

INVITATION FOR BID

SOLICITATION NUMBER: 6982AF22B000035
SOLICITATION TYPE: FULL AND OPEN WITH HUBZONE PRICE PREFERENCE
PROJECT NUMBER: KS FLAP KIN 50(1)
PROJECT NAME: CHENEY RESERVOIR ACCESS

BID OPENING DATE:

See Page A-1, Item 13A

**This solicitation cites Standard Specifications for
Construction of Roads and Bridges on
Federal Highway Projects, FP-14 US Customary Units**

ISSUING OFFICE:



**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CENTRAL FEDERAL LANDS HIGHWAY DIVISION
12300 W. DAKOTA AVENUE, SUITE 360
LAKEWOOD, CO 80228
Web site: <https://highways.dot.gov/federal-lands>
E-mail: CFLContracts@dot.gov**

PROJECT

KS FLAP KIN 50(1)

LOCATION

CHENEY STATE PARK AND CHENEY
RESERVOIR

COUNTY

KINGMAN

STATE

KANSAS

LENGTH

SCHEDULE A: 2.07 MILES

TYPE OF IMPROVEMENT

ROAD RECONSTRUCTION, FULL DEPTH
RECLAMATION, ASPHALT PAVING,
SIGNING, PAVEMENT MARKINGS, AND
DRAINAGE IMPROVEMENTS

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SPECIAL CONTRACT REQUIREMENTS (SCRs)

The following Special Contract Requirements amend and supplement the Standard Specification for Construction of Roads and Bridges on Federal Highway Projects

Division 100.....E-1

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APPENDICES

Appendix A.....Kansas National Pollutant Discharge Elimination System General Permit

Appendix B..... Template Subcontracting Plan

PROJECT OVERVIEW

The project is located within the Cheney Reservoir in Kingman County in the State of Kansas. RS 607 (NE 50 St) provides access to the West Shore Area of the Cheney Reservoir. The West Shore Area includes camp sites, boat ramps, jetties and other recreational facilities. These types of facilities generate increased truck and trailer traffic. The project is for the rehabilitation of RS 607 (NE 50 St) from RS 1428 (NE 150 Ave) east for 2.0 miles to the Kingsman County Line (N 407th St W).

NOTICE TO BIDDERS

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I. PRE-BID INFORMATION

ELECTRONIC BIDS WILL NOT BE ACCEPTED. Submit a printed copy of your bid to the address listed on the SF-1442 (Page A-1, Item 8). Submit the following documents with your Bid Package–

- SF-1442, Solicitation, Offer & Award, Pages A-1 and A-2
- Indication of interest in formal Partnering, Page A-5
- Bid Schedule Pages A-6 through A-10
- Completed an applicable Authority to Bind certificate, pages A-11 through A-15
- Buy American Act & Hazardous Materials, Pages A-16 through A-17
- Bid Guarantee (see FAR Clause 52.228-1), Pages B-1 and B-2. Bid bonds must be originals with original signatures and corporate seals. Photocopies and Faxed copies are NOT acceptable and will make your bid non-responsive.
 - Digital copies may be downloaded at <https://www.gsa.gov/forms-library/bid-bond>
- Completed the VETS-4212 declaration, Page A-ii; Bidders' Information, Pages B-3 through B-6.
- HUBZone small business concerns electing to waive the evaluation preference, complete 52.219-4 Notice of Price Evaluation Preference for HUBZone Small Business Concerns, Section C of the IFB.

Bidders should retain all other pages for their information. Bids should be submitted in a sealed envelope and include the Contractor's Name, Solicitation Number and the Project Number/Name.

It is the responsibility of the bidder to verify that this solicitation document, including the plans, are complete as listed in the table of contents and the index to sheets. Plan sheets can be found at <https://sam.gov> and viewed by individual sections, downloaded by individual sections, or the entire plan set downloaded in a zip file. Physical data relevant to this solicitation may also be viewed or downloaded at the above site.

This solicitation and subsequent contract are governed by the Federal Acquisition Regulations (FAR), agency supplemental regulations, and the Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-14.

The FP-14 was utilized for the design of this project. Paper copies of the FP-14 will not be provided to bidders or the awarded Prime Contractor. The FP-14 is available electronically at <https://flh.fhwa.dot.gov/resources/specs/> and a copy is uploaded with this solicitation. A single paper copy can be obtained from the Research & Technology Distribution Center (RTPDC) by email report.center@dot.gov.

NOTICE TO BIDDERS

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Applicable FAR/TAR provisions and clauses in this IFB are incorporated by reference or full text. FAR provisions and clauses incorporated by reference can be accessed on the Internet at <https://www.acquisition.gov/content/regulations>.

Notice of SAM Registration – you must be registered in the System for Award Management (SAM) prior to submission of a bid in response to this solicitation. Failure to register prior to submission of a bid may require award to the next successful registered offeror. See FAR Subpart 4.1102. Register online at www.sam.gov.

Representations and Certifications – This solicitation is issued under **NAICS 237310** – Highway, Street & Bridge Construction with a small business size standard of \$39.5 million. If your average annual gross receipts for the past 5 years are above \$39.5 million, you are a large business for this solicitation. If they are below \$39.5 million you are a small business. Before submitting bids, you must ensure you have completed your annual representations and certifications electronically at the SAM website at www.sam.gov. Include NAICS 237310 in your SAM profile.

Vets-4212 Reporting: - The Contractor must complete the report if required. See reporting requirements at: <https://www.dol.gov/agencies/vets/contractor/instructions-for-electronic-submission-vets-4212-reports>.

- My firm had a qualifying Federal Contract in 2022 and has complied with the reporting requirements.
- My firm did not have a qualifying Federal Contract in 2022 and is therefore exempt from the reporting requirements

This Solicitation Contains a Price Evaluation Factor - The Government will apply a factor of 10% to the price of all offers except HUBZone small business concerns that have not waived the evaluation preference and otherwise successful offers from small business concerns. See FAR Clause 52.219-4, *Notice of Price Evaluation Preference for HUBZone Small Business Concerns*.

In the event this full and open competition results in a contract award to a qualified HUBZone SBC after a price evaluation preference, FAR Clause 52.219-14, *Limitations on Subcontracting* will apply.

Bid Guarantee – Follow the requirements of FAR Clause 52.228-1 *Bid Guarantee* and Subpart 102.03 of the FP-14. Bid bonds must be originals and have original signatures and corporate seals. Photocopied and faxed copies of bonds will be rejected and cause your bid to be non-responsive.

Accuracy and Completeness of Bid- The Contractor is fully responsible to verify that all data is correct when an offer is submitted. Failure to properly update your data may cause the offer to be rejected.

Request for Technical Information – Questions relative to the plans and SCRs for this solicitation will only be accepted in writing (see Item 9 on Page A-3).

NOTICE TO BIDDERS

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TECHNICAL QUESTIONS REGARDING THIS SOLICITATION WILL NOT BE ACCEPTED AFTER 4 P.M. ON DECEMBER 14, 2022.

Questions can be submitted to CFLContracts@dot.gov. Questions and answers will be posted at <https://sam.gov>

Modifications to Bids - Bids may be modified or withdrawn by regular mail, electronic commerce (email) or facsimile, if such notice is received **prior to the time specified for receipt of bids**. The Government will not be responsible for ANY failure attributable to the transmission or receipt of electronic commerce (email) or facsimile data.

For all modifications, we **STRONGLY ENCOURAGE** you to resubmit the entire bid schedule with a unit price and amount for every bid item, and a Schedule Total. See FAR Provision 52.214-5, Submission of Bids. Modifications which make the bid ambiguous, indefinite, or uncertain as to any essential requirement of the contract will cause the bid to be rejected as nonresponsive.

FAX Number to submit modifications to bids for this project is (720) 963-3360

Email Address to submit modifications to bids for this project is cflcontracts@dot.gov

II. POST AWARD INFORMATION

CFLHD will no longer be providing paper copies of the conformed contract to the Awarded Prime Contractor.

Subcontracting - FAR Clause 52.219-8, *Utilization of Small Business Concerns* states that Prime Contractors afford small business concerns, veteran-owned small business concerns, service-disabled veteran-owned small business concerns, HUBZone small business concerns, small disadvantaged business concerns, and women-owned small business concerns the maximum practicable opportunity to participate in performing contracts let by any Federal agency.

FAR Clause 52.219-9, *Small Business Subcontracting Plan, Alternate I*, requires that the large business concern who is the successful low bidder on a Federal project with an anticipated award amount exceeding \$1.5 million, is required to submit a subcontracting plan prior to contract award. The subcontracting plan expresses goals in terms of percentages of total planned subcontracting dollars for the use of small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns as subcontractors. If the apparent successful low bidder fails to submit an acceptable subcontracting plan acceptable to the CO within 7 days of request of the CO, that bidder may be ineligible for award of the contract.

Prime Contractors, who are large businesses, are encouraged to post sources sought notices at the Small Business Administration's Subcontracting Network (SUB-NET) <https://web.sba.gov/subnet/> so that small businesses can identify opportunities in their areas of expertise. The use of SUB-Net

NOTICE TO BIDDERS

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fulfills the requirements set forth in Federal Acquisition Regulation (FAR) 5.206, *Notice of Subcontracting Opportunities*, for contractors and subcontractors to post notices and thereby increase competition for subcontracts.

A list of currently known business concerns owned and controlled by socially and economically disadvantaged individuals and/or women-owned small business concerns that have indicated an interest in participating in highway construction is available at <https://www.sam.gov>.

See Appendix B for Template Small Business Subcontracting Plan.

NOTE:

- Consider the following FHWA small business goals in development of Subcontracting plans and efforts:

FHWA Small Business Subcontracting Goals (As of FY 2022)	
Business Size	Goal (%)
SB	46.0%
SDB	5.0%
HUBZone	3.0%
WOSB	5.0%
SDVOSB	3.0%

Insurance requirements - See Subsection 107.05 of the FP-14.

EEBACS - Contractors shall use the Government's web-based system, *Engineer's Estimating, Bidding, Award, and Construction System (EEBACS)*, to prepare all "*Inspector's Daily Record of Construction Operations*" (*Contractors Daily Reports*) and measurement notes (pay notes).

The Contractor shall be required to attend a training session on the use of EEBACS. The training session will require up to 4 hours. No more than 3 Contractor staff may attend the training unless approved by the CO. The Contractor shall be responsible for training additional staff.

The Contractor shall be required to submit a user account form to gain access to the EEBACS system. See Subsection 108.01.

A user guide, "*EEBACS for Construction Contractors*", is available. An electronic version can be found at <https://highways.dot.gov/federal-lands/estimates/eebacs-guide>

SOLICITATION, OFFER AND AWARD <i>(Construction, Alteration or Repair)</i>	1. SOLICITATION NO. 6982AF22B000035	2. TYPE OF SOLICITATION <input checked="" type="checkbox"/> SEALED BID (<i>IFB</i>) <input type="checkbox"/> NEGOTIATED (<i>RFP</i>)	3. DATE ISSUED 11/16/2022	PAGE OF PAGES 1 of 2
IMPORTANT - THE "OFFER SECTION ON THE REVERSE MUST BE FULLY COMPLETED BY OFFEROR.				
4. CONTRACT NO.	5. REQUISITION/PURCHASE REQUEST NO. HFLCEO220369PR	6. PROJECT NO. KS FLAP KIN 50(1)		
7. ISSUED BY: FEDERAL HIGHWAY ADMINISTRATION CENTRAL FEDERAL LANDS DIVISION 12300 WEST DAKOTA AVENUE, SUITE 167 LAKEWOOD, COLORADO 80228		CODE: 69050001	8. ADDRESS OFFER TO: Leslie Karsten, Contract Specialist Federal Highway Administration Central Federal Lands Division Office 12300 W. Dakota Avenue Lakewood, CO 80228	
9. FOR INFORMATION CALL SEE PAGE A-3	A. NAME: SEE PAGE A-3		B. TELEPHONE NO. (<i>Include area code</i>) SEE PAGE A-3	
SOLICITATION				
<i>NOTE: In sealed bid solicitations "offer" and "offeror" mean "bid" and "bidder."</i>				
10. THE GOVERNMENT REQUIRES PERFORMANCE OF THE WORK DESCRIBED IN THESE DOCUMENTS: ROADWAY CONSTRUCTION PROJECT IN STRICT ACCORDANCE WITH: <ol style="list-style-type: none"> 1. FEDERAL ACQUISITION AND TRANSPORTATION ACQUISITION REGULATIONS (<i>FAR & TAR</i>) 2. DEPARTMENT OF LABOR, CONSTRUCTION WAGE RATE REQUIREMENT RATES 3. SPECIAL CONTRACT REQUIREMENTS 4. PLANS 5. BID SCHEDULE 6. STANDARD SPECIFICATIONS FOR CONSTRUCTION OF ROADS AND BRIDGES ON FEDERAL HIGHWAY PROJECTS, FP-14, U.S. CUSTOMARY UNITS 7. SUBCONTRACTING PLAN (IF APPLICABLE) <p>See Subsection 104.04 of the FP-14 for governing order of precedence</p>				
11. The Contractor shall begin performance within <u>10</u> calendar days and complete it within <u>*</u> calendar days after receiving <input type="checkbox"/> award <input checked="" type="checkbox"/> notice to proceed. The performance period is <input checked="" type="checkbox"/> mandatory <input type="checkbox"/> negotiable. *Refer to Subsection 108.01 as amended in the Special Contract Requirements.				
12A. THE CONTRACTOR MUST FURNISH ANY REQUIRED PERFORMANCE AND PAYMENT BONDS? (<i>If "YES," indicate within how many calendar days after award in Item 12B.</i>) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			12B. CALENDAR DAYS 10	
13. ADDITIONAL SOLICITATION REQUIREMENTS: <ol style="list-style-type: none"> A. Sealed offers in original and <u>0</u> copies to perform the work required are due at the place specified in Item 8. by <u>2:00 p.m.</u> (hour) local time on <u>12/21/2022</u> (date). If this is a sealed bid solicitation, offers will be publicly opened at that time. Sealed envelopes containing offers shall be marked to show the offeror's name and address, the solicitation number, and the date and time offers are due. B. An offer guarantee <input checked="" type="checkbox"/> is <input type="checkbox"/> is not required. C. All offers are subject to the (1) work requirements and (2) other provisions and clauses incorporated in the solicitation in full text or by reference. D. Offers providing less than <u>60</u> calendar days for Government acceptance after the date offers are due will not be considered and will be rejected. 				

OFFEROR (Must be fully completed by offeror)

14. NAME AND ADDRESS OF OFFEROR <i>(Include ZIP Code)</i>	15. TELEPHONE NO. <i>(Include area code)</i>
DUNS NO. _____	16. REMITTANCE ADDRESS <i>(Include only if different than Item 14)</i>

17. The offeror agrees to perform the work required at the prices specified below in strict accordance with the terms of this solicitation, if this offer is accepted by the Government in writing with ___ calendar days after the date offers are due. *(Insert any number equal to or greater than the minimum requirement stated in Item 13D. Failure to insert any number means the offeror accepts the minimum in Item 13D.)*

AMOUNTS	SEE INDIVIDUAL BID SCHEDULE(S)
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18. The offeror agrees to furnish any required performance and payment bonds.

19. ACKNOWLEDGMENT OF AMENDMENTS
(The offeror acknowledges receipt of amendments to the solicitation - give number and date of each)

AMENDMENT NO.										
DATE										

20A. NAME AND TITLE OF PERSON AUTHORIZED TO SIGN OFFER <i>(Type or print)</i>	20B. SIGNATURE	20C. OFFER DATE
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AWARD (To be completed by Government)

21. ITEMS ACCEPTED:

22. AMOUNT	23. ACCOUNTING AND APPROPRIATION DATA
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24. SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 27 <i>(4 copies unless otherwise specified)</i>	25. OTHER THAN FULL AND OPEN COMPETITION PURSUANT TO <input type="checkbox"/> 10 U.S.C. 2304(c)() <input type="checkbox"/> 41 U.S.C. 3304(a)()
26. ADMINISTERED BY CODE: _____	27. PAYMENT WILL BE MADE BY FEDERAL HIGHWAY ADMINISTRATION CENTRAL FEDERAL LANDS HIGHWAY DIVISION 12300 W. DAKOTA AVENUE, SUITE 167 LAKEWOOD, COLORADO 80228

CONTRACTING OFFICER WILL COMPLETE ITEM 28 OR 29 AS APPLICABLE

<input type="checkbox"/> 28. NEGOTIATED AGREEMENT <i>(Contractor is required to sign this document and return _____ copies to issuing office.)</i> Contractor agrees to furnish and deliver all items or perform all work requirements identified on this form and any continuation sheets for the consideration stated in this contract. The rights and obligations of the parties to this contract shall be governed by (a) this contract award, (b) the solicitation, and (c) the clauses, representations, certifications, and specifications incorporated by reference in or attached to this contract.	<input type="checkbox"/> 29. AWARD <i>(Contractor is not required to sign this document.)</i> Your offer on this solicitation is hereby accepted as to the items listed. This award consummates the contract, which consists of (a) the Government solicitation and your offer, and (b) this contract award. No further contractual document is necessary.
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30A. NAME AND TITLE OF CONTRACTOR OR PERSON AUTHORIZED TO SIGN <i>(Type or print)</i>	31A. NAME OF CONTRACTING OFFICER <i>(Type or print)</i>
30B. SIGNATURE	31B. UNITED STATES OF AMERICA BY
30C. DATE	31C. AWARD DATE

- Item 8:** **LOCATION OF PUBLIC BID OPENING:** Offers must be received by designated date and time as stated in Item 13A.
- Item 9:** **FOR GENERAL INFORMATION:** E-mail us at CFLContracts@dot.gov.
- FOR TECHNICAL INFORMATION (plans and specifications):** Questions must be submitted in writing by e-mail at CFLContracts@dot.gov .
- Item 11:** **COMPLETION DATE:** Work shall be completed on or before the date specified in *Subsection 108.01 of the SCRs*.
- Item 12A:** **PERFORMANCE AND PAYMENT BONDS:** See FAR *Clause 52.228-15 Performance and Payment Bonds-Construction* (Clauses begin on Page C-1) and Subsection 102.06 of the FP-14.
- Item 13B:** **BID BOND AMOUNT:** See FAR Provision *52.228-1 Bid Guarantee* (Provisions begin on Page B-1) and *Subsection 102.03 Bid Guarantee* of the FP-14. All bid guarantees must have original signatures with original corporate seals.
- Item 19:** **ACKNOWLEDGMENT OF AMENDMENTS: FAILURE TO ACKNOWLEDGE AMENDMENTS, IN ITEM 19 OF THE SF-1442, BY THE DESIGNATED DATE AND HOUR SPECIFIED IN THE SOLICITATION MAY RESULT IN REJECTION OF YOUR BID.** If amendments are issued, they will be posted to <https://sam.gov>.
- Item 24:** **SUBMITTING INVOICES:** See *Subsection 109.08 Progress Payments* of the FP-14.

ESTIMATED

PRICE: The price range of the project work is between \$2,000,000 and \$5,000,000.

Bid Schedule Instructions

BIDDERS, PLEASE NOTE: This Bid Proposal is comprised of one schedule. Before preparing the bid, carefully read the Solicitation Provisions and the following:

- Insert a numeric unit bid price for each pay item for which a quantity appears in the bid schedule. Unit bid prices should be quoted no more precisely than the nearest cent (2 decimal places). Unit bid prices quoted more precisely will be rounded up to the nearest cent by the Government
- Multiply the unit price by the quantity for each pay item and show the amount bid. When the words “Lump Sum” appear as a unit bid price, insert an amount for each lump sum pay item.
- Total all amounts bid for each pay item and show the Construction Cost Total on the space provided on the last page of each schedule or option.
- Also show the Construction Cost Total for each schedule/option as well as the combined Total of each Schedule and the Option in the spaces provided on the Bid Summary page.

NOTE: If the amount bid for a pay item is inconsistent with the product of the unit price provided by the bidder and the quantity provided by the Government, the unit price will govern and the Government will determine a corrected amount bid for the pay item by multiplying the unit price by the quantity.

Basis for Award

To be eligible for award of contract, the offeror shall submit prices for each item necessary to complete all contract work in Schedule A.

Accordingly, award of contract, if made, will be made to the lowest responsive, responsible bidder, if funds are available.

Partnering

A Partnership recognizes the Government and the Contractor are both responsible and can affect the successful completion of this project. Partnering is a vehicle to ensure the partnership has structure and quality. It recognizes the strengths of each party and uses those strengths to identify and achieve shared goals. One of the primary objectives of Partnering is to facilitate the resolution of disputes in a timely, professional, and non-adversarial manner with the outcome focused on achieving those shared goals.

CFLHD supports the concepts and tenets of Partnering and as such is encouraging the Contractors and it's subcontractors to establish a Partnering relationship on this project.

A formal Partnering meeting can help facilitate this relationship by helping do document the parties' common purpose and goals, and ensuring alignment. The goals are mutually agreed upon and address effective and efficient performance within the scope of the contract.

Participation in a formal Partnering meeting is voluntary. Costs of implementing and maintaining the partnership would be agreed to by both parties as described in *Subsection 103.05 Partnering* of the FP-14. Costs of partnering would be in addition to the contract award amount.

Please indicate your desire to participate in a formal partnering meeting on this project.

We would like to participate in a formal partnering meeting.

We do not want to participate in a formal partnering meeting.

Bidder/Offeror please note: Before preparing the bid, carefully read the Solicitation Provisions. Insert a unit bid price, in figures, for each pay item for which a quantity appears in the bid schedule. Multiply the unit price by the quantity for each pay item and show the amount bid. Should any mathematical check made by the Government show a mistake in the amount bid, the corrected unit price extension shall govern. When the word "LPSM" (Lump Sum) appears as a unit bid price, insert an amount for each lump sum pay item. When a sum based on a fixed rate appears for any pay item in the amount bid column, include the Government inserted amount bid for the item in the total bid amount. Total all of the amounts bid for each pay item and show the total bid amount.

Bid Schedule

Project No:KS FLAP KIN 50(1)

Project Name:Cheney Reservoir Access

Item No.	Pay Item No.	Description	Quantity	Unit	Unit Price	Amount
A0010	15101-0000	MOBILIZATION				
			ALL	LPSM	\$__LPSM__	\$_____
A0020	15210-3000	CENTERLINE, VERIFICATION AND STAKING				
			2.070	MILE	\$_____	\$_____
A0030	15301-0000	CONTRACTOR QUALITY CONTROL				
			ALL	LPSM	\$__LPSM__	\$_____
A0040	15401-0000	CONTRACTOR TESTING				
			ALL	LPSM	\$__LPSM__	\$_____
A0050	15501-0000	CONSTRUCTION SCHEDULE				
			ALL	LPSM	\$__LPSM__	\$_____
A0060	15701-0000	SOIL EROSION CONTROL				
			ALL	LPSM	\$__LPSM__	\$_____
A0070	15720-0000	STORM WATER POLLUTION PREVENTION PLAN				
			ALL	LPSM	\$__LPSM__	\$_____
A0080	15802-0000	WATERING FOR DUST CONTROL				
			ALL	LPSM	\$__LPSM__	\$_____
A0090	20101-0000	CLEARING AND GRUBBING				
			4.50	ACRE	\$_____	\$_____
A0100	20301-2000	REMOVAL OF PIPE END SECTION				
			1	EACH	\$_____	\$_____
A0110	20301-2400	REMOVAL OF SIGN				
			16	EACH	\$_____	\$_____
A0120	30202-2000	ROADWAY AGGREGATE, METHOD 2				
			850	TON	\$_____	\$_____
A0130	30301-3000	SHOULDER AND DITCH RECONDITIONING				
			2.07	MILE	\$_____	\$_____
A0140	30501-0800	FULL DEPTH RECLAMATION WITH CEMENT, 8-INCH DEPTH				
			2.20	MILE	\$_____	\$_____

Bid Schedule

Schedule:A

Schedule Type:Base

Project No:KS FLAP KIN 50(1)

Project Name:Cheney Reservoir Access

A0150	30510-0000	CEMENTITIOUS MATERIAL	450	TON	\$ _____	\$ _____
A0160	40301-0100	ASPHALT CONCRETE PAVEMENT, TYPE 1	7,800	TON	\$ _____	\$ _____
A0170	40601-0000	FOG SEAL	15.0	TON	\$ _____	\$ _____
A0180	40605-0000	BLOTTER	50	TON	\$ _____	\$ _____
A0190	41101-1000	PRIME COAT, METHOD 1	48.0	TON	\$ _____	\$ _____
A0200	41201-0000	TACK COAT	15.0	TON	\$ _____	\$ _____
A0210	41301-0600	ASPHALT PAVEMENT MILLING, 2-INCH DEPTH	400	SQYD	\$ _____	\$ _____
A0220	60201-0800	24-INCH PIPE CULVERT	3	LNFT	\$ _____	\$ _____
A0230	60210-0800	END SECTION FOR 24-INCH PIPE CULVERT	1	EACH	\$ _____	\$ _____
A0240	60704-0000	CLEANING CULVERT IN PLACE	18	EACH	\$ _____	\$ _____
A0250	62201-0200	DUMP TRUCK, 8 CUBIC YARD MINIMUM CAPACITY	20	HOUR	\$ _____	\$ _____
A0260	62201-0550	BACKHOE LOADER, 6 CUBIC FOOT MINIMUM RATED CAPACITY BUCKET, 24-INCH WIDTH	20	HOUR	\$ _____	\$ _____
A0270	62201-0950	WHEEL LOADER, 3 CUBIC YARD MINIMUM RATED CAPACITY	20	HOUR	\$ _____	\$ _____

Bid Schedule

Schedule:A

Schedule Type:Base

Project No:KS FLAP KIN 50(1)

Project Name:Cheney Reservoir Access

A0280	62201-1450	BULLDOZER, 350HP MINIMUM FLYWHEEL POWER	20	HOUR	\$ _____	\$ _____
A0290	62201-2850	MOTOR GRADER, 12 FOOT MINIMUM BLADE	20	HOUR	\$ _____	\$ _____
A0300	62201-3350	HYDRAULIC EXCAVATOR, 1 CUBIC YARD MINIMUM CAPACITY	20	HOUR	\$ _____	\$ _____
A0310	62301-0000	GENERAL LABOR	200	HOUR	\$ _____	\$ _____
A0320	62302-1000	SPECIAL LABOR, HIRED TECHNICAL SERVICES (BIOLOGIST)	20	HOUR	\$ _____	\$ _____
A0330	62302-1100	SPECIAL LABOR, HIRED SURVEY SERVICES	20	HOUR	\$ _____	\$ _____
A0340	62405-0300	PLACING CONSERVED TOPSOIL, 4-INCH DEPTH	13,000	SQYD	\$ _____	\$ _____
A0350	62510-2000	SEEDING, HYDRAULIC METHOD	2.50	ACRE	\$ _____	\$ _____
A0360	62515-2000	MULCHING, HYDRAULIC METHOD	2.50	ACRE	\$ _____	\$ _____
A0370	63301-0000	SIGN SYSTEM	16	EACH	\$ _____	\$ _____
A0380	63309-0100	DELINEATOR, TYPE 1	68	EACH	\$ _____	\$ _____
A0390	63316-1000	REMOVE AND RESET SIGN	3	EACH	\$ _____	\$ _____
A0400	63402-0700	PAVEMENT MARKINGS, TYPE D, SOLID	8.5	MILE	\$ _____	\$ _____
A0410	63501-0000	TEMPORARY TRAFFIC CONTROL	ALL	LPSM	\$ _____ LPSM	\$ _____

Bid Schedule

Schedule:A

Schedule Type:Base

Project No:KS FLAP KIN 50(1)

Project Name:Cheney Reservoir Access

Submitted by: _____

Schedule Total: _____

INSTRUCTIONS: When the offeror/principal is a limited liability corporation, include this certification with your offer/bid.

Limited Liability Certificate

I, _____(name), certify that I am the
_____(title), of the limited liability company

named as the Offeror/Principal herein;

that _____(name), who signed this
offer and/or bid bond on behalf of _____(company name) is
_____(title) of this company;

that the offer was duly signed for and on behalf of said company by authority and scope of its
governing body, and within the scope of its powers.

_____(signature)
_____(title)

Affix Company Seal
(as applicable)

INSTRUCTIONS: When the offeror/principal is a partnership, include this certification with your offer/bid.

Authority to Bind Partnership

This certifies that the names and signatures of all partners are listed below, and that the person signing the proposal has the authority to actually bind the partnership pursuant to its partnership agreement. Each of the partners individually has full authority to enter into and execute contractual instruments on behalf of said partnership, except as follows:

(State "None" or describe limitations, if any)

This authority shall remain in full force and effect until such time as the revocation of authority by any cause whatsoever has been furnished in writing to and acknowledge by the Contracting Officer.

(Include names and signatures of all partners)

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INSTRUCTIONS: When the offeror/principal is a joint venture, include this certification with your offer/bid.

Authority to Bind Joint Venture

This certifies that the person signing the proposal has the authority to actually bind the joint venture pursuant to its joint venture agreement, and that each of the named persons listed below individually has full authority to enter into and execute contractual instruments on behalf of said joint venture, except as follows:

(State "None" or describe limitations, if any)

This authority shall remain in full force and effect until such time as the revocation of authority by any cause whatsoever has been furnished in writing to and acknowledge by the Contracting Officer.

(Include names and signatures of all applicable individuals)

<hr/>	<hr/>

INSTRUCTIONS: When the offeror/principal is a sole proprietorship, include this certification with your offer/bid.

Sole Proprietorship Requirement

An Offeror/Principal that is a sole proprietorship must submit an offer/bid and a bond signed by the sole proprietor, or by one duly authorized to sign for the sole proprietor. If the signature is by someone other than the sole proprietor, a copy of the power of attorney authorizing the individual to sign must be provided with the offer/bid.

BUY AMERICAN ACT- CONSTRUCTION MATERIALS

It is understood and agreed that the materials and components listed in Subparts 25.1 and 25.2 of the FAR are a part of this contract and are deemed to be Domestic Construction Material for the purposes of this contract.

NOTE TO CONTRACTOR:

The following information and any applicable supporting data is required for evaluation of requests under FAR Clause 52.225-9 Paragraph (c) & (d) and FAR Provision 52.225-10 Paragraph (b).

Material and/or Component

Construction Material Description	Unit of Measure	Quantity	*Cost Delivered to Job Site
Foreign Construction Material			
Comparable Domestic Material			

Material and/or Component

Construction Material Description	Unit of Measure	Quantity	*Cost Delivered to Job Site
Foreign Construction Material			
Comparable Domestic Material			

[Include all delivery costs to the construction site and any applicable duty (whether or not a duty-free entry certificate is issued).]
 [Please include name, address, telephone number and contact for suppliers surveyed. Attach copy of response; if oral, attach summary. Include all applicable supporting information.]*

HAZARDOUS MATERIALS

As required by FAR Clause 52.223-3, Hazardous Materials Identification and Safety Data - Alternate I, the apparent low bidder must submit prior to award a Material Safety Data Sheet (MSDS) for all hazardous materials that the bidder identifies in paragraph (b) of the FAR clause and defined under the latest version of Federal Standard No. 313.

Hazardous Material	Identification Number

USE OF RECOVERED MATERIALS ON FEDERAL LANDS HIGHWAY PROJECTS

Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, as amended (42 U.S.C. 6901 et seq.), requires Federal, State, and local procuring agencies using appropriated Federal funds to purchase items composed of the highest percentage of recovered materials practical. Use of recovered materials is strongly encouraged on Federal Lands Highway Projects. Highway construction items covered by the Environmental Protection Agency's *Comprehensive Guidelines for Procurement of Products Containing Recovered Materials* include fly ash, ground granulated blast furnace slag, traffic barricades, traffic cones, hydraulic mulch and compost for mulch.

Use of fly ash and ground granulated blast furnace slag and construction materials containing fly ash and ground granulated blast furnace slag on Federal Lands Highway Projects:

- It is the policy of the United States Government that fly ash and ground granulated blast furnace slag and materials containing fly ash and ground granulated blast furnace slag shall have maximum practicable opportunity for incorporation into its construction projects.
- The Contractor agrees to investigate the use of fly ash and ground granulated blast furnace slag and materials containing fly ash and ground granulated blast furnace slag to the fullest extent consistent with the efficient performance of this contract. Both the contractor and the subcontractors are urged to seek out suppliers of fly ash and ground granulated blast furnace slag, cement and concrete containing fly ash and ground granulated blast furnace slag and to solicit bids for these materials.
- Names of firms that supply fly ash and ground granulated blast furnace slag and materials containing fly ash and ground granulated blast furnace slag are available from the American Coal Ash Association and the National Slag Association.

BID BOND <i>(See instructions on reverse)</i>	DATE BOND EXECUTED <i>(Must not be later than bid opening date)</i>	OMB Control Number: 9000-0045 Expiration Date: 8/31/2025
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Paperwork Reduction Act Statement - This information collection meets the requirements of 44 USC § 3507, as amended by section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget (OMB) control number. The OMB control number for this collection is 9000-0045. We estimate that it will take 1 hour to read the instructions, gather the facts, and answer the questions. Send only comments relating to our time estimate, including suggestions for reducing this burden, or any other aspects of this collection of information to: General Services Administration, Regulatory Secretariat Division (M1V1CB), 1800 F Street, NW, Washington, DC 20405.

PRINCIPAL <i>(Legal name and business address)</i>	TYPE OF ORGANIZATION <i>("X" one)</i> <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> JOINT VENTURE <input type="checkbox"/> CORPORATION <input type="checkbox"/> OTHER <i>(Specify)</i> STATE OF INCORPORATION
--	--

SURETY(IES) *(Name and business address)*

PENAL SUM OF BOND					BID IDENTIFICATION	
PERCENT OF BID PRICE 20%	AMOUNT NOT TO EXCEED				BID DATE	INVITATION NUMBER
	MILLION(S)	THOUSAND(S)	HUNDRED(S)	CENTS		FOR <i>(Construction, Supplies or Services)</i>
	3	000	000	00		Construction

OBLIGATION:

We, the Principal and Surety(ies) are firmly bound to the United States of America (hereinafter called the Government) in the above penal sum. For payment of the penal sum, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally. However, where the Sureties are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" as well as "severally" only for the purpose of allowing a joint action or actions against any or all of us. For all other purposes, each Surety binds itself, jointly and severally with the Principal, for the payment of the sum shown opposite the name of the Surety. If no limit of liability is indicated, the limit of liability is the full amount of the penal sum.

CONDITIONS:

The Principal has submitted the bid identified above.

THEREFORE:

The above obligation is void if the Principal - (a) upon acceptance by the Government of the bid identified above, within the period specified therein for acceptance (sixty (60) days if no period is specified), executes the further contractual documents and gives the bond(s) required by the terms of the bid as accepted within the time specified (ten (10) days if no period is specified) after receipt of the forms by the principal; or (b) in the event of failure to execute such further contractual documents and give such bonds, pays the Government for any cost of procuring the work which exceeds the amount of the bid.

Each Surety executing this instrument agrees that its obligation is not impaired by any extension(s) of the time for acceptance of the bid that the Principal may grant to the Government. Notice to the surety(ies) of extension(s) is waived. However, waiver of the notice applies only to extensions aggregating not more than sixty (60) calendar days in addition to the period originally allowed for acceptance of the bid.

WITNESS:

The Principal and Surety(ies) executed this bid bond and affixed their seals on the above date.

PRINCIPAL			
SIGNATURE(S)	1. _____ <i>(Seal)</i>	2. _____ <i>(Seal)</i>	3. _____ <i>(Seal)</i>
NAME(S) & TITLE(S) <i>(Typed)</i>	1. _____	2. _____	3. _____

INDIVIDUAL SURETY(IES)	
SIGNATURE(S)	1. _____ <i>(Seal)</i>
NAME(S) <i>(Typed)</i>	1. _____

CORPORATE SURETY(IES)				
SURETY A	NAME & ADDRESS		STATE OF INCORPORATION	LIABILITY LIMIT (\$)
	SIGNATURE(S)	1. _____	2. _____	Corporate Seal
	NAME(S) & TITLE(S) <i>(Typed)</i>	1. _____	2. _____	

SURETY B	NAME & ADDRESS		STATE OF INCORPORATION	LIABILITY LIMIT (\$)	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) <i>(Typed)</i>	1.	2.		
SURETY C	NAME & ADDRESS		STATE OF INCORPORATION	LIABILITY LIMIT (\$)	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) <i>(Typed)</i>	1.	2.		
SURETY D	NAME & ADDRESS		STATE OF INCORPORATION	LIABILITY LIMIT (\$)	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) <i>(Typed)</i>	1.	2.		
SURETY E	NAME & ADDRESS		STATE OF INCORPORATION	LIABILITY LIMIT (\$)	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) <i>(Typed)</i>	1.	2.		
SURETY F	NAME & ADDRESS		STATE OF INCORPORATION	LIABILITY LIMIT (\$)	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) <i>(Typed)</i>	1.	2.		
SURETY G	NAME & ADDRESS		STATE OF INCORPORATION	LIABILITY LIMIT (\$)	Corporate Seal
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) <i>(Typed)</i>	1.	2.		

INSTRUCTIONS

1. This form is authorized for use when a bid guaranty is required. Any deviation from this form will require the written approval of the Administrator of General Services.
2. Insert the full legal name and business address of the Principal in the space designated "Principal" on the face of the form. An authorized person shall sign the bond. Any person signing in a representative capacity (e.g., an attorney-in-fact) must furnish evidence of authority if that representative is not a member of the firm, partnership, or joint venture, or an officer of the corporation involved.
3. The bond may express penal sum as a percentage of the bid price. In these cases, the bond may state a maximum dollar limitation (e.g., 20% of the bid price but the amount not to exceed _____dollars).
4. (a) Corporations executing the bond as sureties must appear on the Department of the Treasury's list of approved sureties and must act within the limitations listed therein. The value put into the LIABILITY LIMIT block is the penal sum (i.e., the face value) of the bond, unless a co-surety arrangement is proposed.
 (b) When multiple corporate sureties are involved, their names and addresses shall appear in the spaces (Surety A, Surety B, etc.) headed "CORPORATE SURETY(IES)." In the space designated "SURETY(IES)" on the face of the form, insert only the letter identifier corresponding to each of the sureties. Moreover, when co-surety arrangements exist, the parties may allocate their respective limitations of liability under the bond, provided that the sum total of their liability equals 100% of the bond penal sum.
 (c) When individual sureties are involved, a completed Affidavit of Individual Surety (Standard Form 28) for each individual surety, shall accompany the bond. The Government may require the surety to furnish additional substantiating information concerning its financial capability.
5. Corporations executing the bond shall affix their corporate seals. Individuals shall execute the bond opposite the word "Corporate Seal"; and shall affix an adhesive seal if executed in Maine, New Hampshire, or any other jurisdiction requiring adhesive seals.
6. Type the name and title of each person signing this bond in the space provided.
7. In its application to negotiated contracts, the terms "bid" and "bidder" shall include "proposal" and "offeror."



FEDERAL HIGHWAY ADMINISTRATION
CENTRAL FEDERAL LANDS HIGHWAY DIVISION

BIDDER'S INFORMATION

INSTRUCTIONS: Answer all questions on this form inserting "none" or "not applicable" where appropriate. If more space is required attach additional sheets. Return the signed, dated and completed form with the bid to the address shown in the invitation for bids on or before the time set for bid opening. The prospective bidder shall provide any additional information requested by the Government during evaluation of the bids.

If the prospective bidder is a joint venture or general partnership, a separate Bidder's Qualifications form shall be provided individually for each joint venture participant or partner.

1. Name and address of business:

_____			_____		
Name			Unique Entity ID (See FAR Provision 52.204-6) *		
_____			_____		
Street			Home Office Congressional District (Insert District #) *		
_____			_____		
City	State	Zip Code			

County					

Telephone Number (Include Area Code)					

Fax Number (Include Area Code)			E-mail address		
_____			_____		

* Necessary for Government reporting purposes only.

2. a. Type of organization (check appropriate box):

<input type="checkbox"/> Individual	<input type="checkbox"/> Non-profit organization	<input type="checkbox"/> Corporation
<input type="checkbox"/> Partnership	<input type="checkbox"/> Joint Venture	<input type="checkbox"/> Incorporated in: _____
If a Foreign entity:		
<input type="checkbox"/> Individual	<input type="checkbox"/> Non-profit organization	<input type="checkbox"/> Corporation
<input type="checkbox"/> Partnership	<input type="checkbox"/> Joint Venture	<input type="checkbox"/> Registered in: _____

b. Size and type of Business Concern (check appropriate boxes):

<input type="checkbox"/> Large Business Concern	<input type="checkbox"/> Small Disadvantaged Business Concern	<input type="checkbox"/> Emerging Small Business
<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Women-Owned Small Business	<input type="checkbox"/> SBA 8(a) Certified
<input type="checkbox"/> HUB Zone Business Concern	<input type="checkbox"/> Veteran Owned Business Concern	<input type="checkbox"/> Service-Disabled Veteran-Owned Business Concern

3. If a joint venture or general partnership:

- a. Provide the name under which the project will be bid, the home office address, and name of the principal who will represent the company with regard to this project if different from "1." above.

Principal

Business Name

Street

City State Zip Code

- b. Provide the name and home office addresses of each of the joint venture partners; indicate which partner is the sponsoring partner. Attach a separate sheet for additional partners.

_____ Sponsoring Partner	_____ Other Partner
_____ Street	_____ Street
_____ City State Zip Code	_____ City State Zip Code

4. Date organization established: _____

5. Name of succeeded business, if any: _____

6. How many years have you been in business as:

- a. General contractor ___ years.
- b. Subcontractor ___ years.

7. a. Furnish the following information concerning the owner, partners, officers and directors:

Name	Title	Percent of Business Owned	Years of Business Experience	
			Contracting	Other

- b. Attach resumes of these key personnel as well as the on-site project manager(s) and superintendent(s), and specifically identify the following:
- Present position, responsibility, and length of employment.
 - Amount and type of construction experience.
 - Amount and type of highway construction experience, including position, responsibility, and a brief project description of each period of employment.
 - Formal education and training, professional or technical registrations or licenses.

9. a. List up to five of the largest jobs you have completed in the last five years which are similar in project work scope to this project. (Attach additional sheets if necessary)

Project Name and Contract Numbers	Owner's Name, Address, Contact Name, Email and Telephone #	Scope of Work Performed	Original and Final Contract Amounts	Original and Final Completion Dates	Names of On-site Project Manager and Superintendent	Name of Surety

b. Are there any unresolved claims or lawsuits associated with these projects? If so, state the amount in dispute, parties involved, nature and circumstances of the dispute, and status of the matter on a separate sheet

Solicitation Provisions

52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions. (SEP 2007)

52.203-18 Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements-Representation. (JAN 2017)

52.204-5 Women-Owned Business (Other Than Small Business). (OCT 2014)

52.204-7 System for Award Management. (OCT 2018)

52.204-8 Annual Representations and Certifications. (MAY 2022)

52.204-16 Commercial and Government Entity Code Reporting (AUG 2020)

52.204-17 Ownership or Control of Offeror (AUG 2020)

52.204-20 Predecessor or Offeror (AUG 2020)

52.204-22 Alternative Line Item Proposal (JAN 2017)

52.204-24 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment (NOV 2021)

52.204-26 Covered Telecommunications Equipment or Services-Representation. (OCT 2020)

52.209-5 Certification Regarding Responsibility Matters. (AUG 2020)

52.209-7 Information Regarding Responsibility Matters (OCT 2018)

52.209-11 Representation by Corporations Regarding Delinquent Tax Liability or a Felony Conviction under any Federal Law (FEB 2016)

52.209-13 Violation of Arms Control Treaties or Agreements – Certification (NOV 2021)

52.214-3 Amendments to Invitations for Bids. (DEC 2016)

52.214-4 False Statements in Bids. (APR 1984)

52.214-5 Submission of Bids. (DEC 2016)

52.214-6 Explanation to Prospective Bidders. (APR 1984)

52.214-7 Late Submissions, Modifications, and Withdrawals of Bids. (NOV 1999)

52.214-18 Preparation of Bids - Construction. (APR 1984)

52.214-19 Contract Award - Sealed Bidding - Construction. (AUG 1996)

52.214-31 Facsimile Bids (DEC 1989)

52.214-34 Submission of Offers in the English Language. (APR 1991)

52.214-35 Submission of Offers in U.S. Currency. (APR 1991)

52.215-5 Facsimile Proposals. (OCT 1997)

52.216-1 Type of Contract. (APR 1984)

The Government contemplates award of a **FIRM FIXED PRICE** contract resulting from this solicitation.

(End of provision)

52.222-5 Construction Wage Rate Requirements Secondary Site of the Work. (MAY 2014)

52.222-23 Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity for Construction. (FEB 1999)

(a) The offeror's attention is called to the Equal Opportunity clause and the Affirmative Action Compliance Requirements for Construction clause of this solicitation.

(b) The goals for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Goals for Minority Participation for Each Trade	Goals for Female Participation for Each Trade
5.7% - Kingman County, KS	6.9%

These goals are applicable to all the Contractor's construction work performed in the covered area. If the Contractor performs construction work in a geographical area located outside of the covered area, the Contractor shall apply the goals established for the geographical area where the work is actually performed. Goals are published periodically in the *Federal Register* in notice form, and these notices may be obtained from any Office of Federal Contract Compliance Programs office.

(c) The Contractor's compliance with Executive Order 11246, as amended, and the regulations in 41 CFR 60-4 shall be based on (1) its implementation of the Equal Opportunity clause, (2) specific affirmative action obligations required by the clause entitled Affirmative Action Compliance Requirements for Construction, and (3) its

efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade. The Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor, or from project to project, for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, Executive Order 11246, as amended, and the regulations in 41 CFR 60-4. Compliance with the goals will be measured against the total work hours performed.

(d) The Contractor shall provide written notification to the Deputy Assistant Secretary for Federal Contract Compliance, U.S. Department of Labor, within 10 working days following award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the -

(1) Name, address, and telephone number of the subcontractor; (2)

Employer's identification number of the subcontractor;

(3) Estimated dollar amount of the subcontract;

(4) Estimated starting and completion dates of the subcontract; and

(5) Geographical area in which the subcontract is to be performed.

(e) As used in this Notice, and in any contract resulting from this solicitation, the covered area is Kingman County, KS.

(End of provision)

52.222-38 Compliance with Veterans' Employment Reporting Requirements. (FEB 2016)

52.223-22 Public Disclosure of Greenhouse Gas Emissions and Reduction Goals—Representation (DEC 2016)

52.225-10 Notice of Buy American Requirement—Construction Materials (MAY 2014)

52.225-20 Prohibition on Conducting Restricted Business Operations in Sudan--Certification. (AUG 2009)

52.228-1 Bid Guarantee. (SEP 1996)

(a) Failure to furnish a bid guarantee in the proper form and amount, by the time set for opening of bids, may be cause for rejection of the bid.

(b) The bidder shall furnish a bid guarantee in the form of a firm commitment,

e.g., bid bond supported by good and sufficient surety or sureties acceptable to the Government, postal money order, certified check, cashier's check, irrevocable letter of credit, or, under Treasury Department regulations, certain bonds or notes of the United States. The Contracting Officer will return bid guarantees, other than bid bonds -

(1) To unsuccessful bidders as soon as practicable after the opening of bids;
and

(2) To the successful bidder upon execution of contractual documents and bonds (including any necessary coinsurance or reinsurance agreements), as required by the bid as accepted.

(c) The amount of the bid guarantee shall be **twenty (20%) percent** of the bid price or **\$3,000,000.00**, whichever is less.

(d) If the successful bidder, upon acceptance of its bid by the Government within the period specified for acceptance, fails to execute all contractual documents or furnish executed bond(s) within 10 days after receipt of the forms by the bidder, the Contracting Officer may terminate the contract for default.

(e) In the event the contract is terminated for default, the bidder is liable for any cost of acquiring the work that exceeds the amount of its bid, and the bid guarantee is available to offset the difference.

52.233-2 Service of Protest. (SEP 2006)

(a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the Government Accountability Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from:

***Mr. Joseph Wilson
Contracting Officer
Federal Highway Administration
12300 West Dakota Avenue, Suite 360
Lakewood, Colorado 80228***

(b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.

(End of provision)

52.236-27 Site Visit (Construction). (FEB 1995)

(a) The clauses at 52.236-2, Differing Site Conditions, and 52.236-3, Site

Investigations and Conditions Affecting the Work, will be included in any contract awarded as a result of this solicitation. Accordingly, offerors or quoters are urged and expected to inspect the site where the work will be performed.

(b) Site visits may be arranged during normal duty hours by contacting: No organized site visit will be held.

(End of provision)

52.252-1 Solicitation Provisions Incorporated by Reference. (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address(es): <http://www.acquisition.gov/far>

(End of provision)

52.252-3 Alterations in Solicitation. (APR 1984)

Portions of this solicitation are altered as follows: **NONE**

(End of provision)

Contract Clauses

52.202-1 Definitions. (JUN 2020)

52.203-3 Gratuities. (APR 1984)

52.203-5 Covenant Against Contingent Fees. (MAY 2014)

52.203-6, Restrictions on Subcontractor Sales to the Government (JUN 2020)

52.203-7 Anti-Kickback Procedures. (JUN 2020)

52.203-8 Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity. (MAY 2014)

52.203-10 Price or Fee Adjustment for Illegal or Improper Activity. (MAY 2014)

52.203-12 Limitation on Payments to Influence Certain Federal Transactions. (JUN 2020)

52.203-13 Contractor Code of Business Ethics and Conduct (NOV 2021)

52.203-14 Display of Hotline Poster(s) (NOV 2021)

(a) *Definition.*

United States, as used in this clause, means the 50 States, the District of Columbia, and outlying areas.

(b) *Display of fraud hotline poster(s).* Except as provided in paragraph (c)—

(1) During contract performance in the United States, the Contractor shall prominently display in common work areas within business segments performing work under this contract and at contract work sites-

(i) Any agency fraud hotline poster or Department of Homeland Security (DHS) fraud hotline poster identified in paragraph (b)(3) of this clause; and

(ii) Any DHS fraud hotline poster subsequently identified by the Contracting Officer.

(2) Additionally, if the Contractor maintains a company website as a method of providing information to employees, the Contractor shall display an electronic version of the poster(s) at the website.

(3) Any required posters may be obtained as follows:

General Fraud	https://www.oig.dot.gov/sites/default/files/files/OIG-generic-2.pdf
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(c) If the Contractor has implemented a business ethics and conduct awareness program, including a reporting mechanism, such as a hotline poster, then the Contractor need not display any agency fraud hotline posters as required in paragraph (b) of this clause, other than any required DHS posters.

(d) *Subcontracts*. The Contractor shall include the substance of this clause, including this paragraph (d), in all subcontracts that exceed the threshold specified in Federal Acquisition Regulation [3.1004](#)(b)(1) on the date of subcontract award, except when the subcontract—

- (1) Is for the acquisition of a commercial product or commercial service; or
- (2) Is performed entirely outside the United States.

(End of clause)

52.203-17 Contractor Employee Whistleblower Rights and Requirements to Inform Employees of Whistleblower Rights (JUN 2020)

52.203-19 Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (JAN 2017)

52.204-1 Approval of Contract (DEC 1989)

This contract is subject to the written approval of the *Acquisitions Branch Chief* and shall not be binding until so approved.

(End of Clause)

52.204-4 Printed or Copied Double-Sided on Postconsumer Fiber Content Paper. (MAY 2011)

52.204-9 Personal Identity Verification of Contractor Personnel. (JAN 2011)

52.204-10 Reporting Executive Compensation and First-Tier Subcontract Awards. (JUN 2020)

52.204-13 System for Award Management Maintenance. (OCT 2018)

52.204-14 Service Contract Reporting Requirements (OCT 2016)

52.204-18 Commercial and Government Entity Code Maintenance (AUG 2020)

52.204-19 Incorporation by Reference of Representations and Certifications. (DEC 2014)

52.204-23 Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (NOV 2021)

52.204-25 Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (NOV 2021)

52.209-6 Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment. (NOV 2021)

52.209-10 Prohibition on Contracting With Inverted Domestic Corporations (NOV 2015)

52.211-10 Commencement, Prosecution, and Completion of Work. (APR 1984)

The Contractor shall be required to (a) commence work under this contract within ten (10) calendar days after the date the Contractor receives the notice to proceed, (b) prosecute the work diligently, and (c) complete the entire work ready for use not later than {Refer to Subsection 108.01 of the SCRs}. The time stated for completion shall include final cleanup of the premises.

(End of clause)

52.211-12 Liquidated Damages - Construction. (SEP 2000)

(a) If the Contractor fails to complete the work within the time specified in the contract, the Contractor shall pay liquidated damages to the Government in the amount of (see FP-14 section 108) for each calendar day of delay until the work is completed or accepted.

(b) If the Government terminates the Contractor's right to proceed, liquidated damages will continue to accrue until the work is completed. These liquidated damages are in addition to excess costs of repurchase under the Termination clause.

(End of clause)

52.211-13 Time Extensions. (SEP 2000)

52.211-18 Variation in Estimated Quantity. (APR 1984)

52.214-26 Audit and Records – Sealed Bidding. (JUN 2020)

52.214-27 Price Reduction for Defective Certified Cost or Pricing Data – Modifications – Sealed Bidding. (JUN 2020)

52.214-28 Subcontractor Certified Cost or Pricing Data – Modifications – Sealed Bidding. (JUN 2020)

52.219-4 Notice of Price Evaluation Preference for HUBZone Small Business Concerns. (OCT 2022)

(a) Evaluation preference. (1) Offers will be evaluated by adding a factor of 10 percent to the price of all offers, except-

(i) Offers from HUBZone small business concerns that have not waived the evaluation preference; and

(ii) Otherwise successful offers from small business concerns.

(2) The factor of 10 percent shall be applied on a line item basis or to any group of items on which award may be made. Other evaluation factors described in the solicitation shall be applied before application of the factor.

(3) When the two highest rated offerors are a HUBZone small business concern and a large business, and the evaluated offer of the HUBZone small business concern is equal to the evaluated offer of the large business after considering the price evaluation preference, award will be made to the HUBZone small business concern.

(b) Waiver of evaluation preference. A HUBZone small business concern may elect to waive the evaluation preference, in which case the factor will be added to its offer for evaluation purposes.

Offeror elects to waive the evaluation preference.

(c) Joint venture. A HUBZone joint venture agrees that, in the performance of the contract, at least 40 percent of the aggregate work performed by the joint venture shall be completed by the HUBZone small business parties to the joint venture. Work performed by the HUBZone small business parties to the joint venture must be more than administrative functions.

(End of clause)

52.219-8 Utilization of Small Business Concerns (OCT 2022)

52.219-9 Small Business Subcontracting Plan (OCT 2022) - Alternate I (NOV 2016)

52.219-14 Limitations on Subcontracting (OCT 2022)

52.219-16 Liquidated Damages -- Subcontracting Plan (SEP 2021)

52.219-28 Post-Award Small Business Program Rerepresentation (OCT 2022)

52.222-1 Notice to the Government of Labor Disputes. (FEB 1997)

52.222-3 Convict Labor. (JUN 2003)

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation. (MAY 2018)**
- 52.222-6 Construction Wage Rate Requirements. (AUG 2018)**
- 52.222-7 Withholding of Funds. (MAY 2014)**
- 52.222-8 Payrolls and Basic Records. (JUL 2021)**
- 52.222-9 Apprentices and Trainees. (JUL 2005)**
- 52.222-10 Compliance with Copeland Act Requirements. (FEB 1988)**
- 52.222-11 Subcontracts (Labor Standards). (MAY 2014)**
- 52.222-12 Contract Termination - Debarment. (MAY 2014)**
- 52.222-13 Compliance with Construction Wage Rate Requirements and Related Regulations. (MAY 2014)**
- 52.222-14 Disputes Concerning Labor Standards. (FEB 1988)**
- 52.222-15 Certification of Eligibility. (MAY 2014)**
- 52.222-21 Prohibition of Segregated Facilities. (APR 2015)**
- 52.222-26 Equal Opportunity. (SEP 2016)**
- 52.222-27 Affirmative Action Compliance Requirements for Construction. (APR 2015)**
- 52.222-35 Equal Opportunity for Veterans. (JUN 2020)**
- 52.222-36 Affirmative Action for Workers with Disabilities. (JUN 2020)**
- 52.222-37 Employment Reports on Veterans (JUN 2020)**
- 52.222-40 Notification of Employee Rights Under the National Labor Relations Act (DEC 2010)**
- 52.222-50 Combating Trafficking in Persons (NOV 2021)**
- 52.222-54 Employment Eligibility Verification (MAY 2022)**
- 52.222-55 Minimum Wages Under Executive Order 13658 (JAN 2022)**
- 52.222-62 Paid Sick Leave Under Executive Order 13706 (JAN 2022)**

52.223-2 Affirmative Procurement of Biobased Products Under Service and Construction Contracts (SEP 2013)

52.223-3 Hazardous Material Identification and Material Safety Data. (FEB 2021)

52.223-5 Pollution Prevention and Right-to-Know Information. (MAY 2011)

52.223-6 Drug-Free Workplace. (MAY 2001)

52.223-17 Affirmative Procurement of EPA-Designated Items in Service and Construction Contracts (AUG 2018)

52.223-18 Encouraging Contractor Policies to Ban Text Messaging While Driving. (JUN 2020)

52.223-21 Foams (JUN 2016)

52.224-1 Privacy Act Notification. (APR 1984)

52.224-2 Privacy Act. (APR 1984)

52.225-9 Buy American-Construction Materials (OCT 2022)

(a) *Definitions.* As used in this clause—

Commercially available off-the-shelf (COTS) item—

(1) Means any item of supply (including construction material) that is—

(i) A commercial product (as defined in paragraph (1) of the definition of “commercial product” at Federal Acquisition Regulation (FAR) [2.101](#));

(ii) Sold in substantial quantities in the commercial marketplace; and

(iii) Offered to the Government, under a contract or subcontract at any tier, without modification, in the same form in which it is sold in the commercial marketplace; and

(2) Does not include bulk cargo, as defined in 46 U.S.C. 40102(4), such as agricultural products and petroleum products.

"Construction material" means an article, material, or supply brought to the construction site by the Contractor or a subcontractor for incorporation into the building or work. The term also includes an item brought to the site preassembled from articles, materials, or supplies. However, emergency life safety systems, such as emergency lighting, fire alarm, and audio evacuation systems, that are discrete systems incorporated into a public building or work and that

are produced as complete systems, are evaluated as a single and distinct construction material regardless of when or how the individual parts or components of those systems are delivered to the construction site. Materials purchased directly by the Government are supplies, not construction material.

Cost of components means—

(1) For components purchased by the Contractor, the acquisition cost, including transportation costs to the place of incorporation into the construction material (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or

(2) For components manufactured by the Contractor, all costs associated with the manufacture of the component, including transportation costs as described in paragraph (1) of this definition, plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the construction material.

Critical component means a component that is mined, produced, or manufactured in the United States and deemed critical to the U.S. supply chain. The list of critical components is at FAR [25.105](#).

Critical item means a domestic construction material or domestic end product that is deemed critical to U.S. supply chain resiliency. The list of critical items is at FAR [25.105](#).

Domestic construction material means—

(1) For construction material that does not consist wholly or predominantly of iron or steel or a combination of both-

(i) An unmanufactured construction material mined or produced in the United States; or

(ii) A construction material manufactured in the United States, if-

(A) The cost of its components mined, produced, or manufactured in the United States exceeds 60 percent of the cost of all its components, except that the percentage will be 65 percent for items delivered in calendar years 2024 through 2028 and 75 percent for items delivered starting in calendar year 2029. Components of foreign origin of the same class or kind for which nonavailability determinations have been made are treated as domestic. Components of unknown origin are treated as foreign; or

(B) The construction material is a COTS item; or

(2) For construction material that consists wholly or predominantly of iron or steel or a combination of both, a construction material manufactured in the United States if the cost of foreign iron and steel constitutes less than 5 percent of the cost of all components used in such

construction material. The cost of foreign iron and steel includes but is not limited to the cost of foreign iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the construction material and a good faith estimate of the cost of all foreign iron or steel components excluding COTS fasteners. Iron or steel components of unknown origin are treated as foreign. If the construction material contains multiple components, the cost of all the materials used in such construction material is calculated in accordance with the definition of "cost of components".

Fastener means a hardware device that mechanically joins or affixes two or more objects together. Examples of fasteners are nuts, bolts, pins, rivets, nails, clips, and screws.

Foreign construction material means a construction material other than a domestic construction material.

Foreign iron and steel means iron or steel products not produced in the United States. Produced in the United States means that all manufacturing processes of the iron or steel must take place in the United States, from the initial melting stage through the application of coatings, except metallurgical processes involving refinement of steel additives. The origin of the elements of the iron or steel is not relevant to the determination of whether it is domestic or foreign.

Predominantly of iron or steel or a combination of both 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 excluding COTS fasteners.

Steel means an alloy that includes at least 50 percent iron, between 0.02 and 2 percent carbon, and may include other elements.

"United States" means the 50 States, the District of Columbia, and outlying areas.

(b) Domestic preference.

(1) This clause implements [41 U.S.C. chapter 83](#), Buy American, by providing a preference for domestic construction material. In accordance with [41 U.S.C. 1907](#), the domestic content test of the Buy American statute is waived for construction material that is a COTS item, except that for construction material that consists wholly or predominantly of iron or steel or a combination of both, the domestic content test is applied only to the iron and steel content of the construction materials, excluding COTS fasteners. (See FAR [12.505\(a\)\(2\)](#)). The Contractor shall use only domestic construction material in performing this contract, except as provided in paragraphs (b)(2) and (b)(3) of this clause.

(2) This requirement does not apply to information technology that is a commercial product or to the construction materials or components listed by the Government as follows:

None

(3) The Contracting Officer may add other foreign construction material to the list in paragraph (b)(2) of this clause if the Government determines that-

(i)The cost of domestic construction material would be unreasonable.

(A) *For domestic construction material that is not a critical item or does not contain critical components.*

(1)The cost of a particular domestic construction material subject to the requirements of the Buy American statute is unreasonable when the cost of such material exceeds the cost of foreign material by more than 20 percent;

(2)For construction material that is not a COTS item and does not consist wholly or predominantly of iron or steel or a combination of both, if the cost of a particular domestic construction material is determined to be unreasonable or there is no domestic offer received, and the low offer is for foreign construction material that is manufactured in the United States and does not exceed 55 percent domestic content, the Contracting Officer will treat the lowest offer of foreign construction material that exceeds 55 percent domestic content as a domestic offer and determine whether the cost of that offer is unreasonable by applying the evaluation factor listed in paragraph (b)(3)(i)(A)(1) of this clause.

(3)The procedures in paragraph (b)(3)(i)(A)(2) of this clause will no longer apply as of January 1, 2030.

(B) *For domestic construction material that is a critical item or contains critical components.*

(1)The cost of a particular domestic construction material that is a critical item or contains critical components, subject to the requirements of the Buy American statute, is unreasonable when the cost of such material exceeds the cost of foreign material by more than 20 percent plus the additional preference factor identified for the critical item or construction material containing critical components listed at FAR [25.105](#).

(2)For construction material that does not consist wholly or predominantly of iron or steel or a combination of both, if the cost of a particular domestic construction material is determined to be unreasonable or there is no domestic offer received, and the low offer is for foreign construction material that does not exceed 55 percent domestic content, the Contracting Officer will treat the lowest foreign offer of construction material that is manufactured in the United States and exceeds 55 percent domestic content as a domestic offer, and determine whether the cost of that offer is unreasonable by applying the evaluation factor listed in paragraph (b)(3)(i)(B)(1) of this clause.

(3)The procedures in paragraph (b)(3)(i)(B)(2) of this clause will no longer apply as of January 1, 2030.

(ii) The application of the restriction of the Buy American statute to a particular construction material would be impracticable or inconsistent with the public interest; or

(iii) The construction material is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality.

(c) Request for determination of inapplicability of the Buy American statute.

(1)

(i) Any Contractor request to use foreign construction material in accordance with paragraph (b)(3) of this clause shall include adequate information for Government evaluation of the request, including-

(A) A description of the foreign and domestic construction materials;

(B) Unit of measure;

(C) Quantity;

(D) Price;

(E) Time of delivery or availability;

(F) Location of the construction project;

(G) Name and address of the proposed supplier; and

(H) A detailed justification of the reason for use of foreign construction materials cited in accordance with paragraph (b)(3) of this clause.

(ii) A request based on unreasonable cost shall include a reasonable survey of the market and a completed price comparison table in the format in paragraph (d) of this clause.

(iii) The price of construction material shall include all delivery costs to the construction site and any applicable duty (whether or not a duty-free certificate may be issued).

(iv) Any Contractor request for a determination submitted after contract award shall explain why the Contractor could not reasonably foresee the need for such determination and could not have requested the determination before contract award. If the Contractor does not submit a satisfactory explanation, the Contracting Officer need not make a determination.

(2) If the Government determines after contract award that an exception to the Buy American statute applies and the Contracting Officer and the Contractor negotiate adequate consideration, the Contracting Officer will modify the contract to allow use of the foreign construction material. However, when the basis for the exception is the unreasonable price of a

domestic construction material, adequate consideration is not less than the differential established in paragraph (b)(3)(i) of this clause.

(3) Unless the Government determines that an exception to the Buy American statute applies, use of foreign construction material is noncompliant with the Buy American statute.

(d) *Data*. To permit evaluation of requests under paragraph (c) of this clause based on unreasonable cost, the Contractor shall include the following information and any applicable supporting data based on the survey of suppliers:

Foreign and Domestic Construction Materials Price Comparison

Construction material description	Unit of measure	Quantity	Price (dollars) *
<i>Item 1</i>			
Foreign construction material			
Domestic construction material			
<i>Item 2</i>			
Foreign construction material			
Domestic construction material			

[List name, address, telephone number, and contact for suppliers surveyed. Attach copy of response; if oral, attach summary.]

[Include other applicable supporting information.]

*[*Include all delivery costs to the construction site and any applicable duty (whether or not a duty-free entry certificate is issued).]*

(End of Clause)

52.227-1 Authorization and Consent. (JUN 2020)

52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement. (JUN 2020)

52.227-4 Patent Indemnity--Construction Contracts. (DEC 2007)

52.228-2 Additional Bond Security. (OCT 1997)

52.228-5 Insurance - Work on a Government Installation. (JAN 1997)

52.228-11 Pledges of Assets. (FEB 2021)

- 52.228-12 Prospective Subcontractor Requests for Bonds. (MAY 2014)**
- 52.228-14 Irrevocable Letter of Credit (Nov 2014)**
- 52.228-15 Performance and Payment Bonds - Construction. (JUN 2020)**
- 52.229-3 Federal, State, and Local Taxes. (FEB 2013)**
- 52.232-5 Payments under Fixed-Price Construction Contracts. (MAY 2014)**
- 52.232-17 Interest. (MAY 2014)**
- 52.232-23 Assignment of Claims. (MAY 2014)**
- 52.232-27 Prompt Payment For Construction Contracts. (JAN 2017)**
- 52.232-33 Payment by Electronic Funds Transfer – System for Award Management (OCT 2018)**
- 52.232-39 Unenforceability of Unauthorized Obligations (JUN 2013)**
- 52.232-40 Providing Accelerated Payments to Small Business Subcontractors (NOV 2021)**
- 52.233-1 Disputes. (MAY 2014) - Alternate I (DEC 1991)**
- 52.233-3 Protest after Award. (AUG 1996)**
- 52.233-4 Applicable Law for Breach of Contract Claim. (OCT 2004)**
- 52.236-1 Performance of Work by the Contractor (APR 1984)**

The Contractor shall perform on the site, and with its own organization, work equivalent to at least *twenty five percent (25%)* of the total amount of work to be performed under the contract. This percentage may be reduced by a supplemental agreement to this contract if, during performing the work, the Contractor requests a reduction and the Contracting Officer determines that the reduction would be to the advantage of the Government.

(End of Clause)

- 52.236-2 Differing Site Conditions. (APR 1984)**
- 52.236-3 Site Investigation and Conditions Affecting the Work. (APR 1984)**
- 52.236-4 Physical Data. (APR 1984)**

Data and information furnished or referred to below is for the Contractor's information. The

Government shall not be responsible for any interpretation of or conclusion drawn from the data or information by the Contractor.

(a) The indications of physical conditions on the drawings and in the specifications are the result of site investigations by:

- 1) **Pavement Design Report KS FLAP KIN 50(1) Cheney Reservoir Access June 2022**
- 2) **Final Drainage Design Report KS FLAP KIN 50(1) Cheney Reservoir Access June 21, 2022**

(b) Weather conditions **Contact National Weather Service**.

(c) Transportation facilities – N/A

(End of clause)

52.236-5 Material and Workmanship. (APR 1984)

52.236-6 Superintendence by the Contractor. (APR 1984)

52.236-7 Permits and Responsibilities. (NOV 1991)

52.236-8 Other Contracts. (APR 1984)

52.236-9 Protection of Existing Vegetation, Structures, Equipment, Utilities, and Improvements. (APR 1984)

52.236-10 Operations and Storage Areas. (APR 1984)

52.236-11 Use and Possession Prior to Completion. (APR 1984)

52.236-12 Cleaning Up. (APR 1984)

52.236-13 Accident Prevention. (NOV 1991)

52.236-15 Schedules for Construction Contracts. (APR 1984)

52.236-17 Layout of Work. (APR 1984)

52.236-21 Specifications and Drawings for Construction. (FEB 1997)

52.236-26 Preconstruction Conference. (FEB 1995)

52.242-13 Bankruptcy. (JUL 1995)

52.242-14 Suspension of Work. (APR 1984)

52.243-4 Changes. (JUN 2007)

52.243-6 Change Order Accounting. (APR 1984)

52.244-6 Subcontracts for Commercial Products and Commercial Services. (OCT 2022)

52.245-1 Government Property (SEP 2021) - Alternate I (APR 2012)

52.245-9 Use and Charges. (APR 2012)

52.246-12 Inspection of Construction. (AUG 1996)

52.247-64 Preference for Privately Owned U.S.-Flag Commercial Vessels (NOV 2021)

52.248-3 Value Engineering - Construction. (OCT 2020)

52.249-2 Termination for Convenience of the Government (Fixed-Price). (APR 2012) - Alternate I (SEP 1996)

52.249-10 Default (Fixed-Price Construction). (APR 1984)

52.252-2 Clauses Incorporated by Reference. (FEB 1998)

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this/these address(es): <http://www.acquisition.gov/far>

(End of clause)

52.252-4 Alterations in Contract. (APR 1984)

Portions of this contract are altered as follows: *NONE*

(End of clause)

52.253-1 Computer Generated Forms. (JAN 1991)

1252.201-70 Contracting Officer's Representative (NOV 2022)

1252.222-72 Contractor Cooperation in Equal Employment Opportunity and Anti-Harassment Investigations (NOV 2022)

1252.223-70 Removal or Disposal of Hazardous Substances (NOV 2022)

1252.223-71 Accident and Fire Reporting (NOV 2022)

1252.223-73 Seat Belt Use Policies and Programs (NOV 2022)

1252.228-74 Notification of Payment Bond Protection (NOV 2022)

(a) The prime contract is subject to the Bonds statute (historically referred to as the Miller Act) (40 U.S.C. chapter 31, subchapter III), under which the prime contractor has obtained a payment bond. This payment bond may provide certain unpaid employees, suppliers, and subcontractors a right to sue the bonding surety under the Bonds statute for amounts owned for work performed and materials delivery under the prime contract.

(b) Persons believing that they have legal remedies under the Bonds statute should consult their legal advisor regarding the proper steps to take to obtain these remedies. This notice clause does not provide any party any rights against the Federal Government, or create any relationship, contractual or otherwise, between the Federal Government and any private party.

(c) The surety which has provided the payment bond under the prime contract is: On File with the FHWA.

(d) Subcontract flowdown requirements. This clause shall be flowed down to all subcontractors. Prime contractors shall insert this notice clause in all first-tier subcontracts and shall require the clause to be subsequently flowed down by all first-tier subcontractors to all their subcontractors, at any tier. This notice contains information pertaining to the surety that provided the payment bond under the prime contract and is required to be inserted in its entirety to include the information set forth in paragraph (c).

(End of clause)

1252.232-70 Electronic Submission of Payment Requests (NOV 2022)

1252.239-92 Information and Communication Technology Accessibility Notice (NOV 2022)

1252.239-93 Information and Communication Technology Accessibility (NOV 2022)

1252.242-72 Dissemination of Contract Information (NOV 2022)

[https://www.dol.gov/agencies/whd/government-contracts.](https://www.dol.gov/agencies/whd/government-contracts)

Modification Number	Publication Date
0	01/07/2022
1	02/25/2022
2	09/02/2022

ENGI0101-002 04/01/2018

	Rates	Fringes
POWER EQUIPMENT OPERATOR (Drill Rig Caissons).....	\$ 36.22	17.99

* IRON0010-007 04/01/2022

	Rates	Fringes
IRONWORKER, STRUCTURAL.....	\$ 35.50	32.68

* SUKS2019-031 05/09/2019

	Rates	Fringes
CARPENTER.....	\$ 14.94 **	0.00
CEMENT MASON/CONCRETE FINISHER...	\$ 16.24	0.00
ELECTRICIAN.....	\$ 26.72	4.22
FORM WORKER.....	\$ 15.33	1.20
IRONWORKER, REINFORCING.....	\$ 14.09 **	0.00
LABORER: Asphalt, Includes Raker, Shoveler, Spreader and Distributor.....	\$ 14.38 **	0.00
LABORER: Common or General.....	\$ 14.49 **	0.00
LABORER: Flagger.....	\$ 12.00 **	0.00
OPERATOR: Asphalt Plant.....	\$ 14.81 **	0.00
OPERATOR: Backhoe/Excavator/Trackhoe.....	\$ 18.77	2.19
OPERATOR: Bobcat/Skid Steer/Skid Loader.....	\$ 16.90	0.00
OPERATOR: Broom/Sweeper.....	\$ 15.21	0.00
OPERATOR: Bulldozer.....	\$ 17.17	2.37
OPERATOR: Concrete Finishing Machine.....	\$ 21.11	0.00

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OPERATOR: Concrete Saw.....	\$ 16.71	0.00
OPERATOR: Crane.....	\$ 20.22	7.66
OPERATOR: Distributor.....	\$ 15.19	0.00
OPERATOR: Grader/Blade.....	\$ 17.89	1.67
OPERATOR: Loader.....	\$ 15.07	0.00
OPERATOR: Material Transfer Vehicle.....	\$ 13.92 **	0.00
OPERATOR: Mechanic.....	\$ 20.51	0.00
OPERATOR: Paver (Asphalt, Aggregate, and Concrete).....	\$ 16.16	0.00
OPERATOR: Roller.....	\$ 14.17 **	0.00
OPERATOR: Scraper.....	\$ 15.68	0.00
OPERATOR: Screed.....	\$ 16.74	0.00
OPERATOR: Tractor.....	\$ 16.24	0.00
OPERATOR: Roto Mill Groundman....	\$ 15.35	0.00
OPERATOR: Roto Mill.....	\$ 16.09	0.00
OPERATOR: Striping Machine.....	\$ 19.93	4.49
SERVICEMAN: EQUIPMENT.....	\$ 16.33	1.74
TRAFFIC CONTROL: Service Driver.....	\$ 14.55 **	0.00
TRUCK DRIVER: Pickup Truck.....	\$ 16.19	0.00
TRUCK DRIVER: Water Truck.....	\$ 17.07	0.00
TRUCK DRIVER: Dump and Tandem....	\$ 16.19	0.00
TRUCK DRIVER: Flatbed and Lowboy.....	\$ 19.20	0.00
TRUCK DRIVER: Off Road Truck.....	\$ 16.38	0.00

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

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** Workers in this classification may be entitled to a higher minimum wage under Executive Order 14026 (\$15.00) or 13658

(\$11.25). Please see the Note at the top of the wage determination for more information.

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) (ii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of ""identifiers"" that indicate whether the particular rate is a union rate (current union negotiated rate for local), a survey rate (weighted average rate) or a union average rate (weighted union average rate).

Union Rate Identifiers

A four letter classification abbreviation identifier enclosed in dotted lines beginning with characters other than ""SU"" or ""UAVG"" denotes that the union classification and rate were prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2014. PLUM is an abbreviation identifier of the union which 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. 07/01/2014 is the effective date of the most current negotiated rate, which in this example is July 1, 2014.

Union prevailing wage rates are updated to reflect all rate

changes in the collective bargaining agreement (CBA) governing this classification and rate.

Survey Rate Identifiers

Classifications listed under the ""SU"" identifier indicate that no one rate prevailed for this classification in the survey and the published rate is derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As this weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SULA2012-007 5/13/2014. SU indicates the rates are survey rates based on a weighted average calculation of rates and are not majority rates. LA indicates the State of Louisiana. 2012 is the year of 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. 5/13/2014 indicates the survey completion date for the classifications and rates under that identifier.

Survey wage rates are not updated and remain in effect until a new survey is conducted.

Union Average Rate Identifiers

Classification(s) listed under the UAVG identifier indicate that no single majority rate prevailed for those classifications; however, 100% of the data reported for the classifications was union data. EXAMPLE: UAVG-OH-0010 08/29/2014. UAVG indicates that the rate is a weighted union average rate. OH indicates the state. The next number, 0010 in the example, is an internal number used in producing the wage determination. 08/29/2014 indicates the survey completion date for the classifications and rates under that identifier.

A UAVG rate will be updated once a year, usually in January of each year, to reflect a weighted average of the current negotiated/CBA rate of the union locals from which the rate is based.

WAGE DETERMINATION APPEALS PROCESS

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

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour

National Office because National Office has responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write 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 the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write 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 by 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

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISIO"

SPECIAL CONTRACT REQUIREMENTS

The following Special Contract Requirements amend and supplement the *Standard Specifications for Construction of Roads and Bridges, on Federal Highway Projects (FP-14)*, U.S. Department of Transportation, Federal Highway Administration.



Section 101. – TERMS, FORMAT, AND DEFINITIONS**101.03 Abbreviations.****(a) Acronyms. Add the following:****BOR** – Bureau of Reclamation**EEBACS** — Engineer’s Estimating, Bidding, Award, and Construction System**GSA** – General Services Administration**(b) US Customary abbreviations and symbols. Delete the text and substitute the following:**

°F	—	degrees Fahrenheit	temperature
A	—	ampere	electric current
ac.	—	acre	area
BTU	—	British Thermal Unit	energy
cu. in. or in³	—	cubic inches	volume
cu. ft., cf, ft³ or CUFT	—	cubic feet	volume
cu. yd., cy, yd³ or CUYD	—	cubic yards	volume
D	—	day	time
deg. or °	—	degree	plane angle
Fc	—	foot-candles	luminous intensity
fl. oz.	—	fluid ounces	volume
ft. or '	—	foot or feet	length
gal. or GAL	—	gallon	volume
H	—	Henry	inductance
hr. or HR	—	hour	time
Hz	—	hertz (s ⁻¹)	frequency
in. or "	—	inch or inches	length
K	—	kelvin	temperature
lb or LB, lbs	—	pound, pounds	mass
Lbf	—	pound-force	force
lnft or LNFT	—	linear foot	length
mi.	—	miles	length
min. or m	—	minute	time
min. or '	—	minute	plane angle
oz.	—	ounces	mass
Psi	—	pounds/square inch	pressure
Q	—	cubic feet/second	flow rate
sec. or s	—	second	time
sec. or "	—	second	plane angle
sq. in. or in²	—	square inches	area
sq. ft., sf, ft² or SQFT	—	square feet	area

sq. yd., sy, yd² or SQYD	— square yards	area
T	— short ton (2000 lbs)	mass
V	— volt (W/A)	electric potential
W	— watt (J/s)	power
yd or YD	— yard or yards	length
Ω	— ohm V/A	electric resistance

(c) **Metric unit abbreviations and symbols.** Delete the text and substitute the following:

A	— ampere	electric current
Cd	— candella	luminous intensity
°C	— degree Celsius	temperature
D	— day	time
deg. or °	— degree	plane angle
g or gram	— gram	mass
H	— Henry	inductance
Ha	— hectare	area
hr. or HR	— hour	time
Hz	— hertz (s ⁻¹)	frequency
J	— Joule (N·m)	energy
K	— kelvin	temperature
Kg	— kilogram	mass
L	— liter	volume
Lx	— lux	illuminance
M	— meter	length
mm	— millimeter	length
m²	— meter squared	area
m³	— cubic meter	volume
min. or m	— minute	time
min. or ' 	— minute	plane angle
N	— Newton (kg·m/s ²)	force
Pa	— Pascal (N/m ²)	pressure
sec. or s	— second	time
sec. or " 	— second	plane angle
T	— metric ton	Mass
V	— volt (W/A)	electric potential
W	— watt (J/s)	Power
Ω	— ohm V/A	electric resistance

101.04 Definitions.

Add the following:

EEBACS — Engineer’s Estimating, Bidding, Award, and Construction System. A web-based system used by the Government, Construction Contractors, and Subcontractors on this Government contract to prepare “*Inspector’s Daily Record of Construction Operations*” (*Contractors Daily Reports*) and measurement notes (pay notes and field measurement documentation).

Roadway Prism Delete the text and substitute the following:

Roadway Prism – The volume defined by the area between the original terrain cross-section and the final design cross-section multiplied by the horizontal distance between the centroids (geometric center) of the area.

Subcontractor Delete the text and substitute the following:

Subcontractor – An individual or legal entity with which the Contractor sublets part of the work. This includes subcontractors and material suppliers at any tier.

Section 105. — CONTROL OF MATERIAL

105.01 Source of Supply and Quality Requirements. Add the following:

Materials containing petroleum-based solvents such as cutback asphalts and traffic paints may be restricted from use by local laws or ordinances in certain geographic areas. Upon presenting proof of such restrictions, alternate materials considered acceptable to the CO may be substituted for the materials specified in the contract.

105.04 Storing and Handling Material. Add the following after the third sentence of the second paragraph:

For Contractor-located, non-commercial staging, storing, and material handling areas, secure environmental clearances according to Subsection 107.10.

Add the following:

The Contractor may use the property north of NE 50th street, to the east of the Cheney State Park Entrance or the northeast corner of the intersection of NE 50th street and the Kingman County line (in Sedgwick County) for a staging area/storage of materials/hot plant site/stockpiles/etc.

Use all products according to the manufacturer’s recommendations for handling, storage, and disposal. Follow the requirements of FAR Clause 52.236-10 Operations and Storage Areas and FAR Clause 52.236-12 Cleaning Up. Maintain the staging and storage areas in a clean, neat, and orderly condition satisfactory to the CO.

Section 106. — ACCEPTANCE OF WORK

106.01 Conformity with Contract Requirements. Delete (a) and (b) and substitute the following:

(a) Disputing Government test results. If the accuracy of Government test results is disputed, promptly inform the CO. If the dispute is unresolved after reasonable steps are taken to resolve the dispute, further evaluation may be obtained by written request. Include a narrative describing the dispute and a proposed resolution protocol that addresses the following:

- (1) Sampling method
- (2) Number of samples
- (3) Sample transport
- (4) Test procedures
- (5) Testing laboratories
- (6) Reporting
- (7) Estimated time and costs
- (8) Validation process

(b) Alternatives to removing and replacing non-conforming work. As an alternative to removal and replacement, the Contractor may submit a written request to:

- (1) Have the work accepted at a reduced price; or
- (2) Be given permission to perform corrective measures to bring the work into conformity.

The request must contain supporting rationale and documentation. Include references or data justifying the proposal based on an evaluation of test results, effect on service life, value of material or work, quality, aesthetics, and other tangible engineering basis. The CO will determine disposition of the nonconforming work.

Add the following after (b):

The number of significant figures used in the calculations will be according to ASTM E 29, absolute method.

Where sample/testing procedures make reference to AASHTO, ASTM, or other standards (designated as FLH T), the procedure as modified in the Materials Manual shall govern. Where the specifications make reference to AASHTO Test T11, "Procedure B - Washing Using a Wetting Agent" shall be the procedure followed.

Where the specifications make reference to AASHTO Test T310, “Direct Transmission Method of In-Place Nuclear Density and Moisture Content” shall be the procedure followed.

106.02 Visual Inspection. Delete the Subsection and substitute the following:

106.02 Visual Inspection. Acceptance is based on visual inspection of the work for compliance with the contract requirements. In the absence of specific contract requirements or tolerances, use prevailing industry standards.

106.03 Certification. Add the following after the second paragraph:

See Table 106-3 for schedule for full or partial acceptance by material certification. Submit certification and sample of material for testing as required.

Delete the third paragraph and substitute the following:

Check certifications before incorporating the material into the work to ensure that the requirements of the contract have been met. Mark the certifications with the following information:

- Project number and name;
- Pay item number and description;
- Contractor signed certification stating “to the best of our knowledge the materials certified by the attached certification represent the materials incorporated into the work of this contract”; and
- Date.

Table 106-3 Schedule For Full or Partial Acceptance by Materials Certification. Add Table 106-3 following Table 106-2.

Table 106-3
Schedule For Full or Partial Acceptance by Materials Certification

Section	Description	Material	Material Property Or Specification	Frequency	
				Certification	Sample
302	Minor Crushed Aggregate	Crushed Aggregate	Source, Quality and Gradation	1 per source	1 per source
312	Dust Palliative	Calcium Chloride Magnesium Chloride, Lignosulfonate,	As specified	1 per shipment	First shipment
403	Asphalt Concrete	Aggregate Asphalt Mix	Source quality, Gradation, Stability, and Grade	1 per mix	1 per source
634 and 635	Permanent Pavement Markings, Temporary Traffic Control	634.02 as applicable, 635 as applicable	As specified	1 per source	-----
701	Hydraulic Cement	Portland Cement, Blended Hydraulic Cement, Masonry and Mortar Cement	AASHTO M 85, M 240, ASTM C 91 and ASTM C1392 as applicable	1 per shipment	1 per 100 tons
702.01	Asphalt Material	Asphalt Cement	AASHTO M 226 or M 320, as applicable	1 per shipment	1 per shipment
702.02	Asphalt Material	Emulsified Asphalt	AASHTO M 140 or M 208 as applicable	1 per shipment	1 per shipment
702.03	Asphalt Material	Asphalt Materials used for Damproofing and Waterproofing Concrete and Masonry Surfaces	As specified for each type of asphalt material	1 per shipment	-----
702.05	Antistrip	As specified	As applicable	1 per shipment	-----
706	Concrete and Plastic Pipe	As specified	As applicable	1 per shipment	-----
707	Metal Pipe	As specified	As applicable	1 per shipment	-----
708	Plastic Pipe	As specified	As applicable	1 per shipment	-----

KS FLAP KIN 50(1)
Cheney Reservoir Access

Section	Description	Material	Material Property Or Specification	Frequency	
				Certification	Sample
709	Reinforcing and Prestressing Steel	As specified	As applicable	1 per shipment	For 709.01 submit 3, 1-yard (1-meter) bars of each size and grade of bar furnished. 709.02 submit 1 6-foot (2-meter) length for each size furnished
710	Fence and Guardrail	As specified	As applicable	1 per shipment	-----
711	Concrete Curing Material and Admixtures	As specified	As applicable	1 per material source per material type	-----
712	Joint Material (all)	As specified	As applicable	1 per shipment	-----
713	Roadside Improvement Materials (all)	As specified	As applicable	1 per shipment	-----
714	Geosynthetic Material (all)	As specified	As applicable	1 per shipment	1 per project per type
715	Piling	As specified	As applicable	1 per shipment	-----
716	Material for Timber Structures	Timber and Hardware	As applicable	1 per shipment	-----
717	Structural Metal	As specified	As applicable	1 per shipment	717.01(e) minimum 6 per shipment for each size used. 717.10 1 per project
718	Traffic Signing and Marking Material (all)	As specified	As applicable	1 per shipment	-----
719	Paint	As specified	As applicable	1 per batch/lot	1 sample for quantities > 25 gallons (100L)
720	Structural Wall and Stabilized Embankment Material (all)	As specified	As applicable	1 per shipment per material type	-----
721	Electrical and Illumination Material (all)	As specified	As applicable	1 per shipment per material type	-----

Section	Description	Material	Material Property Or Specification	Frequency	
				Certification	Sample
722	Anchor Material	As specified	As applicable	1 per shipment per material type	-----
725	Miscellaneous materials	As specified	As applicable	1 per shipment per material type	-----

Section 107. - LEGAL RELATIONS AND RESPONSIBILITY TO THE PUBLIC

107.01 Laws to be Observed. Add the following:

National Pollutant Discharge Elimination System (NPDES)

Comply with the requirements of Kansas Construction General Permit (CGP); Permit No. S-MCST-1703-1.

This permit expired on 07/31/2022. Amend the SWPPP and site plan when a new permit goes into effect to meet new permit conditions.

Allow 60 days from submittal of NOI to issuance of permit.

(a) General. Designate a qualified Erosion Control Supervisor according to Subsection 157.03.

Obtain a separate NPDES permit associated with industrial activity for any mobile asphalt and concrete plants that provide material for the project. Provide a copy of the permit and acknowledgement letter to the CO for their records.

(b) Notice of Intent (NOI). File a NOI as a primary operator if required or permitted. Provide a copy of the NOI and confirmation letter to the CO. The Government will also file a separate NOI if required and provide that information to the Contractor for inclusion in the SWPPP. Do not perform any ground disturbing activities including clearing, grubbing, or earthwork until an acknowledgement letter is received from the regulatory agency and the SWPPP has been approved and implemented.

Post all project authorization numbers near the entrance to the site and on the bulletin board.

(c) Payment of Permit Fees. Submit the appropriate permit fees and renewal fees required for both the Contractor and Government to the regulatory agency.

(d) Notice of Termination (NOT). File a NOT if the conditions listed in the CGP have been met or transfer the NOI to the maintaining agency when project has reached final acceptance.

107.02 Protection and Restoration of Property and Landscape.

Add the following at the end of this subsection:

The locations of the utilities shown in the plans have been certified to a Quality Level _C_, according to the CFLHD Utility Data Quality Certification requirements:

<http://flh.fhwa.dot.gov/resources/row/cfl/documents/UtilityDataQualityLevelCertification.doc>

Table 107-1
Status of Utilities

	Company	Utility Type	Contact Name	Phone Number	Status 1, 2, 3, or 4
1	City of Garden Plain	Water	Unknown	Unknown	4
2	Idea Tek	UG Fiber Optic	Unknown	855-433-2835	4
3	Sedgewick Co. Elec. Coop	Overhead Electric	Kyle Pipkin	316-542-3131	4
4	Unknown	UG Gas	Unknown	Unknown	4
5	Unknown	UG Telephone	Unknown	Unknown	4
6					

Status 4: The utilities are located within the project rights of way but require no relocation.

107.05 Responsibility for Damage Claims. Delete the first sentence of the third paragraph and substitute the following:

Before work begins, submit “*certificates of insurance*” certifying that the policies will not be changed or canceled until 30 days written notice has been given to the Government.

107.10 Environmental Protection.

(a) Federal Water Pollution Control Act (Clean Water Act) 33 USC § 1251 et seq. Add the following:

- (4)** Do not ford running streams with construction equipment. Obtain approval from the CO to use temporary bridges or other structures whenever crossings are necessary.
- (5)** Immediately clear ephemeral drainages, intermittent and perennial streams, lakes and reservoirs of all work items, debris or other obstructions placed by or resulting from construction operations.
- (6)** Locate machinery servicing and refueling areas away from streambeds and washes to reduce the possibility and minimize the impacts of accidental spills or discharges.

(b) Oil and hazardous substances. Add the following to the end of the third paragraph:

Sand or soils are not approved absorbent materials.

Add the following to the end of the fourth paragraph:

Report the spill to the appropriate federal, state, and local authorities as required by the SPCC plan or hazardous spill plan.

(c) Dirt, plant, and foreign material. Add the following:

All vehicles and equipment entering the project area must be clean of noxious weeds and free from oil leaks and are subject to inspection. Wash all construction equipment to thoroughly remove all dirt, plant, and other foreign material prior to entering the project. Particular attention must be shown to the under carriage and any surface where soil containing exotic seeds may exist. Allow the CO to inspect each piece of equipment before entering the project. Provide the cleaning and inspection records to the CO. Equipment found operating on the project that has not been inspected or has oil leaks will be shut down and subject to citation.

(d) Clearances for Contractor-selected, noncommercial areas. Add the following to the end of the first paragraph:

Use rock, sand, gravel, earth, subsoil, or other natural materials from a Contractor-selected non-commercial materials source that has been certified free of noxious weeds. Materials imported into the project limits which do not include a noxious weed free certification may be rejected and ordered by the CO to be removed from the project limits. The CO has the discretion of requesting inspection of certified materials by a third party and rejecting the use of the source if noxious weeds or seeds thereof are found to be present.

Add the following:

(5) Any required Certifications.

Add the following:

(e) Project-specific commitments.

(1) Stop work and notify the CO if an active bird nest is found within the construction limits. Resume work only after approval of the CO.

(2) Clear vegetation according to one of the following:

(a) Clear vegetation from July 16 to March 31.

(b) If vegetation clearing occurs from April 1 to July 15 provide a qualified biologist at no additional cost to the Government, to conduct a pre-construction survey for nesting birds. Provide documentation to the CO that the qualified biologist has a bachelor's degree in a relevant field and at least two full years of

documented experience leading similar bird surveys. Provide qualifications to the CO for review and approval at least 14 days prior to survey initiation.

(3) Provide a qualified biologist to conduct the following tasks:

- (a) Conduct surveys in the construction limits for active bird nests within 7 days prior to vegetation removal (i.e. trimming, clearing or grubbing) from April 1 to July 15.
- (b) If vegetation removal will occur in phases along the project route, conduct nest survey in phases so that no more than 7 calendar days lapses between survey and vegetation removal at any one location.
- (c) Provide results of nest survey and avoidance strategies applied, if any, to the CO in a written format within seven days of completing a survey.
- (d) If an active nest is identified notify the CO.
- (e) Determine appropriate avoidance strategy in coordination with CO such as establishing a no-work zone around the nest and delaying vegetation removal or delaying the use of heavy equipment near the nest.
- (f) Monitor the active nest until young have fledged or the nest is no longer active. Notify the CO of any changes in nest status.

107.11 Protection of Forests, Parks and Public Lands.

Add the following:

The CO will order the suspension of burning and other operations when directed to do so by the BOR. Be aware of potential fire threat when conditions are dry such as limited/lack of moisture, dry fuels and other natural environment (i.e. lightning, and thunder storms) and human threats. Immediately notify Kingman County Fire Department, Kansas Field Office-Bureau of Reclamation and the COR of any fires that starts during the project.

- (a) Kingman County Fire Department – 911
- (b) Kansas Field Office – Bureau of Reclamation – (316) 542-3664
- (c) Shayn Koppes - Fire Management Specialist BOR – (316) 540-0412

Section 108. — PROSECUTION AND PROGRESS**108.01 Commencement, Prosecution, and Completion of Work. Add the following:**

Limit operations according to Subsection 107.10(e) and Section 156.

Limit operations as follows:

- (a) Perform no work on weekends.
- (b) Stop work on Fridays by 4:00 pm.

Perform no work except to maintain traffic control devices, erosion control devices, the roadway driving surface, and to control dust during the listed Federal holidays and surrounding days as shown in Table 108-2.

**Table 108-2
Federal Holidays and Surrounding Days**

Federal Holiday	Time	Remarks
Memorial Day	12:00 Noon Friday to 6:00 am Tuesday	-
Independence Day	12:00 Noon July 3 to 6:00 am July 5	If July 4 falls on a weekend, Friday, or Monday, do not work the weekend.
Labor Day	12:00 Noon Friday to 6:00 am Tuesday	-
Thanksgiving	12:00 Noon Wednesday to 6:00 am Monday	-
Christmas / New Year's	12:00 Noon December 23 to 6:00 am January 2	If December 23 or January 1 falls on a Monday, do not work the adjacent weekend and do not work on December 23. If January 1 falls on a Friday, do not work the weekend.

Schedule at least 2 non-work days out of every 14 calendar days. The selected non-work days do not need to be consecutive, but they must be scheduled. Notify the CO at least 2 weeks before changing the scheduled days off.

The CO may grant written approval for exemptions to scheduled days off for specific project operations and for periods of limited duration.

Add the following:

The CO will issue a Notice to Proceed before commencement of any work. No on-site work, mobilization, or earthwork can begin before June 13, 2023. The contract completion date is September 1, 2023.

Add the following:

Use the Government's web-based system, *Engineer's Estimating, Bidding, Award, and Construction System (EEBACS)*, to prepare all "*Inspector's Daily Record of Construction Operations*" (*Contractors Daily Reports*) and measurement notes (pay notes and field measurement documentation).

Attend a training session on the use of EEBACS. The training session will require up to 4 hours. No more than 3 Contractor staff may attend the training unless approved by the CO. The Contractor shall be responsible for training additional staff.

Complete and electronically submit "*EEBACS User Account Form*" (Form EEBACS-001) for each individual requiring EEBACS access. Submit forms to the CO at the preconstruction conference or at least 10 days prior to the start of any contract work or EEBACS training. As needed, request additional system access using Form EEBACS-001 and allow 7 days for system access.

Maintain active EEBACS accounts for all contractor staff who use EEBACS and ensure that the CO is notified within 24 hours after an account holder is reassigned or no longer employed by the Contractor. Within 24 hours after an account holder is reassigned or no longer employed by the Contractor, submit an EEBACS-001 form requesting that the account be disabled.

The electronic version of EEBACS-001 is available at:

<https://highways.dot.gov/federal-lands/estimates/forms>

108.02 Subcontracting. Delete the third paragraph and substitute the following:

Within 14 days of subcontract award, submit a completed SF 1413 and 1413S. Complete Part I for each Subcontractor, and include Part II when the Subcontractor performs on-site work. Complete other forms that may be required by the Government to show the work subcontracted and the total dollar amount of the subcontract. Submit the above required information for each Subcontractor at lower tiers.

108.04 Failure to Complete Work on Time.

Delete Table 108-1 and substitute the following:

Table 108-1
Charge for Liquidated Damages for Each Day
Work Is Not Substantially Completed

Original Contract Price		Daily Charge
From More Than —	To and Including —	
\$ 0	\$ 1,000,000	\$ 1,600
\$ 1,000,000	\$ 2,000,000	\$ 2,400
\$ 2,000,000	\$ 5,000,000	\$ 4,100
\$ 5,000,000	\$ 10,000,000	\$ 5,600
\$ 10,000,000	and more	\$ 6,500

Section 109. — MEASUREMENT AND PAYMENT

109.01 Measurement of Work. Add the following after the sixth paragraph:

Prepare, sign, and submit electronic measurement notes (pay notes and supporting field documentation) using EEBACS. Measurement notes will be reviewed by the CO. Unacceptable measurement notes will be electronically rejected and returned. Correct rejected measurement notes and resubmit electronically.

109.02 Measurement Terms and Definitions.

(c) Cubic yard (Cubic meter).

(1) Cubic yard (Cubic meter) in-place. Delete this subsection and substitute the following:

Measure the solid volumes by a method approved by the CO, or by a surface to surface method approved by the CO.

(o) Square foot and Square yard (Square meter). Add the following: Do not measure overlaps.

109.08 Progress Payments.

(a) General. Delete the last sentence and substitute the following:

The CO may withhold partial progress payment according to Subsection 109.08 (g) for failure to make satisfactory progress until a construction schedule or schedule update is approved by the CO.

(b) Closing date and invoice submittal date. Delete the text and substitute the following:

Submit invoices to the designated billing office by the 7th day after the closing date. Invoices received by the designated billing office after the 16th day following the closing date will not be accepted for payment processing that month. Include late, unprocessed invoice submittals in the following months invoice.

(d) Government's receiving report. Delete the first sentence and substitute the following:

The Government's receiving report will be developed using the measurements and quantities from Pay Notes received by the CO in EEBACS and determined acceptable.

(e) Processing progress payment requests.

(1) Proper invoices. Delete the title and text and substitute the following:

(1) Invoices received by the 7th day following the closing date.

(a) Proper invoices. If the invoice meets the requirements of Subsection 109.08(c), and the quantities and unit prices shown on the Contractor's invoice agree with the corresponding quantities and unit prices shown on the Government's receiving report, the invoice will be paid.

(b) Defective invoices. If the invoice does not meet the requirements of Subsection 109.08(c), or if any of the quantities or unit prices shown on the Contractor's invoice exceed the corresponding quantities and unit prices shown on the Government's receiving report, the invoice will be deemed defective and the Contractor so notified according to FAR Clause 52.232-27(a)(2). Defective invoices will not be corrected by the Government and will be returned to the Contractor within 7 days after the Government's designated billing office receives the invoice.

Revise and resubmit returned invoices by the 18th day following the closing date. The CO will evaluate the revised invoice. If the invoice still does not meet the requirements of Subsection 109.08(c), the Contractor will be so notified according to FAR Clause 52.232-27(a)(2), and no progress payment will be made that month. Correct the deficiencies and resubmit the invoice the following month.

If the revised invoice meets the requirements of Subsection 109.08(c), but still had quantities or unit prices exceeding the corresponding quantities and unit prices shown on the Government's receiving report, the Government's data for that item or work will be used. The Contractor's invoice, as revised by the Government's receiving report, will be forwarded for processing by the 23rd day following the closing date. The Contractor will be notified by the 23rd day following the closing date of the reasons for any changes to the invoice.

(2) Defective invoices. Delete the title and text and substitute the following:

(2) Invoices received between the 8th and 16th day following the closing date.

(a) Proper invoices. If the invoice meets the requirements of Subsection 109.08(c), and the quantities and unit prices shown on the Contractor's invoice agree with the corresponding quantities and unit prices shown on the CO's receiving report, the invoice will be deemed proper and forwarded for processing within 7 days of receipt.

(b) Defective invoices. If the invoice does not meet the requirements of Subsection 109.08(c), the invoice will be deemed defective, the Contractor so notified according to FAR Clause 52.232-27(a)(2), and no progress payment will be made that month. Correct the deficiencies and resubmit the invoice the following month.

If the invoice meets the requirements of Subsection 109.08(c), but has quantities or unit prices exceeding the corresponding quantities and unit prices shown on the Government's receiving report, the Government's data for that item of work will be used. The Contractor's invoice, as revised by the Government's receiving report, will be forwarded for processing within 7 days of the Government's receipt of the invoice. The Contractor will be notified of the reasons for any changes to the invoice.

(f) Partial payments. Delete the subsection and substitute the following:

(f) Partial payments. Progress payments may include partial payment for material to be incorporated in the work according to FAR Clause 52.232-5(b)(2), provided the material meets the requirements of the contract and is delivered on, or in the vicinity of, the project site or stored in acceptable storage places.

Partial payments for stockpiled manufactured material (aggregates) will be based on Contractor process control test results. If test results show the material to be out-of-specification, or in "reject" where statistical evaluation procedures are used, no payment for stockpiled materials will be made.

Partial payment for material does not constitute acceptance of such material for use in completing items of work. Partial payments will not be made for living or perishable material until incorporated into the project.

Individual and cumulative partial payments for preparatory work and material will not exceed the lesser of:

- (1) 80 percent of the contract bid price for the item; or
- (2) 100 percent of amount supported by copies of invoices submitted.

The quantity paid will not exceed the corresponding quantity estimated in the contract. The CO may adjust partial payments as necessary to protect the Government.

Section 152. — CONSTRUCTION SURVEY AND STAKING**Construction Requirements****152.04 General.** Add the following to the second paragraph:

The Government will establish basic survey control points for horizontal control of the project.

The Government will furnish the following:

- (3) Computer listings containing horizontal alignment information.

Perform additional conversions and calculations as necessary for convenient use of Government-furnished data. The Contractor is responsible for the accuracy of all information converted from the Government-furnished data. Provide immediate notification of apparent errors in the furnished data.

Delete the last sentence of the fourth paragraph from the bottom of the subsection and substitute the following:

Reestablish missing control points and stakes before slope staking begins.

152.05 Survey and Staking Requirements.

- (b) **Centerline establishment.** Add the following:

Reestablishment of centerline may be ordered by the CO and paid for under Section 623 for purposes other than to control the work.

Add the following:

(m) **Centerline verification and staking.** Verify stationing shown in the plans by measuring along the existing centerline with a method approved by the CO. Calibrate all measuring devices and furnish calibration data to CO before use. Use landmarks (e.g., culverts, turnouts, approach roads) to verify that the ground stationing matches the stationing shown on the plans. Use white spray paint to mark each centerline station. Add station equations to adjust field stationing to match the plans. Notify the CO on any readjustment or change to stationing or establishment of additional centerline points.

Measure the existing surface width at 200 foot (60 meters) stationing intervals on tangent and at 50 foot (15 meter) intervals on curves. At each location, each side of the roadway and outside the construction limits, place an offset stake of adequate dimensions to place all required information. Label each stake with the following information corresponding to each respective lane:

- (1) Station
- (2) Offset from striped centerline or other location as directed by the CO
- (3) Offset from the proposed edge of pavement

Measure stations to the nearest foot (meter), offsets to the nearest 2 inches (50 millimeters). Record the above information and provide to the CO.

Use this recorded information to control the proposed roadway width and reestablish striping.

Measurement

152.07 Delete the third paragraph and substitute the following:

Do not measure miscellaneous survey and staking.

152.07 Add the following to the fourth paragraph:

Reestablishing missing control points and stakes will be measured under Special labor, Hired survey services when it is paid by the hour.

152.07 Add the following:

Measure centerline verification and staking only one time per project.

Section 153. — CONTRACTOR QUALITY CONTROL

Description

153.01 Add the following:

This work also consists of using EEBACS to prepare electronic “*Inspector’s Daily Record of Construction Operations*” (*Contractors Daily Reports*) and measurement notes (pay notes), including entering labor, equipment, subcontractors, and inspection records into the system.

Construction Requirements

153.02 Qualifications.

(a)(1) Full-time, on-site QCM. Delete subsections (a) and (b) and substitute the following:

(a) Four years of experience managing quality control on highway construction projects of similar type and scope, and

(b) National Institute for Certification in Engineering Technologies (NICET) Level III certification, or equivalent, in highway construction or highway material.

153.03 Quality Control Plan (QCP).

(b) Quality control procedures

(2) Add the following: List the material to be tested by pay item, tests to be conducted, the location of sampling, and the frequency of testing.

Add the following:

(d) Subcontractors and suppliers. Include the work of all subcontractors. If a subcontractor is to perform work under this Section, explain how the subcontractor’s inspection plan will interface with the Prime Contractor first tier subcontractors and lower tier subcontractors and organizations, and the CO. Include the work of major suppliers and suppliers of structural and geotechnical services and materials.

Add the following:

Modifications or additions may be required to any part of the plan that is not adequately covered. Acceptance of the quality control plan will be based on the inclusion of the required information. Acceptance does not imply any warranty by the Government that the plan will result in consistent contract compliance. It remains the responsibility of the Contractor to demonstrate such compliance.

153.04 Prosecution of Work. Delete this Subsection and substitute the following:

Address each of the subjects shown for each phase of construction:

(a) Preparatory phase.

(1) In a preparatory phase meeting, review the contract requirements for the work; the process for constructing the work; and the plan for inspecting, testing, measuring, and reporting the work. Include the project superintendent, the quality control manager (QCM), the foreman for the work to be performed, and the CO in the meeting. Schedule

and conduct a preparatory meeting for each type of work to be performed at least one week prior to beginning the work.

- (2) Review and coordinate certifications, submittals, plans, drawings, and permits.
- (3) Verify the capabilities of equipment, material, and personnel. Provide training as necessary.
- (4) Establish a detailed testing schedule based on the production schedule.
- (5) Ensure preparatory testing and inspection is accomplished.
- (6) Review accuracy of the surveying and staking.

(b) Start-up phase.

(1) In a start-up phase meeting, review the contract requirements and the processes for constructing the work with the personnel who will be performing the work. Invite the CO, project superintendent, QCM, testers, and inspectors of the work being performed, and the personnel directly supervising and performing the work. Review the planned testing, inspection, and reporting requirements with the quality control personnel responsible for the testing and inspection. Explain the reporting procedures to be used when defective work is identified. Conduct a start-up meeting for each type of work to be performed upon beginning the work.

(2) Inspect, test, and report start-up work according to the QCP and ensure the work conforms to the contract.

(c) Production phase.

(1) Inspect, test, and report according to the QCP and evaluate the acceptability of the work produced.

(2) Identify and correct deficiencies.

(3) Request Government inspection and acceptance.

(4) Provide feedback on processes and deficiencies. Identify root causes of deficiencies and make timely and effective changes to work processes to prevent repeated deficiencies.

(d) Construction progress meeting.

(1) Schedule and facilitate a weekly construction progress meeting. Invite the CO, project superintendent, QCM, and any other personnel directly supervising or managing the project. At a minimum, discuss the Working Schedule according to Subsection 155.06(f).

153.05 Sampling and Testing. Delete the text and substitute the following:

153.05 Sampling and Testing.

Perform sampling and testing required by the accepted QCP. As a minimum perform process control testing according to the Sampling, Testing and Acceptance Requirements tables at the end of each Section where applicable. Where no minimums are specified, submit proposed tests to be performed and the proposed sampling and testing frequencies.

(a) Sample splitting. Schedules and times or locations for obtaining on-site split samples for Government use will be provided by the CO using a procedure for random sampling. Sample any material that appears defective or inconsistent with similar material being produced, unless such material is voluntarily removed and replaced or otherwise corrected according to Subsection 106.01

(b) Testing. Furnish a laboratory equipped with all test equipment necessary to satisfy the requirements of the contract. Ensure test equipment has been checked, calibrated, standardized and/or otherwise verified in accordance with AASHTO and ASTM standards by an individual qualified to perform the work. Perform an equipment inspection after the laboratory has been moved to its permanent location on the project site, and anytime it is moved thereafter. Inspect equipment within 45 days of actual use for project testing, and at least once a year thereafter. Do not use equipment that has not been inspected or is found to be deficient. Mark deficient equipment and take it out-of-service until repaired or replaced and shown by subsequent inspection to perform as required. Maintain records documenting laboratory equipment inspections. Provide certification(s) stating the equipment conforms to testing requirements and provide evidence of current inspection. Keep laboratory facilities clean and maintain equipment in proper working condition. Allow the CO unrestricted access to the laboratory for inspection and review.

The CO may require a demonstration of proficiency in sampling and testing capabilities. One or more proficiency samples may be provided by the Government to verify basic qualifications. Provide the results of the proficiency samples to the CO within 48 hours of receipt of the material.

153.06 Certifications. Delete the text and substitute the following:

For materials or work accepted by certification according to Subsection 106.03, review all certifications to ensure compliance with the requirements of the contract prior to incorporating materials into the work and provide a signed copy of the reviewed certification(s) to the CO. According to FAR Subpart 46.407, materials or work without proper certification will be rejected in writing, and payment for such material or work will be withheld until proper certification has been provided to the CO.

153.07 Records and Control Charts. Delete the first sentence and substitute the following:

Maintain complete testing and inspection records by pay item number and make them accessible to the CO.

(a) Quality control and construction operations reports. Delete the text and substitute the following:

For each day of the contract, prepare an “*Inspector’s Daily Record of Construction Operations*” (*Contractors Daily Reports (CDR)*) using EEBACS. Enter initial data for Labor/Equipment and Subcontractors prior beginning any work. Maintain and update the Labor/Equipment and Subcontractors data to reflect ongoing changes as they occur. Report operations or items of work separately, with manpower and equipment assigned to each operation separately. Detail inspection results, including deficiencies observed and corrective actions taken. Complete a CDR for each contractor and subcontractor working that day.

When submitting test results on material being incorporated into the work, report test results within the reporting times indicated in the sampling and testing requirements at the end of each section or as specified in the contract.

Enter the following data into EEBACS:

(1) Subcontractors data.

(2) Labor/Equipment.

(a) All manpower and equipment, including contractor and subcontractors. Complete all data fields.

(b) Labor: Type/classification, move-in date, move-out date, hourly rate, the contractor or subcontractor, and name.

(c) Equipment: Type/classification, move-in date, move-out date, make, model, and year of equipment manufacture.

Certify all CDR’s using the following statement:

“I certify that the information contained in this record is accurate and that work documented herein complies with the contract. Exceptions to this certification are documented as a part of this record.”

Submit certified CDR’s that have been signed by a person who has both responsibility for the inspection system and signature authority.

Submit the record and certification within 24 hours of the work being performed. If the CDR is incomplete, in error, or otherwise misleading, the CDR will be rejected and returned within EEBACS with corrections noted. Correct rejected CDRs and resubmit the revised CDR within 24 hours. When chronic errors or omissions occur, correct the procedures by which the records are produced.

153.08 Acceptance. Add the following:

Performance of the work may be stopped according to Subsection 108.05, either in whole or in part, for failure to comply with the requirements of this Section. The Government may charge to the Contractor the cost of any additional inspections required when the work being inspected is

found not to comply with contract requirements during the initial inspection. Work stop orders, due to recurring deficiencies of work required by this Section, will be rescinded after the Contractor demonstrates to the CO that changes were made to the quality control plan and system which resulted in the correction of those deficiencies. There will be no adjustment in the contract time, or payments to the Contractor for any impacts, delays or other costs due to any periods of work stoppage resulting from failure to comply with the requirements of this Section.

EEBACS electronic documentation will be evaluated under Subsection 106.02.

153.09 Measurement and Payment. Delete the text and substitute the following:

Measurement

153.09 Measure contractor quality control according to Subsection 109.02.

Do not measure EEBACS electronic documentation for payment.

Payment

153.10 The accepted quantities will be paid at the contract price per unit of measurement for the Section 153 pay item listed in the bid schedule. Payment will be full compensation for the work prescribed in this Section. See Subsection 109.05.

Progress payments for Contractor quality control will be paid as follows:

- (1) 25 percent of the item amount, not to exceed 0.5 percent of the original contract amount, will be paid after the contractor quality control plan is accepted; all testing facilities are in place; qualified quality control supervisor, inspection, and sampling and testing personnel are in position to provide quality control activities; and the work being inspected or tested has started.
- (2) 65 percent of the total lump sum will be prorated for payment based on the completed portion of the total work not including the original 25 percent completed under (1) above.
- (3) Payment of the remaining 10 percent of the lump sum will be paid when all inspections, test results, submittals, and reports are complete and accepted.

Section 154. — CONTRACTOR SAMPLING AND TESTING

Construction Requirements

154.04 Testing Add the following:

Where Process Control Sampling and Testing frequencies are identical to the Sampling, Testing, and Acceptance Tables at the end of each Section for all applicable work, the Process Control Samples may be used for acceptance.

154.04B Field Laboratory (Contractor-Furnished). Furnish a laboratory equipped with all test equipment necessary to satisfy the requirements of the contract.

The sampling and testing services of a commercial laboratory meeting or exceeding the requirements described herein may be used if all contract sampling and testing requirements are satisfied by the use of the commercial facility.

Ensure test equipment has been checked, calibrated, standardized and/or otherwise verified in accordance with AASHTO and ASTM standards by an individual qualified to do this work. Ensure mobile laboratories receive an equipment inspection after the laboratory has been moved to its permanent location on the project site and anytime it is moved thereafter. Inspect equipment within 45 days of actual use in project testing and at least once a year thereafter. Do not use equipment that has not been inspected or is found to be deficient. Mark deficient equipment and it take out-of-service until it is repaired or replaced and shown by subsequent inspection to perform as required. Maintain records documenting these inspections in the laboratory. Provide certification(s) stating the equipment conforms to testing requirements and provide evidence of current inspection.

The CO may require the Contractor to perform testing to demonstrate acceptable equipment and an acceptable level of technician competence. The CO may also check equipment and inspection records to verify condition. Repair or replace equipment not meeting applicable requirements. Keep laboratory facilities clean and maintain equipment in proper working condition. Provide the CO unrestricted access to the laboratory for inspection and review.

Section 155. — SCHEDULES FOR CONSTRUCTION CONTRACTS

Construction Requirements

155.04 Preliminary Construction Schedule.

Add the following:

(j) A list of the permits required for the contract. See Section 107.

155.05 Initial and Baseline Construction Schedule.

Delete (a) (1) (c) and substitute the following:

(c) Show activities in the order the work will be performed, including submittals, submittal reviews, permit applications, permit reviews, fabrication, and delivery.

Delete the second sentence of (b) (2) (g) and substitute the following:

Non-construction activities include mobilization, drawing and sample submittals by pay item number, permit applications, and the fabrication and delivery of key material.

Add the following to the end of (b) (2) (g):

Refer to the permitting agencies to determine an appropriate duration for permit application review, permit approval, and distribution of permits.

(f) Submission and approval. Add the following to the end of the second paragraph:

No progress payments will be made until an initial construction schedule is approved by the CO.

155.06 Baseline Schedule Updates. Delete the second paragraph and substitute the following:

Unless previously approved by the CO, changes to the construction schedule for the work that is still to be completed, can only be changed with a Time Impact Analysis according to Subsection 108.03, and a Baseline Construction Schedule revision according to Subsection 155.07. Receipt of a baseline construction schedule update with negative float does not constitute agreement by the Government of the revised completion date.

Add the following:

(f) Working Schedule. At each construction progress meeting, provide the CO with a written summary detailing the work completed in the previous week and the proposed work activities for the following two weeks. Provide detail of proposed operations that will affect traffic flow, residents and businesses adjacent to the project. Provide the CO with a schedule revision if the written summary significantly differs from the baseline construction schedule or the latest construction schedule revision.

155.07 Baseline Schedule Revision. Delete the first paragraph and substitute the following:

Submit a time impact analysis when requesting approval of a baseline schedule revision. Submitting a proposed baseline schedule revision is not considered a notification of delay or of other basis for change. Continue to submit monthly schedule updates according to Subsection 155.06 until a baseline construction schedule revision is approved.

Section 156. — PUBLIC TRAFFIC

Construction Requirements

156.04 Accommodating Traffic During Work. Delete the first paragraph and substitute the following:

Accommodate traffic according to the MUTCD, contract traffic control drawings, Section 635, and this Section. Submit a traffic control plan for approval according to Subsection 104.03. Submit a traffic control plan at least 30 days before intended use.

156.05 Maintaining Roadways During Work.

(a) Add the following:

Do not construct diversions outside of the clearing limits or use alternate route detours without the approval of the CO.

156.07 Limitations on Construction Operations.

(c) Delete the first sentence and substitute the following:

For alternate one-way traffic control, provide a minimum lane width of 10 feet (3 meters). For two-way traffic, provide a minimum roadway width of 22 feet (6.7 meters).

(i) Delete the text and substitute the following:

Limit construction-caused delays to public traffic to a maximum of 30 minutes per passage through the project.

Add the following:

(k) Maintain access to all approach roads, access roads and pullouts during construction, except as described in section 156.07 (i).

(l) Maintain access to all commercial properties during construction, including but not limited to: 15541 NE 50th Street and 15371 NE 50th Street, except as described in section 156.07 (i).

(m) Maintain access to Cheney State Park West Shore Entrance Road during construction, except as described in section 156.07 (i).

(n) Immediately open the road to emergency vehicles.

156.09 Traffic Control Supervisor. Delete the second sentence and substitute the following:

The superintendent may serve as the traffic control supervisor provided the requirements of Subsection 156.03 are met.

Section 157. — SOIL EROSION AND SEDIMENT CONTROL

Delete the entire Section and substitute the following:

**Section 157. — SOIL EROSION CONTROL, SEDIMENT CONTROL,
AND STORMWATER POLLUTION PREVENTION PLAN****Description**

157.01 This work consists of preparing and managing a Stormwater Pollution Prevention Plan (SWPPP) including non-stormwater pollution prevention. This work also consists of implementing the SWPPP including but not limited to furnishing, constructing, and maintaining soil erosion and sediment control devices to eliminate or minimize pollutants in stormwater discharges from the project.

Material

157.02 Conform to the following Subsections:

Backfill material	704.03
Concrete masonry unit	725.07(c)
Fertilizer	713.03
Fiber rolls and socks	713.12
Floating turbidity curtains	713.21
Gravel bags	713.13
Mulch	713.05
Plastic lining	725.12
Prefabricated filter insert	713.20
Riprap	705.02
Rock mulch	705.07
Sandbags	713.14
Sediment filter bags	713.19
Seed	713.04
Separation and stabilization geotextile and geotextile filter	714.01(a)
Silt fence	713.16
Tackifiers	713.11(a)
Temporary culvert pipe	713.15
Temporary plastic fence	710.11
Temporary rolled erosion control products	713.17
Turf reinforcement mats	713.18
Water	725.01(b)

If using materials not listed here, see Subsection 106.04.

Construction Requirements

157.03 Qualifications. Submit the names of personnel responsible for the following roles and qualifications for approval with SWPPP submittal:

- (a) SWPPP Developer;
- (b) Erosion Control Supervisor; and
- (c) On-Site Stormwater Lead.

Provide documentation that personnel meet the qualifications set forth in the Construction General Permit of the state(s) that the project is located in, or the qualifications below, whichever is more stringent. Include certifications in those states where applicable. One person may serve in more than one role if qualified.

(a) SWPPP Developer. Provide a SWPPP Developer with all the following qualifications:

- (1) Have completed 40 hours of stormwater management training;
- (2) Have 5 years of highway or equivalent experience developing stormwater pollution prevention plans and designing site specific best management practices (BMPs); and
- (3) Be registered or certified in the state(s) in which the project is located for one or more of the following:
 - (a) Registered civil engineer;
 - (b) Registered professional geologist or engineering geologist;
 - (c) Licensed landscape architect;
 - (d) Registered professional hydrologist; or
 - (e) Other state or nationally recognized certification program for erosion and sediment control professionals.

(b) Erosion Control Supervisor. Provide an Erosion Control Supervisor with the following qualifications:

- (1) Both of the following:
 - (a) Have completed 24 hours of stormwater management training; and
 - (b) Have 3 years of highway or equivalent construction experience that included oversight of erosion, sediment, and pollution control best management practices; or
- (2) One of the following:
 - (a) Meet requirements of SWPPP Developer above; or
 - (b) Be registered or certified as a stormwater inspector from a state or nationally recognized certification program for stormwater inspectors.

(c) On-Site Stormwater Lead. Provide a Stormwater Lead with the following qualifications:

(1) Both of the following:

(a) Have completed 8 hours of stormwater management training;

(b) Have 1 year of highway construction experience including stormwater management duties; or

(2) One of the following:

(a) Meet requirements of Erosion Control Supervisor;

(b) Be registered or certified as a stormwater inspector from a state or nationally recognized certification program for stormwater inspectors.

157.04 Roles and Responsibilities. Furnish a Stormwater Team that is qualified to perform the following roles and responsibilities:

(a) SWPPP Developer. Develop and approve the SWPPP for the project based on requirements in the Construction General Permit, contract plans, and specifications. Show construction phasing of erosion, sediment, and pollution prevention BMPs for all construction activities on a site plan to meet water quality regulations. Review field changes and provide amendments to the SWPPP when substantial changes occur.

(b) Erosion Control Supervisor. Implement the SWPPP, which includes but is not limited to scheduling installation and maintenance of all BMPs, job site inspections, and other activities for pollution prevention. Review all inspection reports and ensure that SWPPP and Site Plan are implemented and updated.

(c) Stormwater Lead. Install and maintain BMPs, conduct site inspections, monitor water quality, and perform all on-site and reporting activities required to comply with the Construction General Permit. Inform the Erosion Control Supervisor when changes are made. The Stormwater Lead is required to be on the project site during working hours, and available during non-work hours to do inspections before, during, and after qualifying rain events.

157.05 General. Develop, submit, and manage a SWPPP or SWPPP amendment according to the Construction General Permit requirements for project location. Contract permits amend the requirements of this Section. Submit SWPPP to the CO at or before the preconstruction conference. Allow 7 calendar days for CO review and approval prior to submission to regulatory agency(ies).

Basic project information typically needed to fill out an NPDES permit and produce an acceptable SWPPP will be provided by the Government for the Contractor's use in development of the SWPPP.

When soil erosion and sediment pollution control measures are not functioning as intended, take immediate corrective action to eliminate or minimize pollutants in stormwater discharges from the project.

Provide certified weed free devices.

Do not use monofilament plastic for erosion or sediment control products.

157.06 Controls and Limitations on Work. Prior to the start of a construction activity, implement appropriate pollution prevention measures for the activity. No soil disturbing construction activity may begin on the project until the SWPPP has been reviewed and approved and the NOI has been accepted by the permitting agency and is active.

157.07 Stormwater Pollution Prevention Plan. Prepare, submit, and implement a Construction SWPPP following the SWPPP template of the state in which the project is located. Include the Federal Highway Administration as an operator on the project in charge of plans and specifications. If the state does not provide a template, follow the SWPPP template provided by the Environmental Protection Agency (EPA)

(<https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates#swppp>).

Provide a SWPPP according to the Stormwater Construction General Permit (CGP) and the following manual: “The Stormwater Practitioners Guide by the FHWA, Central Federal Lands Highway Division” (The CFL Stormwater Guide) which is available at:<https://highways.dot.gov/federal-lands/construction/cfl-stormwater-guide>

Provisions in the SWPPP are incorporated by reference into the contract. Provide an electronic copy of the SWPPP and obtain approval from the CO prior to mobilization.

Based on the approved SWPPP, provide the CO a list of the planned pollution prevention devices for each of the following: erosion controls, sediment controls, and non-stormwater controls.

Implement the SWPPP as required throughout the construction period. Modify the erosion, sediment, and non-stormwater pollution control details and SWPPP plans as necessary to accommodate project site conditions and proposed construction operations. Update the SWPPP when modifying erosion, sediment, and non-stormwater pollution controls. Provide a copy of the updated SWPPP monthly to the CO for review.

157.08 Soil Erosion Control. Apply erosion control measures to stabilize soils and to control temporary concentrated flows throughout the duration of the project. Construct and maintain measures according to manufacturer’s recommendations, the project requirements, and according to the following manual: “The CFL Stormwater Guide.”

157.09 Sediment Control. Apply sediment control measures to intercept, slow and detain the flow of stormwater throughout the duration of the project. Construct and maintain measures

according to manufacturer's recommendations, the project requirements, and according to the following manual: "The CFL Stormwater Guide."

157.10 Non-Stormwater Controls. Apply non-stormwater measures as needed and as required in the SWPPP to control non-stormwater discharges, and to prevent or limit potential pollutants at their source from contact with stormwater throughout the duration of the project. Construct and maintain measures according to manufacturer's recommendations, the project requirements, and according to the following manual: "The CFL Stormwater Guide."

157.11 Acceptance. Material for erosion, sediment, and non-stormwater pollution control measures will be evaluated under Subsections 106.02 and 106.03.

Construction, maintenance, and removal of erosion control, sediment control, and non-stormwater controls will be evaluated under Subsections 106.02 and 106.04.

Separation and stabilization geotextile and geotextile filter will be evaluated under Section 207.

Measurement

157.12 Measure the Section 157 pay items listed in the bid schedule according to Subsection 109.02 and the following as applicable:

Do not measure replacement erosion, sediment, or non-stormwater pollution control measures.

Do not measure additional or changed erosion, sediment, or non-stormwater pollution control measures required when planned controls are not functioning as intended and corrective actions are taken.

Payment

157.13 The accepted quantities will be paid at the contract price per unit of measurement for the Section 157 pay items listed in the bid schedule. Payment will be full compensation for the work prescribed in this Section. See Subsection 109.05.

(a) Progress payments for SWPPP will be paid as follows:

(1) 25 percent of the pay item amount will be paid on the approval of the SWPPP by the CO and upon receipt of authorization from the permitting agency that the project permit is active.

(2) An additional 50 percent of the pay item amount will be prorated based on total work completed.

(3) The remaining portion of the pay item amount will be paid when a copy of the final SWPPP and all accompanying documentation, to include, inspection reports, water quality sampling results, and annual report submittals, is submitted and accepted by the CO after the final inspection and resolution of punch list items.

(b) Progress payments for erosion and sediment control measures or devices will be paid as follows:

- (1) 80 percent of the pay item amount will be prorated based on total contract work completed.
- (2) 20 percent of the pay item amount will be paid at completion of contract after final acceptance.

Section 302. — MINOR CRUSHED AGGREGATE

302.06 Acceptance. Add the following to the second paragraph:

Sample material at the frequency shown in Table 302-1. Materials that do not meet the approved certification will be considered unacceptable.

Delete Table 302-1 and substitute the following:

Table 302-1
Sampling, Testing, and Acceptance Requirements

Material or Product (Subsection)	Type of Acceptance (Subsection)	Characteristic	Test Methods Specifications	Sampling Frequency	Point of Sampling	Split Sample	Reporting Time	Remarks
Production								
Crushed aggregate ⁽¹⁾	Measured and tested for conformance (106.04)	Moisture-Density	AASHTO T 180, Method D ⁽³⁾	1 per aggregate supplied	Production output or stockpile	Yes	Before using in work	–
		Gradation ⁽²⁾	AASHTO T11 and T27	1 per 500 tons (450 metric tons)	From the windrow or roadbed after processing.	Yes	Before placing next layer	
		Density	AASHTO T310 or other approved procedures	1 per 500 tons (450 metric tons)	In-place after compaction	No	Before placing next layer	For Method 2 compaction only
Crushed aggregate	Process control (153.03)	Moisture content (in-place)	AASHTO T310 or other approved procedures	1 per 500 tons (450 metric tons)	In-place after compaction	No	Before placement of next layer or as requested	–
Finished Product								
Crushed aggregate	Measured and tested for conformance (106.04)	Surface tolerance & grade	Subsection 301.06	Determined by the CO	Surface of final course	No	Before placement of next layer or as requested	–

⁽¹⁾ Sampling and testing required for roadway aggregate.

⁽²⁾ Use only sieves indicated for the specified gradation.

⁽³⁾ Minimum of 5 points per proctor.

Section 403. — ASPHALT CONCRETE

Description

403.01 Add the following:

Use an Asphalt binder that would be specified for the project location and is designated according to AASHTO M 320.

Construction Requirements

403.02 Composition of Mix (Job-Mix Formula). Add the following:

The CO may perform mix design-verification testing to confirm the mix meets the contract requirements. If verification testing is required, submit a loose mix sample to the CO 14 days prior to placement.

403.12 Acceptance. Add the following:

During production placement of the mix, sample loose mix and compacted cores according to Table 403-2 and submit to the CO for acceptance. Materials that do not meet the approved job-mix formula are considered unacceptable.

Delete Table 403-2 and substitute the following:

**Table 403-2
Sampling, Testing, and Acceptance Requirements**

Material or Product (Subsection)	Type of Acceptance (Subsection)	Characteristic	Test Methods Specifications	Sampling Frequency	Point of Sampling	Split Sample	Reporting Time	Remarks
Mix Design								
Asphalt concrete mixture Type I (403.02(a))	Measured and tested for conformance (106.04)	Job-mix formula	Subsection 403.02(a)	When requested by the CO.	Flowing mix stream (bin or belt discharge) or behind the paver before compaction.	Yes	Before approval of job-mix formula	Tested by the CO
Production								
Asphalt concrete, Type I (403.02(a))	Measured and tested for conformance (106.04)	Job-mix formula	Subsection 403.02	1 per 700 tons (650 metric tons)	Behind the paver before compaction.	Yes		Deliver cores to CO for testing
		Density ⁽¹⁾	AASHTO T 166	“	In-place after Compacting	Yes		
		Maximum specific gravity	AASHTO T 209 ⁽²⁾	“	Behind the paver before compaction	Yes		
		Surface Tolerance	Straightedge measurement, Subsection 403.11	Continuously, after compaction	Finished pavement surface	No		
		Placement temperature	–	First load and as determined by CO thereafter	Hauling vehicle before dumping, or windrow before pickup	No	Upon completion of measurement	–

Table 403-2 (continued)
Sampling, Testing, and Acceptance Requirements

Material or Product (Subsection)	Type of Acceptance (Subsection)	Characteristic	Test Methods Specifications	Sampling Frequency	Point of Sampling	Split Sample	Reporting Time	Remarks
Production								
	Process control (153.03)	Gradation at the plant	AASHTO T 27 & T 11	Contractor determined	Cold feed or hot bins as applicable	No	24 hours	—
		Moisture content of aggregates	AASHTO T 255	"	Stockpile	No	"	—
		Density	ASTM D2950	1 per 500 feet (150 meters)	In-place after compacting	No	"	—
Asphalt concrete, Type II (403.02(b))	Measured and tested for conformance (106.04)	"	"	3 per 700 tons (650 metric tons)	In-place after compacting	No	"	—

(1) Dry cores to constant mass at 125±5°F (52±3 °C) or vacuum dry, ASTM D7227 before testing. For asphalt concrete Type I, cut two 6-inch (150-millimeter) diameter side by side cores. Remove them with a core retriever and fill and compact the core holes with asphalt concrete mixture. Label the cores and protect them from damage due to handling and temperature. Submit one core for verification testing. Dry the other core to constant mass at 125±5 °F (52±3 °C) or vacuum dry it according to ASTM D7227 before performing the core density and measuring the thickness. Use 62.245 pounds per cubic foot (997.1 kilograms per cubic meter) to convert specific gravity to density. Use AASHTO T 166 regardless of the volume of water absorbed. Use the average maximum specific gravity value (AASHTO T 209) of the first three samples to determine the percent compaction of each Lot.

(2) Do not use the dry back method (Section 11 of AASHTO T 209).

Section 623. — GENERAL LABOR

Delete the text of this Section and substitute the following:

Description

623.01 This work consists of furnishing workers and hand tools for construction work, survey crews, and furnishing qualified personnel to perform technical work ordered by the CO and not otherwise provided for under the contract.

Construction Requirements

623.02 Workers and Equipment. Furnish competent workers and appropriate hand tools for the work. Provide a crew of sufficient size and qualifications necessary to accomplish the required surveying services within acceptable tolerances.

Obtain approval of the length of a workday and workweek before beginning the work. Keep daily records of the number of hours worked. Submit the records along with certified copies of the payroll.

623.03 Surveying Services. Furnish personnel, equipment, and material that conform to the requirements of Subsection 152.01. Survey according to Section 152.

Survey and establish controls within the tolerances shown in Table 152-1, or within other tolerances as established by the CO.

Prepare field notes in an approved format. Furnish calculations. All field notes, supporting documentation, and calculations become the property of the Government upon completion of the work.

623.04 Technical Services. Furnish qualified engineering personnel experienced in highway construction and design, capable of performing in a timely and accurate manner. Provide personnel with a minimum of NICET Level II certification in highway design and construction, or State (SHA) or industry certification-related design and construction equivalent to their intended responsibilities. Personnel with 2 years or more of recent job experience in the type of highway design and construction provided for under the contract may be used in lieu of certifications. Provide the names and relevant experience of all personnel. Furnish supporting tools and equipment (e.g., calculator, computer, and software, and appropriate and commonly-used drafting tools for the assigned task).

All calculations, notes, and supporting documentation become the property of the government upon completion of the work.

Provide a qualified biologist to conduct a pre-construction survey for nesting birds. Provide documentation to the CO that the qualified biologist has a bachelor's degree in a relevant field

and at least two full years of documented experience leading similar bird surveys. Provide qualifications to the CO for review and approval at least 14 days prior to survey initiation.

623.05 Acceptance. General labor work will be evaluated under Subsection 106.02.

Additional surveying services will be evaluated under Section 152.

Hired technical services will be evaluated under Subsections 106.02 and 106.04

Measurement

623.06 Measure the Section 623 items listed in the bid schedule according to Subsection 109.02 and the following as applicable.

Measure item 62302-1000, Special Labor, Hired Technical Services (Biologist) as LPSM.

Round portions of an hour up to the nearest half hour. Measure time in excess of 40 hours per week at the same rate as the first 40 hours.

Measure surveying service by the crew hour regardless of crew size. Do not measure time spent in making preparations, performing calculations, plotting cross-sections, processing computer or other data, and other efforts necessary to successfully accomplish the ordered survey services.

Do not measure time for worker's transportation to and from the project site.

Measure office technical services by the hour, as ordered by the CO, for performing calculations, plotting cross-sections, and processing computer or other data.

Payment

623.07 The accepted quantities will be paid at the contract price per unit of measurement for the Section 623 pay item listed in the bid schedule. Payment will be full compensation for the work prescribed in this section. See Subsection 109.05.

Section 625. — TURF ESTABLISHMENT

Construction Requirements

625.03 General. Delete the first sentence and substitute the following:

Perform all seeding between August 21 and September 1.

Measurement

625.11 Delete the second sentence and substitute the following:

When measuring turf establishment and supplemental applications by the acre (hectare) or square yard (square meter), measure on the ground surface.

Section 634. — PERMANENT PAVEMENT MARKINGS

Measurement

634.12 Add the following after the first paragraph:

When two applications of paint are required, measure each application.

Delete the second paragraph and substitute the following:

When pavement markings are measured by the linear foot (meter) or mile (kilometer), measure the length of line applied along the centerline of each line applied regardless of color or line width. Measure broken or dotted pavement lines from end to end of the line including gaps. Measure solid pavement lines from end to end of each continuous line. For wide lines (12 inches (300 millimeters) in width or greater), adjust the measured length of line in the ratio of the required width to 4 inches (100 millimeters).

Section 635. — TEMPORARY TRAFFIC CONTROL

Description

635.01 Delete the second paragraph and substitute the following:

Arrow board, portable changeable message sign, barricade, and warning light types are designated in the MUTCD.

Material

635.02 Delete the Subsection and substitute the following:

635.02 Conform to the MUTCD and the following Sections and Subsections:

Concrete barrier (temporary)	618
Delineator and object marker retroreflectors	718.08
Guardrail (temporary)	617
Retroreflective sheeting	718.01
Sign panels	718.03
Sign posts	718.04
Sign hardware	718.06

Temporary plastic fence	710.11
Temporary pavement markings	718.16

Construction Requirements

635.07 Construction Signs. Delete the first paragraph and substitute the following:

Fabricate and install sign panels according to Subsection 633.05. Use Type III, IV, VIII, IX, or XI prismatic retroreflective sheeting. Use fluorescent sheeting for orange signs. For roll-up signs, use fluorescent Type VI retroreflective sheeting.

Add the following:

Provide the same type of sheeting on all post-mounted construction signs that pertain to the project.

Use crashworthy posts within the traversable area adjacent to traffic.

635.09 Flaggers. Add the following:

Perform the work described under MUTCD Part 6. Use fluorescent retroreflective sheeting on the "SLOW" side of the flagger paddle.

Measurement

635.24

Measure flaggers, for each hour a person is actually performing the work. Do not measure time required to set up and take down required signage.

Delete the second paragraph and substitute the following:

When measuring temporary traffic control pay items, measure only one time even if relocated or replaced.

Payment

635.25 Add the following:

Progress payments for temporary traffic control lump sum will be paid as follows:

- (a) 25% of the pay item amount will be paid when initial construction signs are in place and needed devices onsite for use.
- (b) An additional 65% of pay item amount will be prorated based on total work complete.
- (c) The remaining portion of the pay item amount will be paid when the construction signs and devices are no longer needed and have been removed from the project.

Section 702. — ASPHALT MATERIAL

702.01 Asphalt Binder. Delete the Subsection and add the following:

702.01 Asphalt Binder. Conform to M 320, Table 1.

In AASHTO M 320, Table 1 replace footnote *g* with the following:

^g If the creep stiffness is below 300 MPa, the direct tension test is not required. If the creep stiffness is between 301 and 600 MPa, the creep stiffness value shall be used. The *m*-value requirement must be satisfied in both cases.

Section 703. — AGGREGATE

703.06 Crushed Aggregate. Add the following to the end of the paragraph:

When aggregate is used as a surface course, furnish an aggregate with a Plasticity index (AASHTO T 90) conforming to Table 703-3a.

**Table 703-3a
Surface Course Gradation and Plasticity Index**

Sieve Size	Percent by Mass Passing Designated Sieve (AASHTO T 27 and T 11)
¾ inch (19 mm)	100
No. 4 (4.75 mm)	41-71
No. 40 (425 µm)	12-28
No. 200 (75 µm)	5-20
Plasticity Index (PI)	4-12

Section 713. — ROADSIDE IMPROVEMENT MATERIAL

713.04 Seed. Add the following:

Requirements

- a. **General.** Provide seeds which comply with the seed and noxious weed laws of the State of Kansas and applicable Kansas Department of Agriculture Rules and Regulation except as specifically noted in this Section. Do not provide *Sericea Lespedeza* and *Multiflora Rose* with any seed.
- b. **Seed Quality and Definitions.** Conduct all seed analyses in accordance with rules and regulations as prescribed by the Association of Official Seed Analysts (ASOA) and Kansas Seed Law. The Kansas Seed Law Specifies the kind and amount of weed seed permitted; the requirement for a current analyses report; and labeling of all seed to show its purity, germination, date of last germination test, and weed seed content.

Cleaning and conditioning of the seed must result in a product that meets or exceeds minimum standards. The product must also be clean enough to plant using existing drilling equipment without further processing

- (1) Kansas Seed Law. The germination test is valid for 9 months after the end of the month the test was made, so long as the seed remains in Kansas.
- (2) Federal Seed Law. For seed shipped across state lines, the germination test is valid for months after the end of the month the test was made.
- (3) The interpretation of Current Analysis report. For seed purchased during the valid period of the germination test, the analysis report may be considered current for the full seeding period in effect at the time of purchase/ (if seed is purchased March 1, and valid date expires March 31, the analysis report may be considered current if the seed is planted by April 20, which is the end of the spring seeding period. If the seed is to be planted during a later seeding season, a new germination test is required.) This interpretation may be amended by the engineer for those projects in which KDOT has delayed seeding to a later seeding season. In these situations the seed need not be retested only for the next season.

- c. **Pure Live Seed (PLS) Requirements and Determination** Compute percent pure live seed (%PLS) by adding percent germination to percent firm or hard seed. Divide the sum by 100. Multiply this product by the percent purity.

$$\%PLS = \frac{(\%Germ. + Firm or Hard Seed) \times \%Purity}{100}$$

Minimum PLS requirements are shown in TABLE 2103-1. The Engineer may grant permission to use seeds that fail to comply with the required PLS provided the following conditions are met.

- (1) The Contractor can provide suitable evidence to the engineer that seeds comply with TABLE 2103-1 are readily not available.
 - (2) The Contractor is willing to increase the quantity of seeds, at no additional cost to the project, to provide the minimum quantity of PLS required.
- d. **Origin of Seed.** Where named or numbered strains are not available, use of seed from native stands is permitted if the seed is harvested within range of its planting location not to exceed:
- (1) 300 miles south, 150 miles north or west and 1500 feet higher in elevation.
 - (2) Native seed sources must be identified as to state and county where seed was harvested in order to certify location and elevation.
- e. **Buffalo Grass Seed (*Buchloe dactyloides*).** Buffalo grass seed may be an improved strain, hybrid or named variety as specified on the contract documents. Stain with a dye. Treat all buffalo grass seed to enhance germination.
- f. **Bulk Seed Determination.** Determine the amount of bulk seed needed for each bid item based on PLS requirements and the following formula:

$$\text{Total Bulk Mass} = \frac{\text{Bid Item PLS Quantity}}{\%PLS}$$

- g. **Labeling.** Label each seed container with the following information in accordance with the Kansas Seed Law:
- (1) The commonly accepted name of the kind and variety or the kind and the words "variety not stated" of each agricultural seed component in excess of 5% of the whole and the percentage by weight of each in order of its predominance, except for the annual grain crops wheat, oats, barley, and soybeans for which the label shall include

- kind and variety. For blends of wheat, oats, barley or soybeans, the label shall include the kind followed by the word "blend". For brands of wheat, oats, barley, and soybeans, the brand mark or term must precede the word "brand". Components of blends and brands of wheat, oats, barley and soybeans shall be registered with the secretary unless all varieties and the percentage thereof are listed on the label. Blends and brands so registered may be labeled by kind and the words "variety (varieties) not stated". The composition of registered blends and brands shall remain consistent from year to year. Where more than one component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label;
- (2) the percentage by weight of pure seed;
 - (3) the percentage by weight of all weed seeds;
 - (4) the percentage by weight of inert matter;
 - (5) for each named agricultural seed: (1) The percentage of germination, exclusive of hard seed; (2) the percentage of hard seeds, if present; (3) total germination percentage including hard seed may be shown; (4) the calendar month and year the test was completed to determine such percentages;
 - (6) the percentage by weight of agricultural seeds (which may be designated as "crop seeds") other than those required to be named on the label;
 - (7) the lot number or other lot identification;
 - (8) the origin: i.e., the state of foreign country where grown, except grass seeds in quantities of less than 10 pounds for lawn seeding purposes, or a declaration that origin of seed is unknown to seller.
 - (9) The name and rate of occurrence per pound of each kind of restricted weed seed present, which shall not be more than the number per pound of restricted weed seed in agricultural seed, as provided in subsection (k) of K.S.A 2-1415;
 - (10) The name and address of person responsible for label;
 - (11) Agricultural seed which has been treated with chemicals for insect or disease control, shall be labeled to show the following:
 1. A word or statement indicating that the seed has been treated;

2. The commonly accepted, coined, chemical or abbreviated chemical (generic) name of the applied substance;
3. If the substance in the amount supplied is harmful to human or other vertebrate animals, a caution statement, such as:” Do not use for food, feed or oil purposes”:. The caution for mercurial and similarly toxic substances must include in a contrasting color “poison” and skull and crossbones: and
4. A separate label may be used to show this information, or it may be a component part of the main label.

Test Methods

As prescribed by the ASOA and the Kansas Seed Law.

Prequalification

None Required. Seed supplier must follow all registration and licensing requirements stated in The Kansas Seed Law.

Basis of Acceptance

The engineer will accept each seed shipment to a project work site based on the following:

- a) Receipt of a copy of the seed supplier’s “Kansas Seed Law Business Registration” certificate
- b) Receipt and approval of a certification from the seed supplier stating the compliance of the supplied seed with this specification and The Kansas Seed Law.
- c) Verification that each seed container is labeled according to subsection 2103.2g.
- d) Verification of compliance with the minimum required %PLS as stated in TABLE 2103-1.

Table 2103-1: GRASS SEED	
Bid Item	Mimumum % PLS
Bluegrass, Kentucky	64.0
Bluestem, Big (Kaw)	35.0
Bluestem, Little (Aldous)	28.0
Bluestem, Sand (Garden)	35.0
Bromegrass, Smooth	72.0
Buffalograss (Sharp's Improved)	72.0
Canarygrass,(Reed)	53.0
Dropseed, Sand	57.0
Fescue, Tall, (K-31), (Rebel II)	80.0
Foxtail, Creeping (Garrison)	60.0
Grama, Blue (Lovington)	21.0
Grama, Sideoats (El Reno)	35.0
Indiangrass (Osage)	42.0
Lovegrass, Sand (Bend)	58.0
Millet, Foxtail	77.0
Ryegrass, Perennial	83.0
Sacaton, Alkali (Salado)	57.0
Sandreed, Big	15.0
Sandreed, Prairie	28.0
Sudangrass	76.0
Switchgrass (Blackwell)(Kanlow)	81.0
Timothy	76.0
Wheatgrass, Intermediate	72.0
Wheatgrass, Streambank (Sodar)	63.0
Wheatgrass, Western (Barton)	60.0
Wheat x Wheatgrass Hybrid (Regreen)(TM)	85.0
Wild-rye, Canada	**
Ryegrass, Common	83.0
Ryegrass, Italian	83.0

** No Industry Standard

Section 718. — TRAFFIC SIGNING AND MARKING MATERIAL

718.01 Retroreflective Sheeting. Add the following:

Furnish fluorescent type sheeting for all signs and all devices specifying an orange or a yellow background.

Appendix A

Kansas National Pollutant Discharge Elimination System General Permit

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

BUREAU OF WATER



KANSAS WATER POLLUTION CONTROL

AND

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

STORMWATER RUNOFF FROM CONSTRUCTION ACTIVITIES

GENERAL PERMIT PACKET

August 7, 2017	1.0
August 1, 2017	0.0
DATE	REVISION

Kansas Department of Health and Environment

Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612-1367
(785) 296-5545
Email address: kdhe.stormwater@ks.gov

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EXECUTIVE SUMMARY

Purpose of this General NPDES Permit

The purpose of this general permit is to implement the Federal Water Pollution Control statutes and regulations; to permit discharges of stormwater runoff from construction sites subject to National Pollutant Discharge Elimination System (NPDES) permit requirements; and to protect the waters of the State from sediment and other contaminants.

What is Covered

This permit covers the discharge of stormwater runoff from construction activities that may disturb a cumulative total area equal to or greater than one (1.0) acre or from construction activity that is part of a larger common plan of development or sale that may disturb a cumulative total area equal to or greater than one (1.0) acre. Owners or operators of construction activities which discharge stormwater runoff and which may disturb an area equal to or greater than one (1.0) acre or are part of a larger common plan of development must receive authorization to discharge stormwater runoff from construction activities under this NPDES general permit.

Owners or operators of construction activities which disturb less than one acre (<1.0 acre) and which are not part of a larger common plan of development or sale must have authorization to discharge stormwater runoff from construction activities under this NPDES general permit when KDHE believes the water quality impact warrants consideration.

Subdivision developments are considered to be a larger common plan of development or sale regardless of the size, ownership, or number of lots or parcels within the development. Each subdivision requires a permit to discharge stormwater if construction activities during the life of the development may disturb a cumulative total area equal to or greater than one (1.0) acre. New owners of lots or parcels that are less than 1 acre in size and are within an authorized larger common plan of development must either complete a KDHE Individual Lot Certification (ILC) or have similar wording included in the lot purchase contract. The ILC is an agreement between the new owner of the lot or parcel and the permittee to implement the SWP2 Plan and the conditions of the NPDES general permit cooperatively. For lots or parcels that are equal to or greater than one (1.0) acre in size, the new owner must request separate Authorization for coverage under the construction stormwater general permit unless the lots or parcels are for construction of residential homes, in which case the ILC procedure may be utilized.

How to Obtain a Permit

A request for Authorization for coverage under the construction stormwater general permit is made by fully completing and submitting a construction stormwater "Notice of Intent" (NOI) form, the \$60 permit fee, and all needed supporting documents. The NOI form is a request for coverage under the requirements and conditions of the Kansas "Stormwater Runoff from Construction Activities General Permit". The form and the instructions for completing the form are available upon written request from the Kansas Department of Health and Environment or may be downloaded from the [KDHE Stormwater Website \(www.kdheks.gov/stormwater\)](http://www.kdheks.gov/stormwater). The NOI needs to be sent to KDHE at least 60 days before starting construction. KDHE will make every effort to either authorize the construction activities within 60 days or provide comments on application or Stormwater Pollution Prevention Plan deficiencies. Construction site soil disturbing activities may commence only when the owner or operator receives an Authorization for the construction activity from KDHE Bureau of Water.

Authorization for the construction activity will be indicated on the NOI form. Upon authorization of the construction activity and associated stormwater discharges a Kansas permit number and a Federal permit number will be assigned to the construction project and indicated on the NOI form. A signed and dated copy of the Authorization will be provided to the owner or operator.

EXECUTIVE SUMMARY

What the Permit Costs

The permit fee is established by regulation (K.A.R. 28-16-56 et seq. as amended). At the time this information packet was developed, the permit fee for this general permit for stormwater runoff from construction activities was \$60 per year.

What the Permit Requires

The primary requirement of the general permit is for the permittee to develop and implement a Stormwater Pollution Prevention (SWP2) Plan. The SWP2 Plan must contain certain items that are specified in the general permit including the "Best Management Practices" that will be utilized to control erosion and sediment discharges and reduce the potential for contamination of the stormwater runoff associated with construction activities.

When the soil disturbing activities are completed and final stabilization of the site is achieved, the permittee must notify KDHE to terminate the authorization to discharge. To maintain Authorization to discharge stormwater runoff from construction activities the permittee will need to pay an annual permit fee, as specified in K.A.R. 28-16-56 et seq., until final site stabilization is obtained and Authorization is terminated.

The permittee is required to comply with all of the applicable provisions, requirements, conditions, and limits listed in the general permit. This summary is provided for information only and does not describe all of the applicable requirements in the general permit.

Availability of Forms and Information

Copies of all forms, references, and the NPDES general permit can be downloaded from the [KDHE Stormwater Website](http://www.kdheks.gov/stormwater) at <http://www.kdheks.gov/stormwater>.

Copies of all forms, references and the NPDES general permit requirements may also be obtained by writing to:

Kansas Department of Health and Environment
Bureau of Water - Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612 – 1367

or by e-mail to:

kdhe.stormwater@ks.gov

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

BUREAU OF WATER



KANSAS WATER POLLUTION CONTROL

AND

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

STORMWATER RUNOFF FROM CONSTRUCTION ACTIVITIES

GENERAL PERMIT

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**National Pollutant Discharge Elimination System (NPDES)
Stormwater Runoff from Construction Activities General Permit**

**Permit No. S-MCST-1703-1
Federal Permit No. KSR100000**

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Appendix 1 Definitions & Acronyms

Appendix 2 Forms

- Notice of Intent Form (NOI) for Stormwater Runoff from Construction Activities
- Notice of Intent Instructions for Stormwater Runoff from Construction Activities
- Individual Lot Certification (ILC)
- Notice of Transfer of Owner/Operator form (NOTO)
- Notice of Termination form (NOT)

Please note: *The Department has provided several options for obtaining copies of these forms, but at this time the Department cannot accept electronic submittals (e-mail or fax) of completed forms. Original copies of all forms must be received before permit/exclusion requests can be processed.*

Upon request, KDHE will provide copies of State published information. EPA and/or NTIS contact information will be provided in response to requests for Federal Publications.

Kansas Water Pollution Control General Permit
and Authorization to Discharge

STORMWATER RUNOFF FROM CONSTRUCTION ACTIVITIES

Under the National Pollutant Discharge Elimination System

Pursuant to the Provisions of Kansas Statutes Annotated 65-164 and 65-165; the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.; the "Clean Water Act"); and the Kansas Surface Water Quality Standards (K.A.R. 28-16-28 et seq.); this NPDES general permit provides the requirements and conditions under which the permittee is authorized to discharge stormwater runoff from construction activities.

Coverage is provided and construction Stormwater discharge is authorized when the Kansas Department of Health and Environment (KDHE) issues an Authorization to discharge stormwater runoff from construction activities until the Authorization is revoked/terminated. A signed and dated copy of the Authorization will be provided to the permittee.

Upon Authorization, the Permittee is allowed to discharge stormwater runoff from construction activities described in the Notice of Intent for Stormwater Runoff from Construction Activities and supporting documents in accordance with the requirements and conditions of this NPDES General Permit and the Stormwater Pollution Prevention Plan developed for the identified construction activities.

This NPDES general permit is effective August 1, 2017 through July 31, 2022 .

(signed by Secretary Susan Mosier, MD)
Secretary, Kansas Department of Health and Environment

July 14, 2017
Date

AUTHORIZED ACTIVITY DESCRIPTION:

Construction Activities

Construction activities consist of any activity (e.g. clearing, grubbing, excavating, and grading) which disturb a cumulative total of one (1.0) or more acres or when the site is a part of a larger common plan of development or sale which will disturb a cumulative total of one or more acres.

Owners or operators of construction activities which disturb less than one acre (<1.0 acre), and which are not part of larger common plan of development or sale, must have authorization to discharge stormwater runoff from construction activities under this NPDES general permit when KDHE notifies the owner or operator that the water quality impact from discharge of stormwater runoff from construction activity warrants consideration because the proposed construction activities constitute a significant pollution potential.

Permit coverage is not required for routine maintenance (see endnote 7, page 21), for certain demolition and linear projects and for certain project support activities as specified in Part 1.1 of this permit.

Upon issuance of this NPDES General Permit, owners or operators who intend to engage in construction activities as indicated above shall obtain authorization to discharge stormwater runoff under this NPDES general permit prior to commencing construction activities at the project site. To obtain authorization to discharge stormwater runoff, the owner or operator of a construction site needs to submit a Notice of Intent (NOI) for the discharge of stormwater runoff from construction activities at least 60 days prior to removing vegetation or disturbing soil at the site to avoid any unplanned delays in the start of construction. The NOI form is a request for coverage under the requirements and conditions of this NPDES general permit. To obtain authorization, the NOI form and supporting documents shall be submitted in accordance with Part 4 of this NPDES general NPDES permit. Upon acceptance of the NOI and supporting documents, KDHE will indicate the authorization for coverage under the NPDES general permit on the first page of the NOI form, assign permit numbers, and indicate the KDHE issuance of the Authorization with the Department Secretary's signature. The owner or operator is then authorized to discharge stormwater runoff from construction activities under the provisions of this NPDES general permit and may commence construction activities at the site described in the NOI and supporting documents in accordance with the terms and conditions expressed in this NPDES general permit and in conformance with the stormwater pollution prevention plan developed for the site.

Owners or operators who received authorization to discharge under the previous Stormwater Runoff from Construction Activities General Permit S-MCST-0312-1, may continue to operate under those permit provisions, conditions, requirements, limits, site specific authorized Best Management Practices (BMPs), and site specific authorized Stormwater Pollution Prevention Plan (SWP2 Plan) until 18 months after permit issuance as provided for in Part 6.1 of this permit.

Rather than submitting an NOI, owners or operators who intend to engage in construction activity that will disturb between one (1) and five (5) acres may request a rainfall erosivity waiver. To receive a waiver, the owner or operator of a construction site shall submit a rainfall erosivity waiver application form at least 60 days prior to removing vegetation or disturbing soil at the site. To be authorized, the small construction activity must have a low predicted rainfall potential that corresponds to a rainfall erosivity factor of less than 5 as calculated by the Revised Universal Soil Loss Equation [RUSLE]. The rainfall erosivity waiver application form is available on the [Kansas Stormwater Website](#) (see endnote 1, page 20). Copies can also be obtained by writing or e-mailing KDHE at the addresses in Part 10.2. Prior to commencing construction, the owner or operator must receive a copy of the authorized rainfall erosivity waiver from KDHE prior to initiation of construction activities at the site.

Any owner or operator who is subject to NPDES permit requirements for stormwater runoff from construction activities and who discharges stormwater runoff from construction activities prior to receiving authorization from KDHE is in violation of both State and Federal laws.

PREFACE

The purpose of this NPDES general permit is to implement the Federal Water Pollution Control statutes and regulations; permit discharges of stormwater runoff from construction sites subject to National Pollutant Discharge Elimination System (NPDES) permit requirements; and to protect waters of the State from sediment and other contaminants.

The issuance of an authorization to discharge under this NPDES general permit allows a project owner or operator, after implementation of the project site stormwater pollution prevention plan, to commence construction site soil disturbing activities that can produce or potentially produce a discharge of contaminated stormwater runoff to surface waters of the State of Kansas. In the absence of information demonstrating otherwise, KDHE expects that compliance with provisions and conditions in this permit will result in the discharge of stormwater being controlled as necessary to meet applicable Kansas surface water quality standards.

This NPDES general permit does not authorize the placement of fill materials in a flood plain, the obstruction of stream flow, directing stormwater runoff across private property, increasing stormwater runoff flow, changing the channel of a defined drainage course, etc. This NPDES general permit is intended to address only the quality of the stormwater runoff and to minimize off-site migration of sediments or other pollutants.

KDHE administers a number of regulatory programs that may preclude the initiation of construction activities until such time as a specific permit is issued or authorization is granted. This NPDES general permit authorization solely addresses NPDES stormwater discharge requirements for construction activities. It is the obligation of the permittee to ensure compliance with all other KDHE, State, Federal and local statutory and regulatory requirements.

Owners or operators seeking coverage under this NPDES general permit which have the potential to impact threatened or endangered species or historical sites can obtain information regarding regulatory requirements or special conditions which may be applicable to the activities covered by this permit from the Kansas Department of Wildlife, Parks, and Tourism (KDWP&T) or the Kansas Historical Society (KSHS) respectively (See NOI instructions for contact information).

Other appropriate agencies should be contacted to determine the need for additional permits, authorizations, or requirements, if any. In particular the applicant should contact the local municipal separate storm sewer system

(MS4) agency (see endnote 2, page 20). Other agencies the applicant should contact include the United States Army Corps of Engineers; Kansas Department of Agriculture, Division of Water Resources; and any other local governments or agencies that are not listed herein that may have jurisdiction.

Authorization to Discharge under this NPDES general permit does not constitute approval of the project under the provisions of the Kansas Water Projects Environmental Coordination Act, and does not relieve the permittee of the responsibility to comply with the requirements of other Agencies prior to commencement of construction activities.

Part 1. WHO MUST OBTAIN AUTHORIZATION TO DISCHARGE

Owners or operators of construction activities which may disturb one (1.0) or more acres of soil or are part of a larger common plan of development or sale which may disturb a cumulative total of one (1.0) or more acres of soil must obtain authorization to discharge stormwater runoff from construction activities.

Owners or operators of construction activities which disturb less than one acre (<1.0 acre) of soil, and are not part of larger common plan of development or sale, must have authorization to discharge stormwater runoff from construction activities under this NPDES general permit when KDHE believes the water quality impact warrants consideration or KDHE determines the construction activities constitute a significant pollution potential (i.e., sites that will disturb contaminated soils, contaminated groundwater, or sites adjacent to sensitive waters).

Soil disturbing activities where contaminated soils or contaminated groundwater may be present on the site are reviewed by KDHE on a case-by-case basis and may require coverage under this NPDES general permit or an individual permit even if less than one acre (< 1.0 acre) of soil is disturbed. For sites where contaminated soil or groundwater is present, contact KDHE Bureau of Water - Industrial Programs Section at (785) 296-5549 for a determination on the need for coverage under this NPDES general permit.

Platted subdivision projects must obtain coverage for all areas of the subdivision site. Subdivision projects that have roads and/or utilities constructed under separate contract (e.g., city assessment district) may need to have two concurrent discharge authorization requests (NOIs) for coverage under the NPDES general permit submitted. The owner (developer) of the subdivision project must maintain coverage for the individual lot construction sites. Owners that have control over the construction activities

of the entire subdivision site, including roads and utilities, need only submit one discharge authorization request (NOI) for coverage under the NPDES general permit.

Soil disturbing activities in response to a public emergency (e.g., tornado, earth quake, flood, ice storm, rail or highway incidents) where the related work requires immediate soil disturbance to avoid imminent endangerment to the public health or the environment is allowed without formal submittal and authorization by KDHE if the owner or operator implements soil erosion and sediment control as soon as possible after the emergency conditions have been resolved and a Notice of Intent application form for coverage under this permit is submitted within 30 days after the start of emergency soil disturbing activities showing the areas disturbed and the soil and erosion controls provided.

1.1 Activities that Do Not Require Permit Coverage –
Construction activities do not include the following types of projects:

- a. routine maintenance that disturbs less than 5 acres (see endnote 7, page 21);
- b. structural demolition activities, including filling of basements, removal of debris and removal and replacement of pavement (even when exposing erodible soils or subsoils), which do not involve soil excavation, grading, clearing, grubbing or other soil disturbing construction activities;
- c. the linear opening of soil in a single line of two (2) feet or less in width utilizing soil plow trenching equipment that immediately closes the opening as part of the plow equipment's normal operation by filling the opening with removed soil or by the closure of the sidewalls to their original configuration after passage of the plow; however, areas disturbed by soil plow operations that open a width of more than one (1) foot must immediately be seeded with an appropriate variety of vegetative cover or stabilized with mulch or a similarly effective soil stabilizing BMP after passage of the plow equipment.

Soil disturbing activities associated with construction support activities, such as concrete batch plants, asphalt plants, soil disposal sites and borrow sites at or immediately adjacent to the supported project site are considered part of the common plan of development for the project and will need coverage under this permit through separate authorization if the support activity is not included in the supported project's stormwater pollution prevention plan. Asphalt and concrete batch plants might also need to obtain a separate water pollution control permit for wastewater generated by these facilities.

Support activities such as concrete batch plants, asphalt plants and areas of offsite soil borrow and soil disposal/fill activities may be treated as stand-alone construction projects which are not considered part of the supported project's common plan of development if runoff from the support activity site is not anticipated to significantly impact the same surface waters and stream segments that receive runoff from the supported project site.

Part 2. WHAT THIS PERMIT COVERS

Coverage under this NPDES general permit authorizes the discharge of stormwater runoff from construction activities for sites where the discharge point is located in Kansas and for discharges and construction activities that are conducted in accordance with the provisions and requirements of this permit and in accordance with the site specific stormwater pollution prevention plan from the date of Authorization until the site conditions meet the closure requirements specified in Part 9 of this permit and a Notice of Termination (NOT) is received by KDHE or the permit is revoked/terminated or placed on inactive status for cause by KDHE.

Proposed new or existing unpermitted construction stormwater dischargers, in regard to antidegradation, are eligible for authorization under this general permit to discharge to a Tier 1, 2, or 2½ Water only if the discharge will not lower the water quality of the applicable water. In the absence of information demonstrating otherwise, KDHE expects that development, installation, operation, appropriate maintenance of site specific BMPs and the SWP2 Plan as well as compliance with the provisions, conditions, requirements, and limits of this general permit will result in discharges that will not lower the water quality of the receiving surface water.

Proposed new or existing unpermitted construction stormwater dischargers that will discharge directly into Tier 3 waters (Outstanding National Resource Waters) are, in regard to antidegradation, considered temporary discharges and eligible for authorization under this general permit to discharge stormwater from construction activities but only if the discharge will not lower the water quality of the receiving water, all enhanced (significantly better and more reliable) levels of controls and best management practices are evaluated and implemented to minimize off-site migration of sediments or other pollutants. In the absence of information demonstrating otherwise, KDHE expects that development, installation, operation, appropriate maintenance of enhanced site specific BMPs and the SWP2 Plan as well as compliance with the provisions, conditions, requirements, and limits of this general permit will result in discharges that will not

lower the water quality of the receiving surface water and provide the highest protection reasonably available.

This NPDES general permit also authorizes the following non-stormwater discharges from construction sites during the life of the project:

1. Flushing water hydrants and potable water lines provided appropriate sediment and erosion controls are implemented,
2. Water used for rinsing streets or structures that does not contain cleansers, detergents, solvents or additives;
3. Irrigation to establish vegetation;
4. Discharges of uncontaminated non-turbid groundwater provided that appropriate sediment and erosion controls are implemented;
5. Discharges from emergency fire-fighting activities;
6. Water used to control dust;
7. Uncontaminated air conditioning or compressor condensate;
8. Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated groundwater;
9. Uncontaminated construction dewatering wastewaters that have been treated by an appropriate control such as bag filters or equivalent technology. Wastewaters that have been treated by an appropriate control but still contain trace amounts of sediment are not considered contaminated; and
10. Discharges of stormwater listed above, or authorized non-stormwater commingled with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.

Part 3. WHAT THIS PERMIT OR THE RAINFALL EROSION WAIVER DOES NOT COVER

This NPDES general permit does **not** authorize or address:

1. A discharge of stormwater runoff from construction activities which violates the provisions of this NPDES general permit;

2. Construction activities on sites within Kansas which are located on Indian Country lands, (see endnote 3, page 20);
3. Construction activities which may discharge stormwater runoff one-half stream mile or less from a Critical Water Quality Management Area; an Exceptional State Water; a Special Aquatic Life Use Water; or to an Outstanding National Resource Water unless KDHE specifically grants coverage by this NPDES general permit (see endnote 4, page 20).
4. Construction activities that result in the discharge of stormwater runoff which violates the Kansas Surface Water Quality Standards;
5. Construction activities that result in the discharge of stormwater runoff which violates the applicable requirements of a Municipal Separate Storm Sewer program or local stormwater pollution prevention program;
6. Construction activities that may adversely affect threatened or endangered species as listed in K.A.R. 115-15-1 et seq. unless the KDWP&T has been specifically consulted with;
7. Construction activities that may affect any identified archeological sites or historic sites listed or eligible for listing on the National Register of Historic Places unless the KSHS has been specifically consulted with;
8. Projects that are exempt under the Oil & Gas Exemption (see definition). However, if coverage under the NPDES general permit is requested, an Authorization will be issued and permit requirements will be enforced. However, dewatering discharges (e.g., well point or groundwater dewatering wells) and trench dewatering from groundwater infiltration are not exempt activities under the Oil and Gas Exemption and require KDHE approval, permitting, or authorization under the NPDES general permit. KDHE will review discharges based on management by appropriate controls, discharge quality and quantity, and proposed location of the discharge to determine the need for approval or permitting requirements on a case-by-case basis. Acceptable discharges of uncontaminated groundwater dewatering shall meet Kansas Surface Water Quality Standards, control sediment by employing bag filters or equivalent technology, and prevent down gradient scouring and soil erosion.

9. Agricultural construction activities are generally exempt unless construction of a drainage structure will drain an area that exceeds the definition of a stream as defined by the Kansas Department of Agriculture under K.A.R. 5-45-1(t), or the construction is for a livestock pen or feature related to concentrated animal feeding operations or a structure such as a garage, barn, shed, stall, storage building, residence or office;
10. The discharge of stormwater from sites where construction activities resulting in the disturbance of one or more acres or are a part of a common plan of development or sale which may disturb a cumulative total of one or more acres where a discharge is directed to an "impaired water" where the impairment is for total suspended solids, nitrogen, or phosphorous or a waterbody for which KDHE has developed, and EPA has approved, a Total Maximum Daily Load (TMDL) for total suspended solids, nitrogen, or phosphorous. Authorization for coverage under this general permit will only be granted if the stormwater discharge will not cause or contribute to a violation of surface water quality standards and the permittee implements, operates, and maintains appropriate BMPs, erosion and sediment control measures, and complies with all provisions of this NPDES general permit. In the absence of information demonstrating otherwise, KDHE expects that compliance with the provisions, conditions, and limits in this general permit will result in stormwater discharges being controlled, as necessary, to meet applicable water quality standards and satisfy current provisions in Kansas developed and EPA approved TMDLs directed at total suspended solids and indirectly address releases associated with nitrogen and phosphorus. Per the Kansas TMDLs addressing total suspended solids, KDHE reviews of erosion and sediment control Plans, BMPs, and the SWP2 Plans will concentrate on trying to protect and maintain buffers and vegetative filter strips along and immediately adjacent to streams and lakes and to minimize construction impacts on streams. In accordance with the provisions of the TMDLs, KDHE will also concentrate on trying to identify projects operating without an NPDES permit or projects which do not employ effective erosion and sediment control techniques. KDHE may impose additional water-quality based limitations on a site-specific basis or require coverage under an NPDES individual permit if information in the NOI and associated materials, required reports, site inspections conducted by KDHE or EPA, or from other sources indicate that stormwater discharges from the site are not controlled as necessary to meet applicable water quality

standards or the provisions of a specific TMDL for the waterbody receiving the discharge.

11. Discharges of water mixed with non-stormwater discharges, unless they are listed as allowable non-stormwater discharges in Part 2 above or are determined by KDHE as not requiring authorization;
12. Discharges of fill or dredged materials regulated by part 401 or 404 of the Clean Water Act unless permits under 401 or 404 so stipulate;
13. Stormwater discharges associated with construction activities that have been covered under an individual permit or a different NPDES general permit, unless authorized by KDHE Bureau of Water;
14. Stormwater and/or allowable non-stormwater discharges associated with construction activities that are discharged to a combined sewer system; and
15. The modification of stormwater drainage (the routing of flows or the change in quantity of flow) onto or across private property.

This NPDES general permit does not relieve the permit holder of the obligation to obtain other approvals, permits, licenses, or documents of sanction that may be required by other federal, state, or local government agencies.

This NPDES general permit also does not authorize any other discharge of sewage, pollutants or wastewater to waters of the State including for example:

- a. Hazardous substances or oil from an on-site spill or improper handling and disposal practices;
- b. Wash and/or rinse waters from concrete mixing equipment including ready mix concrete trucks;
- c. Wastewater generated from wet air pollution control equipment including asphalt plants, or the containment of asphalt plant scrubber water in lined ponds;
- d. Contaminated groundwater (see definitions);
- e. Wastewater from washout and clean out of stucco, paint, form release oils, curing compounds and other construction materials;
- f. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
- g. Soaps or solvents used in vehicle or equipment washing; or

- h. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate controls.

KDHE reserves the right to deny coverage under this NPDES general permit to applicants for stormwater runoff from construction or earth disturbing activities at sites which have contaminated soils which will be disturbed by the construction activity or have contaminated groundwater which could be discharged by the construction activity.

3.1 Individual Permits Required Due to Denial or Non-Compliance -

If the NOI for coverage under this NPDES general permit is denied by KDHE, then the applicant is not eligible for coverage under this NPDES general permit and shall apply for an individual NPDES permit.

The permittee shall apply for an individual NPDES permit at least 180 days prior to commencing construction activities. Construction activities as defined in this permit shall not commence until the individual NPDES permit is issued.

Part 4. HOW TO APPLY

The owner or operator of a construction site needing to discharge stormwater runoff from construction activities shall submit a complete request for coverage under this NPDES general permit to obtain authorization and receive Authorization under this NPDES general permit from KDHE prior to removing vegetation or disturbing soil at the site.

A complete request for Authorization to discharge stormwater runoff from construction activities under this NPDES general permit must be submitted or the request will not be processed. A complete request for Authorization includes:

- An NOI form (construction stormwater) with all information provided and an original authorized signature;
- A check for the first year of the annual permit fee made payable to "KDHE". Per K.A.R. 28-16-56 et seq., as amended, the current annual permit fee for this NPDES general permit is \$60;
- An area map delineating the boundary of the construction site and the general topographic features of the area at least one mile beyond the construction site boundary and indicating the location

of all streams and other surface water bodies within one mile of the site boundary that receive runoff from the construction site;

- A summary of the sequence of major soil disturbing activities including installation of the corresponding stormwater management and pollution control features;
- A detailed site plan covering the entire scope of the project construction activities showing the existing contours, proposed contours, erosion and sediment control features, and locations where stormwater runoff leaves the construction site;
- A narrative summary of the erosion and sediment control(s) and other best management practices that will be utilized to eliminate or minimize contamination of stormwater runoff from the construction activities;
- Design calculations for any proposed sedimentation basin, if applicable; and
- Copies of letters or e-mails documenting coordination with appropriate local, state or federal agencies.

KDHE recommends the NOI and supporting documentation be submitted at least 60 days prior to start of construction activities to avoid unplanned delays in the start of construction. Submittal of a Notice of Intent (NOI) to discharge Stormwater Runoff from Construction Activities and all supporting documentation indicated above, even 60 days after submittal, does not provide automatic coverage under the NPDES general permit. Coverage under this NPDES general permit begins when KDHE authorizes the discharge of stormwater runoff from construction activities identified in the NOI and supporting documentation.

An NOI form can be downloaded from the [KDHE Stormwater Website](#) (see endnote 1, page 20) or obtained from KDHE at the address given in Part 10.2 of this NPDES general permit.

If the construction activities will be conducted within the boundaries of a Municipal Separate Storm Sewer System (MS4), the permittee shall submit a copy of the KDHE Authorization and all supporting documentation to the operator of the local MS4 and obtain any permits or approvals that may be required under the local Stormwater Management Program. A list of NPDES permitted MS4 operators which are required to develop a Stormwater Management Program is available on the [KDHE Stormwater Website](#) (endnote 2, page 20) or upon written request to KDHE Bureau of Water - Municipal Programs Section.

Upon KDHE's Authorization to discharge stormwater runoff from construction activities for the site indicated on the NOI and supporting documents, the owner or operator and, if appropriate, the company, corporation, partnership, or government entity they represent becomes the permittee under this NPDES general permit.

Part 5. STARTING CONSTRUCTION ACTIVITY

The owner or operator who has applied for coverage under this NPDES general permit shall not initiate construction activities and discharge or have the potential to discharge stormwater runoff from construction activities described in the NOI until receiving Authorization from KDHE for the discharge.

When the owner or operator receives KDHE's Authorization to discharge stormwater from construction activities, the owner or operator may commence construction activities at the site described in the NOI and supporting documentation under the provisions of this NPDES general permit and in accordance with the construction site stormwater pollution prevention Plan (SWP2 Plan).

A copy of the KDHE Authorized NOI and the project specific SWP2 Plan including the erosion and sediment control plan for the specific project shall be readily available at the construction site.

Part 6. CONTINUING COVERAGE - ANNUAL PERMIT FEE AND RENEWAL REQUIREMENTS

The permit holder shall pay an annual permit fee as specified in K.A.R. 28-16-56 et seq. as amended as long as stormwater discharges from the facility continue to meet the definition of stormwater discharges from construction activities. Make the check payable to "KDHE".

An annual invoice for the annual fee will be sent to the designated billing contact listed in the NOI. Payment of the annual permit fee is required to maintain continued coverage under this NPDES general permit until such time as a request for a transfer of ownership is received and accepted by KDHE or until the site is stabilized and a Notice of Termination (NOT) is received by KDHE or the permit is revoked/terminated.

KDHE reserves the right to revoke/terminate coverage under this NPDES general permit to applicants for stormwater runoff from construction or soil disturbing activities where annual payment for continuing coverage has not been received or reasonable application of best management practices or pollution controls have not been

implemented or maintained following notification by KDHE staff.

Authorization under this general permit will be placed on inactive status by KDHE without further notice for any of the following reasons:

- a) Failure to pay the annual permit fee after the mailing of the annual invoice and with no payment received for 3 months after the date of the invoice;
- b) Failure to provide KDHE with a valid current mailing address which results in an invoice or other KDHE correspondence being returned by the post office without a forwarding address.

Projects that have been inactivated will no longer have permit coverage under this general permit.

Projects for which a Notice of Intent has been submitted but not Authorized and for which a response to a KDHE request for additional documentation has not been received within one year of NOI submittal will be administratively closed.

Owners or operators of projects that have been placed on Inactive Status, administratively closed or denied Authorization and who want to obtain coverage under this general permit must submit a complete new request for Authorization in accordance with Part 4 of this permit.

6.1 Continuing Coverage Authorization under Previous Permit –

The permittee is not required to submit a new NOI for continuing coverage under the successor NPDES general permit unless modifications, changes or discoveries are made which may affect coverage under the successor NPDES general permit or the information in the current NOI is inaccurate, needs to be updated, or KDHE requests the submission of a new NOI.

Owners or operators of constructions activities that received KDHE authorization for coverage under the previous Kansas Water Pollution Control and National Pollutant Discharge Elimination System General Permit (General Permit No. S-MCST-0312-1) prior to the effective date of this permit may continue to operate under those permit provisions, conditions, requirements, limits, site specific authorized Best Management Practices (BMPs), and site specific authorized Stormwater Pollution Prevention Plan (SWP2 Plan) for a period of 18 months after issuance of this permit. If by 18 months after the effective date of this permit all construction activities authorized by General Permit No. S-MCST-0312-1 have not been completed, the construction site stabilized, a

Notice of Termination (NOT) completed and submitted in conformance with the permit requirements and the Notice of Termination received by KDHE, then prior to the end of this 18-month period the permittee shall modify or amend the current SWP2 Plan in conformance with all permit provisions, conditions, requirements, and limits as established in this permit. The permittee shall also implement the modified or amended SWP2 Plan prior to the end of this 18-month period and shall install, modify and continue maintaining all BMPs as specified in the modified or amended SWP2 Plan. The intent of this 18-month transition period is to enable permittees that received authorization for construction activities under the previous general permit (S-MCST-0312-1) time to either complete construction activities and terminate permit coverage or retain the services of a licensed professional engineer, geologist, architect, landscape architect, or a Certified Professional in Erosion and Sediment Control (per Part 7.1 of this permit) to modify the SWP2 Plan and implement revised BMPs in conformance with all provisions, conditions, requirements, and limits of this permit, which includes EPA's Construction and Development Effluent Guideline Standards (40 CFR 450) in effect at the time this permit was issued.

6.2 Request for an Individual NPDES Permit –

On and after the effective date of this NPDES general permit, the permit holder must comply with the terms and conditions of this permit and continue paying the annual permit fee; or request an individual NPDES permit within 90 days after the publication of this permit. The facility will continue coverage under the previous NPDES general stormwater permit (General Permit No. S-MCST-0312-1) and comply with the provisions of the previous NPDES general permit until the individual NPDES permit is issued. If coverage under an individual permit is denied the owner or operator may continue to operate under General Permit S-MCST-0312-1 for 18 months after denial of the application for an individual permit and shall modify or amend the SWP2 Plan, implement the modified or amended SWP2 Plan and install appropriate BMPs in conformance with this permit within 18 months after said denial.

6.3 Continuing Coverage Authorization after Permit Expiration –

This NPDES general permit will expire five (5) years from issuance. Should KDHE fail to issue a new NPDES general permit with an effective date on or before the expiration date of this permit, the conditions of this NPDES general permit continue in force until the effective date of a new NPDES general permit.

If the permittee wishes to continue construction activities regulated by this NPDES general permit after the expiration date of this permit, the permittee must continue

to pay the annual fee, and continue to comply with the terms and conditions of this NPDES general permit until the effective date of the successor NPDES general permit.

A permittee who has a valid authorization to discharge stormwater runoff from construction activities under the conditions of this NPDES general permit will continue to be covered until the effective date of the new NPDES general permit and shall comply with the conditions of this NPDES general permit until the effective date of the successor NPDES general permit. Upon the effective date of the successor NPDES general permit, the permittee shall continue to comply with the terms and conditions of the successor NPDES general permit or obtain coverage for construction stormwater discharges under alternative provisions of this permit.

Part 7. STORMWATER POLLUTION PREVENTION PLAN REQUIREMENTS AND GUIDELINES

Before initiating construction activities the permittee shall develop a Stormwater Pollution Prevention Plan (SWP2 Plan) which is specific to the construction activities which are to be employed at the site authorized by this NPDES general permit to discharge stormwater runoff. The permittee shall fully implement the provisions of the SWP2 Plan required under this part as a condition of this NPDES general permit throughout the term of the construction project.

The purpose of the SWP2 Plan is to ensure the design, implementation, management, and maintenance of "Best Management Practices" (BMPs) in order to eliminate or minimize erosion, sediment; and other pollutants in stormwater runoff from construction activities; comply with the Kansas Surface Water Quality Standards; and ensure compliance with the terms and conditions of this NPDES general permit.

The permittee shall select, install, utilize, operate, and maintain effective BMPs in accordance with best professional judgment, generally accepted and scientifically defensible guidance, and the concepts and methods described in Environmental Protection Agency (EPA) document number EPA 832-R-92-005, entitled *Stormwater Management for Construction Activities - Developing Pollution Prevention Plans and Best Management Practices*, published in September, 1992 and EPA document number EPA 833-R-06-004 entitled *Developing your Stormwater Pollution Prevention Plan, A Guide for Construction Sites* published in May, 2007 (see endnote 5, page 20). The permittee is not limited to the BMPs provided in the EPA guidance manuals. Other pollution or erosion controls must utilize practices with similar effectiveness, and the permittee should develop

BMPs with the goal of site specific effectiveness in mind.

7.1 General SWP2 Plan Requirements -

Stormwater Pollution Prevention (SWP2) Plans shall be developed and prepared under the supervision of a licensed Kansas professional engineer, geologist, architect, or landscape architect or a Certified Professional in Erosion and Sediment Control (see endnote 6, page 20). Please note: It is unlawful for a person to perform any assignment involving a specific technical profession unless licensed or specifically exempted by the Kansas Board of Technical Professions, and is qualified by education and expertise in that profession to perform such work.

The permittee shall ensure the BMPs and/or pollution controls are properly installed and maintained at the locations and relative timeframes specified in the SWP2 Plan. Margin or border BMPs, such as a buffer area or vegetation strips, to control stormwater runoff where it leaves the site boundary, shall be installed or marked for preservation before general site clearing is started. Stormwater runoff from disturbed areas which leave the site shall pass through an appropriate sediment control, such as a sedimentation basin, sediment trap, or silt fence prior to leaving the construction site.

7.2 Contents of SWP2 Plan

7.2.1 Site Description –

The permittee's SWP2 Plan shall include all of the information provided in the NOI. The SWP2 Plan shall expand upon the NOI information in order to make the SWP2 Plan a working document which contractors and site construction workers can use to guide the installation and maintenance of BMPs and pollution controls.

7.2.2 Description of Best Management Practices - The permittee's SWP2 Plan shall include a description of the BMPs and/or pollution controls they will use at the site. The SWP2 Plan shall provide the following general information for each BMP and/or pollution control which will be used one or more times at the site:

- a physical description of the BMP and/or pollution control;
- the site and physical conditions which must be met for effective use of the BMP and/or pollution control;
- the BMP and/or pollution control installation/construction procedures, including typical drawings; and
- operation and maintenance procedures for the BMP and/or pollution control.

The SWP2 Plan shall provide the following information for each specific instance where a BMP and/or pollution control is to be installed:

- where, in relation to other site features, the BMP and/or pollution control is to be located;
- when, in relation to each phase of construction, the BMP and/or pollution control will be installed; and
- what site conditions must be met before removal of the BMP and/or pollution control, if it is not permanent.

7.2.3 Detailed SWP2 Plan Requirements -

The SWP2 Plan must provide BMPs and/or pollution controls that, at a minimum, are designed, installed, and maintained to:

- (1) Control stormwater volume and velocity within the site to minimize soil erosion in order to minimize pollutant discharges.
- (2) Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points;
- (3) Minimize the amount of soil exposed during construction activity;
- (4) Minimize the disturbance of steep slopes (slopes of forty (40) percent or greater, see definitions);
- (5) Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;
- (6) Provide and maintain natural buffers around waters of the United States, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible;
- (7) Minimize soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted;
- (8) Unless infeasible, preserve topsoil. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed;

(9) Minimize discharges from stream crossings by immediately stabilizing the areas from bank to bank and providing appropriate controls to minimize any stream scour and providing down gradient sediment control from bore pit stockpiles;

(10) Control discharges from sediment or soil stockpiles;

(11) Minimize the generation of dust through the application of water or other dust suppression techniques;

(12) Minimize off-site tracking of soils by utilizing wheel washing facilities or an appropriately designed construction entrance and exit. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge. Off-site track out shall be cleaned up at the end of each work day. Sites with contaminated soils must provide wheel washing and tanks for holding of the wash water, if feasible, or other equivalent practices if the vehicles can track the contaminated soil from the site;

(13) Provide structures to divert significant flows of stormwater from off-site drainage, if feasible;

(14) Reduce erosion of concentrated flows of stormwater in channelized drainage through the use of velocity dissipation devices, (e.g., check dams, riprap, and wattles), installation of channel liners (e.g., riprap, geotextiles, and erosion control blankets), or the combined use of both methods of erosion control; and

(15) Provide storm drain inlet protection (such as rock bags) for inlets down gradient of disturbed project areas that are not fully stabilized or where construction activity will soon be started.

7.2.4 Steep Slope Stabilization Requirements -

When construction activities on steep slopes (slopes of forty (40) percent or greater, see definitions) cannot be avoided, the SWPP Plan must require the contractor to immediately initiate placement of appropriate erosion control BMPs in any exposed steep slope areas where construction activities have permanently or temporarily ceased, and will not resume for a period exceeding 7 calendar days. For vegetative cover areas, in addition to seeding, watering, mulching, and any other required activities related to the planting and establishment of vegetation, other appropriate erosion control practices such as geotextiles or erosion control mats shall be utilized. Diversion of concentrated or channelized stormwater flows around steep slopes or slope drains shall be utilized where feasible.

7.2.5 Temporary and Permanent Non-Structural BMPs

Examples of non-structural BMPs which the permittee should consider specifying in the SWP2 Plan include: temporary seeding, final seeding, mulching, geotextiles, sod stabilization, protection of existing vegetation for use as buffer strips (especially along drainage courses), protection of trees, preserving existing stream channels as overflow areas when channel shortening is allowed, soil stabilizing emulsions and tackifiers, mulch tackifiers, preservation of mature vegetation, stabilized site entrances/exits, wheel brushing or washing, clean-up of soils on roadways, dust control and other appropriate BMPs.

The permittee's SWP2 Plan shall require existing vegetation to be preserved where practical, and the time period for soil areas to be without vegetative cover is to be minimized to the extent practical.

Clearing and grubbing within 50 feet of a defined drainage course shall be avoided, if feasible.

Where changes to defined drainage courses are to occur as part of the project, clearing and grubbing within 50 feet of the defined drainage course shall be delayed until all materials and equipment necessary to complete the drainage change are on site.

Changes to defined drainage courses shall be completed as quickly as possible once the work has been initiated. The area impacted by the construction of the drainage course change is to be re-vegetated or stabilized to minimize the length of time the area is exposed.

Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other soil disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. The disturbed areas shall be protected from erosion by stabilizing the area with mulch or other similarly effective soil stabilizing BMPs. Initial stabilization activities must be completed within 14 days after soil disturbing activities cease.

Stabilization of disturbed areas is not required if the intended function of a specific area of the site necessitates that it remain disturbed. Such areas include stockpiles of soil materials (such as structural soils and clays, but not stockpiles of topsoil) that are intended for a use that prohibits introduction of vegetation, mulch or other foreign materials into the soil, areas reserved for landscaping, including areas prepared for final sod application, that prohibits the introduction of vegetation, mulch or other foreign materials prior to placement of final landscaping features, dirt tracks, courts and other amenities designed or otherwise intended to remain unstabilized, and disturbed floors and banks below the

anticipated pool elevation of ponds and basins. Appropriate sediment control measures shall be provided below all such areas where the intended function necessitates that the area remain disturbed.

Disturbed areas that exhibit ice, frozen soil conditions, or have a consistent snow cover extending across 70 percent or more of the area are considered to be temporarily stabilized until thawing occurs across the affected area. Stabilization of such iced, frozen or snow covered areas must be completed within 14 days following the first subsequent inspection required under Part 7.2.10 of this permit that finds the affected area thawed and no longer stabilized due to ice, frozen soil conditions or snow cover.

7.2.6 Temporary and Permanent Structural BMPs -

Examples of structural BMPs which the permittee should consider specifying in the SWP2 Plan include: diverting flows from undisturbed areas away from disturbed areas, silt (filter fabric or straw bale) fences, earthen diversion dikes, drainage swales, sediment traps, rock check dams, subsurface drains (to gather or transport water for surface discharge elsewhere), pipe slope drains (to carry concentrated flow down a slope face), level spreaders (to distribute concentrated flow into sheet flow), storm drain inlet protection and outlet protection, reinforced soil retaining systems, gabions, temporary or permanent sediment basins, and other appropriate BMPs.

7.2.7 Sedimentation Basins -

The permittee's SWP2 Plan shall require a sedimentation basin, where feasible, for each drainage area with 10 or more acres disturbed at one time.

The sediment basin needs to be designed and maintained to provide at least 3,600 cubic feet of storage per acre drained. Where use of a sediment basin of this size is impractical, the SWP2 Plan shall evaluate and specify other similarly effective BMPs to be employed to minimize erosion and control sediment. Where large areas of undisturbed or stabilized areas can drain into the sediment basin or in certain areas of Western Kansas, alternative design detention volumes can be used. See the definition of Sediment Basin Design Criteria for additional clarification and alternatives for sizing and volume requirements.

Outlet structures must be designed and constructed to withdraw water from the surface, unless infeasible. If infeasible, the reason it is infeasible shall be provided as a part of the NOI and SWPP Plan submittal to KDHE.

The permittee's SWP2 Plan shall require that the sediment basin be cleaned to ensure adequate detention is available. No more than 20 percent of the required

sediment basin capacity shall be taken up with sediment. The basin shall be maintained until less than 10 acres of area needing final stabilization within the drainage basin remains. If a sedimentation basin is removed, other appropriate and effective BMP's and/or pollution controls shall be provided, as needed.

The 3,600 cubic feet of storage area per acre drained criteria does not apply to flows from areas where such flows are diverted around both the disturbed area and the sediment basin.

The permittee's SWP2 Plan shall require both temporary and permanent sedimentation basins to have a stabilized emergency spillway to minimize the potential for erosion of the emergency spillway or sediment basin embankment.

7.2.8 Permanent Stormwater Controls -

If applicable, the permittee's SWP2 Plan shall include a description of the measures that will be installed during construction to control pollutants in stormwater runoff that will occur after construction activities have been completed. These would include drainage channels or systems; outlet control devices, detention basins, oil water separators, catch basins, etc. This NPDES general permit does not require the permittee or his contractors to operate or maintain these measures beyond the date of the Notice of Termination unless otherwise notified by KDHE.

7.2.9 Additional Site Management BMPs -

The permittee's SWP2 Plan shall address other BMPs, as required by site activities, to minimize or eliminate contamination of stormwater runoff. At a minimum, such measures must be designed, installed, implemented and maintained to:

- (1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be free of detergents, soaps, or solvents and must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
- (2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater except 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);

- (3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures;
- (4) Require the contractor to provide solid and hazardous waste management including: providing trash containers and regular site clean-up for proper disposal of solid waste such as scrap building material, product/material shipping waste, food containers, and cups; and providing containers and proper disposal for waste paints, solvents, and cleaning compounds;
- (5) Require portable toilets for proper disposal of sanitary sewage;
- (6) Require storing construction materials away from drainage courses and low areas;
- (7) Require containment berms and drip pans at fuel and liquid storage tanks and containers;
- (8) Provide procedures to eliminate or minimize the potential to discharge environmental contaminants from contaminated soil or groundwater; and
- (9) Provide procedures and practices to eliminate the potential to discharge wash and/or rinse waters from concrete mixing equipment including ready mix concrete trucks.

7.2.10 Site Inspections by Permittee –

The permittee shall ensure the entire construction site including but not limited to disturbed areas, BMPs, waste and construction storage areas, drainage areas, locations where stormwater can flow from the construction site, and temporarily stabilized areas is inspected on a regular schedule and, with the exception of Saturdays, Sundays, established Federal Holidays and the day after Thanksgiving, by the end of the next day following a rain event which results in a rainfall total of 0.5 inches or greater.

Rainfall totals used to establish when a construction site inspection is required shall be determined from local weather station reports of daily rainfall totals such as the 1200 GMT end-of-day totals available through the National Weather Service and their cooperative observers or from regularly scheduled on-site rain gauge monitoring performed and recorded each work day by project personnel. A site inspection is required whenever a rainfall total of 0.5 inches or greater is observed based on a single monitoring event; or based on the cumulative total of two consecutive monitoring events when the rainfall total of the first monitoring event is less than 0.5 inches.

The permittee shall, upon initiation of construction activities, determine an initial routine inspection monitoring period based on the start date of construction activities and a routine monitoring frequency of either 14 days or a different monitoring frequency established in the SWP2 Plan that does not exceed 14 days. Subsequent routine inspection monitoring periods shall be established based on the chosen routine monitoring frequency and the initial inspection monitoring period determined at the start of construction, without regard to the dates of routine or rain event inspections that are conducted. At a minimum, a single routine or rain event site inspection shall be conducted within each routine inspection monitoring period.

For disturbed areas that have not been finally stabilized all installed BMPs and other pollution control measures shall be inspected for proper installation, operation and maintenance. Locations where stormwater runoff leaves the site shall be inspected for evidence of erosion or sediment deposition. Once a portion of the project area meets the final stabilization criteria specified in Part 9 of this permit, then no further inspection of that final stabilized portion is required provided that the area is identified in the SWP2 Plan as having obtained final stabilization; however, the permittee shall remain responsible to correct any conditions within such areas that are identified as contributing to the discharge of sediment or other pollutants from the project site.

A report of each regularly scheduled inspection and required rain event inspection shall be documented. The inspection report is to include the following minimum information: inspector's name, date of inspection, observations relative to the effectiveness of the BMPs, actions taken or necessary to correct deficiencies, listing of areas where construction operations have permanently or temporarily stopped, and observations of stormwater discharge locations with respect to the effectiveness of the upgradient BMPs. The inspection report shall be completed within 24 hours of the inspection excluding Saturdays, Sundays and previously specified holidays and shall be signed by the person performing the inspection.

Any deficiencies in the operation or maintenance, effectiveness, adequacy or coverage extent of all installed BMPs, temporary stabilization measures and other pollution control measures identified during the inspection shall be noted in the inspection report and corrected within seven calendar days of the inspection unless infeasible. The permittee shall promptly notify the site contractors responsible for operation and maintenance of BMPs of deficiencies. When correction of any noted deficiency within seven calendar days is infeasible, the inspection report shall document the reason why such

correction is infeasible and provide a specific timeframe for completing all needed maintenance and repairs of installed control measures and installation or modification of all control measures and management practices identified as missing, ineffective or inadequate as soon as feasible.

If weather or site conditions render access to any portion of the site to be unsafe or infeasible for inspection activities, the inspection report shall document the reason why access is unsafe or infeasible. Weather and site conditions shall then be monitored and recorded daily excluding Saturdays, Sundays and referenced holidays until access for inspection activities is determined to be safe and feasible. Inspection of the affected area shall then be performed by the end of the next day after determining that access is safe and feasible, again excluding Saturdays, Sundays and referenced holidays.

Disturbed project areas that are temporarily stabilized due to ice, frozen soil conditions or consistent snow cover extending across 70 percent or more of the area shall be noted on the inspection report. For such areas, the observation of disturbed soils, sediment and erosion control BMPs, drainage areas and locations where stormwater can flow from the construction site is not required during site inspections while one or more of the listed conditions are present. The thawing of these areas shall be noted during the first subsequent inspection when iced, frozen or snow covered conditions are no longer present.

For inactive project sites where soil disturbing construction activities have permanently ceased and final stabilization activities have been completed and documented as such in the SWP2 Plan but vegetative density does not meet the final stabilization criteria specified in Part 9 of this permit, inspections in response to rain events are not required; however, at a minimum, a single routine inspection shall still be conducted at the inactive project site within each established routine inspection monitoring period.

The permittee shall maintain the site inspection reports on-site or at the records storage location identified in the NOI. The permittee shall provide a copy of the site inspection reports to KDHE or EPA upon request.

7.3 Modifications and Amendments to SWP2 Plan -

The permittee shall modify or amend the SWP2 Plan as appropriate during the term of the construction activity until the site is stabilized. The permittee, an authorized representative, and/or the contractor(s) responsible for installation, operation, and maintenance of the BMPs shall keep a current copy of the SWP2 Plan on the project site.

7.3.1 Modification of Control Measures and Management Practices –

Modifications to the SWP2 Plan shall be made to better control the site erosion and sediment discharges based on field conditions or site phasing that was not considered during SWP2 Plan development. The permittee shall indicate the changes on the erosion and sediment control plan sheets, maintain a log showing dates of all SWP2 Plan modifications, a brief description of the SWP2 Plan modifications, and the name and title of the person authorizing the modification. Changes to the SWP2 Plan that are not an amendment (see below) are considered modifications and do not need to be submitted to KDHE. Modification of site erosion and sediment controls based on field conditions or site phasing do not require preparation or approval by a professional; however, modifications that involve the relocation or reconfiguration of any sedimentation basin or corresponding outlet structure required under Part 7.2.7 of this permit shall be prepared under the supervision of a licensed or certified professional as specified in Part 7.1 of this permit.

7.3.2 Amendment of the SWP2 Plan –

The SWP2 Plan shall be amended:

- when a change in the project scope increases the amount of soil disturbed by more than 1.0 acre;
- when stormwater will discharge into a surface water not originally receiving stormwater from the permitted site construction activities; and
- when determined as significant by KDHE upon notification of any discovery of contaminated soil or groundwater, potential historic or archeological sites, or threatened or endangered species during the construction that was not identified and addressed in the SWP2 Plan.

For projects requiring an amendment the permittee will need to submit a letter explaining the changes, a modified erosion and sediment control plan, and a new NOI form indicating the new acreage with the originally issued State and Federal permit numbers. Soil disturbing activities shall not occur on the added or discovered areas until Authorization from KDHE is provided. Amendments need to be submitted at least 60 days prior to implementing the proposed changes at the site. Authorization for the revised project will be indicated in similar fashion as the initially authorized NOI and a copy of the newly authorized NOI will be provided to the permittee. Amendments to SWP2 Plans shall be prepared under the supervision of a Licensed Kansas professional engineer, geologist, architect, or landscape architect or a Certified Professional in Erosion and Sediment Control.

The permittee shall modify or amend the SWP2 Plan, at a minimum, whenever:

- there is a change in design, operation, or maintenance of BMPs, pollution controls, or pollution prevention measures;
- there is a change in the design or scope of the construction project which could significantly affect the quality of the stormwater runoff or the use of designated BMPs or pollution controls;
- the construction site inspections indicate deficiencies in the SWP2 Plan or any BMP;
- KDHE or EPA notifies the permittee of deficiencies in the SWP2 Plan, BMP's, and/or pollution controls;
- the SWP2 Plan is determined to be ineffective in significantly minimizing or controlling erosion and sedimentation (e.g. there is evidence, such as excessive site erosion, excessive sediment leaving the site, or excessive sediment deposits in drainage channels, streams, or lakes);
- KDHE determines violations of Surface Water Quality Standards may occur or have occurred; or
- KDHE determines the activities at the site constitute a significant pollution potential which the current SWP2 Plan does not adequately address.

The permittee shall provide a copy of the most current SWP2 Plan to KDHE or EPA upon request.

7.4 Contractor Notification -

The permittee shall notify each contractor or entity (including utility crews, and city employees or their agents) that will perform work at the site of the existence of the SWP2 Plan and what action or precautions shall be taken while on-site to minimize the potential for erosion and the potential for damaging any BMP or pollution control. However, the permittee is ultimately responsible for ensuring compliance with this permit.

The permittee shall provide contractors who are responsible for installation, operation, or maintenance of any BMP a copy of or access to the SWP2 Plan.

Part 8. TRANSFER OF OWNERSHIP

8.1 Transfer of Entire Permitted Area -

Coverage under and the requirements of this NPDES general permit are transferable but transfer is not automatic and must be accepted by KDHE. The permit

may be transferred only to a party that meets the definition of "Owner", "Owner or operator", or "owner/operator" for the entire authorized project scope. The current permittee and the new permittee shall complete a Notice of Transfer of Owner/Operator (NOTO) form, bearing original signatures, and submit to KDHE at the address given in Part 10.2 of this NPDES general permit. If the original permittee is unavailable or unwilling to sign the NOTO (normally due to bankruptcy) the NOTO shall be filled out as much as possible and a cover letter explaining the situation submitted with the NOTO by the new owner.

Transfers shall be requested at least two weeks in advance of transfer of ownership or operational control to ensure KDHE has accepted the transfer and/or provisions that needed to be addressed by the two parties covering continued responsibility by the original permittee until such time as KDHE formally accepts the permit transfer.

8.2 Partial Permitted Area Transfer of One (1.0) or More Acres -

If ownership or operational control of a contiguous area, one (1.0) or more acres in size, within the overall project or subdivision area is sold or otherwise transferred by the permittee to a new owner, then a new complete request for Authorization for the area being sold or otherwise transferred shall be submitted in accordance with Part 4 of this NPDES general permit. This procedure is required for all projects including residential, commercial and industrial subdivisions. Lots for construction of residential homes of greater than one (1.0) acre can utilize procedures under this section or under Part 8.3. Previous clearances issued for the original permitted project area (e.g., Kansas Historical Society, Kansas Department of Wildlife, Parks and Tourism, United States Army Corps of Engineers) may be referenced.

8.3 Partial Permitted Area Transfer of Less than One (1.0) Acre or a Residential Home Lot -

Both the permittee and the new owner or operator including a contractor, who obtains ownership of a lot or contiguous portion of an overall permitted area that is less than one (1.0) acre in size shall jointly complete an Individual Lot Certification (ILC) form for each lot, lots or portions sold or otherwise transferred, or shall incorporate requirements into the contract for sale that are equivalent to those specified on the ILC form. The ILC or equivalent statements in the contract for sale do not constitute a transfer of the Authorization to discharge. The agreement is between the new owner or operator of the lot or portion and the permittee to implement the SWP2 Plan and the conditions of the general NPDES permit cooperatively, however, the original permittee maintains responsibility for discharges from the project site.

The permittee shall maintain the ILC form or a copy of the

contract for sale covering the same requirements either on-site or at the Records Address location identified in Section I of the NOI. The permittee shall provide ILC forms or copies of contracts for sale to KDHE, EPA, or any other government agency upon request.

Part 9. PROJECT COMPLETION

The permittee shall notify KDHE of the project completion by submitting a Notice of Termination (NOT). The permittee shall sign the NOT and mail it to KDHE at the address given in Part 10.2 of this NPDES general permit.

When the soil disturbing activities are complete and final stabilization of all disturbed areas has been achieved, the permittee can terminate coverage under this NPDES general permit by submitting the NOT. The project is considered to be stabilized when perennial vegetation, pavement, buildings, or structures using man-made materials cover all areas which have been disturbed. Vegetation must have a density of at least 70 percent of the density of undisturbed areas at or near the site.

For projects disturbing agricultural land, disturbed areas that are restored to their preconstruction agricultural use are not subject to the above stabilization criteria. Areas that are not being returned to preconstruction agricultural use, must meet the conditions for final stabilization in this Part.

For subdivision development projects, termination of coverage may be requested after three years, provided the entire subdivision is stabilized and the rate of home construction disturbs less than one (1.0) acre per year (approximately 5 lots) or less than one (1.0) acre of land remains to be developed (approximately 5 lots).

The permittee may also terminate coverage under this NPDES general permit prior to completion of the project construction activities provided that duplicate authorization for coverage under this general permit or KDHE authorized successor permits has been issued and is in effect for all remaining construction activities including all areas disturbed by previous construction activities that have not obtained final stabilization.

Part 10. GENERAL REQUIREMENTS OF THIS PERMIT

10.1 Records -

The permittee shall maintain all records required by this NPDES general permit for a period of three (3) years following the date on the NOT. All records shall be kept on-site or in a readily available location identified in the NOI until final stabilization has been completed. Electronic versions of the required records are acceptable but must show or otherwise document all relevant

signatures and be readily available for copying and contractor access as per Part 7.4 and agency review as per Part 10.4 of this general permit. After final stabilization has been completed, records may be maintained at the permittee's main office.

Records shall be readily available during normal business hours.

Records which shall be maintained by the permittee include, but are not limited to:

- the NOI indicating the Authorization by KDHE to discharge stormwater runoff from the construction activities and supporting documentation used to apply for authorization under this NPDES general permit;
- the SWP2 Plan for the construction site named in the Authorization to discharge stormwater runoff, and any amendments to the SWP2 Plan;
- all site inspection records;
- any clearance letters, from KDWP&T, KSHS, COE, or any other agency providing clearance;
- Individual Lot Certification (ILC) forms or portions of the contract for land sale with equivalent wording; and
- a copy of the Notice of Termination submitted to KDHE.

Except for data determined to be confidential *under 33 USC Section 1318*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential. Knowingly making any false statement on any such report or tampering with equipment to falsify data may result in the imposition of criminal penalties as provided for in 33 USC Section 1319 and KSA 65-170c.

10.2 Contact Address -

All notifications, forms, reports, or other correspondence which must be submitted to KDHE as required by this NPDES general permit shall be sent to:

Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612 – 1367

Applicants can download copies of all forms, references, or the NPDES general permit from the [KDHE Stormwater](#)

Website at:

<http://www.kdheks.gov/stormwater/index.html>

or can be requested by e-mail to KDHE at:

kdhe.stormwater@ks.gov

10.3 Duty to Comply -

The permittee shall comply with all conditions of this NPDES general permit. Any noncompliance with this NPDES general permit constitutes a violation of the CWA, K.S.A. 65-164 and 65-165, and/or K.A.R. 28-16-28 et seq. Noncompliance may result in enforcement action; revocation/termination of this authorization; or amendment of this authorization.

It shall not be a defense for a permittee in an enforcement action to contend that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of the NPDES general permit.

After implementation of the stormwater pollution prevention plan, if stormwater discharges adversely affect water quality, or cause violations of any other provision of this NPDES general permit, the permittee shall modify and implement the stormwater pollution prevention plan to address the non-compliance.

Failure to comply with the requirements of the NPDES general permit may subject the permittee to enforcement actions including revocation/termination of the authorization to discharge under this NPDES general permit, a requirement to discontinue the permitted activity, fines and/or possible imprisonment.

Projects which have received authorization under this Permit that are placed on Inactive Status will no longer have permit coverage under this Permit. KDHE will place previously permitted facilities on Inactive Status for failure to pay the annual permit fee without further notice if payment is not received within 3 months of the date of the invoice (see Part 6).

10.4 Duty to Provide Information and Site Access -

The permittee shall furnish to KDHE; the EPA; or any local agency having jurisdiction for any aspect of the project, any information which is requested to determine compliance with this NPDES general permit.

When the permittee becomes aware they failed to submit any relevant facts or submitted incorrect information to KDHE, they shall promptly submit such facts or information to KDHE at the address given in Part 10.2.

The permittee shall allow the Director or an authorized representative of KDHE, the EPA, or, local agency having jurisdiction over the project, upon the presentation of proper credentials and other documents as may be required by law, to:

- enter upon the site where a regulated construction project or activity is located or conducted or where records must be kept under the conditions of this NPDES general permit;
- obtain samples of any discharge to waters of the State;
- have access to and copy at reasonable times, any records which must be kept under the conditions of this NPDES general permit; and
- inspect the construction site and any facilities or equipment (including monitoring equipment, stormwater controls, and BMPs).

10.5 Signatory Requirements -

The Notice of Intent (NOI), the Notice of Termination (NOT), and the Notice of Transfer of Owner/Operator (NOTO) shall be signed by the owner, operator, or designee. All forms, reports, or other correspondence which must be submitted to KDHE as required by this NPDES general permit shall be signed by the permittee or a duly authorized representative.

10.6 Chemical and Sewage Spills -

In case of a spill emergency call:

U.S. EPA National Response Center:

(24 hours a day) (800) 424-8802

Kansas Division of Emergency Management: (KDEM)

(24 hours a day) (785) 291-3333

Website: www.ksready.gov

KDHE Spill Report Hotline:

(24 hours a day) (785) 296-1679

10.7 Hazardous Substance and Oil Spill Reporting -

The permittee or authorized representative is required to notify the U.S. EPA National Response Center (800-424-8802) in accordance with the requirements of 40 CFR 117 and 40 CFR 302 as soon as the discharge of any hazardous substance or oil in excess of the reportable quantity has been discovered. A reportable quantity of oil is the quantity which causes a "film or sheen upon or discoloration of the surface of the water or adjoining shorelines or causes a sludge or emulsion to be deposited

beneath the surface of the water or upon adjoining shorelines." Reportable quantities for hazardous substances are listed in the cited CFRs.

The permittee is also required to notify the Local Emergency Planning Agency and the [Kansas Division of Emergency Management](#) (KDEM) at the phone numbers and/or website listed above in permit paragraph 10.6.

Nothing in this permit shall be construed to preclude the initiation of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under 33 USC Section 1321 or KSA 65-164 et seq.

10.8 Sewage, Wastes, Materials, and Substances Spill Reporting -

Any discharge or escape of sewage, substances, materials, or wastes, as set forth in K.S.A. 65-171d, which are, or threaten to contaminate or alter any of the properties of the waters of the State or pollute soil in a detrimental, harmful, or injurious manner or create a nuisance, shall immediately be reported to the Kansas Department of Health and Environment at (785) 296-1679. The report shall be made by the permittee, or the owner of the spilled materials, or their respective authorized representative.

In the case of discharges under conditions other than those allowed in a valid NPDES permit, the report shall be made by the permittee or an authorized representative. The report shall be made by telephone to [KDHE](#) at 785-296-1679 in accordance with K.A.R. 28-48-1 et seq.

Nothing in this NPDES general permit shall be construed to preclude KDHE's institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the CWA (33 U.S.C. Section 1321); the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); K.S.A. 65-161 et seq.; or under state or federal statutes or regulations governing oil or hazardous substances or wastes.

10.9 Requiring a Different NPDES Permit -

The Director may require the permittee to apply for and obtain an individual permit or different general permit if:

- the permittee is not in compliance with the conditions of this NPDES general permit;
- the discharge no longer qualifies for this NPDES general permit due to changed site conditions or regulations; or
- information becomes available which indicates water

quality standards have been, or may be violated.

The permittee will be notified in writing of the need to apply for an individual permit or a different NPDES general permit. When an individual permit or different general permit is issued to the authorized permittee, this NPDES general permit is automatically revoked/terminated upon the effective date of the individual or different general permit, whichever the case may be.

10.10 Electronic Data Monitoring Report -

EPA has promulgated a final rule requiring regulated entities to report discharge monitoring report (DMR) data electronically by December 21, 2016. Also, K.A.R. 28-16-63 requires permittees to report NPDES data in a form required by KDHE. KDHE has developed electronic reporting tools to assist permittees in complying with the EPA electronic reporting rule and K.A.R. 28-16-63. Unless a waiver has been approved by KDHE, permittees are required to submit reports electronically when these tools are made available to them by KDHE. By December 21, 2020, the permittee must submit electronically compliance data, reports, and permit applications by a KDHE approved electronic reporting tool.

Part 11. STANDARD CONDITIONS

In addition to the conditions specified in this NPDES general permit, the permittee shall comply with the following Standard Conditions.

11.1 Proper Operation and Maintenance -

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the requirements of this NPDES general permit, Kansas law, and Federal law. Proper operation and maintenance also includes adequate laboratory controls, if applicable, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the requirements of this permit. Pollution control systems, erosion control measures or best management practices which require maintenance shall be maintained, repaired or replaced in a timely manner to avoid discharging stormwater runoff laden with pollutants or sediment which adversely impacts water quality.

The permittee shall take all necessary steps to minimize or prevent any adverse impact to human health or the environment resulting from noncompliance with any requirements specified in this permit, including any monitoring as necessary to determine the nature and

impact of the stormwater discharge. When necessary to maintain compliance with the permit requirements, the permittee shall halt or reduce those activities under its control.

When necessary to achieve compliance with the terms and conditions of this NPDES general permit, the permittee shall install, operate and maintain backup systems or auxiliary facilities to supplement the erosion control measures and best management practices proposed in the NOI.

11.2 Severability -

The provisions of this NPDES general permit are severable. If any provision of this NPDES general permit or any circumstance is held invalid, the application of such provision to other circumstances and the remainder of the NPDES general permit shall not be affected thereby.

11.3 Permit Modifications and Terminations -

As provided by KAR 28-16-62, after notice and opportunity for a hearing, this permit may be modified, suspended or revoked or terminated in whole or in part during its term for cause as provided, but not limited to those set forth in KAR 28-16-62 and KAR 28-16-28b through g.

The permittee shall furnish to the Director, within a reasonable amount of time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish upon request, copies of all records required to be kept by this permit. The filing of a request by the permittee for a permit modification or revocation and reissuance, or a notification of termination, planned changes or anticipated noncompliance does not stay any permit condition.

11.4 Change in Discharge -

All discharges authorized herein shall be consistent with the requirements and conditions of this NPDES general permit.

The SWP2 Plan shall be amended or modified to reflect significant changes to the project and/or the stormwater discharges in accordance with the applicable requirements of Part 7.3 of this NPDES general permit.

11.5 Discovery During Construction -

In the event contaminated soil, groundwater contamination, or contamination from hazardous substances are discovered at the site during construction activities, the permittee shall report the discovery to KDHE verbally within 24 hours to (785) 296-5549, and within 5 business days in writing at the stated address in

Part 10.2 of this NPDES general permit. Until site evaluations have been completed and instruction has been provided by KDHE, construction activities in the contaminated area shall cease and additional provisions shall be provided to immediately mitigate discharges from the contaminated area.

Any discovery during construction activities of threatened or endangered species on the site or in the downstream receiving waters, or of a historical or archeological site, that were not previously identified or addressed in the SWP2 Plan needs to be reported to the KDWP&T or KSHS and KDHE - Bureau of Water. Until site evaluations have been completed and instruction has been provided by the appropriate agencies, construction activities in the affected area shall cease.

If soil contamination, hazardous substances, threatened or endangered species, or historical or archeological sites are discovered during construction activities, the SWP2 Plan shall be modified or amended to reflect this new information in accordance with the requirements and conditions of Part 7.3 of this NPDES general permit.

11.6 Removed Substances -

Solids, sludge, sediment, filter backwash, or other pollutants removed in the course of treatment or control of stormwater runoff shall be properly managed, utilized, and/or disposed of in accordance with applicable statutes and regulations to prevent pollution of surface water, groundwater, or soil.

11.7 Civil, Criminal, and Administrative Liability -

Kansas law provides for civil and criminal punishment including fines and imprisonment for violations of this NPDES general permit. The permittee shall comply with all requirements of this NPDES general permit. Except as authorized in paragraph 11.10 below, nothing in this permit shall be construed to relieve the permittee from administrative, civil or criminal penalties for noncompliance as provided for in KSA 65-161 et seq., and 33 USC Section 1319.

11.8 Property Rights -

The issuance of this NPDES general permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property, nor any invasion of personal rights, nor any infringement or violation of Federal, State or local laws or regulations. This NPDES general permit in no way reduces or eliminates the permittee's responsibilities to landowners whose property may be traversed by stormwater runoff from the project site either before, during, or after construction of the planned project. It is the permittee's responsibility to obtain any necessary approvals from any affected property owner.

11.9 Duty to Mitigate –

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this NPDES general permit which has a reasonable likelihood of adversely affecting human health or the environment.

11.10 Bypass –

Any diversion or bypass of facilities necessary to maintain compliance with this NPDES general permit is prohibited except where necessary to prevent loss of human life, personal injury, or severe property damage, and where no feasible alternative to the bypass exists.

Any bypass which occurs during construction activities which may affect a threatened or endangered species, or a historical or archeological site, on site or in the receiving water body, shall be reported to KDHE verbally within 24 hours to (785) 296-5549, and within 5 business days in writing at the stated address in Part 10.2 of this NPDES general permit.

If a bypass occurs during construction activities, the SWP2 Plan shall be modified or amended to prevent future occurrences in accordance with the requirements and conditions of this NPDES general permit.

ENDNOTES

1. The NPDES general permit, application forms, guidance material, the rainfall erosivity waiver application, and reference material is available on the KDHE Stormwater Website at www.kdheks.gov/stormwater. The website also provides links to EPA guidance documents and the instructions for the rainfall erosivity calculation, Fact Sheet 3.1 - Storm Water Phase II Final Rule Construction Rainfall Erosivity Waiver

Material available on the KDHE Stormwater Website www.kdheks.gov/stormwater includes the NPDES general Permit, Notice of Intent, Notice of Termination, Notice of Transfer of Owner/Operator, Individual Lot Certification, and the Definitions and Acronyms in Adobe Acrobat Reader format (pdf).

Reference material available on the KDHE Stormwater Website at www.kdheks.gov/stormwater includes the Fact Sheet, Rainfall Erosivity Waiver Application, a list of Exceptional State Waters, Special Aquatic Life Use Waters and Outstanding National Resource Waters, and a link to the current Kansas Surface Water Register and maps.

2. The owner or operator must determine whether discharging stormwater runoff from construction activities on the site is subject to any local applicable requirements. To determine the local requirements applicable to each construction project, the owner or operator must contact the local Municipal Separate Storm Sewer System (MS4) operator. A list of MS4 operators who have or may be required to have a local stormwater pollution prevention program is available on the KDHE Stormwater Website at www.kdheks.gov. This list is provided and maintained for information only and will not necessarily include all MS4 operators with a local program.

3. If the applicant is uncertain if the project is located on Indian Country land, please contact the Bureau of Indian Affairs Southern Plains Regional Office - Natural Resources Department at (405) 247-6673 and the EPA Region VII Tribal Program at (913) 551-7969 or (913) 551-7374. EPA is the permitting authority on Indian Country land. To request authorization to discharge stormwater runoff from construction activities conducted on Indian Country land the applicant must contact EPA.

4. To determine if your project is located near one of these areas find the stream segment(s) or lake(s) which receive(s) the stormwater runoff on the Kansas Surface Water Register Maps, then check the designated uses of the stream segment(s) or lake(s) in the Kansas Surface Water Register. Applicants can download a copy of the Surface Water Register from the KDHE Stormwater Website at www.kdheks.gov/stormwater. At the time of this general NPDES permit issuance there were no Critical Water Quality Management Areas established. The stormwater website at: www.kdheks.gov/stormwater includes the most current list should an area be established.

5. The referenced guidance documents are available on-line at: <http://nepis.epa.gov/>. Links to the referenced guidance are also available at the KDHE website: <http://kdheks.gov/stormwater>.

6. Certification as a professional in erosion and sediment control is available through CPESC, Inc. CPESC information can be obtained through the internet at www.cpesc.org, or by calling (828) 655-1600. For other additional educational opportunities and information, contact the International Erosion Control Association at www.ieca.org or by calling (800) 455-4322.

7. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility that disturbs less than 5 acres is not considered to be construction activity, and therefore is not subject to construction stormwater permitting requirements.

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KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

BUREAU OF WATER



KANSAS WATER POLLUTION CONTROL

AND

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

STORMWATER RUNOFF FROM CONSTRUCTION ACTIVITIES

GENERAL PERMIT

APPENDIX 1

DEFINITIONS & ACRONYMS

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Stormwater Runoff from Construction Activities General Permit

Definitions and Acronyms

These definitions pertain to the Kansas Water Pollution Control General Permit and Authorization to Discharge STORMWATER RUNOFF FROM CONSTRUCTION ACTIVITIES under the National Pollutant Discharge Elimination System. Persons subject to the NPDES general permit for Stormwater Runoff From Construction Activities should make themselves familiar with this list of definitions.

"Antidegradation" means the regulatory actions and measures taken to prevent or minimize the lowering of water quality in surface waters of the state, including those streams, lakes, and wetlands in which existing water quality exceeds the level required for maintenance and protection of existing uses.

"Authorization" means written authorization from KDHE to discharge stormwater runoff from construction activities. Upon acceptance and approval of the Construction Stormwater Notice of Intent (NOI) and required supporting documentation, KDHE will indicate the authorization and date on the front page of the NOI form by the Secretary of KDHE's signature on the form, and assign State and Federal Authorization numbers. Upon receipt of this Authorization, the permittee is authorized to discharge stormwater runoff from construction activities from the construction site identified in the NOI and supporting documents.

"Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Borrow Sites" means areas where materials are excavated for use as fill.

"Buffer" means for the purposes of this permit, an area of natural vegetation surrounding streams, rivers, lakes, wetlands, or other waters of the U.S. within which construction activities are restricted.

"Bypass" means any diversion of contaminated stormwater runoff away from BMPs.

"Combined Sewer System" means sewers that are designed to collect rainwater runoff, domestic sewage, and industrial wastewater in the same pipe.

"Commencing Construction" means starting to remove vegetation or disturb the soil located at the site.

"Construction Activity" means any construction practices or work including, but not limited to, clearing, grubbing, grading, and excavation which disturbs one (1.0) acre or more; or which is part of a larger common plan of development or sale which disturbs a cumulative total area of one (1.0) acre or more during the life of the project.

"Construction and Development Effluent Guidelines" as published in 40 CFR § 450 is the regulation requiring effluent limitations guidelines (ELG's) and new source performance standards (NSPS) for controlling the discharge of pollutants from construction sites.

"Construction Site" means 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 where the primary construction activity will take place, or on a different piece of property altogether. The construction site is often a smaller subset of the lot or parcel within which the project is taking place.

"Construction Support Activities" means the various construction-related activities that occur alongside the construction activity, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.

"Contaminated Groundwater" means groundwater where an actual or potential environmental or public health threat may be deemed to exist as a result of physical, chemical, biological, or radiological substances, or a combination of these substances, has been released into subsurface waters of the state and results in a concentration or amount of a substance in excess of the numerical criteria designated for aquatic life protection, agricultural use, or public

Stormwater Runoff from Construction Activities General Permit

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health protection as provided in the Kansas Surface Water Quality Standards: Table of Numeric Criteria or have groundwater concentration levels exceeding the most current version of the KDHE "Risk-based Standards for Kansas (RSK)" manual, Tier 2 for Residential Scenarios - Soil to Groundwater Pathways, or if above RSK levels, the concentrations are not significantly different than area natural background concentrations (RSK Tier 1 evaluation). The manual can be downloaded from the following webpage: www.kdheks.gov/remedial/rsk_manual_page.htm.

"Contaminated Soil" are soils that have soil concentration levels exceeding the lowest concentration of those included in the most current version of the KDHE "Risk-based Standards for Kansas (RSK)" manual, Tier 2 for Residential Scenarios or if above the RSK levels, the concentrations are not significantly different than area natural background concentrations (RSK Tier 1 evaluation). The manual can be downloaded from the following webpage: www.kdheks.gov/remedial/rsk_manual_page.htm.

"Control Measure" refers to any stormwater control, BMP, or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

"Critical Water Quality Management Area" means a watershed, or a portion of a watershed, in which application of minimum state or national wastewater and water quality management practices and procedures cannot be reasonable expected to result in attainment of water quality goals, attainment of water quality standards, protection of resources of the state, prevention of excessive sediment deposition in stream beds, lakes or reservoirs, or prevention of destruction of fishery habitat; or an area in which additional treatment and control of pollutants can result in additional cost effective benefits.

"CWA" means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., as amended on February 4, 1987.

"Defined Drainage" means any water course which has a well-defined bed and banks and a drainage area above the point in question exceeding 160 acres or a greater acreage designated by the Chief Engineer, Kansas Department of Agriculture. The stream need not flow continuously and may flow only briefly after a rain in the watershed.

"Department" means the Kansas Department of Health and Environment.

"Dewatering" means the act of draining or pumping accumulated stormwater and/or groundwater from excavations, building foundations, vaults, trenches, etc.

"Director" means the Director of the Division of Environment, of the Kansas Department of Health and Environment.

"Discharge Monitoring Requirement" means a requirement to observe or evaluate a discharge and note the conditions observed.

"Discharge of Stormwater Associated with Construction Activity" as used in this permit, a discharge of pollutants in stormwater from areas where land-disturbing activities (e.g., clearing, grading, or excavation), 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.

"Discharge Point" means for the purposes of this permit, the location where collected and concentrated stormwater flows are discharged from the construction site.

"Drainage Courses or Drainage Swales" means an open linear depression, whether constructed or natural, that functions for the collection and drainage of surface water.

"Duly Authorized Representative" means somebody who speaks, acts or votes on behalf of others. For the purposes of this stormwater general permit, the duly authorized representative either 1) has operational control over

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the facility; or 2) has the day-to-day operational control of those activities at the facility necessary to ensure compliance.

"Effluent Limitation" means any restriction established by the Director on quantities, rates, and concentrations of chemical, physical, biological and other constituents which are discharged from point sources.

"Effluent Limitations Guideline" (ELG) - defined in 40 CFR § 122.2 as a regulation published by the EPA Administrator under section 304(b) of CWA to adopt or revise effluent limitations.

"Entrance and Exit Points" means any points of entry to and exit from the construction site to be used by vehicles and equipment during construction activities.

"EPA" means the U.S. Environmental Protection Agency.

"Exceptional State Waters" means any of the surface waters or surface water segments that are of remarkable quality or of significant recreational or ecological value, are listed in the surface water register, as defined in K.A.R. 28-16-28b, and are afforded the level of water quality protection under the anti-degradation provisions of K.A.R. 28-16-28c(a) and the mixing zone provisions of K.A.R. 28-16-28c(b).

"Final Stabilization" means all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of 70% of the cover which is typical for undisturbed areas, unpaved areas, or areas not covered by permanent structures, in the geographic location of the construction site, has been established, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed. Certain exceptions to this exists for final stabilization of individual lots or completion of construction activities within a larger common plan of development.

"Hazardous Substance" means elements and compounds designated as a hazardous substance pursuant to Section 311(b)(2)(A) of the CWA at 40 CFR 116.4.

"ILC" means the Individual Lot Certification which is to be completed by the permittee and the purchaser of an individual lot or parcel of the overall tract subject to the general NPDES permit for Stormwater Runoff from Construction Activity.

"Impaired Water" "Water Quality Limited Segment" means a surface water that has been identified by KDHE pursuant to Section 303(d) of the Clean Water Act as not meeting applicable Kansas Surface Water Quality Standards. Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established. (Note: To view the Section 303(d) list and TMDLs go to <http://www.kdheks.gov/tmdl/index.htm>)

"Indian Country Land" means (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 throughout the reservation; (2) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of the State; and (3) All Indian allotments, the Indian titles to which have not been extinguished, including rights of way running through the same.

"Infeasible" means not technologically possible, or not economically practicable and achievable in light of best industry practices.

"Install" or "Installation" means when used in connection with stormwater controls, to connect or set in position stormwater controls to make them operational.

"KDHE" means the Kansas Department of Health and Environment.

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"Material Handling and Staging Area" means a temporary area on the construction site used for receiving, processing, storing materials to prevent the material from being spilled or coming into contact with runoff.

"Material Washout Area" means a temporary containment area used for the washing of applicators and containers of paint, concrete, and other materials.

"Minimize" means to reduce and/or eliminate to the extent achievable using stormwater controls (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practices.

"Municipal Separate Storm Sewer System (MS4)" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are owned or operated by a state, city, town, borough, county, parish, district association, or other public body which is designed or used for collecting or conveying stormwater.

"National Pollutant Discharge Elimination System" means the national system for the issuance of permits under 42 U.S.C. Section 1342 and includes any state or interstate program which has been approved by the administrator, in whole or in part, pursuant to 42 U.S.C. Section 1342.

"NOI" means the Notice of Intent form which is to be used to apply for authorization to discharge under this general permit [A copy of the NOI form is provided as part of the general permit.].

"Non-Stormwater Discharges" means discharges that do not originate from storm events. They can include, but are not limited to, discharges of process water, air conditioner condensate, noncontact cooling water, vehicle wash water, sanitary wastes, concrete washout water, paint wash water, irrigation water, or pipe testing water.

"NOT" means the Notice of Termination form which is to be completed by the permittee once the project is completed and the site is stabilized. [A copy of the NOT form is provided as part of the general permit.]

"NOTO" means the Notice of Transfer of Ownership form which is to be completed by the permittee and the new site owner or operator when sale of the entire permitted tract occurs. [A copy of the NOTO form is provided as part of the general permit.]

"Oil and Gas Exemption" means changes to the Federal Clean Water Act (CWA) which exempt oil and gas exploration, production, processing, or treatment operations, and transmission facilities from National Pollutant Discharge Elimination System (NPDES) stormwater permitting requirements associated with stormwater runoff from construction activities. (see 40 CFR 122.26 (c) (1) (iii) for exclusions to the CWA exemption.)

"Operational" for the purpose of this permit, stormwater controls are made "operational" when they have been installed and implemented, are functioning as designed, and are properly maintained.

"Outfall" see "Discharge Point".

"Outstanding National Resource Water" (ONRW) means any of the surface waters or surface water segments of extraordinary recreational or ecological significance identified in the Kansas Surface Water Register and afforded the highest level of water quality protection under the antidegradation provisions of K.A.R. 28-16-28c(a) and the mixing zone provisions of K.A.R. 28-16-28c(b).

"Owner", "Owner or operator", or "owner/operator" means the party or parties that either individually or taken together who are the responsible party liable under the Clean Water Act and meet the following criteria: they have operational control over the site specifications; and, they have the day-to-day operational control of those activities at the site necessary to ensure compliance. For a typical commercial construction site, KDHE herein defines the owner or general contractor to be the "owner or operator". For a typical residential development (subdivision), KDHE herein defines the owner or an authorized representative to be the "owner or operator". Each owner or

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operator who individually does not engage in construction activity of greater than one (1.0) acre must apply when the construction activity is part of a larger common plan of development.

"Permit" means an authorization, license, or equivalent control document issued by the Director to implement the requirements of K.A.R. 28-16-57. Permit includes a 'general permit' (K.A.R. 28-16-150). Permit does not include any document which has not yet been subject to final agency action, such as a "draft permit" or "proposed permit."

"Permittee" means the individual, company, corporation, institution, municipality, township, county, federal agency, owner, operator, or legally constituted sewer district which is authorized by a Kansas Water Pollution Control permit to discharge to the waters of the State and which has operational control of the permitted discharge by specifying activities at the site.

"Point Source" means any discernible, confined, and discrete conveyance, including, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or floating craft from which pollutants are or may be discharged. This term may include structures or site conditions that act to collect and convey stormwater runoff from roadways, urban areas, or industrial sites. This term shall not include agriculture stormwater discharges or return flows from irrigated agricultural land.

"Rainfall Erosivity Waiver" means a waiver of the applicable requirements of the general NPDES permit for Stormwater Runoff from Construction Activities. Owners or operators of construction activities between one and five acres which are eligible for coverage under the general NPDES permit for Stormwater Runoff from Construction Activities may receive a waiver from KDHE provided the value of the rainfall erosivity factor ("R" in the Revised Universal Soil Loss Equation) is less than five (5) during the period of construction activity.

"Run-on" means sources of stormwater that drain from land located upslope or upstream from the regulated site in question.

"Sediment Basin Design Criteria" are requirements for sedimentation structures to be designed to provide a detention volume at least 3,600 cubic feet of storage per acre of total area draining into the sediment basin. KDHE may approve alternate storage volumes if a significant portion of undisturbed area drains to the sediment basin or for areas in Western Kansas where the 2 year, 30 minute rain event is less than 1.3 inches. Runoff calculations based on a detention volume from a 2 year, 30 minute rainfall event with a minimum runoff coefficient of 0.77 for disturbed acreage and appropriate runoff coefficients for undisturbed acreage must be provided to document and justify the revised storage volume requirement.

Sediment basins must be designed to provide the required storage volume below the elevation of the overflow weir, spillway or riser top that allows mass volume of discharge. Designs shall include outlet structures that withdraw water from the surface, unless infeasible.

"Severe Property Damage" means substantial physical damage to property or substantial and permanent loss of natural resources which would be reasonably expected to occur in the absence of a bypass.

"Significant Materials" includes, but is not limited to: raw materials, fuels, materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to EPCRA Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

"Significant Pollution Potential" means the discharge or potential discharge of one or more pollutants that does or has the potential to degrade water quality, violate a water quality standard, or impair a designated use of a classified water. KDHE, in making a determination as to whether a discharge has a significant pollution potential will consider the size and location of the discharge, the quantity and nature of the discharge, and other relevant factors. Examples of a significant pollution potential would include, but not be limited to, contaminated soils or groundwater within the construction site, uncovered salt or salt/sand storage piles; spilled or leaking toxic or hazardous waste; spilled or leaking fuel, oils, grease, solvents; etc.

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"Soil Exposed" means for the purposes of this permit, soils that have been disturbed due to the commencement of construction activities.

"Special Aquatic Life Use waters" means surface waters which contain combinations of habitat types and indigenous biota not found commonly in the state, or surface waters which contain representative populations of threatened or endangered species.

"Stabilization" means the use of vegetative and/or non-vegetative cover to prevent erosion and sediment loss in areas exposed through the construction process.

"Steep Slope" means any slope occurring on the construction site that is 2.5 horizontal to 1 vertical or greater (approximately 40 percent).

"Storm Sewer" means a system of pipes (separate from sanitary sewers) that carries stormwater runoff from buildings and land surfaces.

"Stormwater" means stormwater runoff induced by atmospheric precipitation, including snow melt runoff, and surface runoff and drainage.

"Stormwater Control" See "Control Measure"

"Stormwater Pollution Prevention Plan (SWP2 Plan)" means a site-specific, written document and construction plans that: (1) identifies potential sources of stormwater pollution at the construction site; (2) describes stormwater control measures 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.

"Stormwater Runoff from Construction Activities" means stormwater runoff from areas where construction activities are located. Construction activities include clearing, grading and excavating that result in land disturbance of equal to or greater than one (1.0) acre of total land area. Construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1.0) acre. Construction activities do not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. (See 40 CFR 122.26(b)(14 -15) for further clarification.)

"Stormwater Runoff from Industrial Activities" means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the Kansas Water Pollution Control program.

For the categories of industries identified in this definition, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials; and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.

For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on the plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded area is not mixed with stormwater drained from the above described areas.

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Industrial facilities (including industrial facilities which are Federally, State or municipally owned or operated and meet the description of the facilities listed in this paragraph (i)-(xi) of this definition) include those facilities designated under 40 CFR 122.26(a)(1)(v).

The following categories of facilities are considered to be engaging in industrial activity for the purpose of this general permit/definition:

Category (i) - Facilities subject to storm water effluent limitations guideline, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N. Limits and/or standards for this category are subject to change and new limits and standards may be adopted. To verify applicability, see 40 CFR subchapter N.

Stormwater Effluent Guidelines

For a discharge to be covered under stormwater effluent guidelines, the facility must have a stormwater discharge subject to stormwater effluent guidelines. At the time of permit issuance, facilities that have stormwater effluent limitations guidelines for at least one of their subcategories include the following:

40 CFR Subchapter N

Part 411 Cement manufacturing
Part 412 Concentrated Animal Feeding Operations (CAFOs)
Part 418 Fertilizer manufacturing
Part 419 Petroleum refining
Part 420 Iron & steel manufacturing
Part 422 Phosphate manufacturing
Part 423 Steam electric power generating
Part 434 Coal mining
Part 436 Mineral mining & processing
Part 440 Ore mining & dressing
Part 442 Transportation equipment cleaning
Part 443 Paving and roofing materials
Part 445 Landfills

A facility that falls into one of these Parts should examine the effluent guideline to determine if it is categorized in one of the subcategories that have stormwater effluent guidelines. If a facility is classified in one of those subcategories, that facility is subject to the standards listed in the CFR for that category, and as such is required to submit an NOI for any stormwater discharge subject to the stormwater effluent guideline.

Toxic Pollutant Effluent Standards

Facilities subject to toxic pollutant effluent standards refers to the standards established pursuant to CWA section 307(a)(2) and codified at 40 CFR Part 129. Part 129 applies only to manufacturers of six pesticide products which are defined as toxic pollutants. Please note that the phrase “facilities subject to toxic pollutant effluent standards” does not refer to those industries subject to effluent limitation guidelines for toxics under 40 CFR sub-chapter N.

Manufacturers of the following pesticides are subject to regulation under these provisions:

(a) Aldrin/Dieldrin, (b) DDT, (c) Endrin, (d) Toxaphen (e) Benzidine, and (f) Polychlorinated Biphenyls (PCBs):

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(a) Aldrin/Dieldrin---Aldrin means the compound aldrin as identified by the chemical name, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4-endo-5,8-exo-dimethanonaphthalene; ""Dieldrin"" means the compound the dieldrin as identified by the chemical name 1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4-endo-5,8-exo-dimethanonaphthalene.

(b) DDT---DDT means the compounds DDT, DDD, and DDE as identified by the chemical names:(DDT)-1,1,1-trichloro-2,2-bis(p-chlorophenyl) ethane and some o,p '-isomers; (DDD) or (TDE)-1,1-dichloro-2,2-bis(p-chlorophenyl) ethane and some o,p '-isomers; (DDE)-1,1-dichloro-2,2-bis(p-chlorophenyl) ethylene.

(c) Endrin---Endrin means the compound endrin as identified by the chemical name 1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4-endo-5,8-endodimethanonaphthalene.

(d) Toxaphene---Toxaphene means a material consisting of technical grade chlorinated camphene having the approximate formula of C₁₀ H₁₀ Cl₈ and normally containing 67--69 percent chlorine by weight.

(e) Benzidine---Benzidine means the compound benzidine and its salts as identified by the chemical name 4,4 '-diaminobiphenyl.

(f) Polychlorinated Biphenyls (PCBs) polychlorinated biphenyls (PCBs) means a mixture of compounds composed of the biphenyl molecule which has been chlorinated to varying degrees.

New Source Performance Standards (NSPS)

For a stormwater discharge associated with industrial activity to be covered under NSPS, the facility must have an activity subject to the NSPS. The new source varies based on the publication date of a particular effluent guideline. Most effluent guidelines listed in 40 CFR Subchapter N contain NSPS.

The following categories of 40 CFR Subchapter N do not have new source performance standards. All other categories have at least one subcategory with new source performance standards.

Part 454 Gum and wood chemicals manufacturing
Part 459 Photographic
Part 460 Hospital

Category (ii) - Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373;

Category (iii) - Facilities classified as SIC codes 10-14 including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCR authority has been released, or areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990), and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/ operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction,

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beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim).

A facility with an existing or new discharge composed entirely of stormwater from oil or gas exploration, production, processing, or treatment operations or transmission facility is not required to submit a request for authorization under this general permit unless the facility:

(A) Has a discharge of stormwater composed entirely of flows which are from conveyances or systems of conveyances (including but not limited to pipes, conduits, ditches, and channels) used for collecting and conveying collection runoff and which are contaminated by contact with, or come into contact with, any overburden, raw material, intermediate products, finished products, byproducts, or waste products on the site of such operations; or

(B) Has had a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6, 40 CFR 117.21 or 40 CFR 302.6 at anytime since November 16, 1987; or

(C) Causes or contributes to a violation of a water quality standard.

Category (iv) - Hazardous Waste Hazardous waste treatment, storage, or disposal facilities including those that are operating under interim status or a permit under Subtitle C of RCRA.

Category (v) - Landfills, land application sites, and open dumps that receive or have received any industrial waste (waste that is received from any of the facilities described under categories (i) - (xi)) including those that are subject to regulations under Subtitle D of RCRA.

Category (vi) - Recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as SIC 5015 (used motor vehicle parts) and SIC 5093 (scrap and waste materials).

Category (vii) - Steam electric power generating facilities, including coal handling sites.

Category (viii) - Transportation facilities classified by the SIC codes 40, 41, 42 (except 4221-4225), 43, 44, 45, and 5171 listed below which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under categories (i)-(vii) or (ix)-(xi) of this definition are associated with industrial activity, and need permit coverage. Based on a potential for being a significant contributor of pollutants, KDHE has determined Aerial Spray Operations at Airports are subject to coverage for stormwater runoff associated with industrial activity.

Category (ix) - Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the Clean Water Act.

Category (x) - Construction activity is not covered under this definition. The construction "operator" of both large and small construction activities must apply for coverage under an individual permit or the General Stormwater Permit for Construction Activity requirements.

Stormwater Runoff from Construction Activities General Permit
Definitions and Acronyms

Category (xi) - Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-25.

"Surface water" means all of the following:

- (1) streams, including rivers, creeks, brooks, sloughs, draws, arroyos, canals, springs, seeps and cavern streams, and any alluvial aquifers associated with these surface waters;
- (2) lakes, including oxbow lakes and other natural lakes and man-made reservoirs, lakes and ponds; and
- (3) wetlands, including water bodies meeting the technical definition for jurisdictional wetlands given in the "corps of engineers wetlands delineation manual," as published in January 1987, which is hereby adopted by reference.

"Surface Waters of the State" means all surface waters occurring within the borders of the state of Kansas or forming a part of the border between Kansas and one of the adjoining states.

"Temporary Stabilization" means a condition where exposed soils or disturbed areas are provided a 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.

"Tier 1 Water" means, in regard to antidegradation, a level of protection that provides a "floor" which protects water quality and existing designated uses. Water quality must be preserved to protect and maintain those existing uses. Activities that would lower water quality below levels necessary to maintain existing designated uses are prohibited.

"Tier 2 Water" means, in regard to antidegradation, high quality waters where water quality exceeds the criteria associated with the assigned designated uses. Limited water quality degradation is allowed in high quality water where the degradation is necessary to accommodate important social or economic development, but only if designated uses are still maintained and the highest statutory and regulatory requirements for all point sources of pollution and all cost effective and reasonable best management practices for nonpoint sources of pollution are achieved.

"Tier 2½ Water" means in regard to antidegradation, means a water classified as an Exceptional State Water (see definition of "Exceptional State Waters" in Appendix 1).

"Tier 3 Water" means, in regard to antidegradation, any waters designated as an Outstanding National Resource Water (ONRW) (see definition of Outstanding National Resource Water in Appendix 1).

"Total Maximum Daily Load (TMDL)" is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety and account for seasonal variations. (Note: To view TMDLs go to <http://www.kdheks.gov/tmdl/index.htm>.)

"Uncontaminated Groundwater" means water removed from excavation or pumped from an aquifer for dewatering purposes. The water is considered uncontaminated if there is no groundwater contamination within 1,000 feet of the discharge. Suspended solids and turbidity are not sources of contamination for the purposes of this definition but the excavation dewatering discharge must be treated as necessary to remove suspended solids and turbidity to prevent any violation of water quality standards.

Stormwater Runoff from Construction Activities General Permit
Definitions and Acronyms

"Urbanized Area" means a land area comprising one or more places; central place(s); and the adjacent densely settled surrounding area; or urban fringe; that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile.

List of Acronyms

BMPS - Best Management Practices
C & D - Construction & Development
CERCLA - Comprehensive Environmental Response, Compensation and Liability Act
CFR - Code of Federal Regulations
CGP - Construction General Permit
CWA - Clean Water Act
CWQMA - Critical Water Quality Management Area
EPA - U.S. Environmental Protection Agency
ESW - Exceptional State Water
ILC - Individual Lot Certification
K.A.R. - Kansas Administrative Regulations
KDHE - Kansas Department of Health and Environment
KDWPT - Kansas Department of Wildlife, Parks and Tourism
K.S.A. - Kansas Statutes Annotated
KSHPO - Kansas State Historic Preservation Office
KSHS - Kansas Historical Society
MS4 - Municipal Separate Storm Sewer System
NOI - Notice of Intent
NOT - Notice of Termination
NOTO - Notice of Transfer of Ownership
NPDES - National Pollutant Discharge Elimination System
NRDC - Natural Resources Defense Council
NTIS - National Technical Information Service
ONRW - Outstanding National Resource Water
RCRA - Resource Conservation and Recovery Act
SALU - Special Aquatic Life Use
SHPO - State Historic Preservation Officer
SMCRA - Surface Mining Control and Reclamation Act
SPCC - Spill Prevention Control Countermeasures
SWP2 Plan or SWPPP - Stormwater Pollution Prevention Plan
U.A. - Urbanized Areas
U.S.C. - United States Code

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KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

BUREAU OF WATER



KANSAS WATER POLLUTION CONTROL

AND

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

STORMWATER RUNOFF FROM CONSTRUCTION ACTIVITIES

GENERAL PERMIT

APPENDIX 2

FORMS

Notice of Intent Form (NOI) for Stormwater Runoff from Construction Activities
Notice of Intent Instructions for Stormwater Runoff from Construction Activities
Individual Lot Certification Form (ILC)
Notice of Transfer of Owner/Operator Form (NOTO)
Notice of Termination Form (NOT)

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C. EXISTING CONDITIONS/USES

- 1) Is any part of the project located on Indian Country land? Y; N
If yes: Contact EPA regarding discharging stormwater runoff from industrial activities on Indian Country land.
- 2) If stormwater runoff drains to or through a Municipal Separate Storm Sewer System (MS4): MS4 Name: _____
- 3) Name of the first receiving water, stream, or lake: _____, River Basin: _____
- 4) Are contaminated soils present on the site or is there groundwater contamination located within the site boundary? Y; N
If yes: On separate paper describe in detail the locations and concentrations of the contaminants.
- 5) Are there any contaminated soils that will be disturbed or any contaminated groundwater that will be pumped by the proposed construction activity? Y; N
If yes: On separate paper describe the special procedures and erosion and sediment control measures to be implemented to eliminate or minimize the potential to discharge the soil and/or groundwater contaminants.
- 6) Are there any surface water intakes for public drinking water supplies located within 1/2 mile of the site discharge points? Y; N
- 7) Are there any known historical or archeological sites present within the site boundary or any historic structures located within 1000 feet of the project site? Y; N
Note: Include documentation of project-specific coordination with the Kansas Historical Society in making this determination.
- 8) Is any threatened or endangered species habitat located within the site boundary or in the receiving water body? Y; N
Note: Include documentation of project-specific coordination with the Kansas Department of Wildlife, Parks & Tourism in making this determination.
- 9) Will the project impact the line or grade of a stream or does it include dredge or fill of a potential jurisdictional water body or wetlands? Y; N
If yes: Include documentation of project-specific coordination with the US Army Corps of Engineers and/or the Kansas Department of Agriculture, Division of Water Resources in making this determination.
- 10) Are any Critical Water Quality Management Areas, Special Aquatic Life Use Waters, or Outstanding National Resource Waters located within 1/2 mile of the facility boundary? Y; N
If yes: List the names of all such areas and waters: _____

D. PROJECT DESCRIPTION

- 1) Project Description: _____

- 2) Does this NOI include all proposed soil disturbing activities associated with the entire common plan of development? Y; N
If no: Explain what development areas of the site are not included in this NOI and provide contact information, if available, for the party or parties that own or have operational control of these areas:

- 3) Anticipated project Start Date: _____, and Completion Date: _____
- 4) Estimated total area to be disturbed: _____ Acres Total area of the site: _____ Acres
- 5) Do you plan to disturb ten or more acres that are within a common drainage area? Y; N
If yes: Will a sedimentation basin be installed in that drainage area? (Attach design calculations for each sedimentation basin.) Y; N
 If a sediment basin is not feasible, on a separate sheet describe similarly effective erosion and sediment control measures to be implemented in lieu of a sedimentation basin.

E. Maps

Include an area map showing the outline of the construction site and the topographic features of the area at least one mile beyond the project site.

F. EROSION CONTROL PLAN AND BEST MANAGEMENT PRACTICES

- 1) Provide a summary of the sequence of major soil disturbing activities including installation of the corresponding stormwater management and pollution control features.
- 2) Provide one or more site plans covering the anticipated soil disturbing activities showing the limits of disturbance, the existing and proposed elevation contours, the types and locations of erosion/sediment control measures and stormwater management/pollution control features during each phase of construction and the locations where stormwater runoff leaves the construction site.

- 3) Provide a description of the best management practices to be utilized to control erosion and the discharge of sediment and other pollutants in stormwater runoff throughout construction and the design calculations for each sediment basin including total drainage area and storage capacity below the elevation of the mass volume flow outlet device.
- 4) Provide the name and License or Certification Number of the engineer, geologist, architect, landscape architect, or Certified Professional in Erosion and Sediment Control (CPESC) under which the construction stormwater pollution prevention plan has been developed.

Name	License or Certification Number	Profession or Field (Engineer, Architect, etc.)
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III. ANNUAL FEE

Enclose a check for the first year of the annual permit fee specified in K.A.R. 28-16-56 et seq. as amended. Make the check payable to "KDHE". Per K.A.R. 28-16-56, as amended, the current annual permit fee for this general permit is \$60. An invoice for the annual permit fee will be sent to the contact person requesting a permit until such time as the permittee submits a Notice of Termination (NOT).

Failure to pay the annual fee will result in termination of the construction stormwater discharge Authorization.

IV. OWNER OR OPERATOR CERTIFICATIONS

I, the undersigned, certify that a Stormwater Pollution Prevention Plan (SWP2 Plan) will be or has been developed for the construction site described in this NOI and supporting documentation. I further certify that the plan will be implemented at the time construction begins, and, as required by the NPDES general permit for Stormwater Runoff from Construction Activity, will revise the SWP2 plan if necessary.

I understand that continued coverage under the NPDES general permit for Stormwater Runoff from Construction Activities is contingent upon maintaining eligibility as provided for in the requirements and conditions of the general permit, and paying the annual fee.

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 gather and evaluate 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.

Signature (owner or operator)	Date
-------------------------------	------

Name and Official Title (Please print or type. **Form with original signature must be sent to KDHE.**)

Conditions of Authorization - For Official Use Only:

When indicated, Conditions of Authorization are as follows:

A complete request for Authorization for coverage under the general permit must be submitted or the request will not be processed. A complete request for Authorization includes:

- An NOI form (construction stormwater) with an **original authorized signature**;
- The annual permit fee for the first year; (\$60.)
- An area map showing the outline of the construction site and the general topographic features of the area at least one mile beyond the project site boundary;
- Sequence of major soil disturbing activities including installation of stormwater management and pollution control features;
- A detailed site plan/plans showing the limits of disturbance, existing and proposed contours, erosion and sediment control features, locations where stormwater runoff leaves the construction site;
- A narrative summary of the additional erosion and sediment control and other best management practices that will be utilized to prevent or reduce contamination of stormwater runoff from the construction activities;
- Total drainage area, storage capacity and design calculations for each sedimentation basin; and
- Copies of letters or e-mails documenting coordination with appropriate local, state or federal agencies.

Notice of Intent (NOI) Instructions

For Authorization to Discharge Stormwater Runoff from Construction Activities
In accordance with the Kansas Water Pollution Control General Permit
Under the National Pollutant Discharge Elimination System

Who Must File an NOI

Owners or operators of construction activities which may disturb one or more acres or are part of a larger common plan of development or sale which may disturb a cumulative total of one or more acres must obtain authorization to discharge stormwater runoff from construction activities.

Owners or operators of construction activities which disturb less than one acre (<1.0 acre), and which are not part of larger common plan of development or sale, must have authorization to discharge stormwater runoff from construction activities under this general NPDES permit when KDHE believes the water quality impact warrants consideration or KDHE determines the construction activities constitute a significant pollution potential.

Construction activities associated with oil & gas exploration, production or transmission, the construction activities may be exempt under the Oil & Gas Exemption (see permit). However, if Authorization under the general permit is requested for these activities, a permit will be issued and enforced.

The owner or operator of a site that may have a discharge of stormwater runoff from construction activities must submit an **original signed NOI** and all required supporting documentation to obtain coverage under a Kansas Water Pollution Control general permit.

This general permit addresses water quality, not quantity or stormwater routing.

Where To Send an NOI Form

Send the NOI form and all required supporting documentation to the following address:

Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612 - 1367

The general NPDES permit, the NOI, copies of other relevant forms, reference material and guidance is available from the KDHE Stormwater Website: www.kdheks.gov/stormwater

A hard copy of the NOI form, the general NPDES permit, the general permit information packet, or other reference material or guidance may also be obtained by sending a written request to KDHE at the above address.

For additional information, contact KDHE at (785) 296-5545 or by e-mail at: kdhe.stormwater@ks.gov

When to Send an NOI Form

Submit an NOI no later than 60 days prior to the start of construction activities, i.e., soil disturbing activities.

Owners or operators are encouraged to submit an NOI as soon as possible to avoid delaying construction. Discharge under the general permit for Stormwater Runoff from Construction Activities is not Authorized until KDHE indicates the date of Authorization on the

NOI form, assigns the Authorization permit numbers and issues the Authorization with the Secretary of KDHE's signature. KDHE anticipates authorizing most construction stormwater discharges within 60 days following receipt. However, delays may occur from incomplete submittals, inadequate erosion and sediment control plans, or KDHE office workload.

If coverage under the NPDES general permit is denied, an application for an individual Kansas Water Pollution Control permit will be required to obtain discharge Authorization. Individual permits require a minimum of 90 days for processing upon receipt of the individual Kansas Water Pollution Control permit application.

Section I:

A. OWNER OR OPERATOR INFORMATION

Identify the owner(s) or operator(s) that either individually or taken together have operational control over the site construction activities; and which have the day-to-day operational control of those activities at the site necessary to ensure compliance. Do not use a colloquial name.

For a typical commercial construction site, the owner or general contractor is the owner or operator. (See the definition.) For a typical residential development (subdivision), the owner or an authorized representative is the owner or operator.

Give the legal name of the company, firm, public organization, or any other entity that owns the site described in the NOI, or if the activity will be on a right of way, leased property, or easement, give the name responsible for the construction activities.

B. BILLING INFORMATION

Provide the billing contact name and telephone number and provide the billing address if different than the owner or operator mailing address.

C. CONTACT INFORMATION

Enter the name and telephone number of the person to contact regarding the indicated construction activities. The owner or operator and contact person need not be the same.

D. RECORDS LOCATION

Records regarding the permit must be kept at the project site or at a readily available location. If the records will not be located on the project site, provide the address where the records will be located.

Section II SITE INFORMATION:

Indicate if the NOI is a request for Authorization of a new construction project or a request for modification of an existing Authorization.

A. LOCATION

Enter the project's official or legal name and physical location. Include the street address if known, indicate the city(nearest city to the project site), state, ZIP code and the county(s) where construction will occur.

B. LEGAL SITE DESCRIPTION

Indicate the section, township, and range (to the nearest quarter/quarter section; 40 acres) of the center of the site. Provide the Latitude and Longitude of the approximate center of the site of soil disturbance. A conversion program link is provided on the stormwater webpage at www.kdheks.gov/stormwater.

C. EXISTING CONDITIONS/USES

1) Indicate whether the site is located on Indian Country land. If the entire construction disturbance is located on Indian Country land, the owner or operator cannot be covered by KDHE under this NPDES general permit.

EPA is the permitting authority on Indian Country land. To request authorization to discharge stormwater runoff from construction activities on Indian Country land, the applicant must contact EPA.

For information on permitting and location of Indian Country land, contact the Bureau of Indian Affairs at (405) 247-6673 or the EPA Region VII Tribal Program at (913) 551-7969 or (913) 551-7374.

2) If the stormwater runoff from construction activities flows into a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., municipality name, county name, or the name of the responsible public body).

3) Indicate the river basin in which the project is located and provide the name of the first receiving water, stream, or lake. This may be obtained from the Kansas Surface Water Register, a United States Geological Survey (U.S.G.S.) topographic map or KDOT general highway map for the county where the project or discharge point is located.

The Kansas Surface Water Register, can be downloaded from the KDHE Stormwater Website: www.kdheks.gov/stormwater

4) Indicate if there are any contaminated soils present on the site or if there is groundwater contamination located within 1000 feet of the site. If so, on separate paper describe in detail the locations and concentrations of the contaminants.

5) Indicate if any contaminated soils will be disturbed or any contaminated groundwater will be pumped by the proposed construction activity. If so, on separate paper describe the special procedures and erosion and sediment control measures that will be implemented to eliminate or minimize the potential to discharge the soil and/or groundwater contaminants.

Items 6 through 10 (Potential Related Impacts of Project Activities):

Indicate if there are any surface water intakes for public drinking water supplies within ½ mile of any site discharge point, and if there are known historic or archeological sites present within the site boundary or any historic structures located within 1000 feet of the project site. The Kansas Historical Society maintains a list of recorded sites or may recommend the project be surveyed for such sites by a professional archeologist. Include documentation of coordination with KSHS with the NOI.

The KSHS may be contacted at:

Kansas Historical Society (KSHS)
6425 SW 6th Avenue
Topeka, KS 66615 - 1099
(785) 272-8681, extension 240
e-mail: cultural_resources@kshs.org
website info: www.kshs.org/p/section-106-consultation/15543

Indicate whether any threatened or endangered species are known or are likely to be present within the site boundary or within the receiving water body. Through Kansas Administrative Regulations (K.A.R.) 115-15-1 et seq. the Kansas Department of Wildlife, Parks and Tourism (KDWP), maintains a listing of threatened or endangered species and their critical habitats.

If threatened or endangered species are likely to be present at the site or within the receiving water body, then list the species and describe the location in relation to the site location. Contact the KDWP's Environmental Services Section for assistance and include documentation of coordination with KDWP with the NOI.

KDWP may be contacted at:

Kansas Department of Wildlife, Parks and Tourism (KDWP)
Environmental Services Section
512 SE 25th Avenue
Pratt, KS 67124-8174
(620) 672-5911
e-mail: ess@ksoutdoors.com
website info:
www.kdwp.state.ks.us/news/Services/Environmental-reviews

Indicate if there are any Critical Water Quality Management Areas (CWQMA) established in accordance with K.A.R. 28-16-70. (At the time of this general NPDES permit issuance there were no CWQMA established. The stormwater website at: www.kdheks.gov/stormwater includes the most current list should an area be established.); Exceptional State Waters (ESW); Special Aquatic Life Use Waters (SALU), or Outstanding National Resource Waters (ONRW), as listed in the Kansas Surface Water Register which are within ½ mile of the proposed construction project. A listing of these water bodies is maintained by KDHE in the Kansas Surface Water Register and is available on the stormwater website at www.kdheks.gov/stormwater.

Indicate if the project will impact the line or grade of a stream or if it will include dredge or fill of a potential jurisdictional water body or wetlands. If yes, include documentation of project site coordination with the U.S. Army Corps of Engineers (USACE) and The Kansas Dept. of Agriculture, Division of Water Resources (DWR).

The USACE may be contacted at:

Kansas (all except KC Metro):	Kansas City Metro Area: *
U.S. Army Corps of Engineers Kansas State Regulatory Office 2710 NE Shady Creek Access Rd. El Dorado, KS 67042 (316) 322-8247 (316) 322-8259 (FAX)	U.S. Army Corps of Engineers Kansas City District 635 Federal Bldg. Rm 402 Kansas City, MO 64106 (816) 389-3990 (816) 389-2032 (FAX)

* Brown, Doniphan, Atchison, Jefferson, Leavenworth, Wyandotte, Douglas, Johnson, and Miami counties

The DWR water structures section may be contacted at:

Division of Water Resources

Kansas Department of Agriculture
Division of Water Resources - Topeka Field Office
6531 SE Forbes Ave., Suite B (mailing address)
Topeka, KS 66619
785-296-5733
785-296-8298 (FAX)
E-mail: KDA.TOPEKAFO@ks.gov

D. PROJECT DESCRIPTION

Briefly describe the nature of the construction activity.

Indicate whether the entire soil disturbance within the common plan of development is included in this Notice of Intent (NOI) for coverage under the General Permit for Stormwater Runoff from Construction Activity and are included in the SWP2 Plan developed for the project site.

If not, describe the soil disturbing activities within the common plan of development that are not covered by the NOI form. Provide contact information, if available, for owners or operators of the other areas that are not covered by this NOI. Attach additional pages if needed.

Enter the project start date and the estimated completion date for the entire development plan. For phased construction projects with planned intervals of non-activity, do not show the end of a phase as a completion date. If the owner or operator submits a Notice of Termination (NOT) when a construction phase ends, the owner or operator of the construction site must submit a new NOI when construction resumes.

Estimate the area to be disturbed. Include access roads to be constructed, and adjacent or on-site material borrow areas and excess material storage areas, lot grading, and building construction areas.

Total area of the site includes area where soil will be disturbed and areas left undisturbed.

Where a common drainage area of ten or more acres is disturbed a sedimentation basin is required, if feasible. Attach design calculations including total drainage area and storage capacity at the spillway/weir/riser top elevation for each proposed sediment basin.

If a sediment basin is not feasible, indicate why a sediment basin is not feasible and attach a description of a proposed alternative. Proposed alternatives must control erosion and sediment movement as effectively as a sedimentation basin.

E. Maps

Provide a general topographic map or maps of the area extending at least to one mile beyond the property boundaries of the site which clearly shows:

- The construction site, access roads, and the area(s) where soil will be disturbed;
- Existing area contour elevations;
- The location of each existing and proposed discharge point;
- Rivers, waterways, and drainage ditches, and the flow direction;
- Surface water intakes for public water supplies; and
- The map scale and a meridian arrow pointing north.

A 7½-minute series map as published by the U.S.G.S. (or a photocopy of the pertinent portions) or an equivalent scaled topographic map may be submitted. Maps for the State of Kansas may be obtained from the U.S.G.S. Office or Kansas Geological Survey Office listed below.

USGS National Center
12201 Sunrise Valley Drive
Reston, VA 20192, USA
Phone: 703-648-5953
www.usgs.gov/pubprod/maps.html

Kansas Geological Survey
1930 Constant Ave.
Lawrence, KS 66047-3726
Phone: 785-864-3965
KGS maps: www.kgs.ku.edu/Datasale/Maps/index.html

F. Erosion Control Plan And Best Management Practices

Describe the sequence of major soil disturbing activities including the installation of the associated stormwater management and pollution control features.

Provide detailed site plan(s) showing the limits of disturbance, the existing and proposed elevation contours, the types and locations of erosion/sediment control measures and stormwater management/pollution control features during each phase of construction and the locations where stormwater runoff leaves the construction site.

Briefly describe the controls and measures that will be implemented to control pollutants in stormwater runoff. Include a description of the BMPs (e.g., good housekeeping, limiting soil disturbance, inspection practices, temporary mulching, spill prevention, etc.) and sediment and erosion control measures (silt fences, wattles, sediment basins, etc.).

Describe the controls and measures that will be constructed as part of the project and left in place in order to control pollutants from the intended site use after construction is finished. Describe the local requirement, if any, for the permanent stormwater management feature.

Provide the name and license or certification number of the engineer, geologist, architect, landscape architect, or certified erosion and sediment control specialist under which the construction stormwater pollution prevention plan has been developed.

Section III Annual Fee:

Enclose a check for the first year of the annual permit fee specified in K.A.R. 28-16-56 et seq. as amended. Make the check payable to "KDHE". Per K.A.R. 28-16-56, as amended, the current annual permit fee for this general permit is \$60. An annual bill will be sent to the contact person requesting a permit fee until such time as the permit holder submits a Notice of Termination (NOT).

Failure to pay the annual fee will result in termination of the construction stormwater discharge Authorization.

Section IV Owner or Operator Certifications

The owner or operator should read and ensure they understand the statements of this section before signing the NOI form. The NOI form must be signed by the project owner or operator. **The NOI with an original signature shall be submitted to KDHE.**

The Notice of Intent (NOI), the Notice of Termination (NOT), and the Notice of Transfer of Ownership (NOTO) must be signed by the permittee. All forms, reports, or other correspondence which must be submitted to KDHE as required by this general permit shall be signed and certified by the permittee or an authorized representative.

The Notice of Intent, all SWP2 plans, inspection reports and other information either submitted to KDHE, submitted to the operator of a municipal separate storm sewer system (MS4), or required to be maintained by the permittee under this general permit, shall be signed and certified by the permittee or an authorized representative.



INDIVIDUAL LOT CERTIFICATION

For authorization to Discharge Stormwater Runoff from Construction Activities
In Accordance with Kansas Water Pollution Control General Permit No. S-MCST-1703-1
Under the National Pollutant Discharge Elimination System

The permittee shall maintain this form on-site, or in a readily available location. The permittee shall provide Individual Lot Certification forms or a copy of the contract for land sale having the equivalent wording to KDHE or EPA upon request.

TO BE COMPLETED BY THE NEW LOT OWNER

I certify that I have been informed of my responsibility to provide, or require contractors to provide, appropriate best management practices to minimize sediment discharges and reduce the potential for contamination of stormwater discharges during construction activities on each of the lots or parcels listed below. I have reviewed the terms and conditions of the Kansas Stormwater Runoff from Construction Activities General Permit S-MCST-1703-1 which authorizes the permit holder to discharge stormwater runoff from construction activities, and the subdivision specific Stormwater Pollution Prevention (SWP2) Plan prepared by the permit holder. In the event KDHE notifies the undersigned of water quality violations or permit violations due to conditions at any lot listed below and I am unable or unwilling to take action within 30 days to further reduce erosion or control sediment, then I agree to allow the permit holder to have reasonable access to the site to implement erosion and sediment control measures. I understand this certification is an agreement between the parties named herein to cooperatively implement the SWP2 plan and the conditions of the NPDES general permit.

Subdivision / Project: _____

Legal Description of the Transferred Parcel(s) and/or Lot No.(s): _____

New Owner's Signature: _____ Date: _____

Name (typed or printed) : _____

If the New Owner is a Corporation and not an Individual

Company Name: _____ Phone: _____

Company Address: _____

TO BE COMPLETED BY PERMIT HOLDER

As the permittee for the overall tract wherein the above listed parcel(s) and/or lot(s) are located, I certify that I have informed the lot purchaser of their responsibility to minimize sediment discharges and reduce the potential for contamination of stormwater discharges during construction activities. I have also provided a copy or allowed the new lot owner to review the Kansas Stormwater Runoff from Construction Activities General Permit S-MCST-1703-1 and the subdivision specific Stormwater Pollution Prevention (SWP2) Plan. I understand this certification does not constitute a transfer of the permit. I also understand this certification is an agreement between the parties named herein to cooperatively implement the SWP2 plan and the conditions of the NPDES general permit.

Name of Project: _____

Address: _____ City: _____ County: _____ State: KS Zip Code: _____

Kansas Permit No. _____ Federal Permit No. _____

Company Name: _____ Phone: _____

Company Address: _____

Permittee Signature: _____ Date: _____

Permittee Name: _____



NOTICE OF TRANSFER OF OWNER/OPERATOR

For Authorization to Discharge Stormwater Runoff from Construction Activity
In accordance with Kansas Water Pollution Control General Permit No. S-MCST-1703-1
Under the National Pollutant Discharge Elimination System

Use this form only when stormwater discharge and control responsibility for the entire permitted area will be transferred to a new owner/operator. The new owner/operator is required to meet the definition of "Owner", "Owner or operator", or "owner/operator" for the entire authorized project scope.

Submission of this NOTO to KDHE does not relinquish the current permittee's authorization to discharge stormwater runoff from construction activity at the site described herein. Completion of this NOTO does not automatically relieve the current permittee of any civil, criminal and/or administrative penalties.

TO BE COMPLETED BY THE NEW PERMITTEE:
I hereby accept transfer of the NPDES general permit, which was issued to:
I have reviewed the terms and conditions of the general permit and the Stormwater Pollution Prevention plan and accept full responsibility, coverage, and liability. This transfer will be effective when KDHE accepts the transfer.
The NEW permittee is:
Owner or Operator's Name: Contact Name:
Company Name: Company Name:
Owner or Operator's Phone: Contact Phone:
Mailing Address: Mailing Address:
City: State: Zip Code: City: State: Zip Code:
E-mail Address (optional): E-mail Address (optional):
I certify that I have personally examined and am familiar with the information described herein.
New Permittee's Signature: Date:
Name (type or print): Title:
TO BE COMPLETED BY THE CURRENT PERMITTEE:
As previous permittee, I hereby agree to the transfer of the permit and all responsibilities thereof. I understand that the transfer of permit responsibilities is effective when KDHE accepts the transfer.
Name of Project:
Address: City: County: State: KS Zip Code:
Kansas Permit No.: S- Federal Permit No.: KSR
Permittee Signature: Date:
Permittee Name: Title: Phone Number:

Submit the NOTO with original signatures within 14 days of the transfer to:

Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612 - 1367

For official use only:

Accepted: Y; N
Reviewer Date



NOTICE OF TERMINATION

To Relinquish the Authorization to Discharge Stormwater Runoff from Construction Activities at the Construction Site Described Herein

Submission of this Notice of Termination (NOT) constitutes notice that the party identified below relinquishes authorization for coverage under the Kansas Stormwater Runoff from Construction Activities general permit, or KDHE authorized successor permits, issued for discharge of stormwater runoff for the construction activity at the site named herein. Completion of this NOT does not automatically relieve the former permittee of any civil, criminal and/or administrative penalties.

To be considered complete, the NOT must be signed by the current permittee or a duly authorized representative of the current permittee, and must include the permit number assigned to the construction activity. KDHE will notify any permittee whose NOT is incomplete or deficient.

Please Print or Type:

Name of Project: _____

City: _____ County: _____ State: KS

Kansas Permit No. _____ Federal Permit No. _____

Company Name: _____ Phone: _____

This Notice of Termination is being submitted because: (check one)

- checkbox The construction project or larger common plan of development is finished and final site stabilization has been completed (pavement, buildings, structures, or perennial vegetation having a density of at least 70% of undisturbed areas at the site cover all areas which have been disturbed - See Part 9 of the NPDES general permit S-MCST-1703-1).
checkbox This project is a house development subdivision project that has had a construction stormwater discharge Authorization for at least 3 years, the vacant lots are all stabilized, and the rate of home construction within the development disturbs less than one (1.0) acre (approximately 5 lots) per year or less than one (1.0) acre of land (approximately 5 lots) remain available for development (see Part 9 of the NPDES general permit S-MCST-1703-1).
checkbox The construction project or larger common plan of development is not finished; however, duplicate authorization for permit coverage* under NPDES general permit S-MCST-1703-1 or KDHE authorized successor permits has been issued and is in effect for all remaining construction activities and all areas disturbed by previous construction activities that have not obtained final stabilization.

* The duplicate Kansas Permit Number is: _____

- checkbox The project was cancelled prior to initiating construction activities. The project construction will not be actively pursued under the current authorization for coverage. It is understood that should the project be revived in the future, a new complete application packet with first year annual permit fee will need to be submitted.

I certify under penalty of law that all soil disturbances associated with the construction activity at the construction site named herein meet one of the four criteria indicated above in accordance with Part 9 of the NPDES general permit S-MCST-1703-1. I understand that by submitting this Notice of Termination, I am no longer authorized under the NPDES general permit S-MCST-1703-1 to discharge stormwater associated with construction activity at this construction site. I understand that discharging pollutants in stormwater associated with construction activity to waters of the State is unlawful under K.S.A. 65-164 and 65-165 and the Clean Water Act without authorization by a valid Kansas Water Pollution Control Permit. I understand that by submitting this Notice of Termination, I am not released from liability for any violations of the NPDES general permit S-MCST-1703-1, K.S.A. 65-164 and 65-165, the Kansas Surface Water Quality Standards (K.A.R. 28-16-28 et seq.), or the Clean Water Act. I also hereby certify that I am authorized to sign this Notice of Termination as a representative of the permittee named herein.

Signature: _____ Date: _____

Name and Official Title: _____
(Please print or type)

Submit the NOT with original signature to:

Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612 - 1367

Appendix B

Template Subcontracting Plan

ATTACHMENT 1 – FHWA SUBCONTRACTING PLAN

1. **INSTRUCTIONS:**

- Where subcontracting opportunities will not exist for the solicitation, the bidder/offeror shall submit a response outlining the rationale for making this determination with its proposal/bid. The statement shall be signed by an official authorized to make decisions on behalf of the firm.
- The following information shall be provided in the bidder/offeror subcontracting plan submission and shall be expressed in terms of goal percentages of the total planned subcontracting dollars.
- Text lines may be added to this template as needed.

SUBCONTRACTING GOALS – BASE YEAR		
Total prime contract amount – Base Year:	\$ [insert amount]	
Total planned subcontracted amount (regardless of firm/entity size status) – Base Year:	\$ [insert amount]	
Total planned subcontracts to “other than small business” concerns (i.e., large, non-profit, university, etc.)	\$[insert amount]	[insert #]% ¹
Total planned subcontracts to Small Business concerns:	\$[insert amount]	[insert #]% ²
<ul style="list-style-type: none"> • Total planned subcontracts to Veteran Owned Small Business concerns (VOSB)³: 	\$[insert amount]	[insert #]%
<ul style="list-style-type: none"> ○ Total planned subcontracts to Service-Disabled Veteran Owned Small Business (SDVOSB) concerns: 	\$[insert amount]	[insert #]%
<ul style="list-style-type: none"> • Total planned subcontracts to Historically Underutilized Business Zones (HUBZones): 	\$[insert amount]	[insert #]%
<ul style="list-style-type: none"> • Total planned subcontracts to Small Disadvantaged Business (SDB) concerns (includes 8(a), Alaska Native Corporations (ANC), and Indian Tribes): 	\$[insert amount]	[insert #]%
<ul style="list-style-type: none"> • Total planned subcontract awards to Women-Owned Small Business concerns (WOSB)⁴ concerns: 	\$[insert amount]	[insert #]%

**insert and complete additional tables if the contract includes option year(s).*

¹ Percentage = (subcontracted amount in the category/total planned subcontracted amount)

² Planned subcontracts to “other than small business” concerns + subcontracts to Small Business concerns = 100%

³ SDVOSB is a subcategory of VOSB. Any dollar amount applied to SDVOSB also applies to VOSB.

⁴ In this document, the term WOSB includes Economically Disadvantaged WOSB (EDWOSB) concerns.

1.1 Rationale if establishing a goal lower than 3% for VOSB:

1.2 Rationale if establishing a goal lower than 3% for SDVOSB:

1.3 Rationale if establishing a goal lower than 3% for HUBZone:

1.4 Rationale if establishing a goal lower than 5% for SDB:

1.5 Rationale if establishing a goal lower than 5% for WOSB:

1.6 Rationale if establishing a goal lower than the current [DOT subcontracting goal](#):

2. The following principal types of supplies and/or services are planned to be subcontracted under this contract. [Add additional rows if more space is needed.]

Type of Supply/Service to be Subcontracted	Company/Firm Name	Subcontracted Amount	Subcontractor Size Standard (Other Than SB, SB, VOSB, SDVOSB, HUBZone, SDB, WOSB) ⁵

⁵ List all applicable size standards for each proposed subcontractor.

3. The following methods were used to develop the subcontract percentage goals:

--

4. The following methods were used to identify potential subcontract sources for solicitation purposes. (i.e. source lists used and organizations contacted to identify potential SB concerns, such as the System for Award Management (www.SAM.gov), Dynamic Small Business Search (www.DSBS.sba.gov), trade associations, industry conferences/fairs, etc.)

--

5. **[Select appropriate option.]** Indirect costs [**were/were not**] included in establishing the subcontracting goals specified in the table above.

6. If indirect costs were included, the following method was used to determine the proportionate share of indirect costs to be incurred with SB, VOSB, SDVOSB, HUBZone, SDB and WOSB subcontractors:

--

7. The following individual will administer the subcontracting program:

Name:	
Title:	
Address:	
Telephone:	
E-mail:	

This individual's specific duties, as they relate to the subcontracting program, are as follows:

--

8. The following efforts will be taken to ensure that SB, SDB, VOSB, SDVOSB, HUBZone, and WOSB subcontractors will have an equitable opportunity to compete for subcontracts:

--

[initial] It is agreed that FAR Clause 52.219-8, Utilization of Small Business Concerns, will be included in all subcontracts, which offer further subcontracting opportunities. It is further agreed that all subcontractors (except small business concerns) at all tiers below the prime contractor who receive subcontracts in excess of \$700,000 (\$1.5M for construction of any public facility with further subcontracting possibilities) will be required to adopt and comply with a subcontracting plan in accordance with FAR Clause 52.219-9.

9. The following types of records will be maintained concerning procedures that have been adopted to comply with the requirements and goals in the plan (i.e., establishment of source lists, guides and other data that identify SB, VOSB, SDVOSB, HUBZone, SDB and WOSB concerns; a description of the offeror's efforts to locate SB, VOSB, SDVOSB, HUBZone, SDB and WOSB concerns and to award subcontracts to them, etc.) and shall be maintained through completion of the contract:

10. In accordance with FAR Subpart 19.704(a)(10) through (15), the Contractor further agrees to:

[Initial each line]

- Cooperate in any studies or surveys as may be required;
- Submit periodic reports as may be required so that the Government can determine the extent of compliance by the Contractor with the subcontracting plan;
- After November 30, 2017, include subcontracting data for each order when reporting subcontracting achievements for indefinite-delivery, indefinite-quantity contracts intended for use by multiple agencies;
- Submit the Individual Subcontract Report (ISR), and the Summary Subcontract Report (SSR) using the Electronic Subcontracting Reporting System (eSRS) at <http://www.esrs.gov/> within the timeframes identified at FAR Subpart 19.704(a)(10)(iv);
- Ensure that other than small business subcontractors with subcontracting plans agree to submit eSRS documents online as required;
- Provide its prime contract number and its unique entity identifier, and the e-mail address of the offeror's official responsible for acknowledging receipt of or rejecting the ISRs to all first-tier subcontractors with subcontracting plans so they can enter this information into the eSRS when submitting their ISRs;
- Require that each subcontractor with a subcontracting plan provide the prime contract number, its own unique entity identifier, and the e-mail address of the subcontractor's official responsible for acknowledging receipt of or rejecting the ISRs, to its subcontractors with subcontracting plans;
- Make a good faith effort to acquire articles, equipment, supplies, services, or

materials, or obtain the performance of construction work from the small business concerns that the offeror used in preparing the bid or proposal, in the same or greater scope, amount, and quality used in preparing and submitting the bid or proposal;

Provide the contracting officer with a written explanation if the contractor fails to acquire articles, equipment, supplies, services or materials or obtain the performance of construction work as described in FAR 19.704(a)(12) of this section. This written explanation will be submitted to the contracting officer within 30 days of contract completion;

Will not prohibit a subcontractor from discussing with the contracting officer any material matter pertaining to payment to or utilization of a subcontractor; and

Pay its small business subcontractors on time and in accordance with the terms and conditions of the subcontract, and notify the contracting officer if the offeror pays a reduced or an untimely payment to a small business subcontractor (see FAR [52.242-5](#)).

Submitted by:

POC Name:	
Title:	
Email Address:	
Company Name:	
DUNS/CAGE:	
Mailing Address:	

Signature