by the extraction process AASHTO T 308 or AASHTO T 164 or AASHTO T 319 to determine the aggregate quality. Test RAP aggregate quality as follows:

1) AASHTO T 96 and Idaho IT 15 tested on extracted aggregate as specified at a frequency of 1 test per stockpile.

2) AASHTO T 335, AASHTO T 304, and ASTM D4791 at the minimum frequency of 1 test per 500 tons for the first 2,000 tons and 1 test per 1,000 tons thereafter. Perform at least 6 tests for stockpiles less than 4,000 tons.

Meet the applicable aggregate quality requirements in Table 703.05-1 and 703 for the combination of virgin and RAP aggregate.

Use the RAP as Category 2 RAP, unprocessed, if it was not tested.

Asphalt Binder/Aggregate Correction Factor. Perform at least 6 AASHTO T 164 or AASHTO T 319

chemical extraction tests and AASHTO T 30 gradation tests and 6 AASHTO T 308 burn tests and AASHTO T 30 gradation tests to establish a correction factor for asphalt binder and aggregate gradation. Prepare 6 identical pairs of samples and test 1 sample of each pair in accordance with AASHTO T 164 or AASHTO T 319 and test the other sample in accordance with AASHTO T 308.

Bulk Specific Gravity of the RAP Aggregate. Test RAP material for G_{sb} according to Idaho IT 146 at the rate of 1 test per 500 tons for the first 2,000 tons and 1 test per 1,000 tons thereafter. Perform a minimum of 10 tests per stockpile. Provide the test results on a spreadsheet with the specific gravity of aggregates and RAP submittal as specified in 405.03.A.

For testing after stockpiling, submit a sample plan and test the RAP pile, either in-situ or by re-stockpiling, for approval. Meet the minimum frequency required and detail the procedure used to obtain representative samples throughout the stockpile for testing.

4 RAP Stockpiles and Record Keeping. Place RAP stockpiles on a base with adequate drainage and construct in layers to minimize RAP segregation and ensure a workable face. Construct separate stockpiles for each source of RAP based on the category of RAP, the quality of aggregate, type and quantity of asphalt binder, and size of processed material. Identify RAP stockpiles on a map of the stockpile areas and place signs in or near each stockpile.

Maintain a record system at the plant site for RAP stockpiles that includes, at a minimum, the following:

a. Stockpile identification and a sketch of stockpile areas at the plant site.
b. RAP category (project, state route, plant waste, rejected loads).
c. Origin or dates milled and approximate number of tons in the stockpile.
d. Chemical extraction and AASHTO T 308 burn test results.

Make the RAP stockpile records available at the plant site. The Engineer will reject, by visual inspection, stockpiles that are not kept clean and free of foreign materials. The Engineer will reject RAP containing contaminants (e.g., earth, brick, sand, concrete, pavement fabric, joint sealants). The Contractor may reprocess the rejected RAP stockpile to meet requirements or remove the stockpile from use.

To the end of sub-section 270.04 of the QA Manual (2019 and later versions) insert the following:

270.04.01 Acceptance of Small Quantities – Asphalt Mix

General. Contractor will sample loose mix and cores in the presence of the State. The State will complete acceptance testing.

1. **Plan Quantity Less than 750 tons**
   For bridge approaches see 270.05.01 *Non-standard Acceptance of Materials - Asphalt Mix*. For other applications use this subsection. Contractor may use a commercial (non-Superpave) mix design. Aggregate shall come from an ITD-approved source. The mix design will be submitted for information only.

   Establish paving location compared to travel path:
   i. Within travel path - cores and Gmm are required. Numbers of samples will be established in ITD 862 Sample Schedule. Compaction must be 92.0% or greater. Failing work will be removed and replaced.

ii. Outside travel path accept by RE Letter of Inspection. The inspector will use ITD form 891 for density observation and will include equipment used and compaction temperatures. Gauge readings are not required.

2. **Plan Quantities between 750 - 2,250 tons and a *continuous operation*, use MTR Table 270 (405-6)**

3. **Plan Quantities between 750-2,250 tons per year and specific applications use 270.05.01 Non-standard Acceptance of Materials - Miscellaneous Asphalt Mix**

To the end of sub-section 270.05 of the QA Manual (2019 and later versions) insert the following:

270.05.01 Non-standard Acceptance of Materials – Asphalt Mix.

These acceptance criteria are established for plan quantities between 750 – 2,250 tons per year or locations such as bridge approaches, cross-overs, patching within travel lanes, gore areas and shoulders. These criteria may apply to projects with intermittent paving schedules spanning multiple months or seasons.

Acceptance Criteria:

- A Department-approved Superpave mix design is required before paving begins. A test strip will not be required.
- Tack Coat must be applied. Target guidelines for a 1:1 dilution are listed below, with the understanding this work may not be conducive to quantifying application rates:
    - 0.18 gallon per square yard on milled surfaces
    - 0.12 gallon per square yard on existing plant mix surfaces and
    - 0.08 gallon per square yard on newly paved surfaces.
- Acceptance requires 1 random core and 1 loose mix sample (Gmm only) per:
    - Bridge lane-approach (minimum of 1 per bridge quadrant per lift). Contractor has the option for state to use composite cores for acceptance (minimum of 1 per bridge quadrant). A composite core is a single core with multiple lifts included in the core. Gmm is determined using the weighted average (based on thickness) of the Gmm for each lift represented by the core. Composite cores will not be split into component lifts for evaluation.
    - Patch with any dimension exceeding 12.0 ft.
    - Day of paving (not applicable for bridge approaches)
    - One (1) random sample per 750 tons placed when the daily total exceeds 750 tons.

Compaction must be 92.0% or greater. Failing work will be removed and replaced.

Idaho Standard Practice for

Acceptance Test Strip for Asphalt Mixtures

IDAHO Designation: IR-125-23

1. SCOPE

1.1. This Standard Practice is used to evaluate hot mix asphalt (HMA) and warm mix asphalt (WMA) produced through a hot plant for conformance to the mix design and JMF and for acceptance. This IR includes responsibilities of the Engineer, the Central Materials Laboratory, and the Contractor.

1.2. *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the user's responsibility of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations before use.*

2. REFERENCE DOCUMENTS

2.1 *AASHTO Standards*

- FOP for T 27, Particle Size Distribution of Aggregate
- FOP for T 11 Method A or B, Materials Finer than 75um (No. 200) Sieve in Mineral Aggregate by Washing
- FOP for T 30, Mechanical Analysis of Extracted Aggregate
- FOP for T 312, Preparing and Determining the Density of Hot Mix Asphalt (HMA) Specimens by Means of the Superpave Gyratory Compactor
- R 35, Superpave Volumetric Design for Hot Mix Asphalt (HMA)
- FOP for T 335, Method 1, Determining the Percentage of Fracture in Coarse Aggregate
- T 269, Percent Air Voids in Compacted Dense and Open Bituminous Paving Mixtures
- FOP for AASHTO T 209, Bowl Method, Theoretical Maximum Specific Gravity and Density of Bituminous Paving Mixtures
- FOP for AASHTO R 67, Sampling Asphalt Mixtures after Compaction (Obtaining Cores)
- R 57, Standard Practice for Operating Inertial Profilers and Evaluating Pavement Profiles
- FOP for T 308, Determining the Asphalt Binder Content of Hot Mix Asphalt (HMA) by the Ignition Method
- R 97, Sampling Asphalt Mixtures
- FOP for R 47, Reducing Samples of Hot Mix Asphalt to Testing Size
- FOP for T 329, Moisture Content of Hot Mix Asphalt (HMA) by Oven Method
- FOP for T 176, Alternate Method #2 Mechanical Pre-Wet, Plastic Fines in Graded Aggregate and Soils By Use of the Sand Equivalent Test
- T 304, Method A, Uncompacted Void Content of Fine Aggregate

- FOP for R 66, Sampling Asphalt Materials
- M 323, Superpave Volumetric Mix Design
- T 344, Evaluation of the Superpave Gyratory Compactor (SGC) Internal angle of Gyration Using Simulated Loading
- T 331, Bulk Specific Gravity and Density of Compacted Asphalt Mixtures Using Automatic Vacuum Sealing Method
- R 79, Standard Practice for Rapid Drying of Compacted Asphalt Specimens Using Vacuum Drying Apparatus
- T 164, Quantitative Extraction of Bitumen from Bituminous Paving Mixtures
- T 319, Quantitative Extraction and Recovery of Asphalt Binder from Asphalt Mixtures
- FOP for T 166, Method A, Bulk Specific Gravity of Compacted Bituminous Mixtures Using Saturated Surface Dry Specimens
- FOP for T 355, In-Place Density of Asphalt Mixtures by Nuclear Methods
- T 324, Hamburg Wheel-Track Testing of Compacted Hot Mix Asphalt (HMA)

2.2 *ASTM Standards*

- D 1075, Standard Test Method for Effect of Water on Compressive Strength of Compacted Bituminous Mixtures (Immersion-Compression)
- D 4791, Standard Test Method for Flat Particles, Elongated Particles, or Flat and Elongated Particles in Coarse Aggregate
- D 6857, Standard Test Method for Maximum Specific Gravity and Density of Bituminous Paving Mixtures Using Automatic Vacuum Sealing Method
- 8159, Standard Test Method for Automated Extraction of Asphalt Binder From Asphalt Mixtures (Asphalt Analyzer™)
- 8225, Standard Method of Test for Determination of Cracking Tolerance Index of Asphalt Mixture Using the Indirect Tensile Cracking Test at Intermediate Temperature

2.3 *Idaho Standards*

- Idaho IR 87, Pavement Straightedge Procedures
- IT 120, Determining Volume of Liquids in Horizontal or Vertical Storage Tanks
- IR 125, Acceptance Test Strip for Hot Mix Asphalt (HMA) Pavement
- IT 144, Specific Gravity and Absorption of Aggregate Using Automatic Vacuum Sealing Method
- IT 146, Determination of Recycled Asphalt Pavement (RAP) Aggregate Dry Bulk Specific Gravity (G_{sb})
- IR 148, Stratified Random Sampling
- IR 150, Superpave Mix Design
- IR 151, Superpave Mix Design Evaluation
- IR 152, HMA Quality Control Plan Development and Implementation
- IR 153, Split Sample Comparison
- IR 154, Nuclear Density Gauge Correlation
- IR 155, Procedures for Checking Asphalt Drum Mix Plant Calibrations

- IR 156, Method for Determining Rolling G_{mm}
- IR 157, Determining Ignition Furnace Correction Factor
- IR 158, Quality Control Plan (QCP) Development and Implementation
- IR 159, Quality Control Plan (QCP) Review Process
- IR 160, Development, Evaluation, and Approval of HMA Plant Quality Control Plans

2.4 Standard Specifications, Subsection 106.03

2.5 Standard Specifications, Section 405

2.6 Quality Assurance Manual, Section 220

3. GENERAL TEST STRIP REQUIREMENTS

3.1. The Contractor will notify the Engineer of the date, time, and location of the acceptance test strip before or during the pre-pave meeting. The Engineer will immediately notify the Central Materials Laboratory.

3.2. The Engineer must witness all sampling of material to be used for acceptance. Any acceptance sample obtained that is not witnessed by the Engineer will be rejected.

3.3. The Contractor is responsible for material sampling. The Contractor will have a qualified technician available for the duration of the test strip. The Contractor will immediately give the samples to the Engineer.

4. IDENTIFYING THE TYPE OF ACCEPTANCE TEST STRIP

4.1. There are 2 types of test strips, an onsite test strip and an off-site test strip (i.e., off-site mix verification). The onsite test strip is performed at the start of production paving operations and encompasses the first lot of production paving. The off-site test strip is performed before beginning production paving.

Note: For the density correlation, reference IR-154. Density correlation is not a test strip.

4.2. Determine if the Contractor will perform an onsite test strip or off-site test strip to verify the JMF.

4.3. For an onsite test strip, the test strip will be the first day of production with the following exception:

4.3.1. If the total estimated quantity of material for the bid item is between 750 and 2,250 tons, the entire quantity of material will be considered the test strip, use the modified sampling schedule found in Annex 1 – On-Site Test Strip Procedure for Smaller Production Runs.

4.4. For an off-site test strip (i.e., offsite mix verification), the test strip sampling will be performed while the Contractor is targeting the JMF.

5. DETERMINING THE TEST STRIP SAMPLING SCHEDULE

5.1. Before the test strip, determine, in conjunction with the Contractor, the anticipated quantity of material that will be produced for the test strip.

Note: *It is recommended to do this via email or other written communication to ensure adequate documentation for the project records.*

5.2. Calculate the testing frequency by dividing the anticipated quantity of material that will be produced for the test strip by the required number of samples needed.

5.3. Using the value calculated in 5.2, perform Idaho IR 148 to determine the sampling schedule to obtain the required number of stratified, random samples.

5.4. Repeat step 5.2 and step 5.3 for each material to be sampled. See Example of Determining the Test Strip Sampling Schedule.

6. MATERIAL SAMPLING REQUIREMENTS

6.1. Before obtaining the first sample, confirm at the hot plant that the approved JMF is being targeted in the hot plant control system and that the most current hot plant calibrations have been verified in accordance with Idaho IR 155.

6.2. The Contractor will sample the required materials as shown in Table 6.1 at the intervals given in the test strip sampling schedule.

6.2.1. Each sample must be clearly labeled and secured in the Engineer's possession immediately after the sample is taken. If a sample consists of multiple containers, label each container in such a way that the samples and the increments are readily distinguishable (i.e., if there are 2 boxes of material for Sample 1: label one box "Box 1 of 2", and the other box "Box 2 of 2").

6.2.2. Each sample must be accompanied by the appropriate sample tracking form with all sampling information included and signed by the WAQTC sampling technician.

6.3. Continue to monitor that the proper mix is being produced throughout the test strip.

6.4. Immediately after completion of the test strip, obtain the hot plant printouts showing production totals for each mix constituent and the most current calibration records (e.g., take a snap shot or provide a written note on the plant printout of where the test strip begins/ends and the next lot begins).

6.5. The testing timeframe begins once the Engineer has received all test strip samples, sample tracking forms, and hot plant printouts and calibration records. The Engineer will submit samples, and original sample tracking forms to the acceptance lab for testing.

Table 6.1-Sampling Requirements

Material	Sampling Procedure	Number of Samples	Minimum Sample Size	Sample Container
Mix	AASHTO R 97	6	200 lbs	Cardboard box [(a)]
Aggregate	AASHTO R 90	2	50 lbs	5-gallon bucket [(b)]
RAP	AASHTO R 97	2	50 lbs	5-gallon bucket [(b)]
Binder	FOP for AASHTO R 66	1	Three 1-quart containers	Screw top can [(a)]
Field Compacted Mix	FOP for AASHTO R 67	10 [(d)]	One 6-inch diameter core	Suitable protective container [(c)]

[(a)] See Quality Assurance Manual Table 220.01.1.
[(b)] Clean 5-gallon bucket with a snap-on lid.
[(c)] See FOP for AASHTO R 67 for guidance on packaging and transporting samples.

[d] No cores required for offsite test strips.
[e] The 200 lbs sample needs to be thoroughly blended in the presence of the engineer and reduced per AASHTO R 47. 100 lbs of each sample will be sent to the lab performing acceptance testing of the test strip. 50 lbs of each sample is sent to the production acceptance lab and 50 lbs of each sample is sent to the Contractor QC lab. The production acceptance and QC portion of the sample does not need to be shipped to the test strip acceptance lab prior to distribution to the labs performing split sample testing.

7. SAMPLING AND TESTING FIELD COMPACTED MIX

7.1. For on-site test strips, field compacted mix acceptance will be based on the results of cores sampled in accordance with AASHTO R 67. Sample locations cannot be closer than 1.0 foot from a cold joint.

7.1.1. When nuclear density gauge results are to be used for acceptance for lots after the completion of the acceptance test strip, correlate the nuclear density gauge(s) in accordance with Idaho IR 154.

7.2. For off-site test strips, there is no field compacted mix acceptance performed during test strip.

7.2.1. When nuclear density gauge results are to be used for acceptance for lots after the completion of the acceptance test strip, correlate the nuclear density gauge(s) in accordance with IR 154.

8. TEST STRIP DOCUMENTATION

8.1. Maintain in ProjectWise the following records, *at a minimum,* for the test strip sampling:

8.1.1. Sampling schedule.

8.1.2. The carbon copy of the appropriate sample tracking form for each sample obtained.

8.1.3. A daily work report (DWR) or daily diary documenting the day's events.

8.1.4. A copy of the hot plant calibration records and a hot plant printout showing recorded data every 15 minutes.

8.2. Ensure the documentation listed under 8.1 is available in ProjectWise within 2 business days after the completion of the test strip.

9. ACCEPTANCE LAB RECEIVING PROCEDURE

9.1. Upon receiving the samples and associated sample tracking forms, ensure that all required documentation is included.

9.2. Document condition of samples, and date and time received.

9.3. Notify the Engineer of receipt and provide a time of estimated completion and review of all testing.

9.4. *With the mix samples:*

9.4.1. Select 1 sample for Idaho IT 157.

9.4.2. Select 3 samples for volumetric testing shown in Table 10.1.

9.4.3. Select 2 samples for performance testing shown in Table 10.2.

9.4.4. Test the mix samples in accordance with Section 10.

9.5. *With the aggregate samples:*

9.5.1. Test the aggregate samples in accordance with Section 11.

9.6. *With the RAP samples:*

9.6.1. Test the RAP samples in accordance with Section 12.

9.7. *With the binder sample:*

9.7.1. Test the binder sample in accordance with Section 13.

9.8. *With the field compacted mix samples:*

9.8.1. Test the field compacted mix samples in accordance with Section 14.

10. ACCEPTANCE LAB MIX TESTING REQUIREMENTS

10.1. With the 1 sample selected in Section 9.4.1, perform Idaho IT 157.

10.2. With each of the 3 samples selected in Section 9.4.2 retain 1 box of each sample for dispute resolution testing. With the remaining box from each sample, reduce in accordance with FOP for AASHTO R 47 and perform the volumetric testing shown in Table 10.1.

10.2.1. Report results on the most current ITD-773 form and include copies of all original source documents.

Table 10.1 – Test Strip Mix Volumetric Testing Requirements.

Test Method	Increments Per Sample
FOP for AASHTO T 308	1
FOP for AASHTO T 30	1
FOP for AASHTO T 312	2
FOP for AASHTO T 166 Method A	2
FOP for AASHTO T 209	2
FOP for AASHTO T 329	1

10.3. With the 2 samples selected in Section 9.4.3 retain 1 sample for dispute resolution testing.

10.3.1. With the remaining sample, blend and reduce in accordance with FOP for AASHTO R 47 to within (plus or minus) 15.0 grams of the desired sample size. Fine tune by hand to the desired sample size and perform the performance testing shown in Table 10.2.

10.3.2. Report results on the most current ITD-773 form and include copies of all original source documents.

Table 10.2 – Test Strip Mix Performance Testing Requirements.

Test Method	Increments [(a)] Per Sample
AASHTO T 324	4
ASTM D 8225	3

[(a)] An increment is considered a single SGC puck.

11. ACCEPTANCE LAB AGGREGATE TESTING REQUIREMENTS

11.1. With one of the 2 samples selected in Section 9.5.1, reduce in accordance with FOP for AASHTO R 76 and perform the testing shown in Table 11.1.

11.1.1. Retain remaining 1 sample for testing, test remaining 1 sample if the first sample fails.

11.1.2. Report results on the most current Department forms, include copies of all original source documents.

Table 11.1 – Test Strip Aggregate Testing Requirements.

Test Method	Increments Per Sample
FOP for AASHTO T 335	1
FOP for AASHTO T 255	1
AASHTO T 304 Method A	1
FOP for ASTM D 4791	2
FOP for AASHTO T 176 (Alternate Method 2, Mechanical)	2
AASHTO T 85[(a)]	3
Idaho IT 144[(a)]	3

[(a)] Department may elect to perform to confirm G_{sb}.

12. ACCEPTANCE LAB RAP TESTING REQUIREMENTS

12.1. With 1 of the samples selected in Section 9.6.1, reduce in accordance with FOP for AASHTO R 76 and perform the testing shown in Table 12.1.

12.1.1. Report results on the most current Department forms include copies of all original source documents.

Table 12.1 – Test Strip RAP Testing Requirements.

Test Method	Increments Per Sample
FOP for AASHTO T 255 (Controlled Heat Source)	1
Idaho IT 146 [(a)]	1
ASTM D8159 [(a)]	1
AASHTO T 30 [(a)]	1
AASHTO T 308 [(a)]	1

[(a)] The Department may confirm the RAP G_{sb}.

13. ACCEPTANCE LAB BINDER TESTING REQUIREMENTS

13.1. With the one sample selected in Section 9.7.1, select 2 quarts for Department acceptance testing and 1 quart for challenge resolution. Perform the testing shown in Table 13.1.

13.1.1. Report results on the most current Department forms, include copies of all original source documents.

Table 13.1 – Test Strip Binder Testing Requirements.

Test Method	Increments Per Sample
Idaho IT 99	1
AASHTO M 320[(a)]	1
ASTM D 8159[(a)]	1

[(a)] See QA Manual Sections 230.10. Meet the requirements of Standard Specifications Sections 702.01 and 702.06.

14. ACCEPTANCE LAB FIELD COMPACTED MIX TESTING REQUIREMENTS

14.1. With the each of the 10 samples selected in Section 9.8.1, separate two or more pavement courses, lifts, or layers per FOP for AASHTO R 67. Perform the testing shown in Table 14.1.

14.1.1. Report results on the most current Department forms, include copies of all original source documents.

Table 14.1 – Field Compacted Mix Testing Requirements.

Test Method	Increments Per Sample
FOP for AASHTO T 166 Method A or AASHTO T 331[(a)]	1

[(a)] Use the average G_{mm} from testing performed in Section 10 to compute the in-place density of the cores.

15. ACCEPTANCE LAB TEST STRIP RESULTS REPORTING PROCEDURE

15.1. Report the results of each test performed on the most current Department forms, include copies of all original source documents and sample tracking forms in the report.

15.1.1. Each original source document will be signed by the testing technician.

15.2. The lab manager or the lab manager's qualified designated agent will fully review the report and all supporting documents for completeness.

15.3. Submit a complete electronic copy of the report to the Engineer for distribution with ample time to allow the Engineer time to review and determination of test strip acceptance.

16. EVALUATING ACCEPTANCE TEST STRIP RESULTS

16.1. The Engineer, upon receipt of the results from 15.3, will determine acceptance of the test strip as follows:

16.1.1. Use the Department approved method (e.g., Department provided spreadsheet or web portal) to perform the quality level analysis and determine acceptance as specified in 106.03.B and 405.03.I.

16.2. *Review of hot plant calibration records:*

16.2.1. Verify that the calibration records meet Idaho IR 155. If they do not match the most recent plant calibration record that was witnessed, perform a calibration verification in accordance with Idaho IR 155.

16.3. *Review of hot plant printout:*

16.3.1. Use the ITD-774 form to verify that the hot plant printout indicates the individual cold feed percentage for aggregate, cold feed percentage for RAP, asphalt content for the RAP, and virgin binder meet the requirements of 405.03.I.

17. ACCEPTANCE OF THE TEST STRIP

17.1. The test strip is considered acceptable when it meets Section 16.

18. EXAMPLE OF DETERMINING THE TEST STRIP SAMPLING SCHEDULE

Example: During the pre-paving meeting, the Contractor informs the Engineer that they will be performing an onsite test strip on April 19th. They anticipate paving 2,130 tons.

The Engineer will use this information to develop a test strip sampling schedule as follows:

For plant mix:

- The plant mix sampling frequency is calculated by dividing 2,130 by 6.
- Sampling frequency for plant mix is 1 sample per 355 tons.
- Use a 355 ton sample frequency and 6 samples, perform Idaho IR 148 to determine the sampling schedule to obtain 6 stratified random, samples of plant mix.
- Obtain plant mix samples in accordance with AASHTO R 97 per the sampling schedule.

For cold feed aggregate:

- Before sampling asphalt mix, obtain 1 cold feed aggregate sample by Conveyor Belt Method A or Method B of FOP for AASHTO R 90. Conveyor Belt Method B is the preferred method if automatic sampling devices are available.
- After sampling asphalt mix, obtain 1 cold feed aggregate sample by Conveyor Belt Method A or Method B of FOP for AASHTO R 90. Conveyor Belt Method B is the preferred method if automatic sampling devices are available.

For RAP (if used):

- Before sampling asphalt mix, obtain 1 RAP sample by FOP for AASHTO R 90. Conveyor Belt Method B is the preferred method if automatic sampling devices are available.
- After sampling asphalt mix, obtain 1 RAP sample by FOP for AASHTO R 90. Conveyor Belt Method B is the preferred method if automatic sampling devices are available.

For binder:

- Use a 2,130 ton sample frequency and 1 sample, perform Idaho IR 148 to determine the sampling schedule to 1 stratified, random samples of binder.
- Obtain 1 binder sample (consisting of 3, 1-quart cans) in accordance with FOP for AASHTO R 66 per the sampling schedule.

For field compacted mix:

- The field compacted mix sampling frequency is calculated by dividing 2,130 by 10.
- Sampling frequency for plant mix is 1 sample per 213 tons.
- Use a 213 ton sample frequency and 10 samples, perform Idaho IR 148 to determine the sampling schedule to obtain 10 stratified random, samples of field compacted mix.
- Obtain field compacted mix samples in accordance with AASHTO R 67 per the sampling

Idaho Standard Practice for

Superpave Volumetric Mix Design

IDAHO Designation: IR-150-21

1. SCOPE

1.1. This practice describes the requirements for developing a Superpave mix design.

1.2. *This standard practice may involve hazardous materials, operations, and equipment. This standard practice does not purport to address all of the safety concerns, if any, associated with its use. It is the user's responsibility of this procedure to establish appropriate safety and health practices and determine the applicability of regulatory limitations before use.*

2. BACKGROUND

2.1. Developing a mix design is a function of quality control (QC). A mix design is developed to find a combination of aggregates, recycled materials, asphalt, and additives to produce a roadway that meets the Department's specifications.

2.2. The end result of a successful mix design is a recommended mixture of aggregate and asphalt binder. This recommended mixture, which also includes aggregate gradation and asphalt binder type, is the job mix formula (JMF).

2.3. A JMF is a recipe for the plant to make. The mix design is the development of that recipe. A mistake in the design process can disrupt a project's schedule dramatically and have a big impact to the overall quality of the finished roadway. The development of the JMF is a QC process. It is the Contractor's responsibility to ensure that their mix design and resulting JMF will result in a mix that meets the contract requirements as determined by the Department's testing.

> **Note:** A JMF is only as good as the information that was used to develop it. A good mix design can help limit issues in production.

2.4. The mix design evaluation is for the Department to use to validate that the recipe was properly developed and the resulting JMF appears that the mix produced will meet the contract requirements.

3. REFERENCE DOCUMENTS

3.1. AASHTO Standards

- M 323, Superpave Volumetric Mix Design
- R 30, Mixture Conditioning of Hot-Mix Asphalt (HMA)
- R 35, Superpave Volumetric Design for Asphalt Mixtures
- R 76, Reducing Samples of Aggregate to Testing Size
- R 90, Sampling Aggregate Products
- T 11, Materials Finer Than 75-pm (No. 200) Sieve in Mineral Aggregates by Washing
- T 27, Sieve Analysis of Fine and Coarse Aggregates

- T 84, Specific Gravity and Absorption of Fine Aggregate
- T 85, Specific Gravity and Absorption of Coarse Aggregate
- T 166, Bulk Specific Gravity (G_{mb}) of Compacted Asphalt Mixtures Using Saturated Surface-Dry Specimens
- T 209, Theoretical Maximum Specific Gravity (G_{mm}) and Density of Hot Mix Asphalt (HMA)
- T 312, Preparing and Determining the Density of Asphalt Mixture Specimens by Means of the Superpave Gyratory Compactor
- T 324, Hamburg Wheel-Track Testing of Compacted Hot Mix Asphalt (HMA)
- T 331, Bulk Specific Gravity (G_{mb}) and Density of Compacted Asphalt Mixtures Using Automatic Vacuum Sealing Method

3.2. Idaho Standards:

- IT 144, Specific Gravity and Absorption of Fine Aggregate Using Automatic Vacuum Sealing Method
- IT-146, Determination of Recycled Asphalt Pavement (RAP) Aggregate Dry Specific Gravity G_{sb}
- Standard Specifications for Highway Construction

3.3. WAQTC/Idaho FOPs

- R 76, Reducing Samples of Aggregate to Testing Size
- R 90, Sampling Aggregate Products
- T 11, Materials Finer Than 75-pm (No. 200) Sieve in Mineral Aggregates by Washing
- T 27, Sieve Analysis of Fine and Coarse Aggregates
- T 166, Bulk Specific Gravity (G_{mb}) of Compacted Asphalt Mixtures Using Saturated Surface-Dry Specimens
- T 209, Theoretical Maximum Specific Gravity (G_{mm}) and Density of Hot Mix Asphalt (HMA)
- T 312, Preparing and Determining the Density of Asphalt Mixture Specimens by Means of the Superpave Gyratory Compactor
- WAQTC TM 13, Volumetric Properties of Hot Mix Asphalt
- WAQTC TM 14, Laboratory Prepared Asphalt Mixture Specimens

3.4. ASTM Standards

- D8159, Automated Extraction of Asphalt Binder From Asphalt Mixtures (Asphalt Analyzer)
- D8255, Determination of cracking Tolerance Index of Asphalt Mixture Using the Indirect Tensile cracking Test at Intermediate Temperature

3.5. *Other Standards*

- Asphalt Institute MS-2, Asphalt Mix Design Methods, 7th Edition

4. SPECIFIC GRAVITY OF AGGREGATE AND RAP

4.1. Use the bulk dry specific gravity of aggregate (G_{sb}) established by the Department for each stockpile when developing the mix design and performing calculations.

5. MIX DESIGN REQUIREMENTS

5.1. Develop a Superpave mix design in accordance with AASHTO R 35 that will result in a plant-produced mixture that meets the contract requirements.

5.2. The mix design must be developed by an individual that is qualified by the Department as a Superpave mix design technician (SPMDT).

5.2.1. The specific tests required during the mix design process must be performed by an individual qualified by the Department for the specific test method.

5.3. The mix design must be reviewed, approved, signed, and sealed by an Idaho-licensed professional engineer responsible for the mix design.

5.4. Use a Department-qualified Superpave mix design laboratory for developing the design.

6. MIX DESIGN REPORT REQUIREMENTS

6.1. Provide a single job mix formula (JMF) reported on an ITD-774 form.

6.2. Attach all supporting documentation and data used in developing the JMF.

6.2.1. Include signature(s) and WAQTC/PE license number(s) for testers and reviewers on each sheet.

Note: The design will be reviewed by the Department in accordance with Idaho IR 151. Ensure that the report has all information required to complete the review. Incomplete or missing information will result in rejection of the mix design.

7. MIX DESIGN SUBMITTAL

7.1. Submit the mix design and all supporting documentation via email to mixdesigns@itd.idaho.gov and the Engineer.

7.2. Each mix design submitted for approval must be accompanied by a Microsoft® Excel® electronic version of the ITD-774 form specific to the mix design.

7.3. Only 1 mix design per email notification will be accepted. Submit the mix design for evaluation a minimum of 5 business days before paving is scheduled to begin.

7.4. Upon submittal, the Department will give the mix design a unique identifier number. This will be the mix design number. Keep this number for your records.

8. AMENDING THE MIX DESIGN

8.1. If the mix design is required to be amended per 405.03.B.1.b.i.1, amend the mix design the following process:

8.1.1. Each page of the mix design that is revised or added is required to include the project key lead number, bid item number, date of revision, and means of identifying the revision. The amendment is required to be signed and dated by the Contractor's representative who is responsible for developing the mix design and subsequently signed and dated when approved by the Engineer.

8.2. Amending the mix design or JMF is not allowed once the mix design has been approved by the Department.

9. APPROVED MIX DESIGNS

9.1. The Department will maintain a list of approved mix designs listed by Department generated mix design number. Mix designs are not approved for use unless they are listed.

Idaho Standard Practice for

Superpave Mix Design Evaluation

IDAHO Designation: IR-151-21

1. SCOPE

1.1. This practice describes the procedures for evaluating a Superpave mix design, mix design requirements, and the time required to perform the evaluation.

1.2. *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the user's responsibility of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations before use.*

2. BACKGROUND

2.1. When reviewing a mix design, it is important to keep in mind the following:

2.2. A mix design is solely a function of quality control (QC). A mix design is developed to find a combination of aggregates, recycled materials, asphalt, and additives to use to produce a roadway that meets the Department's specifications.

2.3. The end result of a successful mix design is a recommended mixture of aggregate and asphalt binder. This recommended mixture, which also includes aggregate gradation and asphalt binder type is the job mix formula (JMF).

2.4. A JMF is a recipe for the plant to make. The mix design is the development of that recipe. A mistake in the design process can disrupt a project's schedule dramatically and have a big impact to the overall quality of the finished roadway. However, developing the JMF is a QC process. It is the Contractor's responsibility to ensure that their mix design and resulting JMF will result in mix that meets the contract requirements.

Note: A JMF is only as good as the information that was used to develop it. A good mix design can help limit issues in production.

2.5. The mix design evaluation is for the Department to use to validate that the recipe was properly developed and the resulting JMF appears that the mix produced will meet the contract requirements.

3. REFERENCE DOCUMENTS

3.1. *Idaho Procedures:*

- IT-150, Superpave Volumetric Mix Design
- Standard Specifications for Highway Construction

4. SUBMITTAL OF MIX DESIGN

4.1. The Contractor must submit the asphalt mix design in accordance with Idaho IR 150.

5. RECEIPT OF MIX DESIGN SUBMITTAL

5.1. Upon receipt of the mix design submittal, the mix design will be given a unique identifier number.

6. REVIEW OF MIX DESIGN SUBMITTAL

6.1. The Department will review all Superpave mix designs proposed for use before use. The Department recognizes the risk associated with each paving application varies. Therefore, the extent of each mix design review will be in accordance with these potential risks.

6.2. The mix design will be reviewed by the Engineer, the Central Materials Laboratory, and the State Construction and Materials Engineer.

6.3. The reviewers may contact the mix designer or the professional engineer responsible for the mix design during the review process for further information or clarifications.

6.4. All mix designs will be reviewed for the following:

6.4.1. Accuracy.

6.4.2. Completeness.

6.4.3. Reasonableness. Examples of items that will be check for reasonableness include, but are not limited to, ensuring that calculations were done correctly and that the volumetric data follows the expected trends (i.e., binder absorption not being dependent on asphalt content).

6.4.4. Compliance with specifications.

6.4.5. Compliance with Idaho IR 150.

6.5. When amendments are made to the mix design submittal, the current review will be ended and the amended mix design will be considered a new submittal.

6.5.1. Amendments must meet the requirements of Idaho IR 150.

7. REVIEW OF PREVIOUSLY USED MIX DESIGNS

7.1. A mix design reviewed and accepted for a previous or current project may be submitted in writing for use on a new project. Acceptance of the mix design will be based on meeting the following requirements in addition to the requirements of Section 3:

7.1.1. The proposed mix design is of the type required for the new project.

7.1.2. The mix produced on previous projects utilizing the proposed mix design was of good quality (e.g., the combined average PWL on all the previous project(s) was ≥ 90 PWL for all mix quality characteristics).

7.1.3. The mix design is not classified as expired in accordance with 405.03.B.2 of the Standard Specifications.

8. MIX DESIGN REVIEW TIMEFRAME

8.1. The Department will review the mix design within 5 business days after receiving the full submittal package.

9. APPROVAL OF MIX DESIGN

9.1. The Department will maintain a list of approved mix designs. Upon approval, the mix design will be placed on this list.

10. REJECTION OF MIX DESIGN

10.1. The Department will notify the Contractor upon rejection of a mix design via email.

10.1.1. The Department will provide details as to why the mix design was rejected.

10.2. Notification of the rejection will be sent to the email address given on the ITD-774 form.

Idaho Standard Practice for

ASPHALT MIXTURES QUALITY CONTROL PLAN (QCP) DEVELOPMENT AND IMPLEMENTATION

IDAHO Designation: IR-152-21

1. PURPOSE

1.1. The purpose is to establish minimum requirements for the Contractor's quality control system and quality control plan (QCP) for asphalt mixtures. It is intended that these requirements be used as a procedural guide in detailing the inspection, sampling, and testing deemed necessary to maintain compliance with the Department's specifications. The Department and the Contractor must hold a pre-pave meeting and document the decisions and agreements made. An example of a pre-pave meeting agenda is provided in the Appendix. Conducting a thorough pre-pave meeting increases partnership as well as it can only increase the likelihood of success of each party.

2. SCOPE

2.1. This procedure is applicable to the production and construction of asphalt mixtures.

3. REFERENCE DOCUMENTS

3.1. Idaho Standards

- IR 158, Quality Control Plan Development.
- IR 160, Evaluation and Approval of HMA Plants and Equipment.
- IR 155, Procedures for Checking Asphalt Drum Mix Plants

4. GENERAL REQUREMENTS

4.1. As stated in the Standard Specifications for Highway Construction, a QCP must be developed by the Contractor/producer and submitted in writing to the Engineer at the preconstruction conference. Acceptance of the QCP by the Engineer will be contingent upon its concurrence with the Standard Specifications and this standard method. For this reason, the QCP will clearly describe the methods by which the quality control program will be conducted. For example, the items to be controlled, tests to be performed, testing frequencies, sampling locations, and techniques will be included with each item listed separately. Also include a table stating what actions will occur when test results indicate specification limits are approached or exceeded. See Table 1 at end of this guide for an example. Also, a detailed plan of action regarding disposition of non-specification material will be included. Such a plan will provide for immediate notification of all parties involved in the Quality Assurance process in the event nonconforming situations are detected. Example 1. HMA Quality Control Plan may be used as an example.

4.2. Inspection and testing records must be maintained, kept current, and made available for review by Department personnel throughout the life of the contract. All other documentation (e.g., date of inspections, tests performed, temperature measurements, and accuracy, calibration or re-calibration checks performed on production of testing equipment) will be recorded.

4.3. The Contractor will maintain standard equipment and qualified personnel in accordance with the contract and specification requirements for the item(s) being produced.

5. QUALITY CONTROL PLAN

5.1. Operation quality control plans will be submitted for each contract/project to the Engineer for review and approval. Include a Plant Quality Control Plan that meets the requirements of Idaho IR 160. Distribution of the approved quality control plans will be made by the Engineer.

5.2. Example 1. HMA Quality Control Plan is provided only as an acceptable template that contains the required information is attached.

6. ADDENDA TO THE QUALITY CONTROL PLAN

6.1. Addenda are defined as an addition or deletion to the QCP. Each page of the QCP that is revised is required to include the project key lead number, date of revision, and means of identifying the revision. The addenda are required to be signed and dated by the Contractor's representative who is responsible for insuring that all items of work will comply with Department Specifications and subsequently signed and dated when approved by the Engineer.

Table 1: Example of QC Actions to Implement When Approaching or Exceeding Specification Limits

Test Description	Test Method	QC Action Limits		Situation		Action
		Single Test	4-Point Moving Avg. or Daily Avg.	Single Test	4-Point Moving Avg. or Daily Avg.	
Binder Content, P_b	FOP for AASHTO T 168 and FOP for AASHTO R 47 and FOP for AASHTO T 308 and FOP for AASHTO T 329	± 0.6	± 0.3	Approaching Limit	Approaching Limit	Discuss with hot mix plant, operator, and may suspend construction process
Aggregate Gradation	FOP for AASHTO T 30 (wash method used for all gradation measurements)	NA	C-JMF	4 percent on +#4 2 percent on -#4	Approaching Limit	Increase frequency of tests and prepare for process modification
Air Voids @ N_{design}, P_a	WAQTC TM 13	± 1.0%	NA	2 tests over ± 1%	NA	Initiate C-JMF Modifications
VMA @ N_{design}	WAQTC TM 13	≤ 1% min	≥ min	3 tests over ± 1%	Approaching Limit	Discuss with the Engineer & Process Modification
Dust Proportion, DP	WAQTC TM 13	NA	≥ min ≤ max	Approaching Limit	Approaching Limit	Modify C-JMF
G_{mm}	FOP for AASHTO T 168 and FOP for AASHTO R 47 and FOP for AASHTO T 209 (Bowl Method)	C-JMF	C-JMF	Approaching Limit	Approaching Limit	Modify C-JMF or Redesign
G_{se}	WAQTC TM 13	C-JMF	C-JMF	Approaching Limit	Approaching Limit	Modify C-JMF or Redesign
Rut Depth, mm	AASHTO T 324	≥ min	NA	Approaching Limit	NA	Discuss with the Engineer & initiate investigation, modification, or redesign
Stripping, passes	AASHTO T 324	≥ min	NA	Approaching Limit	NA	Discuss with the Engineer & initiate investigation, modification, or redesign
Cracking, FI	AASHTO TP 124	≥ min	NA	Approaching Limit	NA	Discuss with the Engineer & initiate investigation, modification, or redesign
Mainline Density	Idaho IR 156, and FOP for AASHTO T 355 or FOP for AASHTO T 343	NA	≥ min	Approaching < 92%	≤ 100% Pay	Notify the Engineer

Note: When 2 consecutive test results fail or if any of the 4-point moving average values fail, production will be suspended and the situation discussed with the Engineer. The process will be corrected before production resumes.

EXAMPLE 1

HMA Quality Control Plan – General Overview (Details provided in PrePave Meeting/Project Specific)

NOTE: This is provided only as an acceptable template; other options/formats are acceptable

Date:
To: (RESIDENT ENGINEER)
From: (CONTRACTOR(s) NAME)
Subject: HMA Quality Control Plan

1. Project Information

1.1. We are submitting our HMA Quality Control Plan, developed in accordance with Idaho IR 152, Idaho IR, 158, and Idaho IR 160 for:

Project Number:_____
Lead Key Number:_____
Date Submitted:_____

1.2. (NAME) is responsible for ensuring that all items of work will comply with the contract and Department specifications.

2. Hot Plant

2.1. General Information:

Make:_____

Type:_____

Address of Plant:_____

2.2. The hot plant operation is under the direction of (NAME) who can be contacted at (ADDRESS, EMAIL, AND TELEPHONE).

2.3. Current calibration and verification status of plant and history of plant inspection program attached in Exhibit A.

2.4. The Hot Plant Quality Control Plan, developed in accordance with Idaho IR 160 and approved on (DATE) by (NAME OF PERSON(s)) is attached in Exhibit B.

3. Mix Designs

3.1. Mix designs will be the responsibility of (NAME OF PERSON(s)), WAQTC number (NUMBER(s)).

3.2. The HMA design(s) to be used are attached in Exhibit C.

3.3. Before production, (NAME), (WAQTC NUMBER), will submit our HMA mix design for each type of mix in accordance with the contract and specifications by (DATE). Only allowable and approved materials will be incorporated in the mix.

4. Delivery and Placement

4.1. The field operation is under the direction of (NAME) who can be contacted at (ADDRESS, EMAIL, AND TELEPHONE).

4.2. (LIST OF EQUIPMENT TYPE, MAKE).

4.3. (DETAILED DESCRIPTION OF THE PRODUCTION AND PLACEMENT PROCESS).

5. Quality Control Sampling and Testing,

5.1. The laboratory performing quality control testing is (LAB QUALIFICATION NUMBER), located at (LOCATION).

5.2. The quality control program is under the direction of (NAME OF PERSON), who can be contacted at (ADDRESS, EMAIL, AND TELEPHONE).

5.3. During the placement operations of the HMA pavement we will perform at a minimum quality control tests per attached schedule. Sampling and testing is the responsibility of (NAME(s), WAQTC number (NUMBER(s)).

5.4. Sampling and testing is the responsibility of (NAME OF PERSON(s)), WAQTC number (NUMBER(s)).

5.5. During the production operations of the HMA (NAMES) will perform, at a minimum, quality control tests in accordance with the attached schedule. Also attached are the proposed method to select locations and/or times for sampling. See Exhibit D.

5.6. All testing will be completed by (NAME(s)), (WAQTC NUMBER(s)), within (HOURS) hours of sampling and all original documentation of results will be completed on the attached original documentation forms. See Exhibit E.

5.7. Testing reports and original source documents will be reviewed and checked by (NAME(s)), (WAQTC NUMBER(s)), within (HOURS) hours of testing being completed. All reporting will be completed on the attached forms. See Exhibit F.

EXAMPLE 1 (CONTINUED)
HMA Quality Control Plan

6. Records.

6.1. Testing reports and all backup documentation will be located at (LOCATION) for review by the Department between the hours of (TIME) and (TIME) during the life of the contract/project.

6.2. Testing reports and all backup documentation will be located at (LOCATION) for review by the Department between the hours of (TIME) and (TIME) for (YEARS) after the completion of the project.

7. Notifications.

7.1. Any material found to be noncomplying will be addressed by (NAME) who will notify the Engineer immediately.

7.2. (NAME) will notify appropriate Department personnel at least 48 hours before any work is to begin.

8. Nonconforming Material.

8.1. (STATE THE PROCESS FOR DISPOSITION OF NONCONFORMING MATERIAL)

8.2. See the Exhibit G for what actions will occur when test results indicate specification limits are approached or exceeded.

Attachments:

Exhibit A – Current calibration and verification status of plant and history of plant inspection program

Exhibit B – Hot Plant Quality Control Plan

Exhibit C – HMA Mix Design

Exhibit D – Minimum QC Testing Schedule, Sampling and Testing Methods, and Location(s)

Exhibit E – Original Test Documentation Form Template(s)

Exhibit F – Test Reporting Form Template(s)

Exhibit G – Table of QC actions when approaching or exceeding specification limits

Idaho Standard Practice for

Split Sample Comparison

IDAHO Designation: IR-153-21

1. SCOPE

1.1. This Standard Practice is used to compare 2 or more sets of test results in order to measure the testing variability of different parties (e.g., Department vs. Contractor).

2. BACKGROUND

2.1. There are 4 primary components or sources of inherent variability in individual test results for material samples. These components of inherent variability are:

- Sampling Variability
- Testing Variability
- Material Variability
- Construction Variability

2.1.1. **Sampling variability** is caused by variation that is inherent in the sampling methods or procedures used to obtain a material sample. Even when the person obtaining a sample carefully follows standard sampling methods or procedures, some amount of sampling variability will occur.

2.1.2. **Testing variability** is the result of variation inherent in performing a test method and variation inherent in the test equipment. Even when the person performing a test carefully follows standard testing methods and even when the test equipment is properly calibrated, some amount of testing variability will occur.

2.1.3. **Material variability** is essentially due to the inherent variation that naturally exists in a given material. It is quite unrealistic to expect perfect homogeneity in any raw or processed source of construction materials (e.g., soils, aggregate, HMA, PCC, steel, paint). The inherent variation for most construction materials, on a relative basis, is usually small.

2.1.4. **Construction variability** is the result of variation that is inherent in production methods and construction operations. The largest amount of construction variability is generally attributed to the production and placement process.

2.1.5. Additional construction variability (i.e., beyond the expected or accepted range) can be introduced through inconsistent production methods and construction operations. This is why good, consistent quality control, both at the source/plant and in the field, is essential in minimizing the amount of construction variability as a component of overall inherent variability.

2.1.6. Additional sampling variability and testing variability (i.e., beyond the expected or accepted range) can be introduced through deviations from standard sampling method and test procedures by the person(s) performing the sampling and testing, or as a result of test equipment that is not properly calibrated or properly functioning. Sampling and testing variability, combined, have been stated as comprising up to 50 percent of the total overall variation in test results. Specification

limits were developed to take standard sampling and testing variability into account. However, it is important not to compound or add to the expected range of inherent variability due to sloppy practices. Consistent and careful adherence to proper sampling and testing procedures can minimize these two components of overall inherent variability.

3. REFERENCE DOCUMENTS

2.1 *AASHTO Standards*

- FOP for R 90, Sampling of Aggregates
- R 76, Reducing Samples of Aggregates to Testing Size
- T 255, Total Evaporable Moisture Content of Aggregate by Drying
- FOP for T 27, Particle Size Distribution of Aggregate
- FOP for T 11, With Materials Finer than 75um (No. 200) Sieve in Mineral Aggregate by Washing
- T 335, Determining the Percentage of Fracture in Coarse Aggregate
- T 176, Plastic Fines in Graded Aggregates and Soils by Use of the Sand Equivalent Test
- R 97, Sampling Asphalt Mixtures
- R 47, Reducing Samples of Hot Mix Asphalt (HMA) to Testing Size
- T 329, Moisture Content of Hot Mix Asphalt (HMA) by Oven Method
- T 308, Determining the Asphalt Binder Content of Hot Mix Asphalt (HMA) by the Ignition Method
- T30, Mechanical Analysis of Extracted Aggregate
- T 209, Theoretical Maximum Specific Gravity and Density of Hot Mix Asphalt Paving Mixtures
- T 167, Standard Method of Test for Compressive Strength of Hot Mix Asphalt
- T 166, Bulk Specific Gravity of Compacted Hot Mix Asphalt using Saturated Surface-Dry Specimens
- R 30, Mixture Conditioning of Hot-Mix Asphalt (HMA)
- FOP for R 66, Sampling Asphalt Materials
- T 164, Quantitative Extraction of Bitumen from Bituminous Paving Mixtures
- T 319, Quantitative Extraction and Recovery of Asphalt Binder from Asphalt Mixtures
- T 303, Lime for Asphalt Mixtures
- T 312, Asphalt Mixture Specimens by Means of the Superpave Gyratory Compactor
- T 324, Hamburg Wheel-Track Testing of Compacted Hot Mix Asphalt (HMA)
- T 33, Bulk Specific Gravity and Density of Compacted Asphalt Mixtures Using Automatic Vacuum Sealing Method
- R 79, Standard Practice for Rapid Drying of Compacted Asphalt Specimens Using Vacuum Drying Apparatus
- T 269, Percent Air Voids in Compacted Dense and Open Bituminous Paving Mixtures
- T 283, Resistance of Compacted Asphalt Mixtures to Moisture-Induced Damage
- TM 13, Volumetric Properties of Hot Mix Asphalt

- R 67, Sampling Asphalt Mixtures after Compaction (Obtaining Cores)
- T 309, Temperature of Freshly Mixed Portland Cement Concrete
- T 119, Slump of Hydraulic Cement Concrete
- T 121, Density (Unit Weight), Yield, and Air Content (Gravimetric) of Concrete
- T 152, Air Content of Freshly Mixed Concrete by the Pressure Method
- T 23, Method of Making and Curing Concrete Test Specimens in the Field
- T 265, Laboratory Determination of Moisture Content of Soils
- T 99, Moisture-Density Relations of Soils Using a 2.5-kg (5.5-lb) Rammer and 305-mm (12-in.) Drop
- T 180, Moisture-Density Relations of Soils Using a 4.54-kg (10-lb) Rammer and 457-mm (18-in.) Drop
- T 85, Specific Gravity and Absorption of Course Aggregate
- T 355, Determining the Percentage of Fracture in Coarse Aggregate
- T 310, In-Place Density and Moisture Content of Soil and Soil-Aggregate by Nuclear Methods (Shallow Depth)
- T 272, One-Point Method for Determining Maximum Dry Density and Optimum Moisture
- T 304, Uncompacted Void Content of Fine Aggregate
- R 64, Standard Practice for Field Sampling and Fabrication of 50-mm (2-in) Cube Specimens using Grout (Non-Shrink) or Mortar
- T 359, Pavement Thickness by Magnetic Pulse Induction

ASTM Standards

- FOP for D 4791, Flat and Elongated Particles in Coarse Aggregate
- D 1075, Standard Test Method for Effect of Water on Compressive Strength of Compacted Bituminous Mixtures (Immersion-Compression)
- D 6857, Standard Test Method for Maximum Specific Gravity and Density of Bituminous Paving Mixtures Using Automatic Vacuum Sealing Method
- D 8159, Standard Test Method for Automated Extraction of Asphalt Binder From Asphalt Mixtures (Asphalt Analyzer™)
- D 8225, Standard Method of Test for Determination of Cracking Tolerance Index of Asphalt Mixture Using the Indirect Tensile Cracking Test at Intermediate Temperature

Idaho Standards

- IT 13, Measuring Mortar-Making Properties of Fine Aggregate Idaho
- IT 15, Degradation
- IT 72, Evaluating Cleanness of Cover Coat Material
- IT 74, Vibratory Spring-Load Compaction for Coarse Granular Material
- IT 116, Disintegration of Quarry Aggregates (Ethylene Glycol)
- IT 144, Specific Gravity and Absorption of Fine Aggregate Using Automatic Vacuum Sealing (CoreLok) Method
- IT 61, Sampling and Viscosity Testing Emulsified Asphalt Binders in the Field

- IT 146, Determination of Reclaimed Asphalt Pavement (RAP) Aggregate Bulk (Dry) Specific Gravity (G_{sb})
- IR 128, Sampling Concrete for Chloride Analysis
- IT 131, Total Chloride Content of Hardened Concrete by Gran Plot Method
- IT 133, Determination of the Rate of Evaporation of Surface Moisture from Concrete
- IR 143, Field Sampling of Hydraulic Cement and Fly Ash
- IT 147, Measuring Texture Depth of Portland Cement Concrete Using a Tire Tread Depth Gauge
- IR 7, Inspecting/Sampling Paint and Curing Compound
- IT 121, Determining Total Solids-Latex Percent
- IT 8, Resistance R-Value and Expansion Pressure of Compacted Soils and Aggregates
- IR 162, Taking Undisturbed Soil Samples for Laboratory Consolidation, Shear and Permeability Tests
- Idaho Transportation Department Quality Assurance Manual

WAQTC Standards

- TM 13, Volumetric Properties of Hot Mix Asphalt
- TM 2, Sampling Freshly Mixed Concrete
- IR 87, Pavement Straightedge Procedures
- IT 120, Determining Volume of Liquids in Horizontal or Vertical Storage Tanks

4. SUMMARY OF THE PRACTICE

4.1. This practice describes the testing and analysis needed to perform a comparison of split samples tested by different parties against an allowable degree of test result difference attributed to testing variability.

5. TERMINOLOGY

5.1. *Individual Split Sample Acceptable Range*— The allowable tolerance between individual split sample test results when properly sampled and split.

5.2. *Paired t-Test*— Uses the difference between each pair of tests of the split samples and determines whether the difference is much different from zero.

5.3. *Split Increment*— A representative portion of a split sample that is larger than the minimum size needed for a single party to perform the desired testing.

5.4. *Split Sample*— A sample that will be used for split sample comparison testing.

6. MATERIAL SAMPLING AND SPLITTING AND TESTING

6.1. Obtain a sample in accordance with the Department's approved sampling procedure.

6.1.1. Ensure that the sample is large enough for each party to receive a split increment larger than the minimum sample size.

6.2. Split each sample in accordance with the Department's approved splitting procedure.

6.2.1. Ensure that each split increment meets the minimum sample size for the testing to be performed.

6.3. Each party will test in accordance with Department's approved testing procedures.

6.4. Repeat steps 6.1 to 6.3 until the desired number of split samples are obtained to perform the analysis.

Note: It is recommended to compare a minimum of 3 split samples for material that will be subject to statistical based acceptance (e.g., HMA, aggregates)

7. COMPARISON OF RESULTS

7.1. Compare the split increments for each split sample using the D2S limits (Section 9).

7.2. Compare the sets of split increments for all split samples using the paired t-test (Section 8).

Note: The D2S comparison is simple and can be done for each split sample that is obtained. However, this procedure compares only 2 test results (from one split sample), and is not very powerful due to the limited amount of data being evaluated. The paired t-test, compares multiple sets of split samples, and is a better method for comparison since this test uses the differences between multiple pairs of tests and determines whether the average difference is statistically different from zero.

7.3. Use the ITD-1237 form to perform and report the comparison.

7.4. When differences in results have been identified, the parties will collaborate and investigate to determine the source of the inconsistency and make necessary corrections.

7.5. The possible source of the inconsistencies and any corrections made will be documented on the ITD-1237 form.

8. PAIRED T-TEST COMPARISON (RECOMMENDED)

8.1. Determine the individual difference between split sample test results (X_{dif}) for each split sample.

$$x_{dif} = x_A - x_B$$

Where:

X_{dif} = Individual difference between split sample test results.

X_A = Party A's individual test value.

X_B = Party B's individual test value.

Note: This difference is not the absolute difference, it is the algebraic difference. The subtraction (i.e., Party A's test value minus Party B's test value) is performed in the same direction for every set of split samples.

8.2. Determine the mean of the differences between the split sample test results, calculated as follows:

$$\overline{X}_{dif} = \frac{(x_{dif1} + x_{dif2} + \ldots x_{dif\,n})}{n}$$

Where:

$\overline{X}_{dif}$ = Mean of the differences between the split sample test results.

n = Number of split samples.

8.3. Compute the standard deviation of the differences between the split sample test results, calculated as follows:

$$S_{dif} = \sqrt{\frac{\sum(x_{dif} - \overline{X}_{dif})^2}{n - 1.0}}$$

Where:

S_{dif} = Standard deviation of the differences between the split sample test results.

8.4. Compute the paired t-statistic (t_{pair}) using the following equation:

$$t_{pair} = \frac{|\overline{X}_{dif}|}{\left(\frac{S_{dif}}{\sqrt{n}}\right)}$$

8.5. Compute the degrees of freedom (df). The degrees of freedom are the number of sample pairs (n) minus one, used to compute the t-statistic.

$$df = n - 1$$

8.6. Determine the two-tailed probability distribution (P-value) for the 2 data sets using the degrees of freedom (df) for a two-tailed t-test.

8.7. Compare the P-value to α (0.05).

8.7.1. If the P-value is greater than α, the paired t-test passes. There is reason to believe that the paired test results are similar and it can be concluded they are from the same population. (i.e., no differences in testing has been identified)

8.7.2. If the P-value is less than α, the paired t-test fails. The difference between the paired test results of the split samples is greater than is likely to occur from chance and therefore the results are not similar. (i.e., difference in testing has been identified)

9. D2S COMPARISON

9.1. Determine the individual difference between split sample test results (X_{dif}).

$$x_{dif} = x_A - x_B$$

Where:

X_{dif} = Individual difference between split sample test results.

X_A = Party A's individual test value.

X_B = Party B's individual test value.

9.1.1. For aggregates, compare X_{dif} to the QA Manual Table 390.01.1.

9.1.2. For concrete, compare X_{dif} to the QA Manual Table 390.01.2.

9.1.3. For HMA, compare X_{dif} to Table 1 in this method.

9.1.4. For all other materials, compare X_{dif} to the precision statement in the test method performed (if available).

9.2. If X_{dif} is greater than the individual split sample acceptable range, they are considered outside of allowable tolerances. (i.e., a difference in testing has been identified)

Table 1 – Allowable HMA Single Individual Split Sample Variations

Test Method	Quality Characteristic	Acceptable Range of Split Sample Results
AASHTO T 308	Asphalt Content (%)	0.15
AASHTO T 30	95 to 100% passing a sieve	1.6
	40 to 94% passing a sieve	3.5
	25 to 39% passing a sieve	2.4
	10 to 24% passing a sieve	2.3
	5 to 9% passing a sieve	1.6
	2 to 4% passing a sieve	1.2
	0 to 1% passing a sieve	0.9
AASHTO T 209	G_{mm}	0.012
AASHTO T 166	G_{mb}	0.017
WAQTC TM 13	G_{se}	0.012
	P_a	0.30
	VMA	0.30
	DP	0.15

10. EXAMPLES

10.1. A Department lab and a Contractor lab performed a split sample comparison on 5 samples. The table below presents the split sample test results for theoretical maximum specific gravity (G_{mm}) to determine whether a difference exists between the Department's and the Contractor's results.

Example 10.1 – AASHTO T 209 Results			
Split Sample Number	Contractor's Results	Department's Results	Difference (X_{dif})
1	2.396	2.405	-0.009
2	2.368	2.374	-0.006
3	2.377	2.381	-0.004
4	2.395	2.390	0.005
5	2.381	2.379	0.002
		$\bar{X}_{dif}$ =	-0.0024
		S_{dif} =	0.00577
		P-value =	0.405

10.1.1. Conclusion: Since the calculated P-value is greater than 0.05 (Section 8) and the X_{dif} of each test is less than the individual split sample acceptable range (Section 9), the split sample comparison indicates that there is not a significant difference in testing between these labs.

Idaho Standard Practice for

Nuclear Density Gauge Correlation

IDAHO Designation: IR-154-21

1. SCOPE

1.1. This Standard Practice is used to determine the nuclear density gauge correlation for each nuclear gauge used for acceptance testing.

1.2. *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the user's responsibility of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations before use.*

2. REFERENCE DOCUMENTS

2.1 *AASHTO Standards*

- FOP for T 355, Method A, In-Place Density of Asphalt Mixtures by Nuclear Methods
- FOP for R 67, Sampling Asphalt Mixtures After Compaction (Obtaining Cores)
- FOP for T 166, Method A, Bulk Specific Gravity of Compacted Bituminous Mixtures Using Saturated Surface Dry Specimens
- T 331, Bulk Specific Gravity and Density of Compacted Asphalt Mixtures using Automatic Vacuum Sealing Method

2.2 *Idaho Standards*

- Idaho IR 148, Stratified Random Sampling

3. SUMMARY OF THE PRACTICE

3.1. The bulk specific gravity (G_{mb}) of the core is a physical measurement of the in-place asphalt mixture and can be compared with the nuclear density gauge readings. Comparing the core value to the corresponding gauge values, a correlation can be established.

3.2. The correlation can then be used to adjust the gauge readings to the in-place density of the cores. The core correlation is gauge-specific and must be determined without traffic allowed on the pavement between nuclear density gauge readings and obtaining the core. When using multiple nuclear density gauges, each gauge will be correlated to the core locations before removal of the core.

3.3. Correlation of the nuclear density gauge with pavement cores must be made on the first lot of paving (within 24 hours) or anytime a change of the testing conditions occurs (see Section 8).

Note: *The Department must correlate all gauges that will be used for acceptance testing for each gauge correlation section.*

4. APPARATUS

4.1. *Density Gauge*— With accessory equipment as specified in FOP for AASHTO T 355.

4.2. *Coring Equipment*— With accessories as specified in FOP for AASHTO R 67 for collecting 6-inch diameter pavement cores.

4.3. *Measuring Device*— Approved measuring device capable of measuring gauge correlation section and sub-section lengths.

5. TERMINOLOGY

5.1. *Gauge Correlation Section*— Pavement placed during production paving that is used to correlate the nuclear density gauge(s) used for acceptance. The gauge correlation section must be constructed to the same placement width and thickness and on the same underlying material as the course it represents.

5.2. *Gauge Correlation Sub-Section*— A portion of the gauge correlation section in equal-length to other sub-sections that is represented by a single test location.

5.3. *Job Mix Formula* (JMF)— End result of a successful mix design that is the Contractor's selected mixture to be produced and includes the aggregate gradation and asphalt binder percentage.

5.4. *Test Location*— The stratified random location within a gauge correlation sub-section where testing will be performed.

5.5. *Test Site Density*— The uncorrected density reading taken on the compacted pavement after finish rolling is complete at a test site for correlation to cores. It is obtained by using the test procedure specified in FOP for AASHTO T 355 without applying a gauge correlation factor. Filler material must be applied as required in the procedure before taking test site density readings.

5.6. *Stratified Random Sampling* —Method used to ensure the specimens for the sample are obtained from throughout the test section, and are not concentrated in one portion of the test section. All sample locations will be determined by the Engineer using a random sampling system in accordance to Idaho IR 148.

6. PROCEDURE

6.1. *Determine the gauge correlation section and testing locations as follows:*

6.1.1. Gauge correlation for each correlation section will be within the first 1,000 tons and consist of a minimum of 1,000 feet of production and anytime there is a change of conditions (Section 8).

6.1.2. Divide the total length of the gauge correlation section into 10 equal-length sub-sections.

6.1.3. Identify a test location for each gauge correlation sub-section in accordance with IR 148.

6.2. *Determine the in-place density using the nuclear density gauge for each test location as follows:*

6.2.1. Determine in-place density using the nuclear density gauge(s) for each test location in accordance with FOP for AASHTO T 355.

Note: *It is recommended that the Contractor's QC personnel also determine in-place density at each test location to develop a correlation factor for QC purposes.*

6.2.2. The ITD-820 form will be used by the Department personnel as the original source document to record the test site densities for each gauge at each test location.

6.3. *Determine the bulk specific gravity (G_{mb}) for each sub-section as follows:*

6.3.1. After the pavement has cooled sufficiently to avoid deformation during coring, the Contractor will obtain 1 core at each test site from each segment in accordance with FOP for AASHTO R 67 in the Engineer's presence. The Engineer will immediately receive the cores. The relative position of the core to the nuclear gauge readings for each test location is illustrated in Figure 1.

Note: The Contractor may core for quality control purposes.

6.3.2. Determine the G_{mb} of each core in accordance with FOP for AASHTO T 166 Method A or AASHTO T 331.

Note: *Determine the G_{mb} of all cores for the gauge correlation section using the same procedure.*

6.3.2.1. Determine the bulk density of the each core by multiplying G_{mb} by 62.245 lb/ft^3 and report the value to the nearest 0.1 lb/ft^3.

6.3.3. The ITD-820 form from Section 6.2.2 will be used by the Department personnel as the chain of custody documentation and the original source document used to record the G_{mb} of each core.

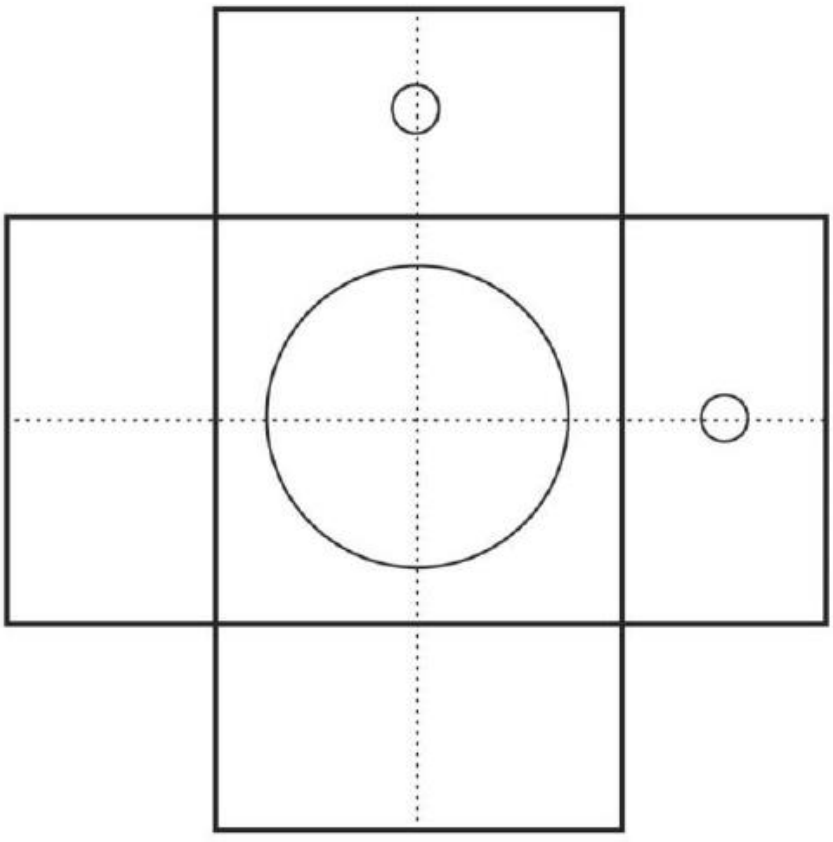


Figure 1. *Footprint of the gauge test site. Core location in the center of the test site.*

7. CALCULATION OF CORRELATION

7.1. *Calculate a correlation factor for the nuclear gauge reading as follows*:

7.1.1. Calculate the difference between the core density and nuclear gauge density at each test site to the nearest 0.1 lb/ft^3. Calculate the average difference and standard deviation of the differences for the entire data set to the nearest 0.1 lb/ft^3.

7.1.2. If the standard deviation of the differences is equal to or less than ±2.5 lb/ft^3, the correlation factor applied to the nuclear density gauge reading will be the average difference calculated in Section 7.1.1.

7.1.3. If the standard deviation of the differences is greater than ±2.5 lb/ft^3, the test location with the greatest variation from the average difference must be eliminated from the data set, and the data set properties and the correlation factor recalculated following Sections 7.1.1 and 7.1.2.

If the standard deviation of the modified data set still exceeds the maximum specified in Section 7.1.2, additional test sites will be eliminated from the data set, and the data set properties and the correlation factor will be recalculated following Sections 7.1.1 and 7.1.2. If the data set consists of less than 5 test locations, additional test sites must be established.

8. CHANGE OF CONDITIONS

8.1. A correlation factor is valid only for:

8.1.1. A specific project.

8.1.2. A specific JMF.

8.1.3. For the specific nuclear density gauges correlated.

8.1.4. Specific gauge thickness setting.

8.1.5. Specific gauge mode setting.

8.1.6. Specific underlying material.

8.1.7. Specific pavement thickness.

8.1.8. A specific pavement lift.

8.1.9. A specific calendar year.

8.2. Re-correlation of the gauge must occur when any of the above conditions change.

9. REPORT

9.1. The Department will report the results of testing on the ITD-820 form.

9.2. Project information.

9.3. Make, model, and serial number of the nuclear density gauge.

9.4. Stratified, random numbers.

9.5. Location of test and thickness of layer tested.

9.6. Underlying material.

9.7. Mixture type.

9.8. JMF identification.

9.9. Date.

9.10. Density standard.

9.11. Gauge readings.

9.12. Name and signature of individual performing AASHTO T 355.

9.13. Name and signature of individual performing AASHTO R 67.

9.14. Name and signature of individual performing AASHTO T 166 or T 331.

9.15. Nuclear gauge correlation to 0.1 lb/ft^3.

Idaho Standard Practice for

Procedures for Checking Asphalt Mix Plant Calibrations

IDAHO Designation: IR-155-21

1. SCOPE

1.1. These procedures are used in conjunction with the Department's Standard Specifications for Highway Construction for checking asphalt drum mix plants to assess plant conformance. This procedure is used for original plant approval, annual plant approval, after plant relocation (if necessary), or trouble shooting. If, at any time the Engineer has reason to believe plant calibration should be checked and provides documentation supporting the reason(s), only the meter(s) or scale(s) in question will be considered verified if the indicated metered or scaled amount, at a production rate within the range stated in the Plant Quality Control Plan, is confirmed when within ±1.0% of the actual scaled or measured amount. Some variations from this procedure may be necessary depending upon the configuration of the plant, including volumetric plants.

1.1.1. Volumetric plants are defined as those plants that meter some or all constituent materials using volumetric metering, such as a volumetric asphalt meter rather than a mass flow meter, or aggregate feeder gate and conveyor speed settings rather than individual belt scales.

1.2. All calibration procedures stated below are required to be completed in the Department's presence for plant verification, unless the Department waives, in writing, witness of calibration. Documentation will be provided to the Department that the tests have been completed and meet specification tolerances. If the Engineer requests how to read and interpret the plant information provided, the Contractor will inform the Engineer.

1.3. *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the user's responsibility of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations before use. All individuals must comply with the Contractor's safety program requirements at the plant.*

2. MEASURING DEVICES

2.1. Any weighing device used for payment must meet Section 109.01.A.6.b.

2.2. All measuring devices must meet the current edition of the National Institute of Standards and Technology Handbook 44, except as modified by Table 2.1. The Contractor must provide all personnel and equipment for calibrating measuring devices.

2.3. Balance and zero conditions of scales must be checked daily, and at any other time requested by the Department. The Engineer may, at any time, direct that any measuring device be tested by the producer or an outside agency if there is any doubt about the accuracy of the measuring device. Certificates of inspection must be posted in a prominent place in the plant, and a copy must be promptly submitted to the Engineer.

2.4. Production plant tolerances must meet the following table:

Table 2.1

Material	Measurement Tolerance [a]	Unit of Measure
Aggregate	0.2%	Weight
RAP	0.2%	Weight
Asphalt	0.2%	Weight or Volume
Additives	0.5%	Weight or Volume

[a] Measurement tolerance equals the smallest scale or meter graduation divided the quantity or volume measured (e.g., 20-pound graduations / 10,000 pounds measured = 0.2%)

3. BELT SCALES ON COLD FEEDERS

3.1. Use a certified scale(s) to check each individual belt scale, including RAP, at its high production rate and low production rate, as stated in the Plant Quality Control Plan. The Contractor will determine the amount of material needed to ensure plant calibration is accurate within ±1.0%. A minimum of 2 tests will be run at each range to check for repeatability and eliminate any outliers.

3.2. ***Plant Test Procedure:***

3.2.1. Each bin and its belt scale are tested individually.

3.2.2. Some plants may have to use a zero percent moisture input to ensure accuracy.

3.2.3. Check the belt scale accuracy at both high range and low range by running material over the belt scale and checking the indicated computer weight (accumulator) against the actual net weight of the material in the truck.

3.2.4. The allowable error must not exceed ±1.0% from the certified truck scale weight.

3.2.5. The final belt scale (totalizer) will be checked at its high production rate and low production rate, as stated in the Plant Quality Control Plan. The Contractor will determine the amount of material needed to ensure plant calibration is accurate within ±1.0%

4. BELT SCALE ON VOLUMETRIC PLANTS

4.1. ***Plant Test Procedure:***

4.1.1. The final belt scale will be tested using two high-production rate runs and two low-production rate runs as stated in the Plant Quality Control Plan. The allowable error must not exceed ±1.0%.

5. FEEDER BINS ON VOLUMETRIC PLANTS

5.1. Use a certified scale(s) to check each individual volumetric feeder, including RAP, gate setting and underbelt speed, at its high production rate and low production rate, as stated in the Plant Quality Control Plan. The Contractor will determine the amount of material needed to ensure plant calibration is accurate within ±1.0%. A minimum of 2 tests will be run at each range to check for repeatability and eliminate any outliers.

5.2. Test Procedure:

5.2.1. Each bin and its gate setting(s) and underbelt speed(s) are tested individually.

5.2.2. Record the gate setting and underbelt speed at both high range and low range by running material over the belt scale and recording the indicated computer weight or the actual net weight of the material in the truck divided by the run time and record the tons per hour for those settings.

6. ASPHALT METER ACCURACY

6.1. The asphalt meter is checked at its estimated high production rate and low production rate, as stated in the Plant Quality Control Plan. Run 2 checks at each rate.

6.2. ***Test Procedure:***

6.2.1. Enter the correct specific gravity or lb/gal and temperature for the liquid asphalt being used for the test into the computer system. The Contractor will determine the amount of material needed to ensure plant calibration is accurate within ±0.5%. Follow the manufacturer's recommendation for calibration of the asphalt meter or the asphalt metering system. The calibration tank must be certified or verified with test weights before calibrating the asphalt meter.

6.2.2. Check the asphalt meter accuracy at the high range and low range by running material through the meter and checking the indicated computer weight (accumulator) against the actual net weight of the material in the truck or calibration tank. For volumetric meters, convert the actual net weight to volume using the specific gravity and correcting for temperature.

A minimum of 2 test runs at the high production rate and low production rate will provide repeatability and eliminate any outliers.

7. BAGHOUSE FINES RETURN SYSTEM

7.1. If baghouse fines are returned, the returns will be in accordance with the quality control plan.

8. MINERAL FILLER SYSTEM

8.1. If mineral filler (e.g., lime, other mineral additive) is added separately and does not come into contact with the other aggregates until it is in the drum mixer, it is handled in the same manner as the asphalt meter check.

Note: *This is not the baghouse fines return system. The fines in the baghouse fines return system has contact with the other aggregates before reaching the drum mixer.*

8.2. *Materials and Equipment:*

8.2.1. Calibration vessel, container, or truck with sufficient capacity for calibrating mineral filler.

8.3. *Test Procedure:*

8.3.1. The mineral filler is pumped through its meter into a tared calibration vessel where it is weighed on an approved scale and compared against the quantity as recorded by the plant automation. The Contractor will determine the amount of material needed to ensure mineral filler calibration is accurate within ±5.0%.

9. ANTI-STRIP ADDITIVE CALIBRATION

9.1. Anti-stripping additive calibration check must be performed in a manner satisfactory to the Engineer; at both the high and low production rates and all percentages of additive addition in accordance with the Plant Quality Control Plan. The Contractor will determine the amount of material needed to ensure anti-strip additive calibration is accurate within ±0.5%.

10. NO-FLOW SYSTEM

10.1. Aggregate, RAP, mineral filler system, and asphalt interlocks must issue an audible alarm if a no-flow situation occurs.

10.2. *Test Procedure:*

10.2.1. The no-flow test will be run on each cold feed bin including RAP.

10.2.2. Material will be placed in the bin, and the bin will be allowed to run empty. An audible alarm must immediately occur.

10.2.3. The asphalt and mineral filler systems will be placed in a "No-Flow" condition or otherwise halted and an audible warning must immediately occur.

11. REPORTS

11.1.1. After the plant calibration and/or verification is complete, the Contractor will supply the Engineer with a printout of all calibration numbers which verify the calibration of the system and show that it meets all Department specifications. The Engineer will sign and date a copy for the Contractor to retain.

11.1.2. The Contractor will supply upon request either a display or printout of all calibration numbers that verify the calibration of the system has not changed since the annual calibration and still meets Department specifications.

Idaho Standard Practice for

Determining Rolling G_{mm}

IDAHO Designation: IR-156-21

1. SCOPE

1.1. This Standard Practice is used to determine the maximum theoretical specific gravity (G_{mm}) used for calculating percent compaction of in-place density during production paving.

1.2. *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the user's responsibility of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations before use.*

2. REFERENCE DOCUMENTS

2.1 *AASHTO Standards*

- FOP for T 209, Bowl Method, Theoretical Maximum Specific Gravity and Density of Bituminous Paving Mixtures
- FOP for T 355, In-Place Density of Asphalt Mixtures by Nuclear Method
- FOP for R 97, Sampling Asphalt Mixtures
- FOP for R 47, Reducing Samples of Hot Mix Asphalt to Testing Size

2.2 *Idaho Standards*

- Idaho IR 148, Stratified Random Sampling
- Idaho IR 125, Acceptance Test Strip for Hot Mix Asphalt (HMA)

3. SUMMARY OF THE PRACTICE

3.1. The maximum theoretical specific gravity (G_{mm}) for determining the percent compaction will be determined using a rolling, consecutive 2-lot average (i.e., the most recent 2 completed lots) of the Department's acceptance test results. For the first 2 lots of production paving, the average G_{mm} from the test strip is used for determining percent compaction.

4. PROCEDURE

4.1. *Determine the rolling G_{mm} for each lot as follows:*

4.1.1. For the first 2 lots of production paving, use the average of all Department acceptance G_{mm} results from the test strip.

Note: The Department must provide the G_{mm} preliminary results before production the next day to the Contractor.

4.1.2. For all other lots of production paving, use the average of all Department acceptance G_{mm} results from the previous 2 lots.

Note: For previously used mix designs, use the average of Lot 1 results of the current project for the first 2 lots of production paving.

4.2. The rolling G_{mm} established in this procedure is used for performing the calculations in the FOP for AASHTO T 355 for the current lot.

5. PROCEDURE FOR TEST RESULT CHALLENGE

5.1. When test result challenge resolution is performed in accordance with Subsection 106.07 of the Standard Specifications, the original Department acceptance test results are replaced with the challenge resolution test results and the rolling G_{mm} for the subsequent lots will be re-determined.

5.2. The rolling G_{mm} established in 5.1 will be used for performing the calculations in place of the G_{mm} determined in Section 4.

6. EXAMPLE

6.1. The table below presents the G_{mm} results from the samples for the first 4 completed lots of production paving. Lot 1 was the test strip. The rolling G_{mm} for the first 5 lots are calculated as follows:

6.1.1. Lot 1 rolling G_{mm} = 2.402 (average of lot 1 combined G_{mm})

6.1.2. Lot 2 rolling G_{mm} = 2.402 (average of lot 1 combined G_{mm})

6.1.3. Lot 3 rolling G_{mm} = 2.399 (average of lot 1 and lot 2 combined G_{mm})

6.1.4. Lot 4 rolling G_{mm} = 2.398 (average of lot 2 and lot 3 combined G_{mm})

6.1.5. Lot 5 rolling G_{mm} = 2.392 (average of lot 3 and lot 4 combined G_{mm})

Lot Number	Sample Number	Combined G_{mm}
1	1	2.396
1	2	2.410
1	3	2.401
2	4	2.395
2	5	2.419
2	6	2.389
2	7	2.391
2	8	2.392
3	9	2.381
3	10	2.422
3	11	2.398
4	12	2.379
4	13	2.388
4	14	2.391
4	15	2.385

Idaho Standard Practice for

QUALITY CONTROL PLAN (QCP) DEVELOPMENT AND IMPLEMENTATION

IDAHO Designation: IR-158-21

1. SCOPE

1.1. The purpose of this guide is to establish minimum requirements for the Contractor's quality control system and quality control plan (QCP). It is intended that these requirements be used as a procedural guide in detailing the inspection, sampling, and testing deemed necessary to maintain compliance with the Department's specifications.

2. GENERAL REQUIREMENTS

2.1. As stated in the Standard Specifications for Highway Construction, a QCP must be developed by the Contractor/producer and submitted in writing to the Engineer at the preconstruction conference. Acceptance of the QCP by the Engineer will be contingent upon its concurrence with the Standard Specifications and this standard method. For this reason, the QCP will clearly describe the methods by which the quality control program will be conducted. For example, the items to be controlled, tests to be performed, testing frequencies, sampling locations, and techniques will be included with each item listed separately. Also include a table stating what actions will occur when test results indicate specification limits are approached or exceeded. See Table 1 at end of this guide for an example. Also, a detailed plan of action regarding disposition of non-specification material will be included. Such a plan will provide for immediate notification of all parties involved in the Quality Assurance process in the event nonconforming situations are detected. Example 1. Quality Control Plan may be used as an example.

2.2. Inspection and testing records must be maintained, kept current, and made available for periodic review by Department personnel throughout the life of the contract. All other documentation (e.g., date of inspections, tests performed, temperature measurements, and accuracy, calibration or re-calibration checks performed on production of testing equipment) will be recorded.

2.3. The Contractor will maintain standard equipment and qualified personnel in accordance with the contract and specification requirements for the item(s) being produced.

3. QUALITY CONTROL PLAN

3.1. Operation quality control plans will be submitted for each contract/project to the Engineer for approval. Distribution of the approved quality control plans will be made by the Engineer.

3.2. Follow Example 1. Quality Control Plan as a general guideline but at a minimum include the following:

3.2.1. Contract bid item covered by the quality control plan.

3.2.2. Sampling location and techniques.

3.2.3. Sampling plan.

3.2.4. Tests and test methods.

3.2.5. Testing frequencies.

3.2.6. Testing forms to be used.

3.2.7. Inspection frequencies and areas of inspection.

3.2.8. Detailed description of production and placement equipment and methods.

3.2.9. Detailed calibration processes and procedures (if applicable)

3.2.10. Documentation procedures, including:

3.2.10.1. Inspection and test record requirements and document management.

3.2.10.2. Temperature measurements.

3.2.10.3. Accuracy, calibration, or recalibration checks performed on production or testing equipment.

3.2.11. QC personnel, including the company official ultimately responsible for the quality of work.

4. ADDENDA TO THE QUALITY CONTROL PLAN

4.1. Addenda are defined as an addition or deletion to the QCP. Each page of the QCP that is revised is required to include the project key lead number, bid item number, date of revision, and means of identifying the revision. The addenda are required to be signed and dated by the Contractor's representative who is responsible for insuring that all items of work will comply with Department Specifications and subsequently signed and dated when approved by the Engineer.

EXAMPLE 1

¾” Aggregate Type B Base Quality Control Plan

Date:
To: (RESIDENT ENGINEER)
From: (CONTRACTOR(s) NAME)
Subject: 3/4” Aggregate Type B for Base Quality Control Plan

1. Project Information

1.1. We are submitting our Quality Control Plan, developed in accordance with Idaho IR 158 for:

Project Number:_____
Lead Key Number:_____
Bid Item Number:_____
Date Submitted:_____

1.2. (NAME) will be responsible for insuring that all items of work will comply with the contract and Department specifications.

2. Material Source

2.1. General Information:

Source Number:_____

Address of Source:_____

2.2. The aggregate source operation is under the direction of (NAME) who can be contacted at (ADDRESS, EMAIL, AND TELEPHONE).

2.3. (DETAILED DESCRIPTION OF THE PRODUCTION PROCESS)

3. Delivery and Placement

3.1. The field operation is under the direction of (NAME) who can be contacted at (ADDRESS, EMAIL, AND TELEPHONE).

3.2. (LIST OF EQUIPMENT TYPE, YEAR, MAKE, MODEL)

3.3. (DETAILED DESCRIPTION OF THE PLACEMENT PROCESS)

4. Quality Control Sampling and Testing,

4.1. The laboratory performing quality control testing is (LAB QUALIFICATION NUMBER), located at (LOCATION).

4.2. The quality control program is under the direction of (NAME OF PERSON), who can be contacted at (ADDRESS, EMAIL, AND TELEPHONE).

4.3. During the production operations of the aggregate we will perform at a minimum quality control tests per attached schedule. Sampling and testing will be the responsibility of (NAME(s), WAQTC number (NUMBER(s)).

4.4. During the placement operations of the aggregate (NAMES) will perform, at a minimum, quality control tests in accordance with the attached schedule. Also attached are the proposed method to select locations and/or times for sampling.

4.5. All testing will be completed by (NAME(s)), (WAQTC NUMBER(s)), within (HOURS) hours of sampling and all original documentation of results will be completed on the attached original documentation forms.

4.6. Testing reports and original source documents will be reviewed and checked by (NAME(s)), (WAQTC NUMBER(s)), within (HOURS) hours of testing being completed. All reporting will be completed on the attached forms.

5. Records.

5.1. Testing reports and all backup documentation will be located at (LOCATION) for review by the Department between the hours of (TIME) and (TIME) during the life of the contract/project.

5.2. Testing reports and all backup documentation will be located at (LOCATION) for review by the Department between the hours of (TIME) and (TIME) for (YEARS) after the completion of the project.

6. Notifications.

6.1. Any material found to be noncomplying will be addressed by (NAME) who will notify the Engineer immediately.

6.2. (NAME) will notify all appropriate Department personnel at least 48 hours before any work is to begin.

7. Nonconforming Material.

7.1. (STATE THE PROCESS FOR DISPOSITION OF NONCONFORMING MATERIAL)

Table 1: Example of QC Actions to Implement When Approaching or Exceeding Specification Limits

Test Description	Test Method	QC Action Limits		Situation		Action
		Single Test	4-Point Moving Avg. or Daily Avg.	Single Test	4-Point Moving Avg. or Daily Avg.	
Aggregate Gradation	FOP for AASHTO T 27 and AAHTO T 11	NA	Approaching Limit	5 percent on +#4 3 percent on -#4	Approaching Limit	Increase frequency of tests and prepare for process modification
Sand Equivalent	FOP for AAHTO T 76	NA	Approaching Limit	NA	Approaching Limit	Increase frequency of tests and prepare for process modification

Note: When 2 consecutive test results fail or if any of the 4-point moving average values fail, production will be suspended and corrective action will be taken. The process will be corrected before production resumes.

Idaho Standard Practice for

QUALITY CONTROL PLAN (QCP) REVIEW PROCESS

IDAHO Designation: IR-159-19

1. SCOPE

1.1. The purpose of this process is to establish a standard for reviewing the Contractor's quality control plan (QCP).

2. REFERENCE DOCUMENTS

2.1. Idaho Standards:

- IR 152, Asphalt Mixtures Quality Control Plan (QCP) Development and Implementation
- IR 155, Procedures for Checking Asphalt Drum Mix Plant Calibrations
- IR 158, Quality Control Plan Development and Implementation

2.2. Standard Specifications for Highway Construction

2.3. Quality Assurance Manual

2.4. Laboratory Operations Manual

3. GENERAL REQUIREMENTS

3.1. As stated in the Department's Standard Specifications for Highway Construction, a QCP must be developed in accordance with Idaho IR 158 and in concurrence with the Standard Specifications applicable to the bid item by the Contractor/producer and submitted in writing to the Engineer at the preconstruction conference. Acceptance of the QCP by the Engineer will be contingent upon its concurrence with the Standard Specifications and this standard method.

4. MINIMUM REQUIREMENTS OF A QUALITY CONTROL PLAN

4.1. Requirements shown in Idaho IR 158.

4.2. Subsection 106.03.A.2 of the Standard Specifications

4.3. Requirements of the contract bid item covered by the quality control plan (e.g., subsection 405.03.C of the Standard Specifications).

4.4. Sampling location and techniques.

4.5. Sampling plan.

4.6. Tests and test methods.

4.7. Testing frequencies.

4.8. Testing forms to be used, including examples.

4.9. Inspection frequencies and areas of inspection.

4.10. Detailed description of production and placement equipment and methods.

4.11. Detailed calibration processes and procedures (if applicable).

4.12. Documentation procedures, including:

4.12.1. Inspection and test record requirements and document management.

4.12.2. Temperature measurements.

4.12.3. Accuracy, calibration, or recalibration checks performed on production or testing equipment.

4.13. QC personnel, including the company point of contact responsible for the quality of work.

4.14. Processes for addressing non-conforming material.

5. REVIEW OF THE QUALITY CONTROL PLAN

5.1. Review the quality control plan to ensure it meets the minimum requirements in Section 4 and that adequate quality control measures are in place for the specific project.

6. REVIEW OF ADDENDA TO THE QUALITY CONTROL PLAN

6.1. Addenda are defined as an addition or deletion to the QCP. Each page of the QCP that is revised is required to include the project key lead number, bid item number, date of revision, and means of identifying the revision. The addenda are required to be signed and dated by the Contractor's representative who is responsible for insuring that all items of work will comply with the Department's specifications.

6.2. Review addenda to the quality control plan to ensure the revised QCP meets the minimum requirements and that adequate quality control measures are in place for the specific project.

7. APPROVAL OF THE QUALITY CONTROL PLAN

7.1. The QCP and each addenda will be approved only once the minimum requirements have been met.

7.2. The QCP, and addenda if applicable, as approved by the Department, is binding upon the Contractor as a contract requirement.

Idaho Standard Practice for

DEVELOPMENT, EVALUATION, AND APPROVAL OF HMA PLANT QUALITY CONTROL PLANS

IDAHO Designation: IR-160-21

1. SCOPE

1.1. This procedure covers requirements for plants producing hot mix asphalt (HMA) or warm mix asphalt (WMA) paving mixtures. The requirements in this procedure are the minimum requirements for a plant to meet 405.03.E of the Department's Standard Specifications for Highway Construction ("Standard Specifications").

1.2. *This procedure may involve hazardous materials, operations, and equipment and may not address all of the safety problems associated with the use of the test method. It is the user's responsibility to establish the appropriate safety and health practices and determe the applicability of regulatory limitations before use. All individuals must comply with the Contractor's safety program requirements at the plant.*

2. REFERENCE DOCUMENTS

2.1. AASHTO Standards:

- M 156, Standard Specifications for Requirements for Mixing Plants for Hot-Mixed, Hot-Laid Bituminous Paving Mixtures
- R 66, Sampling Asphalt Materials
- T 19M/T 19, Bulk Density ("Unit Weight") and Voids in Aggregate
- T 27, Sieve Analysis of Fine and Coarse Aggregates
- T 30, Mechanical Analysis of Extracted Aggregate
- T 84, Specific Gravity and Absorption of Fine Aggregate
- T 166, Bulk Specific Gravity (G_{mb}) of Compacted Asphalt Mixtures Using Saturated Surface-Dry Specimens
- R 97, Sampling Asphalt Mixtures
- T 209, Theoretical Maximum Specific Gravity (G_{mm}) and Density of Hot Mix Asphalt (HMA)
- T 283, Resistance of Compacted Asphalt Mixtures to Moisture-Induced Damage
- T 308, Determining the Asphalt Binder Content of Asphalt Mixtures by the Ignition Method
- T 312, Preparing and Determining the Density of Asphalt Mixture Specimens by Means of the Superpave Gyratory Compactor

3. TERMINOLOGY

3.1. Check—A specific type of inspection or measurement performed on equipment or materials to indicate compliance with the stated criteria (e.g., lime check, calibration check of the cold feed system).

3.2. Continuous Mix Plant—A manufacturing facility for producing asphalt paving mixtures that continuously proportions the aggregate, asphalt binder, RAP, and other chosen additives into the mix by a continuous volumetric or mass proportioning system without definite batch intervals.

3.3. Drum Mix Plant—A manufacturing facility for producing asphalt paving mixtures that continuously proportions the aggregate, heats and dries it in a rotating drum, adds any chosen additives, and simultaneously mixes the material with a controlled amount of asphalt binder.

3.4. Batch Plant - A manufacturing facility for producing asphalt paving mixtures that proportions and mixes the aggregate, asphalt binder, RAP, and other chosen additives into the mix by in discrete batches.

3.5. Hot Mix Plant (or Plant)—Any manufacturing facility used to produce asphalt paving mixtures.

3.6. Interlock—A system whereby plant production will be interrupted when any one of the interlocked raw material constituents fails to meet the targeted requirements established within the specifications or plant requirements.

3.7. Baghouse fines (dust) - That portion of the aggregate removed during drying and heating by the hot gas stream that accumulates in the particulate emission control baghouse. For purposes of this definition, aggregate removed from the hot gas stream by intermediate collectors such as knockout boxes is not considered baghouse fines.

3.8. Mineral Filler—A finely divided mineral product with a maximum of 3 percent retained on the 0.800 mm (No. 30) sieve and at least 70 percent of which will pass a 0.075 mm (No. 200) sieve. The most common mineral fillers include pulverized limestone, other stone dust, hydrated lime, portland cement, fly ash, and certain natural deposits of finely divided mineral matter. Baghouse fines are not considered mineral filler.

4. PLANT REQUIREMENTS

4.1. Prerequisite for Plant Approval:

4.1.1. Inspection of Equipment—The plant owner or manager will schedule an inspection of the plant facilities to determine compliance with this standard. The equipment will be maintained in a satisfactory operating condition and be capable of its intended function at all times during production.

4.1.2. Quality Control Program—Each plant will have a quality control program and have a designated person to administer the program. This program will include the testing and control of the individual component materials and the final product produced at the plant. Plant operations will be conducted in a manner to ensure a uniform product is produced which will meet specified requirements.

4.1.3. Truck Scales—Scales must meet the requirements of 109.01.A.6.b of the Standard Specifications.

4.1.4. Uniformity—The plant must be capable of producing homogenous asphalt mixtures even though the individual components include such diverse materials as various sizes of aggregate from

stockpiles, reclaimed asphalt pavement (RAP), asphalt binder, and other admixtures, as required by the mix design.

5. WEIGHT MEASURING SYSTEMS

5.1. Furnish (at the Contractor's expense) certified scales to weigh bulk asphalt plant mixtures, regardless of the type of weight measuring system used for payment.

5.2. Ensure that the documentation for certified scales complies with state and/or federal requirements. Platform scales must be certified at a minimum annually. Certified scales must be certified/re-certified if they are moved, re-calibrated, or relocated.

5.3. Each platform scale system must be capable of taring truck weights with each load.

5.4. When not using platform scales, provide calibrated weighing devices that record the mixture's net weight delivered to the truck. Weighing devices will be calibrated at a minimum before the start of the paving season and each time a plant is moved to a new location. A net weigh system will include, but is not limited to, the following:

5.4.1. Hopper weigh system that delivers asphalt mixture directly to the truck.

5.5. The weighing system used to determine the net weight will have a printing system used in conjunction with automatic mixing systems. All printing systems must be approved by the engineer.

5.6. Verify adequate installation of the net weight scale mechanism or device by the manufacturer to ensure acceptable performance and operation.

5.7. Provide information on the project tickets per Section 109.01 of the Standard Specifications.

5.8. Certify the accuracy of the weighing system by an approved registered scale service person at least once annually or whenever the plant is moved or relocated.

6. EQUIPMENT FOR PREPARATION OF ASPHALT BINDER

6.1. Tanks for storage of asphalt binder must provide adequate capacity and means to ensure proper continuous circulation between the individual storage tank and proportioning units during the entire operating period.

6.2. The delivery and metering system for the asphalt binder must have adequate capacity to provide proper continuous flow between the storage tank, proportioning unit, and mixing equipment during the entire operating period.

6.3. Storage tank capacity and operation must allow for continuous operation of the plant and uniform temperature of the asphalt binder when it is introduced into the aggregate. Metering devices must be calibrated in accordance with Idaho IR 155. Any additives based on liquid volume or mass flow must be interlocked with an audible alarm system.

6.4. A sampling valve must be provided in the asphalt binder injection lines connecting the storage tanks to the asphalt binder control unit. The valve will be located in such a manner as to allow for adequate safety for the person obtaining the sample and to allow the Department to safely witness sampling.

6.5. Any tank used for storing polymer-modified asphalt binders must be equipped with an agitation system or circulation system to ensure the liquid asphalt is maintained in a homogenous state without separation.

6.6. The mechanisms used to introduce WMA additives to asphalt mixtures at the hot mix plant must be capable of uniformly feeding and metering the additive. WMA additives typically consist of additives added at the binder production facility, dry material added through cold feeds, or water injection. Depending on the type of WMA process, the plant must be equipped with automatic controls to monitor the feed system and interrupt plant production if there is an interruption in the feed process. Equipment used to produce WMA must be approved by the Engineer before mixture production.

7. COLD AGGREGATE FEEDERS

7.1. A mechanism that must be capable of uniformly feeding the aggregates into the dryer to ensure uniform production and temperature. The mechanism must be capable of accurately combining aggregates from different storage bins.

7.2. Cold bins for storing aggregates before proportioning will be monitored to ensure that bins do not become empty or restricted. The bins will be interlocked so that a production interruption will occur or an audible warning will sound if an interruption in supply of material from any cold feed bin occurs.

7.3. Adequate and convenient facilities must be provided for obtaining samples of the full flow of aggregate from the total of the bins.

7.4. Control will be based on frequent samples from each component aggregate as well as samples taken from the combined cold aggregate feeders.

7.5. All plants are to be equipped with a means of diverting aggregate on the conveyor belt away from the dryer and into an empty haul truck for cold bin calibration purposes.

8. RECLAIMED ASPHALT PAVEMENT (RAP)

8.1. The recycled mixture will be a homogenous mixture of RAP, virgin aggregate, hydrated lime (if required), asphalt binder, and any additives. If recycling capability is required, the plant will be equipped with mechanical means for feeding the desired weight of RAP into the mix.

8.2. RAP bins for storing material before proportioning will be monitored to ensure that the bins do not become empty or restricted. The bins will be interlocked so that a production interruption will occur or an audible warning will sound if any interruption in supply of material from any cold feed bin occurs.

8.3. Adequate and convenient facilities will be provided for obtaining samples of the full flow of RAP material from the total of the bins.

8.4. Use a hot mix plant for the recycling process with necessary modifications to process the recycled material. The ratio of the RAP to virgin aggregate will be controlled by weight.

8.5. For drum and continuous mix plants, use electronic belt weighing devices to monitor the flow of RAP and the flow of virgin aggregate.

8.6. Equip plants with an interlocking system of feeders and conveyors that synchronize the RAP flow with the virgin aggregate flow. Ensure that the electronic controls monitor the flow rates indicated by the belt weighing devices and automatically maintain the desired ratio at varying production

rates. Design the RAP feeder bins, conveyor system, and auxiliary bins (if used) to prevent the material from segregating and sticking. RAP will be screened before crossing the weigh bridge with a 2-inch to 3-inchscreen.

9. EMISSIONS CONTROLS FOR DUST COLLECTOR FINES

9.1. A dust collection system must be provided. The system will be made to waste the material collected, or to return all or any part of the collected material uniformly to the mixture.

9.2. Other emissions, with the exception of water vapor, , will be controlled to be in compliance with applicable environmental limits.

9.3. *Control the dust collection as follows:*

9.3.1. When collecting airborne aggregate particles and returning them to the mixture, ensure the return system delivers the desired portion of the collected dust uniformly into the aggregate mixture and wastes the excess.

10. SURGE AND STORAGE SYSTEMS

10.1. *Provide surge and storage bins as follows:*

10.1.1. Ensure that bins for asphalt mixture storage are insulated and have a working seal, top, and bottom to prevent outside air infiltration and to maintain an inert atmosphere during storage to ensure the asphalt mixture maintains temperature at the working temperature. Bins not intended for storage may be used as surge bins to hold asphalt mixtures for part of the working day; however, empty these surge bins completely at the end of each working day.

10.1.2. Ensure that surge and storage bins can retain a predetermined minimum level of mixture in the bin when trucks are loaded. The determination of the minimum mixture level will be based on minimizing mixture segregation and any other pertinent operational constraints.

10.1.3. Ensure that surge and storage systems do not contribute to mix segregation, loss of homogeneity, lumpiness, temperature loss, draindown, or stiffness.

10.2. A plant may be permitted to store asphalt mixtures in a silo after prior evaluation and approval by the Engineer. Use will conform with all limitations on retention time, type of mixture, heater operation, silo atmosphere, mix level, mix draindown time, or other characteristics set forth in the applicable specifications.

10.3. Approval of silos may be removed or restrictions may be applied if it is determined the silo contributes to segregation, does not maintain temperature, or fails in any other way to provide a homogeneous mix.

11. MINERAL FILLER

11.1. *When mineral filler is required as a mixture ingredient:*

11.2. Use a separate feed system to proportion the required quantity into the mixture with uniform distribution.

11.3. *Control the feeder system with a proportioning device that meets the following:*

11.3.1. Is accurate to within ±5 percent of the filler required by weight.

11.3.2. Has a convenient and accurate means of calibration.

11.3.3. Interlocks or audible/visual alarms with the aggregate feed or weigh system to maintain the correct proportions for all rates of production.

11.4. Provide flow indicators or sensing devices for the mineral filler system and interlock them with the plant controls to interrupt mixture production if the mineral filler introduction fails to meet the required target value after no longer than 60 seconds.

11.5. *Add mineral filler to the mixture as follows, according to the plant type:*

11.5.1. Continuous Plants Using Dryer Drum Mixtures—Add the mineral filler so that the dry mixing is accomplished no less than 18 inches before the addition of the asphalt binder and ensure that the filler does not become entrained into the air stream of the dryer.

12. HYDRATED LIME TREATMENT SYSTEM

12.1. *When hydrated lime is required as a mixture ingredient:*

12.2. Use a separate bin and feed system to store and proportion the required quantity into the mixture.

12.3. Ensure that the aggregate is uniformly coated with hydrated lime at least 18 inches before the addition of the asphalt binder to the mixture. Ensure the hydrated lime does not become entrained in the exhaust system of the dryer or plant.

12.4. *Control the feeder system with a proportioning device that meets the following:*

12.4.1. Is accurate to within ±10 percent of the hydrated lime required by weight.

12.4.2. Has a convenient and accurate means of calibration.

12.4.3. Interlocks or audible/visual alarms with the aggregate feed or weigh system to maintain the correct proportions for all rates of production to ensure mixture produced is properly treated with lime.

12.5. Provide flow indicators or sensing devices for the hydrated lime system and interlock or audible/visual alarms them with the plant controls to interrupt mixture production if hydrated lime introduction fails to meet the required target value after 60 seconds.

13. FIBER SUPPLY SYSTEM

13.1. *When stabilizing fiber is required as a mixture ingredient:*

13.2. Use a separate bin and/or feed system to store and uniformly proportion by weight the required quantity of fiber into the mixture.

13.3. Control the feeder system with a proportioning device that meets the following:

13.3.1. Is accurate to within ±10 percent of the fiber required by weight. Automatically adjust the feed rate to maintain the material within this tolerance at all times.

13.3.2. Has a convenient and accurate means of calibration.

13.3.3. Provides in-process monitoring, consisting of a digital display of output of feed rate, in pounds (kilograms) per min, to verify feed rate.

13.3.4. Interlocks or audible visual alarms with the aggregate feed or weigh system to maintain the correct proportions for all rates of production.

13.4. Provides flow indicators or sensing devices for the fiber system and interlocks them with the plant controls to interrupt mixture production if the fiber introduction fails to meet the required target value.

13.5. *Introduce the fiber as follows, according to the plant type:*

13.5.1. When a continuous or dryer-drum-type plant is used, add the fiber uniformly to the aggregate and disperse it before the injection of the asphalt binder. Ensure the fibers will not become entrained in the exhaust system of the dryer.

14. CALIBRATION OF PLANT EQUIPMENT

14.1. Calibration of the plant must meet Idaho IR 155.

14.2. *Calibration will occur, at a minimum:*

14.2.1. If the material changes, or if a plant component supply system effecting the ingredient proportions has been repaired, replaced, or adjusted, recalibrate the proportions.

14.3. *Calibrate the mixing plant as follows:*

14.3.1. Before producing mixture for the project, calibrate by scale weight the electronic sensors or settings for proportioning the mixture ingredients.

14.3.2. Calibrate the ingredient proportioning for the anticipated range of production rates as shown in the Plant QCP. Do not operate outside the calibration range without first calibrating the proportioning systems for the new range of production rates.

15. THERMOMETRIC EQUIPMENT

15.1. Provide appropriate recording thermometers, of suitable temperature ranges, to accurately assess the temperature of the asphalt mixture at or near the discharge point. Harden the thermometer mechanism as necessary to ensure durability of the device and continuous operation. Thermometers must be calibrated by the manufacturer for the full range of mixture production temperatures. The thermometers must be verified periodically during production to ensure their accuracy.

15.2. Measure the temperature at the discharge chute of the dryer and record the temperature data automatically.

16. DEVELOPING AND MAINTAINING A PLANT QUALITY CONTROL PLAN

16.1. Develop and maintain a Plant Quality Control Plan (Plant QCP). The plant must have an approved Plant QCP prior to the plant being used on Department projects. This plan must address each section of this procedure and describe how these requirements will or will not be met.

16.1.1. If any of the minimum requirements cannot be met; describe in detail why, and how, the plant will mitigate any adverse effects from deviation of this procedure's minimum requirements.

16.2. See Section 19 (Plant QCP template) for a template of the plant quality control plan.

17. PLANT QCP REVIEW

17.1. The Department will review the Plant QCP at a minimum of once per calendar year.

17.2. Review the Plant QCP to ensure all requirements in the previous sections are met or that adequate processes and procedures are in place to mitigate any adverse effects (See Section 16.1.1)

18. PLANT QCP APPROVAL

18.1. If the Plant QCP review finds that the plant's quality control plan is sufficient to ensure a quality product will be produced, the Plant QCP will be approved.

18.2. If the Plant QCP is approved, return a signed copy of the Plant QCP to the plant. The approval is valid for one calendar year.

Company Name:
Year:

Plant Quality Control Plan

Quality Control Plan Administrator

Name

Contact Information

Reviewed By:
Reviewed Date:

Approved By:
Approval Date:

Quality Control Plans for Plants

Template

1. Plant Description
    a. Plant Type (Drum/Batch)
    b. Plant Address
    c. Detailed narrative meeting the requirements of Subsection 17.1 and 17.1.1

2. Plant Laboratory Personnel
    a. Qualified Personnel/Contact Information/WAQTC#/ Exp. Date (Scanned Copy)

3. Laboratory Qualification
    a. Idaho Lab Qualification Number
        i. Date last completed
        ii. Certification Posted in Laboratory
    b. AMRL accreditation (if applicable)
        i. Date last completed

4. Plant Inspection
    a. Performed Yearly
        i. Certification is posted at plant
    b. Plant complies with Idaho IR 160

5. Truck Scales
    a. Calibration Frequency
    b. Testing agency – copies on file

6. Plant Weighing/Measuring Devices
    a. Calibration frequency
    b. Testing agency – copies on file

7. Aggregate Stockpiles
    a. Construction Method
        i. Separation/Labeling
        ii. Segregation Control
        iii. Moisture Control (if applicable)
    b. Testing (method/frequency)

8. RAP stockpile
    a. Construction methods of stockpiles
        i. Separation/Labeling
        ii. Segregation Control
        iii. Moisture Control (if applicable)

b. Testing (method/frequency)

9. Plant Mix Temperatures
    a. Plant Monitor/Control
    b. Temperature checks

10. Binder
    a. Storage
    b. Hauling
    c. Sampling (include location)
    d. Source Change – Notification/Start-up testing
    e. List how corrective action will be taken

11. Asphalt Mix Design
    a. Responsibility

12. Asphalt Mix Sampling
    a. Location for QC
    b. Plant check processes and procedures
    c. Sampling frequency
        i. Low tonnage (< 200 tons)
        ii. > 200 tons

13. Mix Gradation
    a. Test method

14. Asphalt Content
    a. Test method

15. Volumetric Properties
    a. Test methods

16. Mix Diagnostic and Corrective Action Plan
    a. Items to address: #13-15, and on-site density

17. Project Records – Idaho Standard Specs. 106.03.A.2.
    a. Maintain and make avalable to the Engineer upon request complete records (including hand written worksheets) of sampling, testing, actions taken to correct problems, and quality control inspection results. Provide copies of the Reports when requested.
    b. Control Charts

18. Truck Loading
    a. Loading method
    b. Segregation control

19. Warm Mix Capabilities (if applicable)
    a. Plant used for WMA?

b. Type: Foamed, Additive, etc.
c. Operation (e.g. rate(s), temperatures, etc.)

20. Anti-Strip
    a. Type/Brand
    b. Method of dosing

It is hereby certified that the information contained in this Plant Quality Control Plan meets the requirements of Idaho IR 160.

Company Name:

Signature:

First & Last Name:

Quality Control Plan Administrator

Title VI Special Provisions

In compliance with the United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances (DOT Order No. 1050.2A):

"The Idaho Transportation Department, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

During the performance of work covered by this Contract, the Contractor for themselves, their assignees and successors in interest agree as follows to adhere to Appendix A and E of the USDOT Standard Title VI/Non-Discrimination Assurances:

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 2 l.

3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration (FHWA), to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration (FHWA), as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration (FHWA) may determine to be appropriate, including, but not limited to:

a. withholding payments to the contractor under the contract until the contractor complies; and/or
b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the

Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration **(**FHWA) may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U .S.C. 1681 et seq).

REQUIRED CONTRACT PROVISIONS
FEDERAL-AID CONSTRUCTION CONTRACTS

I. General
II. Nondiscrimination
III. Non-segregated Facilities
IV. Davis-Bacon and Related Act Provisions
V. Contract Work Hours and Safety Standards Act Provisions
VI. Subletting or Assigning the Contract
VII. Safety: Accident Prevention
VIII. False Statements Concerning Highway Projects
IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
X. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
XI. Certification Regarding Use of Contract Funds for Lobbying
XII. Use of United States-Flag Vessels:

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under title 23, United States Code, as required in 23 CFR 633.102(b) (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services). 23 CFR 633.102(e).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider. 23 CFR 633.102(e).

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services) in accordance with 23 CFR 633.102. The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in solicitation-for-bids or request-for-proposals documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract). 23 CFR 633.102(b).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract. 23 CFR 633.102(d).

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. 23 U.S.C. 114(b). The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors. 23 U.S.C. 101(a).

II. NONDISCRIMINATION (23 CFR 230.107(a); 23 CFR Part 230, Subpart A, Appendix A; EO 11246)

The provisions of this section related to 23 CFR Part 230, Subpart A, Appendix A are applicable to all Federal-aid construction contracts and to all related construction subcontracts of $10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR Part 60, 29 CFR Parts 1625-1627, 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), and related regulations including 49 CFR Parts 21, 26, and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding $10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR Part 60, and 29 CFR Parts 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), and related regulations including 49 CFR Parts 21, 26, and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR Part 230, Subpart A, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal Employment Opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (*see* 28 CFR Part 35, 29 CFR Part 1630, 29 CFR Parts 1625-1627, 41 CFR Part 60 and 49 CFR Part 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140, shall constitute the EEO and specific affirmative action standards for the contractor's project activities under this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR Part 35 and 29 CFR Part 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract. 23 CFR 230.409 (g)(4) & (5).

b. The contractor will accept as its operating policy the following statement:

> "It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, sexual orientation, gender identity, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. EEO Officer: The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. Dissemination of Policy: All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action or are substantially involved in such action, will be made fully cognizant of and will implement the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer or other knowledgeable company official.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. Recruitment: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to ensure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action

within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs (i.e., apprenticeship and on-the-job training programs for the geographical area of contract performance). In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. 23 CFR 230.409. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established thereunder. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors, suppliers, and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurances Required:

a. The requirements of 49 CFR Part 26 and the State DOT's FHWA-approved Disadvantaged Business Enterprise (DBE) program are incorporated by reference.

b. The contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:
(1) Withholding monthly progress payments;
(2) Assessing sanctions;
(3) Liquidated damages; and/or
(4) Disqualifying the contractor from future bidding as non-responsible.

c. The Title VI and nondiscrimination provisions of U.S. DOT Order 1050.2A at Appendixes A and E are incorporated by reference. 49 CFR Part 21.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women.

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on Form FHWA-1391. The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of more than $10,000. 41 CFR 60-1.5.

As prescribed by 41 CFR 60-1.8, the contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location under the contractor's control where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding $2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size), in accordance with 29 CFR 5.5. The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. 23 U.S.C. 113. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. 23 U.S.C. 101. Where applicable law requires that projects be treated as a project on a Federal-aid highway, the provisions of this subpart will apply regardless of the location of the project. Examples include: Surface Transportation Block Grant Program projects funded under 23 U.S.C. 133 [excluding recreational trails projects], the Nationally Significant Freight and Highway Projects funded under 23 U.S.C. 117, and National Highway Freight Program projects funded under 23 U.S.C. 167.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 “Contract provisions and related matters” with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages (29 CFR 5.5)

a. *Wage rates and fringe benefits.* All laborers and mechanics employed or working upon the site of the work (or otherwise working in construction or development of the project under a development statute), will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of basic hourly wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics. As provided in paragraphs (d) and (e) of 29 CFR 5.5, the appropriate wage determinations are effective by operation of law even if they have not been attached to the contract. Contributions made or costs reasonably anticipated for bona fide fringe benefits under the Davis-Bacon Act (40 U.S.C. 3141(2)(B)) on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph 1.e. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics must be paid the appropriate wage rate and fringe benefits on the wage determination for the classification(s) of work actually performed, without regard to skill, except as provided in paragraph 4. of this section. Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: *Provided,* That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classifications and wage rates conformed under paragraph 1.c. of this section) and the Davis-Bacon poster (WH–1321) must be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b. *Frequently recurring classifications.* (1) In addition to wage and fringe benefit rates that have been determined to be prevailing under the procedures set forth in 29 CFR part 1, a wage determination may contain, pursuant to § 1.3(f), wage and fringe benefit rates for classifications of laborers and mechanics for which conformance requests are regularly submitted pursuant to paragraph 1.c. of this section, provided that:

(i) The work performed by the classification is not performed by a classification in the wage determination for which a prevailing wage rate has been determined;

(ii) The classification is used in the area by the construction industry; and

(iii) The wage rate for the classification bears a reasonable relationship to the prevailing wage rates contained in the wage determination.

(2) The Administrator will establish wage rates for such classifications in accordance with paragraph 1.c.(1)(iii) of this section. Work performed in such a classification must be paid at no less than the wage and fringe benefit rate listed on the wage determination for such classification.

c. *Conformance.* (1) The contracting officer must require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract be classified in conformance with the wage determination. Conformance of an additional classification and wage rate and fringe benefits is appropriate only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is used in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) The conformance process may not be used to split, subdivide, or otherwise avoid application of classifications listed in the wage determination.

(3) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken will be sent by the contracting officer by email to *DBAconformance@dol.gov*. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30–day period that additional time is necessary.

(4) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer will, by email to *DBAconformance@dol.gov*, refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30–day period that additional time is necessary.

(5) The contracting officer must promptly notify the contractor of the action taken by the Wage and Hour Division under paragraphs 1.c.(3) and (4) of this section. The contractor must furnish a written copy of such determination to each affected worker or it must be posted as a part of the wage determination. The wage rate (including fringe benefits where appropriate) determined pursuant to paragraph 1.c.(3) or (4) of this section must be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

d. *Fringe benefits not expressed as an hourly rate.* Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor may either pay the benefit as stated in the wage determination or may pay another bona fide fringe benefit or an hourly cash equivalent thereof.

e. *Unfunded plans.* If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, *Provided,* That the Secretary of Labor has found, upon the written request of the contractor, in accordance with the criteria set forth in § 5.28, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

f. *Interest.* In the event of a failure to pay all or part of the wages required by the contract, the contractor will be required to pay interest on any underpayment of wages.

2. Withholding (29 CFR 5.5)

a. *Withholding requirements.* The contracting agency may, upon its own action, or must, upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to satisfy the liabilities of the prime contractor or any subcontractor for the full amount of wages and monetary relief, including interest, required by the clauses set forth in this section for violations of this contract, or to satisfy any such liabilities required by any other Federal contract, or federally assisted contract subject to Davis-Bacon labor standards, that is held by the same prime contractor (as defined in § 5.2). The necessary funds may be withheld from the contractor under this contract, any other Federal contract with the same prime contractor, or any other federally assisted contract that is subject to Davis-Bacon labor standards requirements and is held by the same prime contractor, regardless of whether the other contract was awarded or assisted by the same agency, and such funds may be used to satisfy the contractor liability for which the funds were withheld. In the event of a contractor's failure to pay any laborer or mechanic, including any apprentice or helper working on the site of the work all or part of the wages required by the contract, or upon the contractor's failure to submit the required records as discussed in paragraph 3.d. of this section, the contracting agency may on its own initiative and after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

b. *Priority to withheld funds.* The Department has priority to funds withheld or to be withheld in accordance with paragraph

2.a. of this section or Section V, paragraph 3.a., or both, over claims to those funds by:

(1) A contractor's surety(ies), including without limitation performance bond sureties and payment bond sureties;

(2) A contracting agency for its reprocurement costs;

(3) A trustee(s) (either a court-appointed trustee or a U.S. trustee, or both) in bankruptcy of a contractor, or a contractor's bankruptcy estate;

(4) A contractor's assignee(s);

(5) A contractor's successor(s); or

(6) A claim asserted under the Prompt Payment Act, 31 U.S.C. 3901–3907.

3. Records and certified payrolls (29 CFR 5.5)

a. *Basic record requirements* (1) *Length of record retention.* All regular payrolls and other basic records must be maintained by the contractor and any subcontractor during the course of the work and preserved for all laborers and mechanics working at the site of the work (or otherwise working in construction or development of the project under a development statute) for a period of at least 3 years after all the work on the prime contract is completed.

(2) *Information required.* Such records must contain the name; Social Security number; last known address, telephone number, and email address of each such worker; each worker's correct classification(s) of work actually performed; hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in 40 U.S.C. 3141(2)(B) of the Davis-Bacon Act); daily and weekly number of hours actually worked in total and on each covered contract; deductions made; and actual wages paid.

(3) *Additional records relating to fringe benefits.* Whenever the Secretary of Labor has found under paragraph 1.e. of this section that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in 40 U.S.C. 3141(2)(B) of the Davis-Bacon Act, the contractor must maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

(4) *Additional records relating to apprenticeship.* Contractors with apprentices working under approved programs must maintain written evidence of the registration of apprenticeship programs, the registration of the apprentices, and the ratios and wage rates prescribed in the applicable programs.

b. *Certified payroll requirements* (1) *Frequency and method of submission.* The contractor or subcontractor must submit weekly, for each week in which any DBA- or Related Acts-covered work is performed, certified payrolls to the contracting agency. The prime contractor is responsible for the submission of all certified payrolls by all subcontractors. A contracting agency or prime contractor may permit or require contractors to submit certified payrolls through an electronic system, as long as the electronic system requires a legally valid electronic signature; the system allows the contractor, the contracting agency, and the Department of Labor to access the certified payrolls upon request for at least 3 years after the work on the prime contract has been completed; and the contracting agency or prime contractor permits other methods of submission in situations where the contractor is unable or limited in its ability to use or access the electronic system.

(2) *Information required.* The certified payrolls submitted must set out accurately and completely all of the information required to be maintained under paragraph 3.a.(2) of this section, except that full Social Security numbers and last known addresses, telephone numbers, and email addresses must not be included on weekly transmittals. Instead, the certified payrolls need only include an individually identifying number for each worker (*e.g.,* the last four digits of the worker's Social Security number). The required weekly certified payroll information may be submitted using Optional Form WH–347 or in any other format desired. Optional Form WH–347 is available for this purpose from the Wage and Hour Division website at *https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh347/.pdf* or its successor website. It is not a violation of this section for a prime contractor to require a subcontractor to provide full Social Security numbers and last known addresses, telephone numbers, and email addresses to the prime contractor for its own records, without weekly submission by the subcontractor to the contracting agency.

(3) *Statement of Compliance.* Each certified payroll submitted must be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor, or the contractor's or subcontractor's agent who pays or supervises the payment of the persons working on the contract, and must certify the following:

(i) That the certified payroll for the payroll period contains the information required to be provided under paragraph 3.b. of this section, the appropriate information and basic records are being maintained under paragraph 3.a. of this section, and such information and records are correct and complete;

(ii) That each laborer or mechanic (including each helper and apprentice) working on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in 29 CFR part 3; and

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification(s) of work actually performed, as specified in the applicable wage determination incorporated into the contract.

(4) *Use of Optional Form WH–347.* The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH–347 will satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(3) of this section.

(5) *Signature.* The signature by the contractor, subcontractor, or the contractor's or subcontractor's agent must be an original handwritten signature or a legally valid electronic signature.

(6) *Falsification.* The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under 18 U.S.C. 1001 and 31 U.S.C. 3729.

(7) *Length of certified payroll retention.* The contractor or subcontractor must preserve all certified payrolls during the course of the work and for a period of 3 years after all the work on the prime contract is completed.

c. *Contracts, subcontracts, and related documents.* The contractor or subcontractor must maintain this contract or subcontract and related documents including, without limitation, bids, proposals, amendments, modifications, and extensions. The contractor or subcontractor must preserve these contracts, subcontracts, and related documents during the course of the work and for a period of 3 years after all the work on the prime contract is completed.

d. *Required disclosures and access* (1) *Required record disclosures and access to workers.* The contractor or subcontractor must make the records required under paragraphs 3.a. through 3.c. of this section, and any other documents that the contracting agency, the State DOT, the FHWA, or the Department of Labor deems necessary to determine compliance with the labor standards provisions of any of the applicable statutes referenced by § 5.1, available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and must permit such representatives to interview workers during working hours on the job.

(2) *Sanctions for non-compliance with records and worker access requirements.* If the contractor or subcontractor fails to submit the required records or to make them available, or refuses to permit worker interviews during working hours on the job, the Federal agency may, after written notice to the contractor, sponsor, applicant, owner, or other entity, as the case may be, that maintains such records or that employs such workers, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available, or to permit worker interviews during working hours on the job, may be grounds for debarment action pursuant to § 5.12. In addition, any contractor or other person that fails to submit the required records or make those records available to WHD within the time WHD requests that the records be produced will be precluded from introducing as evidence in an administrative proceeding under 29 CFR part 6 any of the required records that were not provided or made available to WHD. WHD will take into consideration a reasonable request from the contractor or person for an extension of the time for submission of records. WHD will determine the reasonableness of the request and may consider, among other things, the location of the records and the volume of production.

(3) *Required information disclosures.* Contractors and subcontractors must maintain the full Social Security number and last known address, telephone number, and email address of each covered worker, and must provide them upon request to the contracting agency, the State DOT, the FHWA, the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or other compliance action.

4. Apprentices and equal employment opportunity (29 CFR 5.5)

a. *Apprentices* (1) *Rate of pay.* Apprentices will be permitted to work at less than the predetermined rate for the work they perform when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship (OA), or with a State Apprenticeship Agency recognized by the OA. A person who is not individually registered in the program, but who has been certified by the OA or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice, will be permitted to work at less than the predetermined rate for the work they perform in the first 90 days of probationary employment as an apprentice in such a program. In the event the OA or a State Apprenticeship Agency recognized by the OA withdraws approval of an apprenticeship program, the contractor will no longer be permitted to use apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(2) *Fringe benefits.* Apprentices must be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringe benefits must be paid in accordance with that determination.

(3) *Apprenticeship ratio.* The allowable ratio of apprentices to journeyworkers on the job site in any craft classification must not be greater than the ratio permitted to the contractor as to the entire work force under the registered program or the ratio applicable to the locality of the project pursuant to paragraph 4.a.(4) of this section. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated in paragraph 4.a.(1) of this section, must be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under this section must be paid not less than the applicable wage rate on the wage determination for the work actually performed.

(4) *Reciprocity of ratios and wage rates.* Where a contractor is performing construction on a project in a locality other than the locality in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyworker's hourly rate) applicable within the locality in which the construction is being performed must be observed. If there is no applicable ratio or wage rate for the locality of the project, the ratio and wage rate specified in the contractor's registered program must be observed.

b. *Equal employment opportunity.* The use of apprentices and journeyworkers under this part must be in conformity with

the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

c. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. 23 CFR 230.111(e)(2). The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeyworkers shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract as provided in 29 CFR 5.5.

6. Subcontracts. The contractor or subcontractor must insert FHWA-1273 in any subcontracts, along with the applicable wage determination(s) and such other clauses or contract modifications as the contracting agency may by appropriate instructions require, and a clause requiring the subcontractors to include these clauses and wage determination(s) in any lower tier subcontracts. The prime contractor is responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in this section. In the event of any violations of these clauses, the prime contractor and any subcontractor(s) responsible will be liable for any unpaid wages and monetary relief, including interest from the date of the underpayment or loss, due to any workers of lower-tier subcontractors, and may be subject to debarment, as appropriate. 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract as provided in 29 CFR 5.5.

9. Disputes concerning labor standards. As provided in 29 CFR 5.5, disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility. a. By entering into this contract, the contractor certifies that neither it nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of 40 U.S.C. 3144(b) or § 5.12(a).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of 40 U.S.C. 3144(b) or § 5.12(a).

c. The penalty for making false statements is prescribed in the U.S. Code, Title 18 Crimes and Criminal Procedure, 18 U.S.C. 1001.

11. Anti-retaliation. It is unlawful for any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, or to cause any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, any worker or job applicant for:

a. Notifying any contractor of any conduct which the worker reasonably believes constitutes a violation of the DBA, Related Acts, this part, or 29 CFR part 1 or 3;

b. Filing any complaint, initiating or causing to be initiated any proceeding, or otherwise asserting or seeking to assert on behalf of themselves or others any right or protection under the DBA, Related Acts, this part, or 29 CFR part 1 or 3;

c. Cooperating in any investigation or other compliance action, or testifying in any proceeding under the DBA, Related Acts, this part, or 29 CFR part 1 or 3; or

d. Informing any other person about their rights under the DBA, Related Acts, this part, or 29 CFR part 1 or 3.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

Pursuant to 29 CFR 5.5(b), the following clauses apply to any Federal-aid construction contract in an amount in excess of $100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchpersons and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek. 29 CFR 5.5.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph 1. of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages and interest from the date of the underpayment. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or

mechanic, including watchpersons and guards, employed in violation of the clause set forth in paragraph 1. of this section, in the sum currently provided in 29 CFR 5.5(b)(2)* for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph 1. of this section.

* $31 as of January 15, 2023 (See 88 FR 88 FR 2210) as may be adjusted annually by the Department of Labor, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990.

3. Withholding for unpaid wages and liquidated damages

a. *Withholding process.* The FHWA or the contracting agency may, upon its own action, or must, upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to satisfy the liabilities of the prime contractor or any subcontractor for any unpaid wages; monetary relief, including interest; and liquidated damages required by the clauses set forth in this section on this contract, any other Federal contract with the same prime contractor, or any other federally assisted contract subject to the Contract Work Hours and Safety Standards Act that is held by the same prime contractor (as defined in § 5.2). The necessary funds may be withheld from the contractor under this contract, any other Federal contract with the same prime contractor, or any other federally assisted contract that is subject to the Contract Work Hours and Safety Standards Act and is held by the same prime contractor, regardless of whether the other contract was awarded or assisted by the same agency, and such funds may be used to satisfy the contractor liability for which the funds were withheld.

b. *Priority to withheld funds.* The Department has priority to funds withheld or to be withheld in accordance with Section IV paragraph 2.a. or paragraph 3.a. of this section, or both, over claims to those funds by:

(1) A contractor's surety(ies), including without limitation performance bond sureties and payment bond sureties;

(2) A contracting agency for its reprocurement costs;

(3) A trustee(s) (either a court-appointed trustee or a U.S. trustee, or both) in bankruptcy of a contractor, or a contractor's bankruptcy estate;

(4) A contractor's assignee(s);

(5) A contractor's successor(s); or

(6) A claim asserted under the Prompt Payment Act, 31 U.S.C. 3901–3907.

4. Subcontracts. The contractor or subcontractor must insert in any subcontracts the clauses set forth in paragraphs 1. through 5. of this section and a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor is responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs 1. through 5. In the event of any violations of these clauses, the prime contractor and any subcontractor(s) responsible will be liable for any unpaid wages and monetary relief, including interest from the date of the underpayment or loss, due to any workers of lower-tier subcontractors, and associated liquidated damages and may be subject to debarment, as appropriate.

5. Anti-retaliation. It is unlawful for any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, or to cause any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, any worker or job applicant for:

a. Notifying any contractor of any conduct which the worker reasonably believes constitutes a violation of the Contract Work Hours and Safety Standards Act (CWHSSA) or its implementing regulations in this part;

b. Filing any complaint, initiating or causing to be initiated any proceeding, or otherwise asserting or seeking to assert on behalf of themselves or others any right or protection under CWHSSA or this part;

c. Cooperating in any investigation or other compliance action, or testifying in any proceeding under CWHSSA or this part; or

d. Informing any other person about their rights under CWHSSA or this part.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System pursuant to 23 CFR 635.116.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term “perform work with its own organization” in paragraph 1 of Section VI refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions: (based on longstanding interpretation)

(1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;
(2) the prime contractor remains responsible for the quality of the work of the leased employees;

(3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and

(4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract. 23 CFR 635.102.

2. Pursuant to 23 CFR 635.116(a), the contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. Pursuant to 23 CFR 635.116(c), the contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract. (based on long-standing interpretation of 23 CFR 635.116).

5. The 30-percent self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements. 23 CFR 635.116(d).

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR Part 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract. 23 CFR 635.108.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR Part 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704). 29 CFR 1926.10.

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR Part 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 11, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT (42 U.S.C. 7606; 2 CFR 200.88; EO 11738)

This provision is applicable to all Federal-aid construction contracts in excess of $150,000 and to all related subcontracts. 48 CFR 2.101; 2 CFR 200.327.

By submission of this bid/proposal or the execution of this contract or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, subcontractor, supplier, or vendor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal Highway Administration and the Regional Office of the Environmental Protection Agency. 2 CFR Part 200, Appendix II.

The contractor agrees to include or cause to be included the requirements of this Section in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements. 2 CFR 200.327.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost $25,000 or more – as defined in 2 CFR Parts 180 and 1200. 2 CFR 180.220 and 1200.220.

1**. Instructions for Certification – First Tier Participants:**

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction. 2 CFR 180.320.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default. 2 CFR 180.325.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. 2 CFR 180.345 and 180.350.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180, Subpart I, 180.900-180.1020, and 1200. “First Tier Covered Transactions” refers to any covered transaction between a recipient or subrecipient of Federal funds and a participant (such as the prime or general contract). “Lower Tier Covered Transactions” refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). “First Tier Participant” refers to the participant who has entered into a covered transaction with a recipient or subrecipient of Federal funds (such as the prime or general contractor). “Lower Tier Participant” refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction. 2 CFR 180.330.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the $25,000 threshold. 2 CFR 180.220 and 180.300.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. 2 CFR 180.300; 180.320, and 180.325. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. 2 CFR 180.335. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website (https://www.sam.gov/). 2 CFR 180.300, 180.320, and 180.325.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default. 2 CFR 180.325.

* * * * *

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency, 2 CFR 180.335;.

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property, 2 CFR 180.800;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification, 2 CFR 180.700 and 180.800; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default. 2 CFR 180.335(d).

(5) Are not a corporation that has been convicted of a felony violation under any Federal law within the two-year period preceding this proposal (USDOT Order 4200.6 implementing appropriations act requirements); and

(6) Are not a corporation with any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability (USDOT Order 4200.6 implementing appropriations act requirements).

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant should attach an explanation to this proposal. 2 CFR 180.335 and 180.340.

* * * * *

3. **Instructions for Certification - Lower Tier Participants:**

(Applicable to all subcontracts, purchase orders, and other lower tier transactions requiring prior FHWA approval or estimated to cost $25,000 or more - 2 CFR Parts 180 and 1200). 2 CFR 180.220 and 1200.220.

a. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances. 2 CFR 180.365.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180, Subpart I, 180.900 – 180.1020, and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. “First Tier Covered Transactions” refers to any covered transaction between a recipient or subrecipient of Federal funds and a participant (such as the prime or general contract). “Lower Tier Covered Transactions” refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). “First Tier Participant” refers to the participant who has entered into a covered transaction with a recipient or subrecipient of Federal funds (such as the prime or general contractor). “Lower Tier Participant” refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated. 2 CFR 1200.220 and 1200.332.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the $25,000 threshold. 2 CFR 180.220 and 1200.220.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website (https://www.sam.gov/), which is compiled by the General Services Administration. 2 CFR 180.300, 180.320, 180.330, and 180.335.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily

excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment. 2 CFR 180.325.

* * * * *

4. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

a. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals:

(1) is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency, 2 CFR 180.355;

(2) is a corporation that has been convicted of a felony violation under any Federal law within the two-year period preceding this proposal (USDOT Order 4200.6 implementing appropriations act requirements); and

(3) is a corporation with any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability. (USDOT Order 4200.6 implementing appropriations act requirements)

b. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant should attach an explanation to this proposal.

* * * * *

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed $100,000. 49 CFR Part 20, App. A.

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed $100,000 and that all such recipients shall certify and disclose accordingly.

XII. USE OF UNITED STATES-FLAG VESSELS:

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, or any other covered transaction. 46 CFR Part 381.

This requirement applies to material or equipment that is acquired for a specific Federal-aid highway project. 46 CFR 381.7. It is not applicable to goods or materials that come into inventories independent of an FHWA funded-contract.

When oceanic shipments (or shipments across the Great Lakes) are necessary for materials or equipment acquired for a specific Federal-aid construction project, the bidder, proposer, contractor, subcontractor, or vendor agrees:

1. To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels. 46 CFR 381.7.

2. To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, ‘on-board’ commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (b)(1) of this section to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Office of Cargo and Commercial Sealift (MAR-620), Maritime Administration, Washington, DC 20590. (MARAD requires copies of the ocean carrier's (master) bills of lading, certified onboard, dated, with rates and charges. These bills of lading may contain business sensitive information and therefore may be submitted directly to MARAD by the Ocean Transportation Intermediary on behalf of the contractor). 46 CFR 381.7.

ATTACHMENT A - EMPLOYMENT AND MATERIALS PREFERENCE FOR APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS ROAD CONTRACTS (23 CFR 633, Subpart B, Appendix B)
This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.

TRAVELERS

Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company
Farmington Casualty Company

POWER OF ATTORNEY

Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, St. Paul Fire and Marine Insurance Company, and Farmington Casualty Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and the Companies do hereby make, constitute and appoint Liliana Castrejon Perez of Spokane, WA , their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **4th** day of **March**, **2024.**

SEAL SEAL SEAL SEAL

State of Connecticut

City of Hartford ss.

By: _____
Bryce Grissom, Senior Vice President

On this the **4th** day of **March**, **2024**, before me personally appeared **Bryce Grissom**, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June**, **2026**

ANNA P NOWIK NOTARY PUBLIC CONNECTICUT

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Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this June 24, 2025 .

SEAL SEAL SEAL SEAL

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Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.