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# TASK ORDER REQUEST FOR PROPOSAL

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Solicitation No. DTFH70-08-R-00023

Proposal due date: See Page A-3, Block 13A

WA FS ERFO 2007(1)-22(2)

MT ST HELENS DISTRICT REPAIRS FR 83 MP 6.9 TO 11.3

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A-1 Notice to Offerors

## 8(a) Competitive

A Partnership Agreement between the Small Business Administration (SBA) and the Department of Transportation (DOT) allows Western Federal Lands Highway Division (WFLHD) to make direct award of 8(a) contracts and subsequent modifications.

The cognizant SBA District Office for this solicitation is:

**U.S. SMALL BUSINESS ADMINISTRATION  
ATTN: DIANA DRAKE  
SEATTLE DISTRICT OFFICE  
2401 4<sup>TH</sup> AVENUE, SUITE 450  
SEATTLE, WA 98121-3412**

**SBA Ref. No: 7700-07-702399**

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**Solicitation, Offer & Award, Bid Schedule, Contract Clauses,  
Minimum Wage Schedule, Special Contract Requirements, and Plans**

This solicitation cites

***Standard Specifications for Construction of Roads and Bridges  
on Federal Highway Projects, FP-03 – U. S. Customary Units***

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## ISSUING OFFICE:



**U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
610 EAST FIFTH STREET  
VANCOUVER, WA 98661-3801**  
Phone: (360) 619-7520 – FAX: (360) 619-7932  
Web site: [www.wfl.fhwa.dot.gov/edi/](http://www.wfl.fhwa.dot.gov/edi/)  
e-mail: [contracts@mail.wfl.fhwa.dot.gov](mailto:contracts@mail.wfl.fhwa.dot.gov)

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<b>PROJECT NAME</b>	<b>WA FS ERFO 2007(1)-22(2) MT ST HELENS DISTRICT REPAIRS FR 83 MP 6.9 TO 11.3</b>
<b>LOCATION</b>	<b>14 MILES NORTHEAST OF COUGAR, WASHINGTON</b>
<b>COUNTY</b>	<b>SKAMANIA</b>
<b>STATE</b>	<b>WASHINGTON</b>
<b>LENGTH</b>	<b>4.4 MILES</b>
<b>FIXED COMPLETION DATE</b>	<b>See FAR Clause 52.211-10</b>

## Offer Submittal Checklist

Before submitting your offer, please review the following:	Done?	Is this in the envelope?
<b>Bid Envelope</b>		
Did I correctly address the envelope? (See page A-3, blocks 7 & 8)		
Does the lower left corner of the envelope include the Solicitation Number and the project name/number?		
<b>Pages A-3 &amp; A-4 (SF 1442, Solicitation Offer &amp; Award)</b>		
Did I include our firm name and address in block 14?		
Did I include our firm's phone number in block 15?		
Did I include our firm's remittance address in block 16? (Use when different than block 14)		
Did I include my DUNS number?		
Did I include the number & date of <u>all</u> amendments in block 19?		
Did the appropriate official sign/date in block 20A, 20B & 20C?		
<b>Bid Schedule (see page A-7)</b>		
Did I insert "Unit Bid Price" and "Amount Bid" for each bid item?		
Did the appropriate official initial corrections?		
Did I include the "Total" on the last page of each bid schedule?		
Did I include the firm's name on the last page of each bid schedule?		
When applicable, did I include the totals for each schedule in the summary page? (see last page of bid schedules.)		
<b>Bid Bond (Standard Form 24)</b>		
<b>Bids received without a valid bid bond will be rejected.</b>		
Did I complete my bid bond correctly?		
Did I attach the Power of Attorney to the bid bond?		
<b>Authority to Sign</b>		
Did I include a completed form for <u>each</u> person signing the SF1442 and Bid Bond?		
<b>Representations &amp; Certifications &amp; other fill-ins</b>		
Did I include the completed B-pages (beginning on B-1)?		
Did I include the completed clause <i>1252.228-73 Notification of Miller Act Payment Bond Protection</i> (clauses begin on page C-1)?		
<b>Online Representations &amp; Certifications Application (ORCA) <a href="http://orca.bpn.gov">http://orca.bpn.gov</a></b>		
Do we have up-to-date data in ORCA ?		
<b>Central Contractor Registration (CCR) <a href="http://www.ccr.gov">http://www.ccr.gov</a></b>		
Did I ensure our firm is currently registered in CCR?		
<b>Vets100 Reporting <a href="http://vets.dol.gov/vets100/">http://vets.dol.gov/vets100/</a></b>		
Did I ensure our firm has completed this annual report?		

**NOTE:** The Contractor is fully responsible to verify that all data is correct each time a offer package is submitted. Failure to properly input and/or update your data may cause the offer to be rejected.

## Offer Submittal Checklist

**Driving Directions to our Vancouver Washington Office:**

See our web page at <http://www.wfl.fhwa.dot.gov/about/directions.htm>

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

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## Corporate Certificate

I, \_\_\_\_\_ (name), certify that I am the  
\_\_\_\_\_(title), of the corporation 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 corporation;

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

\_\_\_\_\_(signature)

Affix Corporate Seal

\_\_\_\_\_(title)

Authority to Sign

Project: WA FS ERFO 2007(1)-22(2), MT ST HELENS DISTRICT REPAIRS, FR 83, MP 6.9-11.3

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

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## 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)

Authority to Sign

Project: WA FS ERFO 2007(1)-22(2), MT ST HELENS DISTRICT REPAIRS, FR 83, MP 6.9-11.3

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

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## **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)

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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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Authority to Sign

Project: WA FS ERFO 2007(1)-22(2), MT ST HELENS DISTRICT REPAIRS, FR 83, MP 6.9-11.3

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

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## **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)

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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)

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Authority to Sign

Project: WA FS ERFO 2007(1)-22(2), MT ST HELENS DISTRICT REPAIRS, FR 83, MP 6.9-11.3

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INSTRUCTIONS: When the offeror/principal is a sole proprietorship, the signature on the offer/bid and on the bonds must be as follows:

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## **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.

Authority to Sign

Project: WA FS ERFO 2007(1)-22(2), MT ST HELENS DISTRICT REPAIRS, FR 83, MP 6.9-11.3

<b>BID BOND</b> <i>(See instruction on reverse)</i>	DATE BOND EXECUTED <i>(Must not be later than bid opening date)</i>	OMB NO.: <b>9000-0045</b>
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Public reporting burden for this collection of information is estimated to average 25 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, 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 STATE OF INCORPORATION
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SURETY(IES) *(Name and business address)*

PENAL SUM OF BOND					BID IDENTIFICATION	
PERCENT OF BID PRICE	AMOUNT NOT TO EXCEED				BID DATE	INVITATION NO.
	MILLION(S)	THOUSAND(S)	HUNDRED(S)	CENTS		
					FOR <i>(Construction, Supplies, or Services)</i>	WA FS ERFO 2007(1)-22(2)
						MT ST Helens District Rprs FR 83 MP 6.9-11.3

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) are 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.	2.	3.	<i>Corporate Seal</i>
	<i>(Seal)</i>	<i>(Seal)</i>	<i>(Seal)</i>	
NAME(S) & TITLE(S) <i>(Typed)</i>	1.	2.	3.	

INDIVIDUAL SURETY(IES)				
SIGNATURE(S)	1.	2.		
	<i>(Seal)</i>	<i>(Seal)</i>		
NAME(S) <i>(Typed)</i>	1.	2.		

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

<b>SURETY B</b>	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT (\$)	<i>Corporate Seal</i>
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) <i>(Typed)</i>	1.	2.		
<b>SURETY C</b>	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT (\$)	<i>Corporate Seal</i>
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) <i>(Typed)</i>	1.	2.		
<b>SURETY D</b>	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT (\$)	<i>Corporate Seal</i>
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) <i>(Typed)</i>	1.	2.		
<b>SURETY E</b>	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT (\$)	<i>Corporate Seal</i>
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) <i>(Typed)</i>	1.	2.		
<b>SURETY F</b>	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT (\$)	<i>Corporate Seal</i>
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) <i>(Typed)</i>	1.	2.		
<b>SURETY G</b>	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT (\$)	<i>Corporate Seal</i>
	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., (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 limitation listed therein. where more than one corporate surety is involved, their names and addresses shall appear in the spaces (Surety A, Surety B, etc.) headed "CORPORATE SURETY(IES)." In the space designed "SURETY(IES)" on the face of the form, insert only the letter identification of the sureties.  
  
(b) Where 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."

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## SCRs Table of Contents

### **SPECIAL CONTRACT REQUIREMENTS (SCRs)**

The following Special Contract Requirements amend and supplement the Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-03 U.S. Customary Units.

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Permits.....	H-1
Stormwater, Erosion Control, and Sediment Control Best Management Practices.....	I-1

## NOTICE TO OFFEROR

### I. Project Location.

The project works are located in the Gifford Pinchot National Forest, Mt. St. Helens District on FR 83 between Milepost 6.9 and 11.3 in the vicinity southeast of Mt. St. Helens National Volcanic Monument in Washington, Skamania County. Approximate Global Positioning System (GPS) Coordinates for the beginning of the project are 46° 8' 9" N and 122° 9' 31" W.

Signs have not been erected to identify the project limits. No Government personnel will be available for show-me tours.

### II. Pre-proposal Information.

**TECHNICAL QUESTIONS REGARDING PROPOSED WORK FOR THIS PROJECT WILL NOT BE ACCEPTED AFTER THE CLOSE-OF-BUSINESS ON JULY 14, 2008.**

Questions can be submitted and answers viewed by going to project information at

<http://www.wfl.fha.dot.gov/edi/current.htm>

This solicitation includes electronic plan sheets. Plan sheets can be found at <http://www.wfl.fhwa.dot.gov/edi/plans/sthelensdistrict/> and viewed by individual sections, downloaded by individual sections, or the entire plan set downloaded in a zip file. A paper copy of the plan sheets is available by submitting the form included in this solicitation.

Requests for technical information (Plan and Division 100 – 700 Specification questions only) about this project will only be accepted in writing (see Block 9 on page A-5)

REPS & CERTS. Submit or update Representations and Certifications online at <http://orca.bpn.gov> prior to bid submittal. For more details go to FAR Provision 52.204-8 *Annual Representations and Certifications* (see page B-2). If you have previously registered on-line and the NAICS code for this solicitation is different than the code listed in your online file, please note the amended changes on the lines provided in FAR 52.204-8.

Particular attention should be paid to Standard Form 1442, Solicitation, Offer and Award, to assure that Blocks 14, 15, 16, 19, 20A, and 20C are completed correctly. Sign Block 20B according to the instructions in Subsection 102.02. You must submit a completed 'Authority to Sign' document (see Offeror's packet). You must also complete the representations and certifications contained in the Contract Provisions beginning on page B-1. Failure to furnish or complete any of the above may result in your bid being considered nonresponsive and being rejected.

Notice to Offeror

Project: WA FS ERFO 2007(1)-22(2), Mt. St. Helens District Repairs, FR 83, MP 6.9-11.3

Facsimile bids are not authorized for this solicitation. Bids may be modified or withdrawn by facsimile, if such notice is received by the time specified for receipt of bids. The Government will not be responsible for any failure attributable to the transmission or receipt of facsimile data. See FAR Provision 52.214-5, Submission of Bids. FAX 360.619.7932.

Notice of CCR Registration. You must register in the Central Contract Registration (CCR) prior to award of this contract. Failure to register prior to contract award will require award to be offered to the next successful registered Offeror. See FAR Subpart 4.1103(c). Register online at [www.ccr.gov](http://www.ccr.gov) or call toll free: 888.227.2423.

### **III. Post Award Information.**

Insurance requirements are set forth in Subsection 107.05.

Contractor Performance Evaluations. FHWA is now posting evaluations in the National Institutes of Health's Contractor Performance System (CPS) for completed projects. Register at <https://cpscontractor.nih.gov> to view and comment on evaluations. Registration is only required once into the system. A user's manual can be found at: <https://cps.nih.gov/infopage.asp> by selecting the "CPS Info" button and then the "Contractor's User Manual" link located in the "Contractor Information" column. Review the evaluation and submit comments within 30 days of notification. Reviewing the evaluation and submitting comments is limited to one entry. If unable to register, call 360.619.7520 for assistance or a copy of the evaluation.

### **IV. Specifications and Permits.**

This solicitation and subsequent contract are governed by the Federal Acquisition Regulation (FAR), agency supplemental regulations, and the Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-03 U.S. Customary Units. Obtain paper copies of the FP-03 by calling 360.619.7520, e-mailing at [plans\\_spec@fhwa.dot.gov](mailto:plans_spec@fhwa.dot.gov), or writing Federal Highway Administration, 610 East Fifth Street, Vancouver, WA 98661, Attention: Specification Engineer. An electronic version may be found at <http://www.wfl.fha.dot.gov/design/specs/fp03.htm>.

<b>SOLICITATION, OFFER, AND AWARD</b> <i>(Construction, Alteration, or Repair)</i>		1. Solicitation No. DTFH70-08-R-00023	2. Type of Solicitation <input type="checkbox"/> Sealed Bid (IFB) <input checked="" type="checkbox"/> Negotiated (RFP)	3. Date Issued June 24, 2008	Page A-3
IMPORTANT – The "offer" section on the reverse must be fully completed by offeror.					
4. Contract No.		5. Requisition/Purchase Request No. N/A		6. Project No. <b>WA FS ERFO 2007(1)-22(2) MT ST Helens District Repairs FR 83 MP 6.9 to 11.3</b>	
7. Issued By U.S. Department of Transportation Federal Highway Administration 610 East Fifth Street Vancouver WA 98661-3801		Code: N/A		8. Address Offer to <b>Attn: Contracts Section</b> Code: N/A	
9. For Information Call:		A. Name See page A-5.		B. Telephone No. <i>(Include area code) (No Collect Calls)</i> 360.619.7520	
<b>SOLICITATION</b>					
<b>NOTE: In sealed bid solicitation "offer" and "offeror" mean "bid" and "bidder"</b>					

10. THE GOVERNMENT REQUIRES PERFORMANCE OF THE WORK DESCRIBED IN THESE DOCUMENTS: *(Title, Identifying No., Date)*

This solicitation is designated **WA FS ERFO 2007(1)-22(2), MT ST HELENS DISTRICT REPAIRS FR 83 MP 6.9 TO 11.3, GIFFORD PINCHOT NATIONAL FOREST, SKAMANIA COUNTY, WA**

IN STRICT ACCORDANCE WITH:

Bid Schedule - page A-7

Federal Acquisition Regulations (FAR) and Transportation Acquisition Regulations (TAR) - page C-1

General Wage Decision - page D-1

Special Contract Requirements - page E-1

Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-03 – U.S. Customary Units

11. The Contractor shall begin performance within 10 calendar days and complete it within \* calendar days after receiving the  award,  notice to proceed. This performance period is  mandatory  negotiable. ( See \*see page A-5 .)

12A. The Contractor must furnish any required performance and payment bonds?  
*(If "YES", indicate within how many calendar days after award in item 12B.)*  
 Yes  No

12B. Calendar Days  
10

13. Additional Solicitation Requirements:

- A. Sealed offers in original and 0 copies to perform the work required are due at the place specified in Item 8 by 2:00 PM local time **July 18, 2008** . If this is a sealed bid solicitation, offers must 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  is  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 60 calendar days for Government acceptance after the date offers are due will not be considered and will be rejected.

**OFFER (Must be fully completed by offeror)**

14. Name and Address of Offeror <i>(Include ZIP Code)</i>	15. Telephone No. <i>(Include are code)</i>
	16. Remittance Address <i>(Include on it different than Item 14)</i>
<b>DUNS number:</b>	

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 is accepted by the Government in writing within 60 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.)*

<b>AMOUNTS</b>	See Bid Schedule
----------------	------------------

18. The offeror agrees to furnish any required performance and payment bonds.

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

AMENDMENT No.									
DATE									

20A NAME, TITLE OF PERSON AUTHORIZED TO SIGN OFFER <i>(Type or Print)</i>	20B. SIGNATURE	20c. OFFER DATE
---	----------------	-----------------

**AWARD (to be completed by Government)**

21. ITEM(S) ACCEPTED  
 All items on Bid Schedule.

22. Amount	23. Accounting and Appropriation Data
------------	---------------------------------------

24. Submit Invoices to Address shown in <i>(4 copies unless otherwise specified)</i>	Item See Page A-5	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 253 (c) (____)
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26. Administered by Federal Highway Administration Western Federal Lands Highway Division 610 East Fifth Street Vancouver WA 98661-3801	Payment will be made by Finance Section Western Federal Lands Highway Division 610 East Fifth Street Vancouver WA 98661-3801
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**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.
--	---

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>		
	Michael L. Johnson		
30b. Signature	30C. Date	31B. United States of America	31C. Award Date
		By	

**OFFER (Must be fully completed by offeror)**

14. Name and Address of Offeror <i>(Include ZIP Code)</i>	15. Telephone No. <i>(Include are code)</i>
	16. Remittance Address <i>(Include on it different than Item 14)</i>
<b>DUNS number:</b>	

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 is accepted by the Government in writing within 60 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.)*

<b>AMOUNTS</b>	See Bid Schedule
----------------	------------------

18. The offeror agrees to furnish any required performance and payment bonds.

**19. ACKNOWLEDGEMENT OF AMENDMENTS**

*(The offeror acknowledges receipt of amendment to the solicitation - give number and date of each)*

AMENDMENT No.										
DATE										

20A NAME, 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. ITEM(S) ACCEPTED  
All items on Bid Schedule.

22. Amount	23. Accounting and Appropriation Data
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24. Submit Invoices to Address shown in <i>(4 copies unless otherwise specified)</i>	Item See Page A-5	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 253 (c) (____)
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26. Administered by Federal Highway Administration Western Federal Lands Highway Division 610 East Fifth Street Vancouver WA 98661-3801	Payment will be made by Finance Section Western Federal Lands Highway Division 610 East Fifth Street Vancouver WA 98661-3801
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**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>  Michael L. Johnson		
30b. Signature	30C. Date	31B. United States of America  By	31C. Award Date

**Block 9** **FOR GENERAL INFORMATION**, call **360.619.7520** from the hours of 8:00 a.m. to 4:00 p.m. local time or e-mail us at [contracts@mail.wfl.fhwa.dot.gov](mailto:contracts@mail.wfl.fhwa.dot.gov). You can also submit questions online from our Western Federal Lands webpage as described below.

**FOR TECHNICAL INFORMATION (plan and specification questions only)**, requests for technical information about this project will only be accepted in writing. Submit questions via fax (360.619.7932) or e-mail at [plans\\_spec@fhwa.dot.gov](mailto:plans_spec@fhwa.dot.gov). You can also submit questions online from our Western Federal Lands webpage as described below.

**SUBMIT QUESTIONS ONLINE.** You can submit your questions from our Western Federal Lands website <http://www.wfl.fha.dot.gov/edi/current.htm>. In “Advertised Projects”, scroll to the project and click on “Technical Information Question” or “General Information Question”, as applicable. Previously asked and answered questions will be available for viewing on the website.

**FOR DAVIS-BACON WAGE RATE INFORMATION** call the Department of Labor at **415.848.6616**.

**FOR PHYSICAL DATA**, See FAR Contract Clause 52.236-4, Physical Data, (clauses begin on page C-1) for a listing of available data. To obtain copies of Physical Data, submit a written request to the Contracts Section, **FAX 360.619-7932** or e-mail us at [contracts@mail.wfl.fhwa.dot.gov](mailto:contracts@mail.wfl.fhwa.dot.gov). The Government requires 3 working days to print documents. Requests should be made early to assure timely arrival.

**Block 11** **COMPLETION DATE:** Work shall be completed on or before the date specified in FAR Clause 52.211-10, *Commencement, Prosecution, and Completion of Work*, subject to such extensions as may be authorized by the terms of the contract and the specifications made a part thereof. Contract Clauses begin on pages C-1.

**Block 12A** **PERFORMANCE & 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 *Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-03 (U.S. Customary Unit)*.

**Block 13B** **BID BOND AMOUNT:** See FAR Clause 52.228-1, Bid Guarantee (clauses begin on page C-1).

**ADDITIONAL INFORMATION:** See Subsections 102.03 and 102.04 of *Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-03 (U.S. Customary Units)*.

**Block 24** **SUBMITTING INVOICES:** See Subsection 109.08 of the *Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-03 (U.S. Customary Units)*.

**ESTIMATED PRICES.** The price range of the project work is under **\$500,000**.

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**Reserved**

## Bid Schedule

Project: WA FS ERFO 2007(1)-22(2)  
MT ST HELENS DISTRICT ROADS - FR 83 MP 6.9 TO 11.3

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 Amount Bid for the item will be based on the Unit Bid Price.

When "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 the amounts bid for all pay items and insert the total bid amount.

Pay Item No.	Estimated Quantity	Unit Bid Price	Amount Bid
15101-0000	MOBILIZATION		
	ALL	Lump Sum	\$ _____
15201-0000	CONSTRUCTION SURVEY AND STAKING		
	ALL	Lump Sum	\$ _____
15301-0000	CONTRACTOR QUALITY CONTROL		
	ALL	Lump Sum	\$ _____
15401-0000	CONTRACTOR TESTING		
	ALL	Lump Sum	\$ _____
15501-0000	CONSTRUCTION SCHEDULE		
	ALL	Lump Sum	\$ _____
15705-1300	SOIL EROSION CONTROL, TEMPORARY DIVERSION CHANNEL		
	200		
	LNFT	\$ _____	\$ _____
15705-1500	SOIL EROSION CONTROL, SEDIMENT WATTLE		
	600		
	LNFT	\$ _____	\$ _____

Bid Schedule A

Project: WA FS ERFO 2007(1)-22(2)  
MT ST HELENS DISTRICT ROADS - FR 83 MP 6.9 TO 11.3

Pay Item No.	Estimated Quantity	Unit Bid Price	Amount Bid
20301-0400	REMOVAL OF BRIDGE 1 EACH	\$ _____	\$ _____
20301-1900	REMOVAL OF PIPE CULVERT 2 EACH	\$ _____	\$ _____
20401-0000	ROADWAY EXCAVATION 8,676 CUYD	\$ _____	\$ _____
25102-4000	PLACED RIPRAP, CLASS 4 343 TON	\$ _____	\$ _____
30802-1000	ROADWAY AGGREGATE, METHOD 1 879 TON	\$ _____	\$ _____
40401-0000	MINOR HOT ASPHALT CONCRETE 310 TON	\$ _____	\$ _____
60201-0800	24-INCH PIPE CULVERT 60 LNFT	\$ _____	\$ _____
60301-0300	180-INCH STRUCTURAL PLATE PIPE (GOVERNMENT FURNISHED) 94 LNFT	\$ _____	\$ _____
60704-0000	CLEANING CULVERT IN PLACE 2 EACH	\$ _____	\$ _____
61601-1000	SLOPE PAVING, CONCRETE HEADWALL 46 SQYD	\$ _____	\$ _____
62201-0300	DUMP TRUCK, 12 CUBIC YARD MINIMUM CAPACITY 45 HOUR	\$ _____	\$ _____
62201-0400	BACKHOE LOADER, 2 CUBIC FOOT MINIMUM RATED CAPACITY BUCKET, 12-INCH WIDTH		

Bid Schedule A

Project: WA FS ERFO 2007(1)-22(2)

MT ST HELENS DISTRICT ROADS - FR 83 MP 6.9 TO 11.3

Pay Item No.	Estimated Quantity	Unit Bid Price	Amount Bid
	45 HOUR	\$ _____	\$ _____
62201-3350	HYDRAULIC EXCAVATOR, 1 CUBIC YARD MINIMUM CAPACITY		
	45 HOUR	\$ _____	\$ _____
62301-0000	GENERAL LABOR		
	60 HOUR	\$ _____	\$ _____
62511-2000	SEEDING, HYDRAULIC METHOD		
	1,500 SQYD	\$ _____	\$ _____
62516-2000	MULCHING, HYDRAULIC METHOD		
	1,500 SQYD	\$ _____	\$ _____
63401-0100	PAVEMENT MARKINGS, TYPE A, SOLID		
	2,400 LNFT	\$ _____	\$ _____
63401-0200	PAVEMENT MARKINGS, TYPE A, BROKEN		
	1,500 LNFT	\$ _____	\$ _____
64704-1000	MITIGATION, STREAMBED MATERIAL		
	209 CUYD	\$ _____	\$ _____

**TOTAL** \$ \_\_\_\_\_

Submitted by: \_\_\_\_\_  
Name of Offeror

Bid Schedule A

Project: WA FS ERFO 2007(1)-22(2)

MT ST HELENS DISTRICT ROADS - FR 83 MP 6.9 TO 11.3

## **Federal Acquisition Regulation Solicitation Provisions**

### **Representations, Certifications and Other Statements of Offeror**

**Note: The provisions included in the basic IDIQ apply. The following provisions have been changed or require fill-in for this specific project.**

The Offeror Makes the Following Representations and Certifications as a Part of its Offer.

#### **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: 7.2%**

**Goals for Female Participation for Each Trade: 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 **Skamania County, Washington**.

Solicitation Provisions

Project: WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83, MP 6.9 to 11.3

## **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.

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### **THE FOLLOWING IS NOT A SOLICITATION PROVISION**

#### **PARTNERING**

A Partnership recognizes the Government and the Contractor are both responsible for 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.

WFLHD supports the concepts and tenets of Partnering and as such is encouraging the Contractor and its Subcontractors to establish a Partnering relationship on this project.

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

Solicitation Provisions

Project: WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83, MP 6.9 to 11.3

Participation in a formal Partnering meeting is voluntary. Costs of implementing and maintaining the partnership would be agreed to by both parties and shared equally. These costs would be in addition to the contract 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.

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**THE FOLLOWING ARE REQUESTED FOR REPORTING PURPOSES ONLY:**

1. Your firm's Dun & Bradstreet Number: \_\_\_\_\_
2. Your firm's U.S. Representative \_\_\_\_\_  
(insert representative's name)
3. Your firm's U.S. Representative District \_\_\_\_\_ (insert the district number)

(To obtain a Dun & Bradstreet number call 800.333.0505.)  
(Access US Representative information on-line at [www.house.gov/writerep/](http://www.house.gov/writerep/). Enter your State and zip code to obtain your representative's name and district number.)

**FEDERAL ACQUISITION REGULATION  
SOLICITATION PROVISIONS**

**INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS**

**52.216-1 Type of Contract (Apr 1984)**

The Government contemplates award of a **Firm Fixed-Price Task Order** contract resulting from this solicitation.

**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:

**There will be no government arranged site visits. The site is readily available for inspection. Prospective offerors are encouraged to make their own arrangements to inspect the site**

## **Federal Acquisition Regulation Contract Clauses**

**Note: The clauses included in the basic IDIQ apply. The following clauses have been changed or require fill-in for this specific project.**

### **52.211-10 Commencement, Prosecution, and Completion of Work (Apr 1984) Alternate I (Apr 1984)**

The Contractor shall be required to (a) commence work under this contract within 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 **September 29, 2008**, subject to such extensions as may be authorized. The time stated for completion shall include final cleanup of the premises.

The completion date is based on the assumption that the successful offeror will receive the notice to proceed **by August 12, 2008**. The completion date will be extended by the number of calendar days after the above date that the contractor receives the notice to proceed, except to the extent that the delay in issuance of the notice to proceed results from the failure of the contractor to execute the contract and give the required performance and payment bonds within the time specified in the offer.

### **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 Special Contract Requirements, Subsection 108.04.

(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.

### **52.215-12 Subcontractor Cost or Pricing Data (Oct 1997)**

(a) Before awarding any subcontract expected to exceed the threshold for submission of cost or pricing data at FAR 15.403-4, on the date of agreement on price or the date of award, whichever is later; or before pricing any subcontract modification involving a pricing adjustment expected to exceed the threshold for submission of cost or pricing data at FAR 15.403-4, the Contractor shall require the subcontractor to submit cost or pricing data (actually or by specific identification in writing), unless an exception under FAR 15.403-1 applies.

(b) The Contractor shall require the subcontractor to certify in substantially the form prescribed in FAR 15.406-2 that, to the best of its knowledge and belief, the data submitted under paragraph (a) of this clause were accurate, complete, and current as of the date of agreement on the negotiated price of the subcontract or subcontract modification.

(c) In each subcontract that exceeds the threshold for submission of cost or pricing data at FAR 15.403-4, when entered into, the Contractor shall insert either—

(1) The substance of this clause, including this paragraph (c), if paragraph (a) of this clause requires submission of cost or pricing data for the subcontract; or

(2) The substance of the clause at FAR 52.215-13, Subcontractor Cost or Pricing Data—Modifications.

**52.228-1 Bid Guarantee (Sept 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 **20** percent of the bid price or **\$3 million**, 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.

**52.236-4 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: N/A.

(b) Weather conditions: N/A.

(c) Transportation facilities: N/A.

(d) Hydrological data consisting of flow rates, water surface elevations, velocities, and hydraulic permit information may be inspected at Western Federal Lands Highway Division, Contracts Section, 610 East Fifth Street, Vancouver, Washington 98661.

(e) Geotechnical data, subsurface investigation information, and design data, consisting of the following, may be obtained upon request. Written requests are required and may be submitted to the Contracts Section at the above address, by FAX at (360) 619-7932, or by e-mail at [contracts@mail.wfl.fhwa.dot.gov](mailto:contracts@mail.wfl.fhwa.dot.gov).

(1) **Earthwork data listing end areas, adjusted volumes, and mass ordinates.**

(2) **Plotted cross-sections of earthwork.**

**52.236-21 Specifications and Drawings for Construction (Feb 1997) Alternate II (Apr 1984).**

Upon completing the work under this contract, the Contractor shall furnish **in accordance with Subsection 104.03, the referenced** sets of prints of all shop drawings as finally approved. These drawings shall show changes and revisions made up to the time the equipment is completed and accepted.

Contract Clauses

Project: WA FS ERFO 2007(1)-22(2), MT ST Helens District Repairs, FR 83, MP 6.9 to 11.3

**52.245-1 Property Records (Apr 1984)**

The Government shall maintain the Government's official property records in connection with Government property under this contract. The Government Property clause is hereby modified by deleting the requirement for the Contractor to maintain such records.

**52.245-4 Government-Furnished Property (Short Form) (June 2003)**

(a) The Government shall deliver to the Contractor, at the time and locations stated in this contract, the Government-furnished property described in the Schedule or specifications. If that property, suitable for its intended use, is not delivered to the Contractor, the Contracting Officer shall equitably adjust affected provisions of this contract in accordance with the Changes clause when—

- (1) The Contractor submits a timely written request for an equitable adjustment; and
- (2) The facts warrant an equitable adjustment.

(b) Title to Government-furnished property shall remain in the Government. The Contractor shall use the Government-furnished property only in connection with this contract. The Contractor shall maintain adequate property control records in accordance with sound industrial practice and will make such records available for Government inspection at all reasonable times, unless the clause at Federal Acquisition Regulation 52.245-1, Property Records, is included in this contract.

(c) Upon delivery of Government-furnished property to the Contractor, the Contractor assumes the risk and responsibility for its loss or damage, except—

- (1) For reasonable wear and tear;
- (2) To the extent property is consumed in performing this contract; or
- (3) As otherwise provided for by the provisions of this contract.

(d) Upon completing this contract, the Contractor shall follow the instructions of the Contracting Officer regarding the disposition of all Government-furnished property not consumed in performing this contract or previously delivered to the Government. The Contractor shall prepare for shipment, deliver f.o.b. origin, or dispose of the Government property, as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the contract price or shall be paid to the Government as directed by the Contracting Officer.

(e) If this contract is to be performed outside the United States and its outlying areas, the words "Government" and "Government-furnished" (wherever they appear in this clause) shall be construed as "United States Government" and "United States Government-furnished," respectively.

**52.245-9 Use and Charges (Aug 2005)**

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

"Acquisition cost" means the acquisition cost recorded in the Contractor's property control system or, in the absence of such record, the value attributed by the Government to a Government property item for purposes of determining a reasonable rental charge.

"Government property" means all property owned by or leased to the Government or acquired by the Government under the terms of the contract. It includes both Government-furnished property and contractor-acquired property as defined in FAR 45.101.

"Real property" means land and rights in land, ground improvements, utility distribution systems, and buildings and other structures. It does not include foundations and other work necessary for installing special tooling, special test equipment, or equipment.

“Rental period” means the calendar period during which Government property is made available for nongovernmental purposes.

“Rental time” means the number of hours, to the nearest whole hour, rented property is actually used for nongovernmental purposes. It includes time to set up the property for such purposes, perform required maintenance, and restore the property to its condition prior to rental (less normal wear and tear).

(b) *Use of Government property.* The Contractor may use the Government property without charge in the performance of—

- (1) Contracts with the Government that specifically authorize such use without charge;
- (2) Subcontracts of any tier under Government prime contracts if the Contracting Officer having cognizance of the prime contract—
  - (i) Approves a subcontract specifically authorizing such use; or
  - (ii) Otherwise authorizes such use in writing; and
- (3) Other work, if the Contracting Officer specifically authorizes in writing use without charge for such work.

(c) *Rental.* If granted written permission by the Contracting Officer, or if it is specifically provided for in the Schedule, the Contractor may use the Government property (except material) for a rental fee for work other than that provided in paragraph (b) of this clause. Authorizing such use of the Government property does not waive any rights of the Government to terminate the Contractor’s right to use the Government property. The rental fee shall be determined in accordance with the following paragraphs.

(d) *General.*

(1) Rental requests shall be submitted to the Administrative Contracting Officer (ACO), identify the property for which rental is requested, propose a rental period, and compute an estimated rental charge by using the Contractor’s best estimate of rental time in the formulae described in paragraph (e) of this clause.

(2) The Contractor shall not use Government property for nongovernmental purposes, including Independent Research and Development, until a rental charge for real property, or estimated rental charge for other property, is agreed upon. Rented property shall be used only on a non-interference basis.

(e) *Rental charge.*—

(1) *Real property and associated fixtures.*

(i) The Contractor shall obtain, at its expense, a property appraisal from an independent licensed, accredited, or certified appraiser that computes a monthly, daily, or hourly rental rate for comparable commercial property. The appraisal may be used to compute rentals under this clause throughout its effective period or, if an effective period is not stated in the appraisal, for one year following the date the appraisal was performed. The Contractor shall submit the appraisal to the ACO at least 30 days prior to the date the property is needed for nongovernmental use. Except as provided in paragraph (e)(1)(iii) of this clause, the ACO shall use the appraisal rental rate to determine a reasonable rental charge.

(ii) Rental charges shall be determined by multiplying the rental time by the appraisal rental rate expressed as a rate per hour. Monthly or daily appraisal rental rates shall be divided by 720 or 24, respectively, to determine an hourly rental rate.

(iii) When the ACO believes the appraisal rental rate is unreasonable, the ACO shall promptly notify the Contractor. The parties may agree on an alternative means for computing a reasonable rental charge.

(iv) The Contractor shall obtain, at its expense, additional property appraisals in the same manner as provided in paragraph (e)(1)(i) if the effective period has expired and the Contractor desires the continued use of property for nongovernmental use. The Contractor

may obtain additional appraisals within the effective period of the current appraisal if the market prices decrease substantially.

(2) *Other Government property.* The Contractor may elect to compute the rental charge using the appraisal method described in paragraph (e)(1) of this clause subject to the constraints therein or the following formula in which rental time shall be expressed in increments of not less than one hour with portions of hours rounded to the next higher hour: The rental charge is calculated by multiplying 2 percent of the acquisition cost by the hours of rental time, and dividing by 720.

(3) *Alternative methodology.* The Contractor may request consideration of an alternative basis for computing the rental charge if it considers the monthly rental rate or a time-based rental unreasonable or impractical.

(f) Rental payments.

(1) Rent is due 60 days following completion of the rental period or as otherwise specified in the contract. The Contractor shall compute the rental due, and furnish records or other supporting data in sufficient detail to permit the ACO to verify the rental time and computation. Payment shall be made by check payable to the Treasurer of the United States and sent to the contract administration office identified in this contract, unless otherwise specified by the Contracting Officer.

(2) Interest will be charged if payment is not made by the date specified in paragraph (f)(1) of this clause. Interest will accrue at the "Renegotiation Board Interest Rate" (published in the *Federal Register* semiannually on or about January 1st and July 1st) for the period in which the rent is due.

(3) The Government's acceptance of any rental payment under this clause, in whole or in part, shall not be construed as a waiver or relinquishment of any rights it may have against the Contractor stemming from the Contractor's unauthorized use of Government property or any other failure to perform this contract according to its terms.

(g) *Use revocation.* At any time during the rental period, the Government may revoke nongovernmental use authorization and require the Contractor, at the Contractor's expense, to return the property to the Government, restore the property to its pre-rental condition (less normal wear and tear), or both.

(h) *Unauthorized use.* The unauthorized use of Government property can subject a person to fines, imprisonment, or both, under 18 U.S.C. 641.

## **TRANSPORTATION ACQUISITION REGULATIONS CONTRACT CLAUSES**

### **1252.223-73 Seat Belt Use Policies and Programs (April 2005)**

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the contractor is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program or for statistics on the potential benefits and cost-savings to your company or organization, please visit the *Buckle Up America* section of NHTSA's website at [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov). Additional resources are available from the Network of Employers for Traffic Safety (NETS), a public-private partnership headquartered in the Washington, D.C. metropolitan area, and dedicated to improving the traffic safety practices of employers and employees. NETS is prepared to help with technical assistance, a simple, user friendly program kit, and an award for achieving the President's goal of 90 percent seat belt use. NETS can be contacted at 1-888-221-0045 or visit its website at [www.trafficsafety.org](http://www.trafficsafety.org).

### **1252.228-73 Notification of Miller Act Payment Bond Protection (April 2005)**

This notice clause shall be inserted by first tier subcontractors in all their subcontracts and shall contain information pertaining to the surety that provided the payment bond under the prime contract.

(a) The prime contract is subject to the Miller Act, (40 U.S.C. 3131 et al), 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 Miller Act for amounts owned for work performed and materials delivery under the prime contract.

(b) Persons believing that they have legal remedies under the Miller Act 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:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Contact & Tel. No.)

### **1252.245-70 Government Property Reports (Oct 1994)**

(a) The Contractor shall prepare an annual report of Government property in its possession and the possession of its subcontractors.

(b) The report shall be submitted to the Contracting Officer not later than September 15 of each calendar year on Form DOT F 4220.43, Contractor Report of Government Property.

Contract Clauses

Project: WA FS ERFO 2007(1)-22(2), MT ST Helens District Repairs, FR 83, MP 6.9 to 11.3

GENERAL DECISION: **WA20080001** 06/20/2008 WA1

Date: June 20, 2008

General Decision Number: **WA20080001** 06/20/2008

Superseded General Decision Number: WA20070001

State: Washington

Construction Types: Heavy (Heavy and Dredging) and Highway

Counties: Washington Statewide.

HEAVY AND HIGHWAY AND DREDGING CONSTRUCTION PROJECTS (Excludes D.O.E. Hanford Site in Benton and Franklin Counties)

Modification Number	Publication Date
0	02/08/2008
1	02/15/2008
2	02/22/2008
3	04/04/2008
4	04/25/2008
5	05/09/2008
6	06/06/2008
7	06/13/2008
8	06/20/2008

CARP0001-008 06/01/2007

	Rates	Fringes
Carpenters:		
COLUMBIA RIVER AREA -		
ADAMS, BENTON, COLUMBIA,		
DOUGLAS (EAST OF THE 120TH		
MERIDIAN), FERRY,		
FRANKLIN, GRANT, OKANOGAN		
(EAST OF THE 120TH		
MERIDIAN) AND WALLA WALLA		
COUNTIES		
GROUP 1:.....	\$ 25.68	9.30
GROUP 2:.....	\$ 27.18	9.30
GROUP 3:.....	\$ 25.95	9.30
GROUP 4:.....	\$ 25.68	9.30
GROUP 5:.....	\$ 59.40	9.30
GROUP 6:.....	\$ 28.70	9.30
GROUP 7:.....	\$ 29.70	9.30
GROUP 8:.....	\$ 26.95	9.30
GROUP 9:.....	\$ 32.70	9.30
SPOKANE AREA: ASOTIN,		
GARFIELD, LINCOLN, PEND		
OREILLE, SPOKANE, STEVENS		
AND WHITMAN COUNTIES		
GROUP 1:.....	\$ 25.01	9.30
GROUP 2:.....	\$ 26.51	9.30

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GROUP 3:.....	\$ 25.27	9.30
GROUP 4:.....	\$ 25.01	9.30
GROUP 5:.....	\$ 58.04	9.30
GROUP 6:.....	\$ 28.02	9.30
GROUP 7.....	\$ 29.02	9.30
GROUP 8.....	\$ 26.27	9.30
GROUP 9.....	\$ 32.02	9.30

CARPENTER & DIVER CLASSIFICATIONS:

GROUP 1: Carpenter; Burner-Welder; Rigger and Signaler; Insulators (all types), Acoustical, Drywall and Metal Studs, Metal Panels and Partitions; Floor Layer, Sander, Finisher and Astro Turf; Layout Carpenters; Form Builder; Rough Framers; Outside or Inside Finisher, including doors, windows, and jams; Sawfiler; Shingler (wood, composition) Solar, Fiberglass, Aluminum or Metal; Scaffold Erecting and Dismantling; Stationary Saw-Off Bearer; Wire, Wood and Metal Lather Applicator

GROUP 2: Millwright, machine erector

GROUP 3: Piledriver - includes driving, pulling, cutting, placing collars, setting, welding, or creosote treated material, on all piling

GROUP 4: Bridge, dock and wharf carpenters

GROUP 5: Diver Wet

GROUP 6: Diver Tender, Manifold Operator, ROV Operator

GROUP 7: Diver Standby, Bell/Vehicle or Submersible operator  
Not Under Pressure

GROUP 8: Assistant Tender, ROV Tender/Technician

GROUP 9: Manifold Operator-Mixed Gas

ZONE PAY:

ZONE 1	0-40 MILES	FREE
ZONE 2	41-65 MILES	\$2.25/PER HOUR
ZONE 3	66-100 MILES	\$3.25/PER HOUR
ZONE 4	OVER 100 MILES	\$4.75/PER HOUR

DISPATCH POINTS:

CARPENTERS/MILLWRIGHTS: PASCO (2819 W. SYLVESTER) or Main Post Office of established residence of employee (Whichever is closest to the worksite).

CARPENTERS/PILEDRIIVER: SPOKANE (127 E. AUGUSTA AVE.) or Main Post Office of established residence of employee (Whichever is closest to the worksite).

CARPENTERS: WENATCHEE (27 N. CHELAN) or Main Post Office of established residence of employee (Whichever is closest to

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

the worksite).

CARPENTERS: COEUR D' ALENE (1839 N. GOVERNMENT WAY) or Main Post Office of established residence of employee (Whichever is closest to the worksite).

CARPENTERS: MOSCOW (302 N. JACKSON) or Main Post Office of established residence of employee (Whichever is closest to the worksite).

DEPTH PAY FOR DIVERS BELOW WATER SURFACE:

50-100 feet \$2.00 per foot  
101-150 feet \$3.00 per foot  
151-220 feet \$4.00 per foot  
221 feet and deeper \$5.00 per foot

PREMIUM PAY FOR DIVING IN ENCLOSURES WITH NO VERTICAL ASCENT:

0-25 feet Free  
26-300 feet \$1.00 per Foot

SATURATION DIVING:

The standby rate applies until saturation starts. The saturation diving rate applies when divers are under pressure continuously until work task and decompression are complete. the diver rate shall be paid for all saturation hours.

WORK IN COMBINATION OF CLASSIFICATIONS:

Employees working in any combination of classifications within the diving crew (except dive supervisor) in a shift are paid in the classification with the highest rate for that shift.

HAZMAT PROJECTS:

Anyone working on a HAZMAT job (task), where HAZMAT certification is required, shall be compensated at a premium, in addition to the classification working in as follows:

LEVEL D + \$.25 per hour - This is the lowest level of protection. No respirator is used and skin protection is minimal.

LEVEL C + \$.50 per hour - This level uses an air purifying respirator or additional protective clothing.

LEVEL B + \$.75 per hour - Uses same respirator protection as Level A. Supplied air line is provided in conjunction with a chemical "splash suit".

LEVEL A +\$1.00 per hour - This level utilizes a fully encapsulated suit with a self-contained breathing apparatus or a supplied air line.

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CARP0003-006 06/01/2007

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SOUTHWEST WASHINGTON: CLARK, COWLITZ, KLUCKITAT, LEWIS(Piledriver only), PACIFIC (South of a straight line made by extending the north boundary line of Wahkiakum County west to Willapa Bay to the Pacific Ocean), SKAMANIA AND WAHAKIAKUM COUNTIES and INCLUDES THE ENTIRE PENINSULA WEST OF WILLAPA BAY

SEE ZONE DESCRIPTION FOR CITIES BASE POINTS

ZONE 1:

	Rates	Fringes
Carpenters:		
CARPENTERS; ACOUSTICAL.....	\$ 27.56	13.30
DIVERS TENDERS.....	\$ 30.28	13.30
DIVERS.....	\$ 68.84	13.30
DRYWALL.....	\$ 27.56	13.30
FLOOR LAYERS & FLOOR FINISHERS (the laying of all hardwood floors nailed and mastic set, parquet and wood-type tiles, and block floors, the sanding and finishing of floors, the preparation of old and new floors when the materials mentioned above are to be installed);		
INSULATORS (fiberglass and similar irritating materials.....	\$ 27.71	13.30
MILLWRIGHTS.....	\$ 28.04	13.30
PILEDRIVERS.....	\$ 28.04	13.30

DEPTH PAY:

50 TO 100 FEET \$1.00 PER FOOT OVER 50 FEET  
101 TO 150 FEET \$1.50 PER FOOT OVER 101 FEET  
151 TO 200 FEET \$2.00 PER FOOT OVER 151 FEET

Zone Differential (Add up Zone 1 rates):

Zone 2 - \$0.85  
Zone 3 - 1.25  
Zone 4 - 1.70  
Zone 5 - 2.00  
Zone 6 - 3.00

BASEPOINTS: ASTORIA, LONGVIEW, PORTLAND, THE DALLES, AND VANCOUVER, (NOTE: All dispatches for Washington State Counties: Cowlitz, Wahkiakum and Pacific shall be from Longview Local #1707 and mileage shall be computed from that point.)

ZONE 1: Projects located within 30 miles of the respective city hall of the above mentioned cities

ZONE 2: Projects located more than 30 miles and less than 40

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WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

miles of the respective city of the above mentioned cities  
 ZONE 3: Projects located more than 40 miles and less than 50  
 miles of the respective city of the above mentioned cities  
 ZONE 4: Projects located more than 50 miles and less than 60  
 miles of the respective city of the above mentioned cities.  
 ZONE 5: Projects located more than 60 miles and less than 70  
 miles of the respective city of the above mentioned cities  
 ZONE 6: Projects located more than 70 miles of the respected  
 city of the above mentioned cities

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 CARP0770-003 06/01/2007

	Rates	Fringes
Carpenters:		
CENTRAL WASHINGTON:		
CHELAN, DOUGLAS (WEST OF		
THE 120TH MERIDIAN),		
KITTTITAS, OKANOGAN (WEST		
OF THE 120TH MERIDIAN) AND		
YAKIMA COUNTIES		
ACCOUSTICAL WORKERS.....	\$ 23.25	10.85
BRIDGE, DOCK AND WHARF		
CARPENTERS AND HEAVY &		
HIGHWAY.....	\$ 32.49	10.85
CARPENTERS AND DRYWALL		
APPLICATORS.....	\$ 23.25	10.85
CARPENTERS ON CREOSOTE		
MATERIAL.....	\$ 23.25	10.85
DIVERS TENDER.....	\$ 33.29	10.93
DIVERS.....	\$ 74.82	10.93
INSULATION APPLICATORS.....	\$ 23.25	10.85
MILLWRIGHT AND MACHINE		
ERECTORS.....	\$ 33.49	10.85
PILEDRIIVER, DRIVING,		
PULLING, CUTTING, PLACING		
COLLARS, SETTING, WELDING		
OR CRESOTE TREATED		
MATERIAL, ALL PILING.....	\$ 32.69	10.85
SAWFILERS, STATIONARY		
POWER SAW OPERATORS,		
FLOOR FINISHER, FLOOR		
LAYER, SHINGLER, FLOOR		
SANDER OPERATOR AND		
OPERATORS OF OTHER		
STATIONARY WOOD WORKING		
TOOLS.....	\$ 23.25	10.85

(HOURLY ZONE PAY: WESTERN AND CENTRAL WASHINGTON - ALL  
 CLASSIFICATIONS EXCEPT MILLWRIGHTS AND PILEDRIIVERS

Hourly Zone Pay shall be paid on jobs located outside of the  
 free zone computed from the city center of the following  
 listed cities:

Seattle                      Olympia                      Bellingham

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WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

Auburn	Bremerton	Anacortes
Renton	Shelton	Yakima
Aberdeen-Hoquiam	Tacoma	Wenatchee
Ellensburg	Everett	Port Angeles
Centralia	Mount Vernon	Sunnyside
Chelan	Pt. Townsend	

Zone Pay:

0 -25 radius miles	Free
26-35 radius miles	\$1.00/hour
36-45 radius miles	\$1.15/hour
46-55 radius miles	\$1.35/hour
Over 55 radius miles	\$1.55/hour

(HOURLY ZONE PAY: WESTERN AND CENTRAL WASHINGTON - MILLWRIGHT AND PILEDRIVER ONLY)

Hourly Zone Pay shall be computed from Seattle Union Hall, Tacoma City center, and Everett City center

Zone Pay:

0 -25 radius miles	Free
26-45 radius miles	\$ .70/hour
Over 45 radius miles	\$1.50/hour

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 CARP0770-006 06/01/2007

	Rates	Fringes
Carpenters:		
WESTERN WASHINGTON:		
CLALLAM, GRAYS HARBOR, ISLAND, JEFFERSON, KING, KITSAP, LEWIS (excludes piledrivers only), MASON, PACIFIC (North of a straight line made by extending the north boundary line of Wahkiakum County west to the Pacific Ocean), PIERCE, SAN JUAN, SKAGIT, SNOHOMISH, THURSTON AND WHATCOM		
COUNTIES		
ACOUSTICAL WORKERS.....	\$ 32.62	11.26
BRIDGE, DOCK & WHARF		
CARPENTERS.....	\$ 32.49	11.26
CARPENTERS AND DRYWALL		
APPLICATORS.....	\$ 32.49	11.26
CARPENTERS ON CREOSOTE		
MATERIAL.....	\$ 32.59	11.26
DIVERS TENDER.....	\$ 33.29	10.93
DIVERS.....	\$ 74.82	10.93
INSULATION APPLICATORS.....	\$ 32.49	11.26
MILLWRIGHT AND MACHINE		
ERECTORS.....	\$ 33.49	11.26

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PILEDRIVER, DRIVING, PULLING, CUTTING, PLACING COLLARS, SETTING, WELDING OR CRESOTE TREATED MATERIAL, ALL PILING.....\$ 32.69	11.26
SAWFILERS, STATIONARY POWER SAW OPERATORS, FLOOR FINISHER, FLOOR LAYER, SHINGLER, FLOOR SANDER OPERATOR AND OPERATORS OF OTHER STATIONARY WOOD WORKING TOOLS.....\$ 32.62	11.26

(HOURLY ZONE PAY: WESTERN AND CENTRAL WASHINGTON - ALL CLASSIFICATIONS EXCEPT MILLWRIGHTS AND PILEDRIERS)

Hourly Zone Pay shall be paid on jobs located outside of the free zone computed from the city center of the following listed cities:

Seattle	Olympia	Bellingham
Auburn	Bremerton	Anacortes
Renton	Shelton	Yakima
Aberdeen-Hoquiam	Tacoma	Wenatchee
Ellensburg	Everett	Port Angeles
Centralia	Mount Vernon	Sunnyside
Chelan	Pt. Townsend	

Zone Pay:

0 -25 radius miles	Free
26-35 radius miles	\$1.00/hour
36-45 radius miles	\$1.15/hour
46-55 radius miles	\$1.35/hour
Over 55 radius miles	\$1.55/hour

(HOURLY ZONE PAY: WESTERN AND CENTRAL WASHINGTON - MILLWRIGHT AND PILEDRIVER ONLY)

Hourly Zone Pay shall be computed from Seattle Union Hall, Tacoma City center, and Everett City center

Zone Pay:

0 -25 radius miles	Free
26-45 radius miles	\$ .70/hour
Over 45 radius miles	\$1.50/hour

\* ELEC0046-001 07/02/2007

CALLAM, JEFFERSON, KING AND KITSAP COUNTIES

	Rates	Fringes
CABLE SPLICER.....\$ 40.62		3%+13.21
ELECTRICIAN.....\$ 36.93		3%+13.21

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WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

\* ELEC0048-003 01/01/2008

CLARK, KLICKITAT AND SKAMANIA COUNTIES

	Rates	Fringes
CABLE SPLICER.....	\$ 34.40	3%+\$14.85
ELECTRICIAN.....	\$ 34.15	3%+\$14.85

HOURLY ZONE PAY:

Hourly Zone Pay shall be paid on jobs located outside of the free zone computed from the city center of the following listed cities:

Portland, The Dalles, Hood River, Tillamook, Seaside and Astoria

Zone Pay:

- Zone 1: 31-50 miles \$1.50/hour
- Zone 2: 51-70 miles \$3.50/hour
- Zone 3: 71-90 miles \$5.50/hour
- Zone 4: Beyond 90 miles \$9.00/hour

\*These are not miles driven. Zones are based on Delorme Street Atlas USA 2006 plus.

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\* ELEC0073-001 07/01/2007

ADAMS, FERRY, LINCOLN, PEND OREILLE, SPOKANE, STEVENS, WHITMAN COUNTIES

	Rates	Fringes
CABLE SPLICER.....	\$ 25.87	3%+12.03
ELECTRICIAN.....	\$ 25.47	3%+12.03

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\* ELEC0076-002 03/01/2007

GRAYS HARBOR, LEWIS, MASON, PACIFIC, PIERCE, AND THURSTON COUNTIES

	Rates	Fringes
CABLE SPLICER.....	\$ 36.31	3%+13.19
ELECTRICIAN.....	\$ 32.71	3%+13.19

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ELEC0077-002 02/01/2007

	Rates	Fringes
Line Construction:		
CABLE SPLICERS.....	\$ 42.09	3.875%+\$10.60
GROUNDMEN.....	\$ 26.31	3.875%+\$8.60
LINE EQUIPMENT MEN.....	\$ 32.32	3.875%+\$8.70
LINEMEN, POLE SPRAYERS,		

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HEAVY LINE EQUIPMENT MAN....\$	37.58	3.875%+\$10.60
POWDERMEN, JACKHAMMERMEN....\$	28.19	3.875%+\$8.60
TREE TRIMMER.....\$	22.65	3.875%+\$8.35

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\* ELEC0112-005 06/04/2007

ASOTIN, BENTON, COLUMBIA, FRANKLIN, GARFIELD, KITTITAS, WALLA  
WALLA, YAKIMA COUNTIES

	Rates	Fringes
CABLE SPLICER.....\$	33.50	3%+13.33
ELECTRICIAN.....\$	31.90	3%+13.33

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\* ELEC0191-003 08/31/2007

ISLAND, SAN JUAN, SNOHOMISH, SKAGIT AND WHATCOM COUNTIES

	Rates	Fringes
CABLE SPLICER.....\$	35.71	3%+11.97
ELECTRICIAN.....\$	32.46	3%+11.97

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\* ELEC0191-004 08/31/2007

CHELAN, DOUGLAS, GRANT AND OKANOGAN COUNTIES

	Rates	Fringes
CABLE SPLICER.....\$	31.31	3%+11.92
ELECTRICIAN.....\$	28.46	3%+11.92

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\* ELEC0970-001 06/01/2007

COWLITZ AND WAHAKIAKUM COUNTIES

	Rates	Fringes
CABLE SPLICER.....\$	32.67	3%+11.00
ELECTRICIAN.....\$	29.70	3%+11.00

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ENGI0302-003 06/01/2008

CHELAN (WEST OF THE 120TH MERIDIAN), CLALLAM, DOUGLAS (WEST OF  
THE 120TH MERIDIAN), GRAYS HARBOR, ISLAND, JEFFERSON, KING,  
KITSAP, KITTITAS, MASON, OKANOGAN (WEST OF THE 120TH MERIDIAN),  
SAN JUNA, SKAGIT, SNOHOMISH, WHATCOM AND YAKIMA (WEST OF THE  
120TH MERIDIAN) COUNTIES

PROJECTS: CATEGORY A PROJECTS (EXCLUDES CATEGORY B PROJECTS, AS  
SHOWN BELOW)

Zone 1 (0-25 radius miles):

	Rates	Fringes
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Power equipment operators:

Group 1A.....	\$ 34.51	13.95
Group 1AA.....	\$ 35.08	13.95
Group 1AAA.....	\$ 35.64	13.95
Group 1.....	\$ 33.96	13.95
Group 2.....	\$ 33.47	13.95
Group 3.....	\$ 33.05	13.95
Group 4.....	\$ 30.69	13.95

Zone Differential (Add to Zone 1 rates):

- Zone 2 (26-45 radius miles) - \$1.00
- Zone 3 (Over 45 radius miles) - \$1.30

BASEPOINTS: Aberdeen, Bellingham, Bremerton, Everett, Kent, Mount Vernon, Port Angeles, Port Townsend, Seattle, Shelton, Wenatchee, Yakima

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP 1AAA - Cranes-over 300 tons, or 300 ft of boom (including jib with attachments)

GROUP 1AA - Cranes 200 to 300 tons, or 250 ft of boom (including jib with attachments); Tower crane over 175 ft in height, base to boom

GROUP 1A - Cranes, 100 tons thru 199 tons, or 150 ft of boom (including jib with attachments); Crane-overhead, bridge type, 100 tons and over; Tower crane up to 175 ft in height base to boom; Loaders-overhead, 8 yards and over; Shovels, excavator, backhoes-6 yards and over with attachments

GROUP 1 - Cableway; Cranes 45 tons thru 99 tons, under 150 ft of boom (including jib with attachments); Crane-overhead, bridge type, 45 tons thru 99 tons; Derricks on building work; Excavator, shovel, backhoes over 3 yards and under 6 yards; Hard tail end dump articulating off-road equipment 45 yards and over; Loader- overhead 6 yards to, but not including 8 yards; Mucking machine, mole, tunnel, drill and/or shield; Quad 9, HD 41, D-10; Remote control operator on rubber tired earth moving equipment; Rollagon; Scrapers-self propelled 45 yards and over; Slipform pavers; Transporters, all truck or track type

GROUP 2 - Barrier machine (zipper); Batch Plant Operator-Concrete; Bump Cutter; Cranes, 20 tons thru 44 tons with attachments; Crane-overhead, bridge type-20 tons through 44 tons; Chipper; Concrete Pump-truck mount with boom attachment; Crusher; Deck Engineer/Deck Winches (power); Drilling machine; Excavator, shovel, backhoe-3yards and under; Finishing Machine, Bidwell, Gamaco and similar equipment; Guardrail punch; Horizontal/directional drill operator; Loaders-overhead under 6 yards; Loaders-plant feed; Locomotives-all; Mechanics-all; Mixers-asphalt plant; Motor patrol graders-finishing; Piledriver (other than crane mount); Roto-mill, roto-grinder; Screedman, spreader,

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topside operator-Blaw Knox, Cedar Rapids, Jaeger, Caterpillar, Barbar Green; Scraper-self propelled, hard tail end dump, articulating off-road equipment-under 45 yards; Subgrade trimmer; Tractors, backhoes-over 75 hp; Transfer material service machine-shuttle buggy, blaw knox-roadtec; Truck crane oiler/driver-100 tons and over; Truck Mount portable conveyer; Yo Yo Pay dozer

GROUP 3 - Conveyors; Cranes-thru 19 tons with attachments; A-frame crane over 10 tons; Drill oilers-auger type, truck or crane mount; Dozers-D-9 and under; Forklift-3000 lbs. and over with attachments; Horizontal/directional drill locator; Outside hoists-(elevators and manlifts), air tuggers, strato tower bucket elevators; Hydralifts/boom trucks over 10 tons; Loader-elevating type, belt; Motor patrol grader-nonfinishing; Plant oiler- asphalt, crusher; Pumps-concrete; Roller, plant mix or multi-lift materials; Saws-concrete; Scrpers-concrete and carry-all; Service engineer-equipment; Trenching machines; Truck Crane Oiler/Driver under 100 tons; Tractors, backhoe 75 hp and under

GROUP 4 - Assistant Engineer; Bobcat; Brooms; Compressor; Concrete finish mahine-laser screed; Cranes-A frame-10 tons and under; Elevator and Manlift-permanent or shaft type; Gradechecker, Stakehop; Forklifts under 3000 lbs. with attachments; Hydralifts/boom trucks, 10 tons and under; Oil distributors, blower distribution and mulch seeding operator; Pavement breaker; Posthole digger, mechanical; Power plant; Pumps, water; Rigger and Bellman; Roller-other than plant mix; Wheel Tractors, farmall type; Shotcrete/gunite equipment operator

Category B Projects: 95% of the basic hourly reate for each group plus full fringe benefits applicable to category A projects shall apply to the following projects. A Reduced rates may be paid on the following:

1. Projects involving work on structures such as buildings and bridges whose total value is less than \$1.5 million excluding mechanical, electrical, and utility portions of the contract.
2. Projects of less than \$1 million where no building is involved. Surfacing and paving included, but utilities excluded.
3. Marine projects (docks, wharfs, etc.) less than \$150,000.

#### HANDLING OF HAZARDOUS WASTE MATERIALS:

Personnel in all craft classifications subject to working inside a federally designated hazardous perimeter shall be elgible for compensation in accordance with the following group schedule relative to the level of hazardous waste as

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outlined in the specific hazardous waste project site safety plan.

H-1 Base wage rate when on a hazardous waste site when not outfitted with protective clothing

H-2 Class "C" Suit - Base wage rate plus \$ .25 per hour.

H-3 Class "B" Suit - Base wage rate plus \$ .50 per hour.

H-4 Class "A" Suit - Base wage rate plus \$ .75 per hour.

Zone Differential (Add to Zone 1 rates):

Zone 2 (26-45 radius miles) - \$ .70

Zone 3 (Over 45 radius miles) - \$1.00

BASEPOINTS: Aberdeen, Bellingham, Bremerton, Everett, Kent, Mount Vernon, Port Angeles, Port Townsend, Seattle, Shelton, Wenatchee, Yakima

#### POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP 1AAA - Cranes-over 300 tons, or 300 ft of boom (including jib with attachments)

GROUP 1AA - Cranes 200 to 300 tons, or 250 ft of boom (including jib with attachments); Tower crane over 175 ft in height, base to boom

GROUP 1A - Cranes, 100 tons thru 199 tons, or 150 ft of boom (including jib with attachments); Crane-overhead, bridge type, 100 tons and over; Tower crane up to 175 ft in height base to boom; Loaders-overhead, 8 yards and over; Shovels, excavator, backhoes-6 yards and over with attachments

GROUP 1 - Cableway; Cranes 45 tons thru 99 tons, under 150 ft of boom (including jib with attachments); Crane-overhead, bridge type, 45 tons thru 99 tons; Derricks on building work; Excavator, shovel, backhoes over 3 yards and under 6 yards; Hard tail end dump articulating off-road equipment 45 yards and over; Loader- overhead 6 yards to, but not including 8 yards; Mucking machine, mole, tunnel, drill and/or shield; Quad 9, HD 41, D-10; Remote control operator on rubber tired earth moving equipment; Rollagon; Scrapers-self propelled 45 yards and over; Slipform pavers; Transporters, all truck or track type

GROUP 2 - Barrier machine (zipper); Batch Plant Operaor-Concrete; Bump Cutter; Cranes, 20 tons thru 44 tons with attachments; Crane-overhead, bridge type-20 tons through 44 tons; Chipper; Concrete Pump-truck mount with boom attachment; Crusher; Deck Engineer/Deck Winches (power); Drilling machine; Excavator, shovel, backhoe-3 yards and under; Finishing Machine, Bidwell, Gamaco and similar equipment; Guardrail punch; Horizontal/directional drill operator; Loaders-overhead under 6 yards; Loaders-plant feed;

#### Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

Locomotives-all; Mechanics-all; Mixers-asphalt plant; Motor patrol graders-finishing; Piledriver (other than crane mount); Roto-mill, roto-grinder; Screedman, spreader, topside operator-Blaw Knox, Cedar Rapids, Jaeger, Caterpillar, Barbar Green; Scraper-self propelled, hard tail end dump, articulating off-road equipment-under 45 yards; Subgrade trimmer; Tractors, backhoes-over 75 hp; Transfer material service machine-shuttle buggy, blaw knox-roadtec; Truck crane oiler/driver-100 tons and over; Truck Mount portable conveyor; Yo Yo Pay dozer

GROUP 3 - Conveyors; Cranes-thru 19 tons with attachments; A-frame crane over 10 tons; Drill oilers-auger type, truck or crane mount; Dozers-D-9 and under; Forklift-3000 lbs. and over with attachments; Horizontal/directional drill locator; Outside hoists-(elevators and manlifts), air tuggers, strato tower bucket elevators; Hydralifts/boom trucks over 10 tons; Loader-elevating type, belt; Motor patrol grader-nonfinishing; Plant oiler- asphalt, crusher; Pumps-concrete; Roller, plant mix or multi-lift materials; Saws-concrete; Scrpers-concrete and carry-all; Service engineer-equipment; Trenching machines; Truck Crane Oiler/Driver under 100 tons; Tractors, backhoe 75 hp and under

GROUP 4 - Assistant Engineer; Bobcat; Brooms; Compressor; Concrete finish mahine-laser screed; Cranes-A frame-10 tons and under; Elevator and Manlift-permanent or shaft type; Gradechecker, Stakehop; Forklifts under 3000 lbs. with attachments; Hydralifts/boom trucks, 10 tons and under; Oil distributors, blower distribution and mulch seeding operator; Pavement breaker; Posthole digger, mechanical; Power plant; Pumps, water; Rigger and Bellman; Roller-other than plant mix; Wheel Tractors, farmall type; Shotcrete/gunite equipment operator

CATEGORY B PROJECTS: 95% OF THE BASIC HOURLY RATE FOR EACH GROUP PLUS FULL FRINGE BENEFITS APPLICABLE TO CATEGORY A PROJECTS SHALL APPLY TO THE FOLLOWING PROJECTS. REDUCED RATES MAY BE PAID ON THE FOLLOWING:

1. Projects involving work on structures such as buildings and bridges whose total value is less than \$1.5 million excluding mechanical, electrical, and utility portions of the contract.
2. Projects of less than \$1 million where no building is involved. Surfacing and paving including, but utilities excluded.
3. Marine projects (docks, wharfs, ect.) less than \$150,000.

HANDLING OF HAZARDOUS WASTE MATERIALS: Personnel in all craft classifications subject to working inside a federally designed hazardous perimeter shall be elgible for compensation in accordance with the following group schedule relative to the level of hazardous waste as outlined in the specific hazardous waste project site safety plan.

### Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

H-1 Base wage rate when on a hazardous waste site when not outfitted with protective clothing.

H-2 Class "C" Suit - Base wage rate plus \$.25 per hour.

H-3 Class "B" Suit - Base wage rate plus \$.50 per hour.

H-4 Class "A" Suit - Base wage rate plus \$.75 per hour.

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 ENGI0302-009 06/01/2007

CHELAN (WEST OF THE 120TH MERIDIAN), CLALLAM, DOUGLAS (WEST OF THE 120TH MERIDIAN), GRAYS HARBOR, ISLAND, JEFFERSON, KING, KITSAP, KITTITAS, MASON, OKANOGAN (WEST OF THE 120TH MERIDIAN), SAN JUNA, SKAGIT, SNOHOMISH, WHATCOM AND YAKIMA (WEST OF THE 120TH MERIDIAN) COUNTIES

ON PROJECTS DESCRIBED IN FOOTNOTE A BELOW, THE RATE FOR EACH GROUP SHALL BE 95% OF THE BASE RATE PLUS FULL FRINGE BENEFITS. ON ALL OTHER WORK, THE FOLLOWING RATES APPLY.

WORK PERFORMED ON HYDRAULIC DREDDGES:  
 Zone 1 (0-25 radius miles):

	Rates	Fringes
Power equipment operators:		
GROUP 1		
TOTAL PROJECT COST		
\$300,000 AND OVER.....	\$ 31.33	12.75
TOTAL PROJECT COST UNDER		
\$300,000.....	\$ 26.96	8.40
GROUP 2		
TOTAL PROJECT COST		
\$300,000 AND OVER.....	\$ 31.46	12.75
TOTAL PROJECT COST UNDER		
\$300,000.....	\$ 27.06	8.40
GROUP 3		
TOTAL PROJECT COST		
\$300,000 AND OVER.....	\$ 31.84	12.75
TOTAL PROJECT COST UNDER		
\$300,000.....	\$ 27.38	8.40
GROUP 4		
TOTAL PROJECT COST		
\$300,000 AND OVER.....	\$ 31.89	12.75
TOTAL PROJECT COST UNDER		
\$300,000.....	\$ 27.43	8.40
GROUP 5		
TOATL PROJECT COST		
\$300,000 AND OVER.....	\$ 33.46	12.75
TOTAL PROJECT COST UNDER		
\$300,000.....	\$ 28.75	8.40
GROUP 6		
TOTAL PROJECT COST		
\$300,000 AND OVER.....	\$ 31.33	12.75
TOTAL PROJECT COST UNDER		
\$300,000.....	\$ 26.96	8.40

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

Zone Differential (Add to Zone 1 rates):  
Zone 2 (26-45 radius miles) - \$ .70  
Zone 3 (Over 45 radius miles) - \$1.00

BASEPOINTS: Aberdeen, Bellingham, Bremerton, Everett, Kent,  
Mount Vernon, Port Angeles, Port Townsend, Seattle,  
Shelton, Wenatchee, Yakima

POWER EQUIPMENT OPERATORS CLASSIFICATIONS:

GROUP 1: Assistant Mate (Deckhand  
GROUP 2: Oiler  
GROUP 3: Assistant Engineer (Electric, Diesel, Steam or  
Booster Pump); Mates and Boatmen  
GROUP 4: Craneman, Engineer Welder  
GROUP 5: Leverman, Hydraulic  
GROUP 6: Maintenance

Category B Projects: 95% of the basic hourly reate for each  
group plus full fringe benefits applicable to category A  
projects shall apply to the following projects. A Reduced  
rates may be paid on the following:

1. Projects involving work on structures such as buildings  
and bridges whose total value is less than \$1.5 million  
excluding mechanical, electrical, and utility portions of  
the contract.
2. Projects of less than \$1 million where no building is  
involved. Surfacing and paving included, but utilities  
excluded.
3. Marine projects (docks, wharfs, etc.) less than \$150,000.

Heavy Wage rates (Category A) Applies to clam shell dredge,  
hoe and dipper, shovels and shovel attachments, cranes and  
bulldozers.

HANDLING OF HAZARDOUS WASTE MATERIALS:

Personnel in all craft classifications subject to working  
inside a federally designated hazardous perimeter shall be  
elgible for compensation in accordance with the following  
group schedule relative to the level of hazardous waste as  
outlined in the specific hazardous waste project site  
safety plan.

H-1 Base wage rate when on a hazardous waste site when not  
outfitted with protective clothing

H-2 Class "C" Suit - Base wage rate plus \$ .25 per hour.

H-3 Class "B" Suit - Base wage rate plus \$ .50 per hour.

H-4 Class "A" Suit - Base wage rate plus \$ .75 per hour.

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

Zone Differential (Add to Zone 1 rates):

- Zone 2 (26-45 radius miles) - \$ .70
- Zone 3 (Over 45 radius miles) - \$1.00

BASEPOINTS: Aberdeen, Bellingham, Bremerton, Everett, Kent, Mount Vernon, Port Angeles, Port Townsend, Seattle, Shelton, Wenatchee, Yakima

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

- GROUP 1 - ASSISTANT MATE (DECKHAND)
- GROUP 2 - OILER
- GROUP 3 - ASSISTANT ENGINEER (ELECTRIC, DIESEL, STEAM OR BOOSTER PUMP); MATES AND BOATMEN
- GROUP 4 - CRANEMAN, ENGINEER WELDER
- GROUP 5 - LEVERMAN, HYDRAULIC
- GROUP 6 - MAINTENANCE

CATEGORY B PROJECTS: 95% OF THE BASIC HOURLY RATE FOR EACH GROUP PLUS FULL FRINGE BENEFITS APPLICABLE TO CATEGORY A PROJECTS SHALL APPLY TO THE FOLLOWING PROJECTS. REDUCED RATES MAY BE PAID ON THE FOLLOWING:

1. Projects involving work on structures such as buildings and bridges whose total value is less than \$1.5 million excluding mechanical, electrical, and utility portions of the contract.
2. Projects of less than \$1 million where no building is involved. Surfacing and paving including, but utilities excluded.
3. Marine projects (docks, wharfs, ect.) less than \$150,000.

HEAVY WAGE RATES (CATEGORY A) APPLIES TO CLAM SHELL DREDGE, HOE AND DIPPER, SHOVELS AND SHOVEL ATTACHMENTS, CRANES AND BULLDOZERS.

HANDLING OF HAZARDOUS WASTE MATERIALS: Personnel in all craft classifications subject to working inside a federally designed hazardous perimeter shall be eligible for compensation in accordance with the following group schedule relative to the level of hazardous waste as outlined in the specific hazardous waste project site safety plan.

H-1 Base wage rate when on a hazardous waste site when not outfitted with protective clothing.

- H-2 Class "C" Suit - Base wage rate plus \$.25 per hour.
- H-3 Class "B" Suit - Base wage rate plus \$.50 per hour.
- H-4 Class "A" Suit - Base wage rate plus \$.75 per hour.

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ENGI0370-002 06/01/2008

ADAMS, ASOTIN, BENTON, CHELAN (EAST OF THE 120TH MERIDIAN), COLUMBIA, DOUGLAS (EAST OF THE 120TH MERIDIAN), FERRY, FRANKLIN, GARFIELD, GRANT, LINCOLN, OKANOGAN (EAST OF THE 120TH MERIDIAN), PEND OREILLE, SPOKANE, STEVENS, WALLA WALLA, WHITMAN

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

AND YAKIMA (EAST OF THE 120TH MERIDIAN) COUNTIES

ZONE 1:

	Rates	Fringes
Power equipment operators:		
GROUP 1A.....	\$ 23.21	9.80
GROUP 1.....	\$ 23.76	9.80
GROUP 2.....	\$ 24.08	9.80
GROUP 3.....	\$ 24.69	9.80
GROUP 4.....	\$ 24.85	9.80
GROUP 5.....	\$ 25.01	9.80
GROUP 6.....	\$ 25.29	9.80
GROUP 7.....	\$ 25.56	9.80
GROUP 8.....	\$ 26.66	9.80

ZONE DIFFERENTIAL (Add to Zone 1 rate): Zone 2 - \$2.00

Zone 1: Within 45 mile radius of Spokane, Pasco, Washington; Lewiston, Idaho

Zone 2: Outside 45 mile radius of Spokane, Pasco, Washington; Lewiston, Idaho

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP 1A: Boat Operator; Crush Feeder; Oiler; Steam Cleaner

GROUP 1: Bit Grinders; Bolt Threading Machine; Compressors (under 2000 CFM, gas, diesel, or electric power); Deck Hand; Drillers Helper (Assist driller in making drill rod connections, service drill engine and air compressor, repair drill rig and drill tools, drive drill support truck to and on the job site, remove drill cuttings from around bore hole and inspect drill rig while in operation); Fireman & Heater Tender; Hydro-seeder, Mulcher, Nozzleman; Oiler Driver, & Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade, including seal and chip coatings (farm type, Case, John Deere & similar, or Compacting Vibrator), except when pulled by Dozer with operable blade; Welding Machine; Crane Oiler-Driver (CLD required) & Cable Tender, Mucking Machine

GROUP 2: A-frame Truck (single drum); Assistant Refrigeration Plant (under 1000 ton); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Belt Finishing Machine; Blower Operator (cement); Cement Hog; Compressor (2000 CFM or over, 2 or more, gas diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Ditch Witch or similar; Elevator Hoisting Materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, hydra-lift & similar; Gin Trucks (pipeline); Hoist, single drum; Loaders (bucket elevators and conveyors); Longitudinal Float; Mixer (portable-concrete);

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

Pavement Breaker, Hydra-Hammer & similar; Power Broom;  
 Railroad Ballast Regulation Operator (self-propelled);  
 Railroad Power Tamper Operator (self-propelled); Railroad  
 Tamper Jack Operator (self-propelled); Spray Curing Machine  
 (concrete); Spreader Box (self-propelled); Straddle Buggy  
 (Ross & similar on construction job only); Tractor (Farm  
 type R/T with attachment, except Backhoe); Tugger Operator

GROUP 3: A-frame Truck (2 or more drums); Assistant  
 Refrigeration Plant & Chiller Operator (over 1000 ton);  
 Backfillers (Cleveland & similar); Batch Plant & Wet Mix  
 Operator, single unit (concrete); Belt-Crete Conveyors with  
 power pack or similar; Belt Loader (Kocal or similar);  
 Bending Machine; Bob Cat (Skid Steer); Boring Machine  
 (earth); Boring Machine (rock under 8 inch bit) (Quarry  
 Master, Joy or similar); Bump Cutter (Wayne, Saginaw or  
 similar); Canal Lining Machine (concrete); Chipper (without  
 crane); Cleaning & Doping Machine (pipeline); Deck  
 Engineer; Elevating Belt-type Loader (Euclid, Barber Green  
 & similar); Elevating Grader-type Loader (Dumor, Adams or  
 similar); Generator Plant Engineers (diesel or electric);  
 Gunnite Combination Mixer & Compressor; Locomotive  
 Engineer; Mixermobile; Mucking Machine; Posthole Auger or  
 Punch; Pump (grout or jet); Soil Stabilizer (P & H or  
 similar); Spreader Machine; Dozer/Tractor (up to D-6 or  
 equivalent) and Traxcavator; Traverse Finish Machine;  
 Turnhead Operator

GROUP 4: Concrete Pumps (squeeze-crete, flow-crete, pump-  
 crete, Whitman & similar); Curb Extruder (asphalt or  
 concrete); Drills (churn, core, calyx or diamond);  
 Equipment Serviceman; Greaser & Oiler; Hoist (2 or more  
 drums or Tower Hoist); Loaders (overhead & front-end, under  
 4 yds. R/T); Refrigeration Plant Engineer (under 1000 ton);  
 Rubber-tired Skidders (R/T with or without attachments);  
 Surface Heater & Plant Machine; Trenching Machines (under 7  
 ft. depth capacity); Turnhead (with re-screening); Vacuum  
 Drill (reverse circulation drill under 8 inch bit)

GROUP 5: Backhoe (under 45,000 gw); Backhoe & Hoe Ram (under  
 3/4 yd.); Carrydeck & Boom Truck (under 25 tons); Cranes  
 (25 tons & under), all attachments including clamshell,  
 dragline; Derricks & Stifflegs (under 65 tons); Drilling  
 Equipment (8 inch bit & over) (Robbins, reverse circulation  
 & similar); Hoe Ram; Piledriving Engineers; Paving (dual  
 drum); Railroad Track Liner Operator (self-propelled);  
 Refrigeration Plant Engineer (1000 tons & over); Signaller  
 (Whirleys, Highline Hammerheads or similar); Grade Checker

GROUP 6: Asphalt Plant Operator; Automatic Subgrader (Ditches  
 & Trimmers) (Autograde, ABC, R.A. Hansen & similar on grade  
 wire); Backhoe (45,000 gw and over to 110,000 gw); Backhoes  
 & Hoe Ram (3/4 yd. to 3 yd.); Batch Plant (over 4 units);  
 Batch & Wet Mix Operator (multiple units, 2 & incl. 4);  
 Blade Operator (motor patrol & attachments); Cable  
 Controller (dispatcher); Compactor (self-propelled with

### Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

blade); Concrete Pump Boom Truck; Concrete Slip Form Paver; Cranes (over 25 tons, to and including 45 tons), all attachments including clamshell, dragline; Crusher, Grizzle & Screening Plant Operator; Dozer, 834 R/T & similar; Drill Doctor; Loader Operator (front-end & overhead, 4 yds. incl. 8 yds.); Multiple Dozer Units with single blade; Paving Machine (asphalt and concrete); Quad-Track or similar equipment; Rollerman (finishing asphalt pavement); Roto Mill (pavement grinder); Scrapers, all, rubber-tired; Screed Operator; Shovel (under 3 yds.); Trenching Machines (7 ft. depth & over); Tug Boat Operator Vactor guzzler, super sucker; Lime Batch Tank Operator (REcycle Train); Lime Brain Operator (Recycle Train); Mobile Crusher Operator (Recycle Train)

GROUP 7: Backhoe (over 110,000 gw); Backhoes & Hoe Ram (3 yds & over); Blade (finish & bluetop) Automatic, CMI, ABC, Finish Athey & Huber & similar when used as automatic; Cableway Operators; Concrete Cleaning/Decontamination machine operator; Cranes (over 45 tons to but not including 85 tons), all attachments including clamshell and dragline; Derricks & Stiffleys (65 tons & over); Elevating Belt (Holland type); Heavy equipment robotics operator; Loader (360 degrees revolving Koehring Scooper or similar); Loaders (overhead & front-end, over 8 yds. to 10 yds.); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yds. & over); Whirleys & Hammerheads, ALL; H.D. Mechanic; H.D. Welder; Hydraulic Platform Trailers (Goldhofer, Shaurerly and Similar); Ultra High Pressure Waterjet Cutting Tool System Operator (30,000 psi); Vacuum Blasting Machine Operator

GROUP 8: Cranes (85 tons and over, and all climbing, overhead, rail and tower), all attachments including clamshell, dragline; Loaders (overhead and front-end, 10 yards and over); Helicopter Pilot

BOOM PAY: (All Cranes, Including Tower)  
180 ft to 250 ft \$ .50 over scale  
Over 250 ft \$ .80 over scale

NOTE:

In computing the length of the boom on Tower Cranes, they shall be measured from the base of the Tower to the point of the boom.

HAZMAT:

Anyone working on HAZMAT jobs, working with supplied air shall receive \$1.00 an hour above classification.

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ENGI0370-006 06/01/2008

ADAMS, ASOTIN, BENTON, CHELAN (EAST OF THE 120TH MERIDIAN), COLUMBIA, DOUGLAS (EAST OF THE 120TH MERIDIAN), FERRY, FRANKLIN, GARFIELD, GRANT, LINCOLN, OKANOGAN (EAST OF THE 120TH MERIDIAN), PEND OREILLE, SPOKANE, STEVENS, WALLA WALLA, WHITMAN

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

AND YAKIMA (EAST OF THE 120TH MERIDIAN) COUNTIES

WORK PERFORMED ON HYDRAULIC DREDGES

	Rates	Fringes
Hydraulic Dredge		
GROUP 1:.....	\$ 31.85	13.53
GROUP 2:.....	\$ 32.36	13.53
GROUP 3:.....	\$ 32.41	13.53
GROUP 4:.....	\$ 33.98	13.53
GROUP 5:.....	\$ 31.85	13.53
GROUP 6:.....	\$ 31.98	13.53
GROUP 7:.....	\$ 32.36	13.53

- GROUP 1: Assistant Mate (Deckhand)
- GROUP 2: Assistant Engineer (Electric, Diesel, Steam, or  
Booster Pump)
- GROUP 3: Engineer Welder
- GROUP 4: Leverman, Hydraulic
- GROUP 5: Maintenance
- GROUP 6: Oiler
- GROUP 7: Mates & Boatman

HEAVY WAGE RATES APPLIES TO CLAM SHELL DREDGE, HOE AND  
DIPPER, SHOVELS AND SHOVEL ATTACHMENTS, CRANES AND  
BULLDOZERS.

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ENGI0612-001 06/01/2007

LEWIS, PIERCE, PACIFIC (THAT PORTION WHICH LIES NORTH OF A  
PARALLEL LINE EXTENDED WEST FROM THE NORTHERN BOUNDARY OF  
WAHKAIKUM COUNTY TO THE SEA IN THE STATE OF WASHINGTON) AND  
THURSTON COUNTIES

PROJECTS:  
CATEGORY A PROJECTS (excludes Category B projects, as shown  
below)

	Rates	Fringes
Power equipment operators:		
WORK PERFORMED ON		
HYDRAULIC DREDGES:Total		
Project cost \$300,000 and over		
GROUP 1.....	\$ 31.33	12.75
GROUP 2.....	\$ 31.46	12.75
GROUP 3.....	\$ 31.84	12.75
GROUP 4.....	\$ 31.89	12.75
GROUP 5.....	\$ 33.46	12.75
GROUP 6.....	\$ 31.33	12.75
WORK PERFORMED ON		
HYDRAULIC DREDGES:Total		
Project Cost under \$300,000		
GROUP 1.....	\$ 26.96	8.40

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

D-21

GROUP 2.....	\$ 27.06	8.40
GROUP 3.....	\$ 27.38	8.40
GROUP 4.....	\$ 27.43	8.40
GROUP 5.....	\$ 28.75	8.40
GROUP 6.....	\$ 26.96	8.40

ZONE 2 (26-45 radius miles) - Add \$.70 to Zone 1 rates  
 ZONE 3 (Over 45 radius miles) - Add \$1.00 to Zone 1 rates

BASEPOINTS: Tacoma, Olympia, and Centralia

CATEGORY B PROJECTS - 95% of the basic hourly rate for each group plus full fringe benefits applicable to Category A projects shall apply to the following projects: Reduced rates may be paid on the following:

1. Projects involving work on structures such as buildings and structures whose total value is less than \$1.5 million excluding mechanical, electrical, and utility portions of the contract.
2. Projects of less than \$1 million where no building is involved. Surfacing and paving included, but utilities excluded.
3. Marine projects (docts, wharfs, etc.) less than \$150,000

WORK PERFORMED ON HYDRAULIC DREDGES:

- GROUP 1: Assistant Mate (Deckhand
- GROUP 2: Oiler
- GROUP 3: Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen
- GROUP 4: Craneman, Engineer Welder
- GROUP 5: Leverman, Hydraulic
- GROUP 6: Maintenance

HEAVY WAGE RATES APPLIES TO CLAM SHEEL DREDGE, HOE AND DIPPER, SHOVELS AND SHOVEL ATTACHMENTS, CRANES AND BULLDOZERS

HANDLING OF HAZARDOUS WASTE MATERIALS

- H-1 - When not outfitted with protective clothing of level D equipment - Base wage rate
- H-2 - Class "C" Suit - Base wage rate + \$.25 per hour
- H-3 - Class "B" Suit - Base wage rate + \$.50 per hour
- H-4 - Class "A" Suit - Base wage rate +\$.75 per hour

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 \* ENGI0612-002 06/01/2008

LEWIS, PIERCE, PACIFIC (portion lying north of a parallel line extending west from the northern boundary of Wahkaikum County to the sea) AND THURSTON COUNTIES

ON PROJECTS DESCRIBED IN FOOTNOTE A BELOW, THE RATE FOR EACH GROUP SHALL BE 90% OF THE BASE RATE PLUS FULL FRINGE BENEFITS. ON ALL OTHER WORK, THE FOLLOWING RATES APPLY.

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

Zone 1 (0-25 radius miles):

	Rates	Fringes
Power equipment operators:		
GROUP 1A.....	\$ 34.51	13.95
GROUP 1AA.....	\$ 35.08	13.95
GROUP 1AAA.....	\$ 35.65	13.95
GROUP 1.....	\$ 33.96	13.95
GROUP 2.....	\$ 33.47	13.95
GROUP 3.....	\$ 33.05	13.95
GROUP 4.....	\$ 30.69	13.95

Zone Differential (Add to Zone 1 rates):

Zone 2 (26-45 radius miles) = \$ .70

Zone 3 (Over 45 radius miles) - \$1.00

BASEPOINTS: CENTRALIA, OLYMPIA, TACOMA

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP 1 AAA - Cranes-over 300 tons or 300 ft of boom  
(including jib with attachments)

GROUP 1AA - Cranes- 200 tonsto 300 tons, or 250 ft of boom  
(including jib with attachments; Tower crane over 175 ft in  
height, bas to boom

GROUP 1A - Cranes, 100 tons thru 199 tons, or 150 ft of boom  
(including jib with attachments); Crane-overhead, bridge  
type, 100 tons and over; Tower crane up to 175 ft in height  
base to boom; Loaders-overhead, 8 yards and over; Shovels,  
excavator, backhoes-6 yards and over with attachments

GROUP 1 - Cableway; Cranes 45 tons thru 99 tons under 150 ft  
of boom (including jib with attachments); Crane-overhead,  
bridge type, 45 tons thru 99 tons; Derricks on building  
work; Excavator, shovel, backhoes over 3 yards and under 6  
yards; Hard tail end dump articulating off-road equipment  
45 yards and over; Loader- overhead, 6 yards to, but not  
including, 8 yards; Mucking machine, mole, tunnel, drill  
and/or shield; Quad 9 HD 41, D-10; Remote control operator  
on rubber tired earth moving equipment; Rollagon; Scrapers-  
self-propelled 45 yards and over; Slipform pavers;  
Transporters, all track or truck type

GROUP 2 - Barrier machine (zipper); Batch Plant Operator-  
concrete; Bump Cutter; Cranes, 20 tons thru 44 tons with  
attachments; Crane-Overhead, bridge type, 20 tons through  
44 tons; Chipper; Concrete pump-truck mount with boom  
attachment; Crusher; Deck engineer/deck winches (power);  
Drilling machine; Excavator, shovel, backhoe-3 yards and  
under; Finishing machine, Bidwell, Gamaco and similar  
equipment; Guardrail punch; Loaders, overhead under 6  
yards; Loaders-plant feed; Locomotives-all; Mechanics- all;

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

Mixers, asphalt plant; Motor patrol graders, finishing; Piledriver (other than crane mount); Roto-mill, roto-grinder; Screedman, spreader, topside operator-Blaw Knox, Cedar Rapids, Jaeger, Caterpillar, Barbar Green; Scraper-self-propelled, hard tail end dump, articulating off-road equipment- under 45 yards; Subgrader trimmer; Tractors, backhoe over 75 hp; Transfer material service machine-shuttle buggy, Blaw Knox- Roadtec; Truck Crane oiler/driver-100 tons and over; Truck Mount Portable Conveyor; Yo Yo pay

GROUP 3 - Conveyors; Cranes through 19 tons with attachments; Crane-A-frame over 10 tons; Drill oilers-auger type, truck or crane mount; Dozer-D-9 and under; Forklift-3000 lbs. and over with attachments; Horizontal/directional drill locator; Outside Hoists-(elevators and manlifts), air tuggers, strato tower bucket elevators; Hydralifts/boom trucks over 10 tons; Loaders-elevating type, belt; Motor patrol grader-nonfinishing; Plant oiler- asphalt, crusher; Pump-Concrete; Roller, plant mix or multi-lfit materials; Saws-concrete; Scrapers, concrete and carry all; Service engineers-equipment; Trenching machines; Truck crane oiler/driver under 100 tons; Tractors, backhoe under 75 hp

GROUP 4 - Assistant Engineer; Bobcat; Brooms; Compressor; Concrete Finish Machine-laser screed; Cranes A-frame 10 tons and under; Elevator and manlift (permanent and shaft type); Forklifts-under 3000 lbs. with attachments; Gradechecker, stakehop; Hydralifts/boom trucks, 10 tons and under; Oil distributors, blower distribution and mulch seeding operator; Pavement breaker; Posthole digger-mechanical; Power plant; Pumps-water; Rigger and Bellman; Roller-other than plant mix; Wheel Tractors, farmall type; Shotcrete/gunite equipment operator

FOOTNOTE A- Reduced rates may be paid on the following:

1. Projects involving work on structures such as buildings and bridges whose total value is less than \$1.5 million excluding mechanical, electrical, and utility portions of the contract.
2. Projects of less than \$1 million where no building is involved. Surfacing and paving included, but utilities excluded.
3. Marine projects (docks, wharfs, etc.) less than \$150,000.

HANDLING OF HAZARDOUS WASTE MATERIALS: Personnel in all craft classifications subject to working inside a federally designated hazardous perimeter shall be eligible for compensation in accordance with the following group schedule relative to the level of hazardous waste as outlined in the specific hazardous waste project site safety plan.

H-1 Base wage rate when on a hazardous waste site when not

## Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

outfitted with protective clothing  
H-2 Class "C" Suit - Base wage rate plus \$ .25 per hour.  
H-3 Class "B" Suit - Base wage rate plus \$ .50 per hour.  
H-4 Class "A" Suit - Base wage rate plus \$ .75 per hour.

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ENGI0701-002 01/01/2008

CLARK, COWLITZ, KLICKKITAT, PACIFIC (SOUTH), SKAMANIA, AND  
WAHKIAKUM COUNTIES

POWER RQUIPMENT OPERATORS: ZONE 1

	Rates	Fringes
Power equipment operators:		
(See Footnote A)		
GROUP 1.....	\$ 35.06	10.25
GROUP 1A.....	\$ 36.75	10.25
GROUP 1B.....	\$ 38.44	10.25
GROUP 2.....	\$ 33.55	10.25
GROUP 3.....	\$ 32.62	10.25
GROUP 4.....	\$ 31.75	10.25
GROUP 5.....	\$ 30.72	10.25
GROUP 6.....	\$ 27.94	10.25

Zone Differential (add to Zone 1 rates):

Zone 2 - \$2.00

Zone 3 - \$4.00

For the following metropolitan counties: MULTNOMAH;  
CLACKAMAS; MARION; WASHINGTON; YAMHILL; AND COLUMBIA;  
CLARK; AND COWLITZ COUNTY, WASHINGTON WITH MODIFICATIONS AS  
INDICATED:

All jobs or projects located in Multnomah, Clackamas and  
Marion Counties, West of the western boundary of Mt. Hood  
National Forest and West of Mile Post 30 on Interstate 84  
and West of Mile Post 30 on State Highway 26 and West of  
Mile Post 30 on Highway 22 and all jobs or projects located  
in Yamhill County, Washington County and Columbia County  
and all jobs or porjects located in Clark & Cowlitz County,  
Washington except that portion of Cowlitz County in the Mt.  
St. Helens "Blast Zone" shall receive Zone I pay for all  
classifications.

All jobs or projects located in the area outside the  
identified boundary above, but less than 50 miles from the  
Portland City Hall shall receive Zone II pay for all  
classifications.

All jobs or projects located more than 50 miles from the  
Portland City Hall, but outside the identified border  
above, shall receive Zone III pay for all classifications.

For the following cities: ALBANY; BEND; COOS BAY; EUGENE;  
GRANTS PASS; KLAMATH FALLS; MEDFORD; ROSEBURG

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

All jobs or projects located within 30 miles of the respective city hall of the above mentioned cities shall receive Zone I pay for all classifications.

All jobs or projects located more than 30 miles and less than 50 miles from the respective city hall of the above mentioned cities shall receive Zone II pay for all classifications.

All jobs or projects located more than 50 miles from the respective city hall of the above mentioned cities shall receive Zone III pay for all classifications.

#### POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP 1: CONCRETE: Batch Plant and/or Wet Mix Operator, three units or more; CRANE: Helicopter Operator, when used in erecting work; Whirley Operator, 90 ton and over; LATTICE BOOM CRANE: Operator 200 tons through 299 tons, and/or over 200 feet boom; HYDRAULIC CRANE: Hydraulic Crane Operator 90 tons through 199 tons with luffing or tower attachments; FLOATING EQUIPMENT: Floating Crane, 150 ton but less than 250 ton

GROUP 1A: HYDRAULIC CRANE: Hydraulic Operator, 200 tons and over (with luffing or tower attachment); LATTICE BOOM CRANE: Operator, 200 tons through 299 tons, with over 200 feet boom; FLOATING EQUIPMENT: Floating Crane 250 ton and over

GROUP 1B: LATTICE BOOM CRANE: Operator, 300 tons through 399 tons with over 200 feet boom; Operator 400 tons and over; FLOATING EQUIPMENT: Floating Crane 350 ton and over

GROUP 2: ASPHALT: Asphalt Plant Operator (any type); Roto Mill, pavement profiler, operator, 6 foot lateral cut and over; BLADE: Auto Grader or "Trimmer" (Grade Checker required); Blade Operator, Robotic; BULLDOZERS: Bulldozer operator over 120,000 lbs and above; Bulldozer operator, twin engine; Bulldozer Operator, tandem, quadnine, D10, D11, and similar type; Bulldozere Robotic Equipment (any type; CONCRETE: Batch Plant and/or Wet Mix Operator, one and two drum; Automatic Concrete Slip Form Paver Operator; Concrete Canal Line Operator; Concrete Profiler, Diamond Head; CRANE: Cableway Operator, 25 tons and over; HYDRAULIC CRANE: Hydraulic crane operator 90 tons through 199 tons (without luffing or tower attachment); TOWER/WHIRLEY OPERATOR: Tower Crane Operator; Whirley Operator, under 90 tons; LATTICE BOOM CRANE: 90 through 199 tons and/or 150 to 200 feet boom; CRUSHER: Crusher Plant Operator; FLOATING EQUIPMENT: Floating Clamshell, etc.operator, 3 cu. yds. and over; Floating Crane (derrick barge) Operator, 30 tons but less than 150 tons; LOADERS: Loader operator, 120,000 lbs. and above; REMOTE CONTROL: Remote controlled earth-moving equipment; RUBBER-TIRED SCRAPERS: Rubber-

#### Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

tired scraper operator, with tandem scrapers, multi-engine; SHOVEL, DRAGLINE, CLAMSHELL, SKOOPER OPERATOR: Shovel, Dragline, Clamshell, operator 5 cu. yds and over; TRENCHING MACHINE: Wheel Excavator, under 750 cu. yds. per hour (Grade Oiler required); Canal Trimmer (Grade Oiler required); Wheel Excavator, over 750 cu. yds. per hour; Band Wagon (in conjunction with wheel excavator); UNDERWATER EQUIPMENT: Underwater Equipment Operator, remote or otherwise; HYDRAULIC HOES-EXCAVATOR: Excavator over 130,000 lbs.; HYDRAULIC CRANE: Hydraulic crane operator, 50 tons through 89 tons (with luffing or tower attachment);

GROUP 3: BULLDOZERS: Bulldozer operator, over 70,000 lbs. up to and including 120,000 lbs.; HYDRAULIC CRANE: Hydraulic crane operator, 50 tons through 89 tons (without luffing or tower attachment); LATTICE BOOM CRANES: Lattice Boom Crane-50 through 89 tons (and less than 150 feet boom); FORKLIFT: Rock Hound Operator; HYDRAULIC HOES-EXCAVATOR: excavator over 80,000 lbs. through 130,000 lbs.; LOADERS: Loader operator 60,000 and less than 120,000; RUBBER-TIRED SCRAPERS: Scraper Operator, with tandem scrapers; Self-loading, paddle wheel, auger type, finish and/or 2 or more units; SHOVEL, DRAGLINE, CLAMSHELL, SKOOPER OPERATOR: Shovel, Dragline, Clamshell operators 3 cu. yds. but less than 5 cu yds.

GROUP 4: ASPHALT: Screed Operator; Asphalt Paver operator (screeman required); BLADE: Blade operator; Blade operator, finish; Blade operator, externally controlled by electronic, mechanical hydraulic means; Blade operator, multi-engine; BULLDOZERS: Bulldozer Operator over 20,000 lbs and more than 100 horse up to 70,000 lbs; Drill Cat Operator; Side-boom Operator; Cable-Plow Operator (any type); CLEARING: Log Skidders; Chippers; Incinerator; Stump Splitter (loader mounted or similar type); Stump Grinder (loader mounted or similar type; Tub Grinder; Land Clearing Machine (Track mounted forestry mowing & grinding machine); Hydro Axe (loader mounted or similar type); COMPACTORS SELF-PROPELLED: Compactor Operator, with blade; Compactor Operator, multi-engine; Compactor Operator, robotic; CONCRETE: Mixer Mobile Operator; Screed Operator; Concrete Cooling Machine Operator; Concrete Paving Road Mixer; Concrete Breaker; Reinforced Tank Banding Machine (K-17 or similar types); Laser Screed; CRANE: Chicago boom and similar types; Lift Slab Machine Operator; Boom type lifting device, 5 ton capacity or less; Hoist Operator, two (2) drum; Hoist Operator, three (3) or more drums; Derrick Operator, under 100 ton; Hoist Operator, stiff leg, guy derrick or similar type, 50 ton and over; Cableway Operator up to twenty (25) ton; Bridge Crane Operator, Locomotive, Gantry, Overhead; Cherry Picker or similar type crane; Carry Deck Operator; Hydraulic Crane Operator, under 50 tons; LATTICE BOOM CRANE OPERATOR: Lattice Boom Crane Operator, under 50 tons; CRUSHER: Generator Operator; Diesel-Electric Engineer; Grizzley Operator; Drill Doctor; Boring Machine Operator; Driller-Percussion, Diamond, Core,

#### Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

Cable, Rotary and similar type; Cat Drill (John Henry); Directional Drill Operator over 20,000 lbs pullback; FLOATING EQUIPMENT: Diesel-electric Engineer; Jack Operator, elevating barges, Barge Operator, self-unloading; Piledriver Operator (not crane type) (Deckhand required); Floating Clamshell, etc. Operator, under 3 cu. yds. (Fireman or Diesel-Electric Engineer required); Floating Crane (derrick barge) Operator, less than 30 tons; GENERATORS: Generator Operator; Diesel-electric Engineer; GUARDRAIL EQUIPMENT: Guardrail Punch Operator (all types); Guardrail Auger Operator (all types); Combination Guardrail machines, i.e., punch auger, etc.; HEATING PLANT: Surface Heater and Planer Operator; HYDRAULIC HOES EXCAVATOR: Robotic Hydraulic backhoe operator, track and wheel type up to and including 20,000 lbs. with any or all attachments; Excavator Operator over 20,000 lbs through 80,000 lbs.; LOADERS: Belt Loaders, Kolman and Ko Cal types; Loaders Operator, front end and overhead, 25,000 lbs and less than 60,000 lbs; Elevating Grader Operator by Tractor operator, Sierra, Euclid or similar types; PILEDRIVERS: Hammer Operator; Piledriver Operator (not crane type); PIPELINE, SEWER WATER: Pipe Cleaning Machine Operator; Pipe Doping Machine Operator; Pipe Bending Machine Operator; Pipe Wrapping Machine Operator; Boring Machine Operator; Back Filling Machine Operator; REMOTE CONTROL: Concrete Cleaning Decontamination Machine Operator; Ultra High Pressure Water Jet Cutting Tool System Operator/Mechanic; Vacuum Blasting Machine Operator/mechanic; REPAIRMEN, HEAVY DUTY: Diesel Electric Engineer (Plant or Floating); Bolt Threading Machine operator; Drill Doctor (Bit Grinder); H.D. Mechanic; Machine Tool Operator; RUBBER-TIRED SCRAPERS: Rubber-tired Scraper Operator, single engine, single scraper; Self-loading, paddle wheel, auger type under 15 cu. yds.; Rubber-tired Scraper Operator, twin engine; Rubber-tired Scraper Operator, with push-ull attachments; Self Loading, paddle wheel, auger type 15 cu. yds. and over, single engine; Water pulls, water wagons; SHOVEL, DRAGLINE, CLAMSHELL, SKOOPER OPERATOR: Diesel Electric Engineer; Stationary Drag Scraper Operator; Shovel, Dragline, Clamshell, Operator under 3 cy yds.; Grade-all Operator; SURFACE (BASE) MATERIAL: Blade mounted spreaders, Ulrich and similar types; TRACTOR-RUBBERED TIRED: Tractor operator, rubber-tired, over 50 hp flywheel; Tractor operator, with boom attachment; Rubber-tired dozers and pushers (Michigan, Cat, Hough type); Skip Loader, Drag Box; TRENCHING MACHINE: Trenching Machine operator, digging capacity over 3 ft depth; Back filling machine operator; TUNNEL: Mucking machine operator

GROUP 5: ASPHALT: Extrusion Machine Operator; Roller Operator (any asphalt mix); Asphalt Burner and Reconditioner Operator (any type); Roto-Mill, pavement profiler, ground man; BULLDOZERS: Bulldozer operator, 20,000 lbs. or less or 100 horse or less; COMPRESSORS: Compressor Operator (any power), over 1,250 cu. ft. total capacity; COMPACTORS: Compactor Operator, including

### Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

vibratory; Wagner Factor Operator or similar type (without blade); CONCRETE: Combination mixer and Compressor Operator, gunite work; Concrete Batch Plant Quality Control Operator; Beltcrete Operator; Pumpcrete Operator (any type); Pavement Grinder and/or Grooving Machine Operator (riding type); Cement Pump Operator, Fuller-Kenyon and similar; Concrete Pump Operator; Grouting Machine Operator; Concrete mixer operator, single drum, under (5) bag capacity; Cast in place pipe laying machine; maginnis Internal Full slab vibrator operator; Concrete finishing mahine operator, Clary, Johnson, Bidwell, Burgess Bridge deck or similar type; Curb Machine Operator, mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine Operator; Concrete Planer Operator; Tower Mobile Operator; Power Jumbo Operator setting slip forms in tunnels; Slip Form Pumps, power driven hydraulic lifting device for concrete forms; Concrete Paving Machine Operator; Concrete Finishing Machine Operator; Concrete Spreader Operator; CRANE: Helicopter Hoist Operator; Hoist Operator, single drum; Elevator Operator; A-frame Truck Operator, Double drum; Boom Truck Operator; HYDRAULIC CRANE OPERATOR: Hydraulic Boom Truck, Pittman; DRILLING: Churm Drill and Earth Boring Machine Operator; Vacuum Truck; Directional Drill Operator over 20,000 lbs pullback; FLOATING EQUIPMENT: Fireman; FORKLIFT: Fork Lift, over 10 ton and/or robotic; HYDRAULIC HOES EXCAVATORS: Hydraulic Backhoe Operator, wheel type (Ford, John Deere, Case type); Hydraulic Backhoe Operator track type up to and including 20,000 lbs.; LOADERS: Loaders, rubber-tired type, less than 25,000 lbs; Elevating Grader Operator, Tractor Towed requiring Operator or Grader; Elevating loader operator, Athey and similar types; OILERS: Service oiler (Greaser); PIPELINE-SEWER WATER: Hydra hammer or simialr types; Pavement Breaker Operator; PUMPS: Pump Operator, more than 5 (any size); Pot Rammer Operator; RAILROAD EQUIPMENT: Locomotive Operator, under 40 tons; Ballast Regulator Operator; Ballast Tamper Multi-Purpose Operator; Track Liner Operator; Tie Spacer Operator; Shuttle Car Operator; Locomotive Operator, 40 tons and over; MATERIAL HAULRS: Cat wagon DJBs Volvo similar types; Conveyored material hauler; SURFACING (BASE) MATERIAL: Rock Spreaders, self-propelled; Pulva-mixer or similar types; Chiip Spreading machine operator; Lime spreading operator, construction job siter; SWEEPERS: Sweeper operator (Wayne type) self-propelled construction job site; TRACTOR-RUBBER TIRED: Tractor operator, rubber-tired, 50 hp flywheel and under; Trenching machine operator, maximum digging capacity 3 ft depth; TUNNEL: Dinkey

GROUP 6: ASPHALT: Plant Oiler; Plant Fireman; Pugmill Operator (any type); Truck mounted asphalt spreader, with screed; COMPRESSORS: Compressor Operator (any power), under 1,250 cu. ft. total capacity; CONCRETE: Plant Oiler, Assistant Conveyor Operator; Conveyor Operator; Mixer Box Operator (C.T.B., dry batch, etc.); Cement Hog Operator; Concrete Saw Operator; Concrete Curing Machine Operator

### Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

(riding type); Wire Mat or Brooming Machine Operator;  
 CRANE: Oiler; Fireman, all equipment; Truck Crane Oiler  
 Driver; A-frame Truck Operator, single drum; Tugger or  
 Coffin Type Hoist Operator; CRUSHER: Crusher Oiler; Crusher  
 Feederman; CRUSHER: Crusher oiler; Crusher feederman;  
 DRILLING: Drill Tender; Auger Oiler; FLOATING EQUIPMENT:  
 Deckhand; Boatman; FORKLIFT: Self-propelled Scaffolding  
 Operator, construction job site (exclduing working  
 platform); Fork Lift or Lumber Stacker Operator,  
 construction job site; Ross Carrier Operator, construction  
 job site; Lull Hi-Lift Operator or Similar Type; GUARDRAIL  
 EQUIPMENT: Oiler; Auger Oiler; Oiler, combination guardrail  
 machines; Guardrail Punch Oiler; HEATING PLANT: Temporary  
 Heating Plant Operator; LOADERS: Bobcat, skid steer (less  
 than 1 cu yd.); Bucket Elevator Loader Operator,  
 BarberGreene and similar types; OILERS: Oiler; Guardrail  
 Punch Oiler; Truck Crane Oiler-Driver; Auger Oiler; Grade  
 Oiler, required to check grade; Grade Checker; Rigger;  
 PIPELINE-SEWER WATER: Tar Pot Fireman; Tar Pot Fireman  
 (power agitated); PUMPS: Pump Operator (any power);  
 Hydrostatic Pump Operator; RAILROAD EQUIPMENT: Brakeman;  
 Oiler; Switchman; Motorman; Ballast Jack Tamper Operator;  
 SHOVEL, DRAGLINE, CLAMSHELL, SKOOPER, ETC. OPERATOR: Oiler,  
 Grade Oiler (required to check grade); Grade Checker;  
 Fireman; SWEEPER: Broom operator, self propelled,  
 construction job site; SURFACING (BASE) MATERIAL: Roller  
 Operator, grading of base rock (not asphalt); Tamping  
 Machine operartor, mechanical, self-propelled; Hydrographic  
 Seeder Machine Operator; TRENCHING MACHINE: Oiler; Grade  
 Oiler; TUNNEL: Conveyor operator; Air filtration equipment  
 operator

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 \* ENGI0701-003 01/01/2008

CLARK, COWLITZ, KLICKITAT, PACIFIC (SOUTH), SKAMANIA, AND  
 WAHKIAKUM COUNTIES

DREDGING:

	Rates	Fringes
Dredging:		
ZONE A		
ASSISTANT ENGINEER.....	\$ 35.66	10.05
ASSISTANT MATE.....	\$ 31.53	10.05
LEVERMAN, DIPPER, FLOATING CLAMSHELL.....	\$ 38.12	10.05
LEVERMAN, HYDRAULIC.....	\$ 38.12	10.05
TENDERMAN.....	\$ 34.54	10.05
ZONE B		
ASSISTANT ENGINEER.....	\$ 37.66	10.05
ASSISTANT MATE.....	\$ 33.53	10.05
LEVERMAN, DIPPER, FLOATING CLAMSHELL.....	\$ 40.12	10.05
LEVERMAN, HYDRAULIC.....	\$ 40.12	10.05
TENDERMAN.....	\$ 36.54	10.05

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

ZONE C

ASSISTANT ENGINEER.....	\$ 38.66	10.05
ASSISTANT MATE.....	\$ 34.53	10.05
LEVERMAN, DIPPER, FLOATING CLAMSHELL.....	\$ 41.12	10.05
LEVERMAN, HYDRAULIC.....	\$ 41.12	10.05
TENDERMAN.....	\$ 37.54	10.05

ZONE DESCRIPTION FOR DREDGING:

- ZONE A - All jobs or projects located within 30 road miles of Portland City Hall.
- ZONE B - Over 30-50 road miles from Portland City Hall.
- ZONE C - Over 50 road miles from Portland City Hall.

\*All jobs or projects shall be computed from the city hall by the shortest route to the geographical center of the project.

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IRON0014-005 07/01/2007

ADAMS, ASOTIN, BENTON, COLUMBIA, DOUGLAS, FERRY, FRANKLIN, GARFIELD, GRANT, LINCOLN, OKANOGAN, PEND ORIELLE, SPOKANE, STEVENS, WALLA WALLA AND WHITMAN COUNTIES

	Rates	Fringes
IRONWORKER.....	\$ 28.22	15.52

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IRON0029-002 07/01/2007

CLARK, COWLITZ, KLICKITAT, PACIFIC, SKAMANIA, AND WAHKAIKUM COUNTIES

	Rates	Fringes
IRONWORKER.....	\$ 30.25	15.52

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IRON0086-002 07/01/2007

YAKIMA, KITTITAS AND CHELAN COUNTIES

	Rates	Fringes
IRONWORKER.....	\$ 29.00	15.52

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IRON0086-004 07/01/2007

CLALLAM, GRAYS HARBOR, ISLAND, JEFFERSON, KING, KITSAP, LEWIS, MASON, PIERCE, SKAGIT, SNOHOMISH, THURSTON, AND WHATCOM COUNTIES

	Rates	Fringes
IRONWORKER.....	\$ 32.40	15.52

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LABO0001-002 06/01/2008

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

ZONE 1:

	Rates	Fringes
Laborers:		
CALLAM, GRAYS HARBOR, ISLAND, JEFFERSON, KING, KITSAP, LEWIS, MASON, PACIFIC (NORTH OF STRAIGHT LINE MADE BY EXTENDING THE NORTH BOUNDARY WAHKIAKUM COUNTY WEST TO THE PACIFIC OCEAN), PIERCE, SAN JUAN, SKAGIT, SNOHOMISH, THURSTON AND WHATCOM COUNTIES		
GROUP 1.....	\$ 21.19	8.46
GROUP 2.....	\$ 24.01	8.46
GROUP 3.....	\$ 29.66	8.46
GROUP 4.....	\$ 30.37	8.46
GROUP 5.....	\$ 30.85	8.46
CHELAN, DOUGLAS (WEST OF THE 120TH MERIDIAN), KITTITAS AND YAKIMA COUNTIES		
GROUP 1.....	\$ 17.45	8.46
GROUP 2.....	\$ 19.97	8.46
GROUP 3.....	\$ 21.85	8.46
GROUP 4.....	\$ 22.37	8.46
GROUP 5.....	\$ 22.76	8.46

ZONE DIFFERENTIAL (ADD TO ZONE 1 RATES):

ZONE 2 - \$ .70  
ZONE 3 - \$1.00

BASE POINTS: CHELAN, SUNNYSIDE, WENATCHEE, AND YAKIMA

ZONE 1 - Projects within 25 radius miles of the respective city hall  
ZONE 2 - More than 25 but less than 45 radius miles from the respective city hall  
ZONE 3 - More than 45 radius miles from the respective city hall

BASE POINTS: BELLINGHAM, MT. VERNON, EVERETT, SEATTLE, KENT, TACOMA, OLYMPIA, CENTRALIA, ABERDEEN, SHELTON, PT. TOWNSEND, PT. ANGELES, AND BREMERTON

ZONE 1 - Projects within 25 radius miles of the respective city hall  
ZONE 2 - More than 25 but less than 45 radius miles from the respective city hall  
ZONE 3 - More than 45 radius miles from the respective city hall

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

## LABORERS CLASSIFICATIONS

GROUP 1: Landscaping and Planting; Watchman; Window Washer/Cleaner (detail clean-up, such as but not limited to cleaning floors, ceilings, walls, windows, etc., prior to final acceptance by the owner)

GROUP 2: Batch Weighman; Crusher Feeder; Fence Laborer; Flagman; Pilot Car

GROUP 3: General Laborer; Air, Gas, or Electric Vibrating Screed; Asbestos Abatement Laborer; Ballast Regulator Machine; Brush Cutter; Brush Hog Feeder; Burner; Carpenter Tender; Cement Finisher Tender; Change House or Dry Shack; Chipping Gun (under 30 lbs.); Choker Setter; Chuck Tender; Clean-up Laborer; Concrete Form Stripper; Curing Laborer; Demolition (wrecking and moving including charred material); Ditch Digger; Dump Person; Fine Graders; Firewatch; Form Setter; Gabian Basket Builders; Grout Machine Tender; Grinders; Guardrail Erector; Hazardous Waste Worker (Level C); Maintenance Person; Material Yard Person; Pot Tender; Rip Rap Person; Riggers; Scale Person; Sloper Sprayer; Signal Person; Stock Piler; Stake Hopper; Toolroom Man (at job site); Topper-Tailer; Track Laborer; Truck Spotter; Vinyl Seamer

GROUP 4: Cement Dumper-Paving; Chipping Gun (over 30 lbs.); Clary Power Spreader; Concrete Dumper/Chute Operator; Concrete Saw Operator; Drill Operator (hydraulic, diamond, aiartrac); Faller and Bucker Chain Saw; Grade Checker and Transit Person; Groutmen (pressure) including post tension beams; Hazardous Waste Worker (Level B); High Scaler; Jackhammer; Laserbeam Operator; Manhole Builder-Mudman; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sandblast, gunite, shotcrete, water blaster, vacuum blaster); Pavement Breaker; Pipe Layer and Caulker; Pipe Pot Tender; Pipe Reliner (not insert type); Pipe Wrapper; Power Jacks; Railroad Spike Puller-Power; Raker-Asphalt; Rivet Buster; Rodder; Sloper (over 20 ft); Spreader (concrete); Tamper and Similar electric, air and gas operated tool; Timber Person-sewer (lagger shorer and cribber); Track Liner Power; Tugger Operator; Vibrator; Well Point Laborer

GROUP 5: Caisson Worker; Miner; Mortarman and Hodcarrier; Powderman; Re-Timberman; Hazardous Waste Worker (Level A).

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LABO0238-004 06/01/2008

ADAMS, ASOTIN, BENTON, COLUMBIA, DOUGLAS (EAST OF THE 120TH MERIDIAN), FERRY, FRANKLIN, GARFIELD, GRANT, LINCOLN, OKANOGAN, PEND OREILLE, STEVENS, SPOKANE, WALLA WALLA AND WHITMAN COUNTIES

Rates

Fringes

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

Laborers:

ZONE 1:

GROUP 1.....	\$ 20.56	7.70
GROUP 2.....	\$ 22.66	7.70
GROUP 3.....	\$ 22.93	7.70
GROUP 4.....	\$ 23.20	7.70
GROUP 5.....	\$ 23.48	7.70
GROUP 6.....	\$ 24.85	7.70

Zone Differential (Add to Zone 1 rate): \$2.00

BASE POINTS: Spokane, Pasco, Lewiston

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

Zone 2: 45 radius miles and over from the main post office.

LABORERS CLASSIFICATIONS

GROUP 1: Flagman; Landscape Laborer; Scaleman; Traffic Control Maintenance Laborer (to include erection and maintenance of barricades, signs and relief of flagperson); Window Washer/Cleaner (detail cleanup, such as, but not limited to cleaning floors, ceilings, walls, windows, etc. prior to final acceptance by the owner)

GROUP 2: Asbestos Abatement Worker; Brush Hog Feeder; Carpenter Tender; Cement Handler; Clean-up Laborer; Concrete Crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, signaling, handling the nozzle of squeezecrete or similar machine, 6 inches and smaller); Confined Space Attendant; Concrete Signalman; Crusher Feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Dumpman; Fence Erector; Firewatch; Form Cleaning Machine Feeder, Stacker; General Laborer; Grout Machine Header Tender; Guard Rail (to include guard rails, guide and reference posts, sign posts, and right-of-way markers); Hazardous Waste Worker, Level D (no respirator is used and skin protection is minimal); Miner, Class "A" (to include all bull gang, concrete crewman, dumpman and pumpcrete crewman, including distributing pipe, assembly & dismantle, and nipper); Nipper; Riprap Man; Sandblast Tailhoseman; Scaffold Erector (wood or steel); Stake Jumper; Structural Mover (to include separating foundation, preparation, cribbing, shoring, jacking and unloading of structures); Tailhoseman (water nozzle); Timber Bucker and Faller (by hand); Track Laborer (RR); Truck Loader; Well-Point Man; All Other Work Classifications Not Specially Listed Shall Be Classified As General Laborer

GROUP 3: Asphalt Raker; Asphalt Roller, walking; Cement Finisher Tender; Concrete Saw, walking; Demolition Torch; Dope Pot Firemen, non-mechanical; Driller Tender (when required to move and position machine); Form Setter,

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

Paving; Grade Checker using level; Hazardous Waste Worker, Level C (uses a chemical "splash suit" and air purifying respirator); Jackhammer Operator; Miner, Class "B" (to include brakeman, finisher, vibrator, form setter); Nozzleman (to include squeeze and flo-crete nozzle); Nozzleman, water, air or steam; Pavement Breaker (under 90 lbs.); Pipelayer, corrugated metal culvert; Pipelayer, multi-plate; Pot Tender; Power Buggy Operator; Power Tool Operator, gas, electric, pneumatic; Railroad Equipment, power driven, except dual mobile power spiker or puller; Railroad Power Spiker or Puller, dual mobile; Rodder and Spreader; Tamper (to include operation of Barco, Essex and similar tampers); Trencher, Shawnee; Tugger Operator; Wagon Drills; Water Pipe Liner; Wheelbarrow (power driven)

GROUP 4: Air and Hydraulic Track Drill; Brush Machine (to include horizontal construction joint cleanup brush machine, power propelled); Caisson Worker, free air; Chain Saw Operator and Faller; Concrete Stack (to include laborers when laborers working on free standing concrete stacks for smoke or fume control above 40 feet high); Gunite (to include operation of machine and nozzle); Hazardous Waste Worker, Level B (uses same respirator protection as Level A. A supplied air line is provided in conjunction with a chemical "splash suit"); High Scaler; Laser Beam Operator (to include grade checker and elevation control); Miner, Class C (to include miner, nozzleman for concrete, laser beam operator and rigger on tunnels); Monitor Operator (air track or similar mounting); Mortar Mixer; Nozzleman (to include jet blasting nozzleman, over 1,200 lbs., jet blast machine power propelled, sandblast nozzle); Pavement Breaker (90 lbs. and over); Pipelayer (to include working topman, caulker, collarman, jointer, mortarman, rigger, jacker, shorer, valve or meter installer); Pipewrapper; Plasterer Tender; Vibrators (all)

GROUP 5 - Drills with Dual Masts; Hazardous Waste Worker, Level A (utilizes a fully encapsulated suit with a self-contained breathing apparatus or a supplied air line); Miner Class "D", (to include raise and shaft miner, laser beam operator on riases and shafts)

GROUP 6 - Powderman

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LABO0238-006 06/01/2008

COUNTIES EAST OF THE 120TH MERIDIAN: ADAMS, ASOTIN, BENTON, CHELAN, COLUMBIA, DOUGLAS, FERRY, FRANKLIN, GARFIELD, GRANT, LINCOLN, OKANOGAN, PEND OREILLE, STEVENS, SPOKANE, WALLA WALLA, WHITMAN

	Rates	Fringes
Hod Carrier.....	\$ 24.10	7.70

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LABO0335-001 06/01/2007

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

CLARK, COWLITZ, KLICKITAT, PACIFIC (SOUTH OF A STRAIGHT LINE MADE BY EXTENDING THE NORTH BOUNDARY LINE OF WAHKIAKUM COUNTY WEST TO THE PACIFIC OCEAN), SKAMANIA AND WAHKIAKUM COUNTIES

	Rates	Fringes
Laborers:		
ZONE 1:		
GROUP 1.....	\$ 25.94	8.25
GROUP 2.....	\$ 26.54	8.25
GROUP 3.....	\$ 26.98	8.25
GROUP 4.....	\$ 27.36	8.25
GROUP 5.....	\$ 23.44	8.25
GROUP 6.....	\$ 21.02	8.25
GROUP 7.....	\$ 17.82	8.25

Zone Differential (Add to Zone 1 rates):  
 Zone 2 \$ 0.65  
 Zone 3 - 1.15  
 Zone 4 - 1.70  
 Zone 5 - 2.75

BASE POINTS: GOLDENDALE, LONGVIEW, AND VANCOUVER

ZONE 1: Projects within 30 miles of the respective city all.  
 ZONE 2: More than 30 miles but less than 40 miles from the respective city hall.  
 ZONE 3: More than 40 miles but less than 50 miles from the respective city hall.  
 ZONE 4: More than 50 miles but less than 80 miles from the respective city hall.  
 ZONE 5: More than 80 miles from the respective city hall.

LABORERS CLASSIFICATIONS

GROUP 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Change-House Man or Dry Shack Man; Choker Setter; Clean-up Laborers; Curing, Concrete; Demolition, Wrecking and Moving Laborers; Dumpers, road oiling crew; Dumpmen (for grading crew); Elevator Feeders; Guard Rail, Median Rail Reference Post, Guide Post, Right of Way Marker; Fine Graders; Fire Watch; Form Strippers (not swinging stages); General Laborers; Hazardous Waste Worker; Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Pittsburgh Chipper Operator or Similar Types; Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipman; Slopers; Spraymen; Stake Chaser; Stockpiler; Tie Back Shoring; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bullgang (above ground); Weight-Man- Crusher (aggregate when used)

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

GROUP 2: Applicator (including pot power tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clary Power Spreader and similar types; Clean- up Nozzleman-Green Cutter (concrete, rock, etc.); Concrete Power Buggyman; Concrete Laborer; Crusher Feeder; Demolition and Wrecking Charred Materials; Gunitite Nozzleman Tender; Gunitite or Sand Blasting Pot Tender; Handlers or Mixers of all Materials of an irritating nature (including cement and lime); Tool Operators (includes but not limited to: Dry Pack Machine; Jackhammer; Chipping Guns; Paving Breakers); Pipe Doping and Wrapping; Post Hole Digger, air, gas or electric; Vibrating Screed; Tampers; Sand Blasting (Wet); Stake-Setter; Tunnel-Muckers, Brakemen, Concrete Crew, Bullgang (underground)

GROUP 3: Asbestos Removal; Bit Grinder; Drill Doctor; Drill Operators, air tracks, cat drills, wagon drills, rubber-mounted drills, and other similar types including at crusher plants; Gunitite Nozzleman; High Scalars, Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down, or sloping and stripping); Manhole Builder; Powdermen; Concrete Saw Operator; Pwdermen; Power Saw Operators (Bucking and Falling); Pumpcrete Nozzlemen; Sand Blasting (Dry); Sewer Timberman; Track Liners, Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks, Tugger Operator; Tunnel-Chuck Tenders, Nippers and Timbermen; Vibrator; Water Blaster

GROUP 4: Asphalt Raker; Concrete Saw Operator (walls); Concrete Nozzelman; Grade Checker; Pipelayer; Laser Beam (pipelaying)-applicable when employee assigned to move, set up, align; Laser Beam; Tunnel Miners; Motorman-Dinky Locomotive-Tunnel; Powderman-Tunnel; Shield Operator-Tunnel

GROUP 5: Traffic Flaggers

GROUP 6: Fence Builders

GROUP 7: Landscaping or Planting Laborers

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LABO0335-010 06/01/2007

CLARK, COWLITZ, KLICKITAT, PACIFIC (SOUTH OF A STRAIGHT LINE MADE BY EXTENDING THE NORTH BOUNDARY LINE OF WAHAKIUM COUNTY WEST TO THE PACIFIC OCEAN), SKAMANIA AND WAHAKIUM COUNTIES

	Rates	Fringes
Hod Carrier.....	\$ 27.96	8.25

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PAIN0005-002 06/01/2007

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

STATEWIDE EXCEPT CLARK, COWLITZ, KLUCKITAT, PACIFIC (SOUTH), SKAMANIA, AND WAHAKIAKUM COUNTIES

	Rates	Fringes
Painters:		
STRIPERS.....	\$ 25.38	11.02
-----		
PAIN0005-004 07/01/2007		

CLALLAM, GRAYS HARBOR, ISLAND, JEFFERSON, KING, KITSAP, LEWIS, MASON, PIERCE, SAN JUAN, SKAGIT, SNOHOMISH, THURSTON AND WHATCOM COUNTIES

	Rates	Fringes
PAINTER.....	\$ 19.91	6.85
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* PAIN0005-006 07/01/2007		

ADAMS, ASOTIN; BENTON AND FRANKLIN (EXCEPT HANFORD SITE); CHELAN, COLUMBIA, DOUGLAS, FERRY, GARFIELD, GRANT, KITTITAS, LINCOLN, OKANOGAN, PEND OREILLE, SPOKANE, STEVENS, WALLA WALLA, WHITMAN AND YAKIMA COUNTIES

	Rates	Fringes
Painters:		
Application of Cold Tar Products, Epoxies, Polyurethanes, Acids, Radiation Resistant Material, Water and Sandblasting, Bridges, Towers, Tanks, Stacks, Steeples.....	\$ 20.84	7.38
Over 30'/Swing Stage Work..	\$ 21.54	7.38
Brush, Roller, Striping, Steam-cleaning and Spray....	\$ 15.09	6.18
Lead Abatement, Asbestos Abatement.....	\$ 20.84	7.38
TV Radio, Electrical Transmission Towers.....	\$ 21.59	7.38
Over 30'/Swing Stage Work..	\$ 22.29	7.38

\*\$.70 shall be paid over and above the basic wage rates listed for work on swing stages and high work of over 30 feet.

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PAIN0055-002 04/01/2008

CLARK, COWLITZ, KLUCKITAT, PACIFIC, SKAMANIA, AND WAHAKIAKUM COUNTIES

	Rates	Fringes
Painters:		

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

D-38

Brush & Roller.....	\$ 19.88	7.05
High work - All work 60 ft. or higher.....	\$ 20.63	7.05
Spray and Sandblasting.....	\$ 20.48	7.05

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PAIN0055-007 06/01/2007

CLARK, COWLITZ, KLICKITAT, SKAMANIA and WAHKIAKUM COUNTIES

	Rates	Fringes
Painters:		
HIGHWAY & PARKING LOT STRIPER.....	\$ 28.27	8.27

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PLAS0072-004 06/01/2007

ADAMS, ASOTIN, BENTON, CHELAN, COLUMBIA, DOUGLAS, FERRY,  
FRANKLIN, GARFIELD, GRANT, KITTITAS, LINCOLN, OKANOGAN, PEND  
OREILLE, SPOKANE, STEVENS, WALLA WALLA, WHITMAN, AND YAKIMA  
COUNTIES

	Rates	Fringes
CEMENT MASON/CONCRETE FINISHER ZONE 1:.....	\$ 24.68	7.98

Zone Differential (Add to Zone 1 rate): Zone 2 - \$2.00

BASE POINTS: Spokane, Pasco, Moses Lake, Lewiston  
Zone 1: 0 - 45 radius miles from the main post office  
Zone 2: Over 45 radius miles from the main post office

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PLAS0528-001 06/01/2008

CLALLAM, COWLITZ, GRAYS HARBOR, ISLAND, JEFFERSON, KING,  
KITSAP, LEWIS, MASON, PACIFIC, PIERCE, SAN JUAN, SKAGIT,  
SNOHOMISH, THURSTON, WAHKIAKUM AND WHATCOM COUNTIES

	Rates	Fringes
Cement Masons:		
CEMENT MASON.....	\$ 34.68	12.13
COMPOSITION, COLOR MASTIC, TROWEL MACHINE, GRINDER, POWER TOOLS, GUNNITE NOZZLE.	\$ 35.18	12.13
TROWLING MACHINE OPERATOR ON COLORED SLABS, COMPOSITION OR KALMAN FLOORS.....	\$ 36.18	12.13

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PLAS0555-002 06/01/2008

CLARK, KLICKITAT AND SKAMANIA COUNTIES

ZONE 1:

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

	Rates	Fringes
Cement Masons:		
CEMENT MASONS DOING BOTH COMPOSITION/POWER MACHINERY AND SUSPENDED/HANGING SCAFFOLD..	\$ 27.87	14.83
CEMENT MASONS ON SUSPENDED, SWINGING AND/OR HANGING SCAFFOLD.....	\$ 27.34	14.83
CEMENT MASONS.....	\$ 26.80	14.83
COMPOSITION WORKERS AND POWER MACHINERY OPERATORS...	\$ 27.34	14.83

Zone Differential (Add To Zone 1 Rates):  
 Zone 2 - \$0.65  
 Zone 3 - 1.15  
 Zone 4 - 1.70  
 Zone 5 - 3.00

BASE POINTS: BEND, CORVALLIS, EUGENE, MEDFORD, PORTLAND,  
 SALEM, THE DALLES, VANCOUVER

ZONE 1: Projects within 30 miles of the respective city hall  
 ZONE 2: More than 30 miles but less than 40 miles from the  
 respective city hall.  
 ZONE 3: More than 40 miles but less than 50 miles from the  
 respective city hall.  
 ZONE 4: More than 50 miles but less than 80 miles from the  
 respective city hall.  
 ZONE 5: More than 80 miles from the respective city hall

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 PLUM0032-002 01/01/2008

CLALLAM, KING AND JEFFERSON COUNTIES

	Rates	Fringes
Plumbers and Pipefitters.....	\$ 39.88	17.51

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 PLUM0032-003 06/01/2007

CHELAN, KITTITAS (NORTHERN TIP), DOUGLAS (NORTH), AND OKANOGAN  
 (NORTH) COUNTIES

	Rates	Fringes
Plumbers and Pipefitters.....	\$ 26.78	14.29

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 PLUM0044-003 06/01/2007

ADAMS (NORTHERN PART), ASOTIN (CLARKSTON ONLY), FERRY (EASTERN  
 PART), LINCOLN, PEND ORIELLE, STEVENS, SPOKANE, AND WHITMAN  
 COUNTIES

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

	Rates	Fringes
Plumbers and Pipefitters		
ADAMS (NORTHERN PART),		
ASOTIN (CLARKSTON ONLY),		
FERRY (EASTERN PART),		
LINCOLN, PEND ORIELLE AND		
STEVENS AND SPOKANE		
COUNTIES.....	\$ 30.14	12.81
WHITMAN COUNTY.....	\$ 36.24	12.81

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PLUM0082-001 06/01/2007

CLARK (NORTHERN TIP INCLUDING WOODLAND), COWLITZ, GRAYS HARBOR,  
LEWIS, MASON (EXCLUDING NE SECTION), PACIFIC, PIERCE SKAMANIA,  
THURSTON AND WAHAKIYAKUM COUNTIES

	Rates	Fringes
Plumbers and Pipefitters.....	\$ 35.55	15.32

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PLUM0265-003 06/01/2007

ISLAND, SKAGIT, SNOHOMISH, SAN JUAN AND WHATCOM COUNTIES

	Rates	Fringes
Plumbers and Pipefitters.....	\$ 35.55	15.32

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PLUM0290-003 04/01/2008

CLARK (ALL EXCLUDING NORTHERN TIP INCLUDING CITY OF WOODLAND)

	Rates	Fringes
Plumbers and Pipefitters.....	\$ 35.69	16.39

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PLUM0598-005 06/01/2008

ADAMS (SOUTHERN PART), ASOTIN (EXCLUDING THE CITY OF  
CLARKSTON), BENTON, COLUMBIA, DOUGLAS (EASTERN HALF), FERRY  
(WESTERN PART), FRANKLIN, GARFIELD, GRANT, KITTITAS (ALL BUT  
NORTHERN TIP), KLICKITAT, LINCOLN (WESTERN PART), OKANOGAN  
(EASTERN), WALLA WALLA AND YAKIMA COUNTIES

	Rates	Fringes
PLUMBER.....	\$ 38.64	19.10

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PLUM0631-001 06/01/2007

MASON (NE SECTION), AND KITSAP COUNTIES

	Rates	Fringes
Plumbers and Pipefitters		

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

All new construction, additions, and remodeling of commercial building projects such as: cocktail lounges and taverns, professional buildings, medical clinics, retail stores, hotels and motels, restaurants and fast food types, gasoline service stations, and car washes where the plumbing and mechanical cost of the project is less than \$100,000.....	\$ 27.39	11.18
All other work where the plumbing and mechanical cost of the project is \$100,000 and over.....	\$ 34.90	15.32

\* TEAM0037-002 06/01/2008

CLARK, COWLITZ, KLICKITAT, PACIFIC (South of a straight line made by extending the north boundary line of Wahkiakum County west to the Pacific Ocean), SKAMANIA, AND WAHAKIYAKUM COUNTIES

	Rates	Fringes
Truck drivers:		
ZONE 1		
GROUP 1.....	\$ 26.40	11.91
GROUP 2.....	\$ 26.52	11.91
GROUP 3.....	\$ 26.65	11.91
GROUP 4.....	\$ 26.91	11.91
GROUP 5.....	\$ 27.13	11.91
GROUP 6.....	\$ 27.29	11.91
GROUP 7.....	\$ 27.49	11.91

Zone Differential (Add to Zone 1 Rates):

- Zone 2 - \$0.65
- Zone 3 - 1.15
- Zone 4 - 1.70
- Zone 5 - 2.75

BASE POINTS: ASTORIA, THE DALLES, LONGVIEW AND VANCOUVER

ZONE 1: Projects within 30 miles of the respective city hall.

ZONE 2: More than 30 miles but less than 40 miles from the respective city hall.

ZONE 3: More than 40 miles but less than 50 miles from the respective city hall.

ZONE 4: More than 50 miles but less than 80 miles from the

**Wage Determination**

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

respective city hall.

ZONE 5: More than 80 miles from the respective city hall.

TRUCK DRIVERS CLASSIFICATIONS

GROUP 1: A Frame or Hydra lift truck w/load bearing surface; Articulated Dump Truck; Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Concrete Pump Truck; Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations there of: up to and including 10 cu. yds.; Lift Jitneys, Fork Lifts (all sizes in loading, unloading and transporting material on job site); Loader and/or Leverman on Concrete Dry Batch Plant (manually operated); Pilot Car; Pickup Truck; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Tender; Truck Mechanic Tender; Water Wagons (rated capacity) up to 3,000 gallons; Transit Mix and Wet or Dry Mix - 5 cu. yds. and under; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Driver; Slurry Truck Driver or Leverman; Tireman

GROUP 2: Boom Truck/Hydra-lift or Retracting Crane; Challenger; Dumpsters or similar equipment all sizes; Dump Trucks/Articulated Dumps 6 cu to 10 cu.; Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer or doubles transporting equipment or wet or dry materials; Lumber Carrier, Driver-Straddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Transit mix and wet or dry mix trcuks: over 5 cu. yds. and including 7 cu. yds.; Vacuum Trucks; Water truck/Wagons (rated capacity) over 3,000 to 5,000 gallons

GROUP 3: Ammonia Nitrate Distributor Driver; Dump trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 10 cu. yds. and including 30 cu. yds. includes Articulated Dump Trucks; Self-Propelled Street Sweeper; Transit mix and wet or dry mix truck: over 7 cu yds. and including 11 cu yds.; Truck Mechanic-Welder-Body Repairman; Utility and Clean-up Truck; Water Wagons (rated capacity) over 5,000 to 10,000 gallons

GROUP 4: Asphalt Burner; Dump Trucks, side, end and bottom cumps, including Semi-Trucks and Trains or combinations thereof: over 30 cu. yds. and including 50 cu. yds. includes Articulated Dump Trucks; Fire Guard; Transit Mix and Wet or Dry Mix Trucks, over 11 cu. yds. and including 15 cu. yds.; Water Wagon (rated capacity) over 10,000 gallons to 15,000 gallons

GROUP 5: Composite Crewman; Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds. includes Articulated Dump Trucks

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

GROUP 6: Bulk Cement Spreader w/o Auger; Dry Pre-Batch concrete Mix Trucks; Dump trucks, side, end and bottom dumps, including Semi Trucks and Trains of combinations thereof: over 60 cu. yds. and including 80 cu. yds., and includes Articulated Dump Trucks; Skid Truck

GROUP 7: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 80 cu. yds. and including 100 cu. yds., includes Articulated Dump Trucks; Industrial Lift Truck (mechanical tailgate)

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\* TEAM0174-001 06/01/2007

CLALLAM, GRAYS HARBOR, ISLAND, JEFFERSON, KING, KITSAP, LEWIS, MASON, PACIFIC (North of a straight line made by extending the north boundary line of Wahkiakum County west to the Pacific Ocean), PIERCE, SAN JUAN, SKAGIT, SNOHOMISH, THURSTON AND WHATCOM COUNTIES

	Rates	Fringes
Truck drivers:		
ZONE A:		
GROUP 1:.....	\$ 29.42	12.48
GROUP 2:.....	\$ 28.71	12.48
GROUP 3:.....	\$ 26.18	12.48
GROUP 4:.....	\$ 21.69	12.48
GROUP 5:.....	\$ 29.07	12.48

ZONE B (25-45 miles from center of listed cities\*): Add \$.70 per hour to Zone A rates.

ZONE C (over 45 miles from centr of listed cities\*): Add \$1.00 per hour to Zone A rates.

\*Zone pay will be calculated from the city center of the following listed cities:

BELLINGHAM	CENTRALIA	RAYMOND	OLYMPIA
EVERETT	SHELTON	ANACORTES	BELLEVUE
SEATTLE	PORT ANGELES	MT. VERNON	KENT
TACOMA	PORT TOWNSEND	ABERDEEN	BREMERTON

TRUCK DRIVERS CLASSIFICATIONS

GROUP 1 - "A-frame or Hydralift" trucks and Boom trucks or similar equipment when "A" frame or "Hydralift" and Boom truck or similar equipment is used; Buggymobile; Bulk Cement Tanker; Dumpsters and similar equipment, Tournorockers, Tournowagon, Tournotrailer, Cat DW series, Terra Cobra, Le Tourneau, Westinghouse, Athye Wagon, Euclid Two and Four-Wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump Trucks, side, end and bottom dump, including semi-trucks and trains or combinations thereof with 16 yards to 30 yards capacity: Over 30 yards \$.15 per hour additional for each 10 yard increment; Explosive Truck (field mix) and similar

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

equipment; Hyster Operators (handling bulk loose aggregates); Lowbed and Heavy Duty Trailer; Road Oil Distributor Driver; Spreader, Flaherty Transit mix used exclusively in heavy construction; Water Wagon and Tank Truck-3,000 gallons and over capacity

GROUP 2 - Bulllifts, or similar equipment used in loading or unloading trucks, transporting materials on job site; Dumpsters, and similar equipment, Tournorockers, Tournowagon, Turnotrailer, Cat. D.W. Series, Terra Cobra, Le Tourneau, Westinghouse, Athye wagon, Euclid two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump trucks, side, end and bottom dump, including semi-trucks and trains or combinations thereof with less than 16 yards capacity; Flatbed (Dual Rear Axle); Grease Truck, Fuel Truck, Greaser, Battery Service Man and/or Tire Service Man; Leverman and loader at bunkers and batch plants; Oil tank transport; Scissor truck; Slurry Truck; Sno-Go and similar equipment; Swampers; Straddler Carrier (Ross, Hyster) and similar equipment; Team Driver; Tractor (small, rubber-tired)(when used within Teamster jurisdiction); Vacuum truck; Water Wagon and Tank trucks-less than 3,000 gallons capacity; Winch Truck; Wrecker, Tow truck and similar equipment

GROUP 3 - Flatbed (single rear axle); Pickup Sweeper; Pickup Truck. (Adjust Group 3 upward by \$2.00 per hour for onsite work only)

GROUP 4 - Escort or Pilot Car

GROUP 5 - Mechanic

HAZMAT PROJECTS

Anyone working on a HAZMAT job, where HAZMAT certification is required, shall be compensated as a premium, in addition to the classification working in as follows:

LEVEL C: +\$.25 per hour - This level uses an air purifying respirator or additional protective clothing.

LEVEL B: +\$.50 per hour - Uses same respirator protection as Level A. Supplied air line is provided in conjunction with a chemical "splash suit."

LEVEL A: +\$.75 per hour - This level utilizes a fully-encapsulated suit with a self-contained breathing apparatus or a supplied air line.

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\* TEAM0760-002 06/01/2008

ADAMS, ASOTIN, BENTON, CHELAN, COLUMBIA, DOUGLAS, FERRY, FRANKLIN, GARFIELD, GRANT KITTITAS, LINCOLN, OKANOGAN, PEND OREILLE, SPOKANE, STEVENS, WALLA WALLA, WHITMAN AND YAKIMA COUNTIES

Rates

Fringes

Wage Determination

WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3

Truck drivers: (ANYONE  
WORKING ON HAZMAT JOBS SEE  
FOOTNOTE A BELOW)

ZONE 1:

GROUP 1.....	\$ 20.02	11.05
GROUP 2.....	\$ 22.29	11.05
GROUP 3.....	\$ 22.79	11.05
GROUP 4.....	\$ 23.12	11.05
GROUP 5.....	\$ 23.23	11.05
GROUP 6.....	\$ 23.40	11.05
GROUP 7.....	\$ 23.93	11.05
GROUP 8.....	\$ 24.26	11.05

Zone Differential (Add to Zone 1 rate: Zone 2 - \$2.00)

BASE POINTS: Spokane, Moses Lake, Pasco, Lewiston

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

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

TRUCK DRIVERS CLASSIFICATIONS

GROUP 1: Escort Driver or Pilot Car; Employee Haul; Power Boat Hauling Employees or Material

GROUP 2: Fish Truck; Flat Bed Truck; Fork Lift (3000 lbs. and under); Leverperson (loading trucks at bunkers); Trailer Mounted Hydro Seeder and Mulcher; Seeder & Mulcher; Stationary Fuel Operator; Tractor (small, rubber-tired, pulling trailer or similar equipment)

GROUP 3: Auto Crane (2000 lbs. capacity); Buggy Mobile & Similar; Bulk Cement Tanks & Spreader; Dumptor (6 yds. & under); Flat Bed Truck with Hydraulic System; Fork Lift (3001-16,000 lbs.); Fuel Truck Driver, Steamcleaner & Washer; Power Operated Sweeper; Rubber-tired Tunnel Jumbo; Scissors Truck; Slurry Truck Driver; Straddle Carrier (Ross, Hyster, & similar); Tireperson; Transit Mixers & Truck Hauling Concrete (3 yd. to & including 6 yds.); Trucks, side, end, bottom & articulated end dump (3 yards to and including 6 yds.); Warehouseperson (to include shipping & receiving); Wrecker & Tow Truck

GROUP 4: A-Frame; Burner, Cutter, & Welder; Service Greaser; Trucks, side, end, bottom & articulated end dump (over 6 yards to and including 12 yds.); Truck Mounted Hydro Seeder; Warehouseperson; Water Tank truck (0-8,000 gallons)

GROUP 5: Dumptor (over 6 yds.); Lowboy (50 tons & under); Self-loading Roll Off; Semi-Truck & Trailer; Tractor with Steer Trailer; Transit Mixers and Trucks Hauling Concrete (over 6 yds. to and including 10 yds.); Trucks, side, end, bottom and end dump (over 12 yds. to & including 20 yds.); Truck-Mounted Crane (with load bearing surface either mounted or pulled, up to 14 ton); Vacuum Truck (super

Wage Determination

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sucker, guzzler, etc.)

GROUP 6: Flaherty Spreader Box Driver; Flowboys; Fork Lift (over 16,000 lbs.); Dumps (Semi-end); Mechanic (Field); Semi- end Dumps; Transfer Truck & Trailer; Transit Mixers & Trucks Hauling Concrete (over 10 yds. to & including 20 yds.); Trucks, side, end, bottom and articulated end dump (over 20 yds. to & including 40 yds.); Truck and Pup; Tournarocker, DWs & similar with 2 or more 4 wheel-power tractor with trailer, gallonage or yardage scale, whichever is greater Water Tank Truck (8,001- 14,000 gallons); Lowboy(over 50 tons)

GROUP 7: Oil Distributor Driver; Stringer Truck (cable oeprated trailer); Transit Mixers & Trucks Hauling Concrete (over 20 yds.); Truck, side, end, bottom end dump (over 40 yds. to & including 100 yds.); Truck Mounted Crane (with load bearing surface either mounted or pulled (16 through 25 tons);

GROUP 8: Prime Movers and Stinger Truck; Trucks, side, end, bottom and articulated end dump (over 100 yds.); Helicopter Pilot Hauling Employees or Materials

Footnote A - Anyone working on a HAZMAT job, where HAZMAT certification is required, shall be compensated as a premium, in additon to the classification working in as follows:

LEVEL C-D: - \$.50 PER HOUR (This is the lowest level of protection. This level may use an air purifying respirator or additional protective clothing.

LEVEL A-B: - \$1.00 PER HOUR (Uses supplied air is conjunction with a chemical spash suit or fully encapsulated suit with a self-contained breathing apparatus.

Employees shall be paid Hazmat pay in increments of four(4) and eight(8) hours.

NOTE:

Trucks Pulling Equipment Trailers: shall receive \$.15/hour over applicable truck rate

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

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)).

Wage Determination

In the listing above, the "SU" designation means that rates listed under the identifier do not reflect collectively bargained wage and fringe benefit rates. Other designations indicate unions whose rates have been determined to be prevailing.

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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 Regional Office for the area in which the survey was conducted because those Regional Offices have 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:

**Wage Determination**

**WA FS ERFO 2007(1)-22(2), Mt St Helens District Repairs, FR 83 MP 6.9 to 11.3**

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 DECISION



# ATTENTION

The following Special Contract Requirements (SCRs) are only a portion of the specifications for this project. These SCRs amend and supplement the Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-03. The FP-03 U.S. Customary Units is a separately published book. In order to understand the solicitation properly you need to have the FP-03 U.S. Customary Units as well as this packet. Pay particular attention to the provisions of Subsection 104.04 in the FP-03. This Subsection explains how each of the many contract documents fit together.

If you would like to view the FP-03 U.S. Customary Units electronically, go to:  
<http://www.wfl.fha.dot.gov/design/specs/fp03.htm>

If you would like a printed copy of the FP-03 U.S. Customary Units, contact the:

Contracts Section  
Federal Highway Administration  
Western Federal Lands Highway Division  
610 East Fifth Street  
Vancouver, WA 98661  
Phone: 360.619.7520  
Fax: 360.619.7520  
E-mail: [contracts@mail.wfl.fha.dot.gov](mailto:contracts@mail.wfl.fha.dot.gov)

(printed copies of the FP-03 will be distributed to the successful bidder)

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## Section 101.— TERMS, FORMAT, AND DEFINITIONS

### 101.03 Abbreviations. (a) Acronyms. Add the following:

**FR** – Forest Road

**GPNF** – Gifford Pinchot National Forest

### 101.04 Definitions. Amend as follows:

Delete the text of these definitions and substitute the following:

**Award** — The written acceptance of an offeror’s proposal by the C.O.

**Bid** — When used in a project package, carries the same meaning as Offer.

**Bidder** — When used in a project package, carries the same meaning as Offeror.

**Bid Guarantee** — A form of security assuring that the offeror will not withdraw an offer within the period specified for acceptance and will execute a written Task Order and furnish required bonds.

**Bid Schedule** — The prepared schedule included with the offer forms, containing the estimated quantities of pay items for which unit prices are requested.

**Contract** — The written agreement between the Government and the Contractor setting forth the obligations of the parties for the ordering of, performance of, and payment for, the prescribed work. Refers to both the Basic Contract and the Task Orders.

**Contract Time** — The specified time allowed for completion of all Task Order work.

**Notice to Proceed** — Written notice to the contractor to begin the Task Order work.

**Pay Item** — A specific item of work for which a unit price is provided in the Task Order.

**Payment Bond** — The security executed by the contractor and surety or sureties and furnished to the Government to ensure payments as required by law to all persons supplying labor or material according to the Task Order.

**Performance Bond** — The security executed by the contractor and surety or sureties and furnished to the Government to guarantee completion of the Task Order work.

**Project** — The specific section of the highway or other property on which construction is to be performed under the Task Order.

**Solicitation** — The complete assembly of documents (whether attached or incorporated by reference) furnished to prospective offeror(s).

**Surety** — An individual or corporation legally liable for the debt, default, or failure of a contractor to satisfy a Task Order obligation.

**Work** — The furnishing of all labor, material, equipment, and other incidentals necessary to successfully complete the project according to the Task Order.

Add the following:

**Basic Contract** — The contract Indefinite Delivery, Indefinite Quantity (IDIQ) which is a written agreement between the Government and the Contractor(s) setting forth the general obligations of the parties for the ordering of, performance of, and payment for, the work to be performed under the subsequent Task Orders.

**Holidays** — Holidays occur on the following days:

- 1st day of January - New Year's Day
- 3rd Monday of January - Martin Luther King, Jr. Day
- 3rd Monday in February – Presidents' Day
- Last Monday in May - Memorial Day
- 4th day of July - Independence Day
- 1st Monday in September - Labor Day
- 2nd Monday in October - Columbus Day
- 11th day in November - Veterans Day
- 4th Thursday in November - Thanksgiving Day
- 25th day in December - Christmas Day
- Other days declared holidays by the Congress or the President
- If a holiday falls on a Saturday, the preceding Friday is also a legal holiday. If a holiday falls on a Sunday, the Monday following is also a legal holiday.

**Offer** — A written proposal by an offeror to perform work at a proposed price.

**Offeror** — Any individual or legal entity submitting an offer.

**Task Order** — An order for a specific level of work that may or may not be related to one or more projects.

Special Contract Requirements

Project: WA FS ERFO 2007(1)-22(2), Mt. St. Helens District Repairs, FR 83, MP 6.9-11.3

## **Section 102.— BID, AWARD, AND EXECUTION OF CONTRACT**

**102.02 Preparation of Bids.** Delete the text of the Subsection Title and first paragraph and substitute the following:

**Preparation of Offers.** Follow the requirements of FAR Clause 52.215-1 Instructions to Offerors -- Competitive Acquisition.

**102.05 Public Opening of Bids.** Delete this Subsection.

**102.05A Contract Award.** (Added Subsection.)

Contract Award – For Offeror.

The successful offeror will be awarded all pay items listed in the bid schedule.

**102.06 Performance and Payment Bonds.** Delete the text of the first paragraph and substitute the following:

Follow the requirements of FAR Clause 52.228-15 Performance and Payment Bonds – Construction. Furnish a performance bond and a payment bond each in the penal amount of 100 percent of the original task order price.

## **Section 103.— SCOPE OF WORK**

### **103.01 Intent of Contract.** Add the following:

Additional work on sites within or in the vicinity of the project may be requested by the CO. Such work generally will be in response to natural disasters. This paragraph does not affect the respective responsibilities of the parties under Subsection 107.06. Provide cost proposals and perform work as ordered by the CO.

### **103.05 Partnering.** Delete the last sentence of the fourth paragraph and substitute the following:

The Government's share will not exceed \$1,500.

### **103.06 Issue Resolution.** (Added Subsection.)

Resolve project issues at the lowest authorized level and in the most expedient manner possible. Escalate unresolved issues to the next higher level in a timely manner to avoid adverse impacts to costs, risks, or time. Either party may request an issue be escalated. Submit requests in writing. Upon the request of either party, both parties must escalate the issue. An exception to escalating an issue may be observed when both parties agree extra time is needed for the development of facts.

Decision making is encouraged to be made at the lowest authorized level. Recommendations, options, and ideas by all team members are requested. Decisions made at the lowest level possible will be supported by all management levels. Countermands of decisions will not be permitted, except where there is a conflict with code, regulation, law, the contract, or a change of critical facts or information which causes a re-evaluation of the resolution. Support of a countermand by the original decision team is critical. All Contractor and Government team members must understand why the change is necessary and must be able to support it.

## Section 104.— CONTROL OF WORK

### 104.03 Specifications and Drawings. Add the following paragraph:

(c) **As-built working drawings.** Furnish one set of as-built working drawings. The Government will provide one set of contract drawings to be used exclusively for recording the as-built details of the project. Use red pencil or red ink to record the information described below.

Note all additions or revisions to the location, character, and dimensions of the prescribed work shown on the contract drawings. Line out all details shown that are not applicable to the completed work. Check off details shown that were incorporated into the completed work without change.

Retain the drawings at the project site and, as work progresses, continuously update them to reflect the as-built details. Upon request, make the drawings available to the CO to review for compliance with these specifications.

As a minimum, show the following types of changes on the as-built drawings:

#### (1) **Typical section**

- (a) Revisions in dimensions; and
- (b) Revisions in materials.

#### (2) **Plan**

- (a) Plan
  - (1) Changes in the construction limits;
  - (2) Location, size, length, skew, and type of culvert.

Furnish the as-built working drawings to the CO before the final inspection. Correct all details found during the final inspection that are not shown on the as-built drawings and return to the CO within 5 working days.

**104.04 Coordination of Contract Documents.** Delete the text of this Subsection and substitute the following:

The FAR, TAR, Basic Contract, special contract requirements, plans, and standard specifications are contract documents. A requirement in one document is binding as though occurring in all the contract documents. The contract documents are intended to be complementary and to describe and provide for a complete contract. In case of discrepancy, calculated and shown dimensions govern over scaled dimensions. The contract documents govern in the following order:

- (a) Federal Acquisition Regulations;
- (b) Transportation Acquisition Regulations;
- (c) Basic IDIQ Contract;
- (d) Special contract requirements;
- (e) Plans; and
- (f) Standard specifications.

## **Section 105.— CONTROL OF MATERIAL**

### **105.02 Material Sources.** Amend as follows:

#### **(a) Government-provided sources.** Add the following:

Ridge Quarry, located along Fr 83 at MP 0.25, is available as a source for roadway aggregate. Approximately, 1,000 cubic yards of material is stockpiled here. The existing stockpile was crushed in the early 1970's and when crushed it met project specifications. The current condition of the material source and stockpile are unknown. If use of the stockpile material is contemplated provide the CO a minimum of 3 laboratory rock quality test reports run on random samples of material taken from the source. Obtain samples in the presence of the CO. Do not use material from the source if it does not meet specifications.

#### **(b) Contractor-located sources.** Add the following to the first paragraph:

Obtain permits and clearances according to Subsection 107.10.

### **105.04 Storing and Handling Material.** Delete the text of the second paragraph and substitute the following:

Use nearby turnouts or portions of the right-of-way along FR 83 approved by the CO for staging or storing of materials such as culverts and for equipment parking. Ridge Quarry, located along FR 8320 MP 0.25, is available as a waste and staging area and has been cleared for use.

Provide additional space as needed. Do not use private property for staging or storage without written permission of the owner or lessee. Furnish copies of all agreements. Secure all permits and clearances for use of the storage area and provide copies of the documents. Obtain permits according to Subsection 107.10. Restore all Government-provided storage sites to their original condition.

### **105.06 Government-Furnished Material.** (Added Subsection.)

Forest Service contact for government-furnished materials is:

Alfred Watson

Telephone: (360) 449-7881

e-mail: [awwatson@fs.fed.us](mailto:awwatson@fs.fed.us)

## **Section 106.— ACCEPTANCE OF WORK**

### **106.01 Conformity with Contract Requirements.** Amend as follows:

Delete the second paragraph and substitute the following:

References to standard test methods of AASHTO, ASTM, GSA, and other recognized standard authorities refer to the methods in effect on the date of solicitation for bids. Use the 26<sup>th</sup> edition of the AASHTO Standard Specifications for Transportation Materials and Methods of Sampling and Testing, and Appendix A and B of the Federal Lands Highway Field Materials Manual for this project. Use the modified AASHTO procedures for sampling and testing contained in Appendix B of the Federal Lands Highway Field Materials Manual; except, when a specified sampling or test method is not included in Appendix B, sample and test according to the referenced AASHTO test procedure. Appendix A of the Federal Lands Highway Field Materials Manual contains several sampling and testing methods which may be required for this project that are not found in AASHTO.

Delete the eighth paragraph and substitute the following:

Remove, repair, or replace work that does not conform to the contract, or to prevailing industry standards where no specific contract requirements are noted. Removing, repairing, or replacing work; providing temporary traffic control; and any other related work to accomplish conformity will be at no cost to the government.

Add the following:

Obtain copies of the following documents by going to our webpage at:

<http://www.wfl.fha.dot.gov/construction/cmr/>

- Appendices A and B of the Federal Lands Highway Field Materials Manual, dated 02/10/97.
- Standard WFLHD Method of Test for Accelerated Weathering of Aggregate by Use of Dimethyl Sulfoxide (DMSO);
- Highway Research Board Bulletin No. 319, “The Humphres Method of Granular Soils”, dated 1962; and
- WFLHD Field Note Samples, dated April 2004.

### **106.02 Visual Inspection.** Delete the text of this Subsection and substitute the following:

Acceptance is based on visual inspection of the work for compliance with the specific contract requirements. In the absence of specific contract requirements or tolerances, prevailing industry standards may be used.

Special Contract Requirements

Project: WA FS ERFO 2007(1)-22(2), Mt. St. Helens District Repairs, FR 83, MP 6.9-11.3

**106.03 Certification.** Add the following after the second paragraph:

Maintain records of all required certifications according to Subsections 103.04, 153.04, and 154.04. Submit certifications to the CO.

Check certifications, prior to incorporating the materials into the work, to ensure that the requirements of the contract have been met. Mark the certifications with the following information: project name, project number, contract item number, item description, Contractor's signature, and date.

## **Section 107.— LEGAL RELATIONS AND RESPONSIBILITY TO THE PUBLIC**

**107.01 Laws to be Observed.** Delete the third paragraph and substitute the following:

Notify the CO immediately of any changes to any permits or agreements that are required by the Contractor's methods of operation. Allow adequate time in the construction schedule for any permits. Furnish copies of all acquired permits and agreements not in the contract.

**107.03 Bulletin Board.** Add the following:

(g) The "Beck" poster, according to FAR Clause 52.222-39 Notification of Employee Rights Concerning Payment of Union Dues or Fees.

**107.08 Sanitation, Health, and Safety.** Add the following after the first paragraph:

Submit an accident prevention plan for implementing safety and health standards at the Preconstruction Conference. Use the Government furnished Form WFLHD-28, *Guide Outline of Contractor's Accident Prevention Plan*.

**107.10 Environmental Protection.** Delete the text of this Subsection and substitute the following:

Conform to the following:

**(a) The Federal Water Pollution Control Act (33 USC § 1251 et seq.).**

(1) Except as authorized by this contract, do not operate mechanized equipment, discharge or place material within the boundaries of any U.S. waters as identified by the ordinary high water mark, high tide line, or edge of the wetland. This includes wetlands, unless authorized by a permit issued by the U.S. Army Corps of Engineers according to 33 USC § 1344, and if required by the state agency having jurisdiction over the discharge of material into the waters of the U.S. In the event of an unauthorized discharge:

- (a) immediately prevent further contamination;
- (b) immediately notify appropriate authorities and the CO; and
- (c) mitigate damages as required.

(2) Separate work areas, including material sources by the use of a suitable barrier that prevents sediment, petroleum products, chemicals, other liquids, or solid materials from entering the waters of the U.S. Construct and remove barriers to avoid discharge of material into the waters of the U.S. Remove and properly dispose of sediment or other material collected by the barrier.

**(b) Construction Activities Outside Construction Limits.** Before beginning construction activities outside the construction limits (such as material sources, disposal sites, waste areas, access roads, water sources, stockpiles and staging areas) that will require ground disturbance, occupation, clearing, or other environmental impacts provide the following documents.

The requirements below do not apply to commercial sources that are established, have provided material to public and private entities on a regular basis over the last two years, have appropriate State and local permits, and do not require expansion outside their currently established and permitted area.

**(1) Proposed Activity Description.** Submit a description, schedule, and location of the proposed activities for approval of the CO. Include maps of the area and other relevant information.

**(2) Cultural Resources.** Submit written documentation satisfactory to the CO for a finding of either “no historic properties affected” or “no effect” according to 36 CFR 800.4(d)(1) for historic properties on or eligible for listing to the National Register of Historic Places. Provide either:

(a) Documentation showing there are no cultural resources present, and a finding of either “no historic properties affected” or “no effect” according to 36 CFR 800.4(d)(1). Documents must be prepared by an individual qualified under the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, 48 FR 44716-44740.

Documentation must be satisfactory to the State Historic Preservations Officer (SHPO) or Tribal Historic Preservations Officer (THPO) as appropriate, according to 36 CFR 800.3(c).

The CO will forward the documentation to the SHPO or THPO. Anticipate a minimum of 30 days from receipt of the documentation by the SHPO or THPO before use of the site may be approved; or

(b) Documentation showing a finding of either “no historic properties affected” or “no effect” according to 36 CFR 800.4(d)(1) has been previously obtained for the proposed activities from the State, Tribal Government or Federal Land Management Agency responsible for the land. Include attached copies of SHPO concurrence, or Memorandum of Agreement (MOA) where concurrence is not required.

**(3) Species Protected Under the Endangered Species Act of 1973.** Submit written documentation satisfactory to the CO that the proposed action will have no effect to any threatened or endangered species or their critical habitat. Provide either:

(a) A current list of all threatened or endangered species in the site of proposed activities from the U.S. Fish and Wildlife Service; and a recommendation of a “no effect” determination according to Section 7 of the Endangered Species Act prepared by a biological specialist with a minimum of 3 years of experience in Endangered Species Act compliance or other qualifications acceptable to the CO. Allow up to 30 days to obtain the current list of all threatened or endangered species from the U.S. Fish and Wildlife Service; or

(b) Documentation showing the proposed activities have previously been determined to comply with the Endangered Species Act and this determination remains valid. This documentation must be from the State, Tribal Government or Federal Land Management Agency responsible for the land. Attach evidence of compliance, including correspondence with the U.S. Fish and Wildlife Service.

**(4) Wetlands as Defined by the U.S. Army Corps of Engineers’ 1987 Wetland Delineation Manual (WDM).** Submit written documentation satisfactory to the CO, that the proposed action will comply with Section 404 of the Clean Water Act, Executive Order 11990, and will not affect any wetlands. Documentation must be prepared by a wetland specialist with a minimum of 3 years of experience in wetland delineation using WDM or other qualifications acceptable to the CO.

**(5) Federal Lands.** Before use of sites on federal lands, submit a copy of the Letter of Approval or Special Use Permit from the applicable federal agency allowing use of the site for intended purposes.

**(6) Tribal, State and Local Approvals.** Comply with applicable laws regarding the proposed activities. Submit copies of required clearances, including hazardous waste compliance, tribal, State and local permits and approvals.

Allow 12 days (in addition to other agency time requirements) for approval of documents submitted to the CO.

**(c) Oil and Hazardous Substances.** Submit a Hazardous Spill Plan describing what actions will be taken in case of a spill, and incorporate preventative measures to be implemented (such as the placement of refueling facilities, storage and handling of hazardous materials, etc).

Submit the plan at least 2 days before beginning work.

Do not use equipment that is leaking. Repair leaks on equipment immediately. Keep a supply of acceptable absorbent materials at the job site in the event of spills. Acceptable absorbent materials are those that are manufactured specifically for the containment and clean up of hazardous materials. Remove contaminated soil, vegetation and debris to approved locations off National Forest lands. Inspect all equipment daily.

Refuel equipment at least 150 feet away from any bodies of water unless approved by the CO.

Immediately notify the CO of all hazardous spills.

**(d) Other Requirements.** Comply with the following requirements:

- (1) Store all garbage in waterproof, leak-proof containers having airtight, waterproof removable lids. Remove and dispose all garbage legally off the project daily.
- (2) Notify the CO if archeological resources are discovered during construction and cease construction activities until clearances are obtained.
- (3) CO will inspect all equipment before entry into the Forest. Clean all heavy equipment, or other off- road equipment used in the project before entering National Forest Lands, and when equipment moves from or between project sites or areas known to be infested into other areas, infested or otherwise. Remove soil, seeds, vegetative matter or other debris that could contain seeds. Clean all vehicles before entering National Forest Lands, and when equipment moves from or between project sites or areas known to be infested into other areas, infested or otherwise. Notify the CO a minimum of 36 hours before the entry of vehicles and equipment.
- (4) Dispose of rock and earth waste material and slide debris from the project sites at the outside the forest according to Subsection 203.05(a). Ensure that sediment runoff from disturbed waste areas does not enter active streams.
- (5) Direct wastewater from project activities to an area landward of the 100-year floodplain before discharging to any stream.
- (6) Divert active stream water around the work site during construction ensuring no sediment is added to the stream.
- (7) If severe weather events occur, cease work as directed by the CO.
- (8) Restore streambed to natural gradient and to full with bank width and stable bank slope as directed by the CO.
- (9) Use materials that are certified weed free.

- (10) Conserve topsoil for placement over disturbed soil before revegetation.
- (11) Avoid removing existing conifers greater than 18 inches in diameter unless removal is necessary to place the larger culvert. If removal is necessary, contact CO to coordinate with the Forest Service Biologist before removal.

**Section 108.— PROSECUTION AND PROGRESS****108.01 Commencement, Prosecution, and Completion of Work.** Amend as follows:

Delete the text of the second paragraph and substitute the following:

A preconstruction conference will be held after the task order is awarded and before beginning work. Provide a work plan according to Section 155.

Add the following:

Perform work under this contract according to the following:

- (a) Furnish at least 48 hours advance notice before changing the current work schedule. Work schedule changes that include additional shifts require 7 days notice.
- (b) Limit work as provided for in Subsection 107.10.
- (c) Complete all in-stream work prior to September 30, 2008.

**108.01A Labor.** (Added Subsection.)

Follow the requirements of FAR Clause 52.222-6 Davis Bacon Act.

Adjacent or virtually adjacent work sites are defined to be work sites within ½ mile of the project. Application of the Davis-Bacon Act for work sites beyond ½ mile of the project will be determined by the CO.

**108.04 Failure to Complete Work on Time.** Delete paragraphs three and four of this Subsection.

**Section 109.— MEASUREMENT AND PAYMENT****109.01 Measurement of Work.** Amend as follows:

Delete the text of paragraph (b) and substitute with the following:

- (a) Task Order item number;

Delete the first sentence of paragraph six and substitute with the following:

Prepare pay item measurement notes on “*Daily Record of Miscellaneous Items*” (Form FHWA 17348). For an electronic version of the form go to:

<http://www.wfl.fhwa.dot.gov/other/it/forms/17348.pdf>.

**109.02 Measurement Terms and Definitions.** Amend the following:

Delete the second paragraph (b) designator and substitute with the following:

- (c) **Cubic yard.**

Delete the text of paragraph (m) and substitute with the following:

(m) **Square yard.** 9 square feet. Longitudinal and transverse measurements for area computations will be made horizontally. No deductions from the area computation will be made for individual fixtures having area of 9 square feet or less. Do not measure overlaps.

**109.03 Weighing Procedures and Devices.** Delete the text of paragraph (c) (2) and substitute the following:

- (2) Task Order pay item number and description.

**109.04 Receiving Procedures.** Delete the text of paragraph (b) and substitute the following:

- (b) Task Order pay item number and description.

**109.08 Progress Payments.** Delete this Subsection.

## **Section 151.— MOBILIZATION**

### **Payment**

**151.03** Delete the text of this Subsection and substitute the following:

The accepted quantity, measured as provided in Subsection 109.02, will be paid at the task order price per unit of measurement for the Section 151 pay item shown in the bid schedule. Payment will be full compensation for the work prescribed in this Section. See Subsection 109.05.

Progress payments for mobilization lump sum will be paid as follows:

- (a) Bond premiums will be reimbursed according to FAR Clause 52.232-5 Payments Under Fixed-Price Construction Contracts, after receipt of the evidence of payment.
- (b) When 5 percent of the original task order amount is earned from other bid items, 50 percent of the mobilization item, or 5 percent of the original task order amount, whichever is less, will be paid.
- (c) When 10 percent of the original task order amount is earned from other bid items, 100 percent of the mobilization item, or 10 percent of the original task order amount, whichever is less, will be paid.
- (d) Any portion of the mobilization item in excess of 10 percent of the original task order amount will be paid after final acceptance.

## Section 152.— CONSTRUCTION SURVEY AND STAKING

### Construction Requirements

**152.02 General.** Delete the text of this Subsection and substitute the following:

At the preconstruction conference, submit a cost breakdown of the individual items included in the lump sum item for use in making progress payments.

**(a) Survey schedule.** Include staking activities in the construction schedule submitted according to Section 155. Include the dates and sequence of each staking activity.

**(b) Government set reference lines and points.** The Government has set horizontal and vertical control points for the project. The location and identity of each control point are shown on the plans.

Before beginning construction, notify the CO of any missing control points or stakes. The Government will reestablish control points and stakes missing before the beginning of construction.

**(c) Government furnished information.** The Government will furnish the following data relating to horizontal and vertical alignment and theoretical slope stake catch points, and other design data:

- (1) Computer listings containing horizontal alignment, vertical profile, superelevation, excavation and embankment slope ratios, and earthwork quantities;
- (2) Computer generated construction staking notes showing theoretical slope stake catch points and reference points;
- (3) X, Y, Z coordinates (horizontal and vertical control points);
- (4) X, Y, Z coordinates (subgrade centerline and shoulders); and
- (5) Plotted cross sections (earthwork).

Perform additional calculations for convenient use of Government-furnished data. Provide immediate notification of apparent errors in the initial staking or in the furnished data.

**(d) Pre-survey meeting.** Before surveying or staking, discuss and coordinate the following with the CO:

- (1) Surveying and staking methods;
- (2) Stake marking;
- (3) Grade control for courses of material;
- (4) Referencing; and
- (5) Any other procedures and controls necessary for the work.

Preserve all initial reference and control points. After beginning construction, replace all destroyed or disturbed initial reference or control points necessary to the work.

Prepare field notes in an approved format. Sample note formats are available as listed in Subsection 106.01. Furnish all survey notes at least weekly.

Survey and establish controls within the tolerances shown in Table 152-1. The construction survey and staking work may be spot-checked for accuracy, and unacceptable portions of work may be rejected. Resurvey rejected work, and correct work that is not within the tolerances specified in Table 152-1. Acceptance of the construction staking does not relieve the Contractor of responsibility for correcting errors discovered during the work and for bearing all additional costs associated with the error.

Start work only after staking for the affected work is accepted.

Compute and furnish calculations supporting pay quantities. Measure quantities within the tolerances shown in Table 152-2.

All field notes, pay notes, and supporting documentation become the property of the Government upon completion of the work.

Support roadway prism excavation quantities according to Subsection 204.16 (a)(1)(a). Adjust roadway prism excavation quantities for volume changes resulting from slope stake variations. See Subsection 152.03(c), Slope stakes and references.

Remove and dispose of all flagging, lath, stakes, and other staking material after the project is complete. Remove visible portions of brushes if used to mark grade finishing stakes.

**152.03 Survey and Staking Requirements.** Amend as follows:

**(b) Roadway cross-sections.** Add the following:

Do not take roadway cross-sections unless required for volume adjustments according to Subsection 204.16(a)(1)(a).

**(e) Centerline reestablishment.** Add the following:

Set centerline reference points from control points.

Added Table.

**Table 152-2  
Measurement Tolerances**

<b>Pay Unit</b>	<b>Horizontal</b>	<b>Vertical</b>
Acre	1.0 feet or 1:100 whichever is greater	—
Cubic Yard	0.2 foot or 1:500 whichever is greater	0.3 foot or 1:333 whichever is greater
Linear Foot	0.2 foot or 1:500 whichever is greater	—
Square Foot	0.1 feet or 1:1000 whichever is greater	—
Station	1.0 feet or 1:1000 whichever is greater	—

**(g) Culverts.** Add the following:

At MP 6.9 site conduct the following:

- 1) Survey the stream channel for establishing stream profile. Survey a minimum of 200 feet up and down stream of the culvert crossing. Submit a stream profile to the CO for review.
- 2) Hold the outlet invert fixed and adjust the inlet invert as needed for placing pipe and interior streambed at slope as directed by CO. Adjust channel excavation slope, volume, and limits as directed by the CO for constructing the channel profile up stream through the channel excavation area.

**Payment**

**152.06** Delete the second paragraph and substitute the following:

Payment for lump sum items will be prorated based on the progress of the work under this Section.

## Section 153.— CONTRACTOR QUALITY CONTROL

Delete the text of this Section and substitute the following:

### Description

**153.01** This work consists of performing quality control tests, providing inspection, and exercising management control to ensure that work conforms to the contract requirements. See FAR Clause 52.246-12 Inspection of Construction.

### Construction Requirements

**153.02 Quality Control Manager.** Ensure the manager is onsite during all phases of work. Duties include coordinating and supervising the quality control system for all work including subcontractors and suppliers. The quality control manager is permitted to perform inspection duties. Allow sufficient authority to assure work is performed according to requirements, which includes stopping work that is not in compliance.

Submit in writing the name, experience, and line of authority for acceptance. Identify an alternate for the manager to serve in the event of the manager's absence.

The superintendent or project manager, or project foreman may be designated as the quality control manager.

**153.03 Quality Control Plan.** Submit a written quality control plan for the work features listed below. Allow 2 working days for acceptance or rejection prior to commencing the work.

- Excavation and Embankment (Section 204);
- Riprap (Section 251);
- Minor Crushed Aggregate (Section 308);
- Minor Hot Mix Asphalt (Section 404);
- Minor Concrete Structures (Section 601);
- Culverts and drains (Section 602); and
- Structural Plate Structures (Section 603).

Include the following in the plan for selected work features as a supplement to the sampling and testing requirements located at the end of each Section:

- a brief narrative of how the work will be accomplished describing methods, crews and equipment;

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- processes to ensure the completed work conforms to contract requirements; including quality control, inspection and testing activities for the work;
- inspection and testing frequencies to ensure that processes remain valid and work is being performed according to the established processes; and
- actions to be taken if inspection or testing reveals the work is not meeting contract requirements.

Modifications or additions to the plan may be required to meet quality requirements. Supplement the plan as work progresses and whenever there are changes in procedures or personnel. Include work accomplished by subcontractors and suppliers, both on and off-site. Do not duplicate those plans required by other contract provisions.

For developing quality control plans, “*Quality Control Plan Checklist*” (Form WFLHD 471C) may be used. An electronic version is available at:

<http://www.wfl.fha.dot.gov/other/it/forms/wflhd471c.xls>.

**153.04 Quality Control Testing.** Perform testing according to the accepted quality control plan. Samples may be required to demonstrate testing competence. Provide and maintain a record of all the tests taken according to Subsection 153.03 and applicable work.

**153.05 Government Quality Assurance Inspection.** Provide a copy of the quality control test records to the CO when the following work is complete:

(1) Construction work

- (a) Embankment compaction;
- (b) Minor aggregate for road grading;
- (c) Asphalt compaction; and
- (d) Culvert backfilling and compaction.

**153.06 Acceptance.** Contractor quality control will be evaluated under Subsections 106.02 and 106.03 based on the demonstrated ability of Contractor’s quality control system to ensure work meets the contract requirements.

If the Government’s testing and inspection (quality assurance) indicate that the Contractor’s quality control system is ineffective or the plans are not being followed; make immediate improvements to correct inadequacies. Furnish notification in writing of improvements and modifications to the system.

### **Measurement and Payment**

**153.07** Do not measure Contractor quality control for payment.

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## **Section 155.— SCHEDULES FOR CONSTRUCTION CONTRACTS**

Delete this Section and substitute the following:

### **Description**

**155.01** This work consists of scheduling and monitoring all construction activities. Follow the requirements of FAR Clause 52.236-15, Schedules for Construction Contracts.

### **Construction Requirements**

**155.02 General.** Submit 3 copies of a preliminary work plan at least 7 days before the preconstruction conference.

A preliminary work plan is a written narrative with a detailed breakdown of all contract activities for the first 21 days after the notice to proceed is issued. Within 7 days after the preconstruction conference, the preliminary work plan will be accepted or rejected. If rejected, submit a revised plan within 3 days. Do not begin work, except mobilization, traffic control, and Section 637 work, without an accepted preliminary work plan.

**155.03 Bar Chart Method (BCM).** The BCM construction schedule consists of a progress bar chart and a written narrative. Include the contract number, project number, project name, Contractor name, current fixed completion date, date of submittal, and submittal number.

**(a) Progress bar chart.** The following applies to the initial submission and all updates:

- (1) Use a time scale to graphically show the percentage of work scheduled for completion during the contract time;
- (2) Define and relate activities to the contract pay items;
- (3) Show all activities in the order the work will be performed, including submittals, submittal reviews, fabrication, and delivery;
- (4) Show all critical (major) activities that are controlling factors in the completion of the work;
- (5) Show the time needed to perform each activity and its relationship in time to other activities;
- (6) Show the total expected time to complete all work; and

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(7) Provide enough space for each activity to permit 2 additional plots parallel to the original time span plot. Use one space for revision of the planned time span, and one for showing actual time span achieved.

**(b) Written narrative.** Furnish a written narrative of the activities displayed in the progress bar chart. The following applies to the written narrative:

- (1) Estimate starting and completion dates of each activity;
- (2) Describe work to be done within each activity including the type and quantity of equipment, labor, and material to be used;
- (3) Describe the location on the project where each activity occurs;
- (4) Describe planned production rates by pay item quantities (e.g., cubic meters of excavation per day/week);
- (5) Describe work days per week, holidays, number of shifts per day, and number of hours per shift;
- (6) Estimate any periods during which an activity is idle or partially idle. Show the beginning and end dates for reduced production or idle time;
- (7) Describe expected and critical delivery dates for equipment or material that can affect timely completion of the project;
- (8) Describe critical completion dates for maintaining the construction schedule; and
- (9) Identify the vendor, supplier, or subcontractor to perform the activity. State all assumptions made in the scheduling of the subcontractor's or supplier's work.

Submit 3 paper copies and one electronic copy of the schedule within 20 days after the Notice to Proceed has been issued. In case of discrepancy, the paper version will govern over the electronic version of the schedule.

Show completion of work within the contract time.

Allow 2 days for approval or rejection of the schedule. If rejected, submit a revised schedule within 2 days.

A maximum of 10 percent of the total progress payment amount will be retained if an acceptable schedule is not received within 30 days after the Notice to Proceed is issued.

**155.04 Schedule Updates.** Review the construction schedule to verify or adjust; start dates of activities underway and finish dates of completed activities; remaining duration of uncompleted activities; planned start and finish dates and durations; and proposed logic. Inform the CO of all changes.

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Submit three copies of an updated construction schedule for acceptance by the 15th day of each month or within 2 days of:

- (a) A delay occurs in the completion of a critical (major) activity;
- (b) A delay occurs which causes a change in a critical activity for BCM schedules;
- (c) The actual prosecution of the work is different from that represented on the current construction schedule;
- (d) There is an addition, deletion, or revision of activities caused by a contract modification; or
- (e) There is a change in the schedule logic.

Show completion of work within the contract time.

Allow 2 days for approval or rejection of the schedule. If rejected, submit a revised schedule within 2 days.

Use the approved initial or previous construction schedule as the baseline for the current construction schedule update.

A maximum of 10 percent of the total progress payment amount will be retained if an acceptable schedule is not received by the 15<sup>th</sup> day of the month.

**155.05 Records.** Submit a list of all records and documents that track progression of work. Indicate who will be responsible for maintaining the records and where the records will be located.

Provide the following documents:

- (a) **Construction Operations Report.** For each day of work, submit a completed “*Contractor’s Daily Record of Construction Operations*” (Form WFLHD 465) or an approved alternate form within one day of the work being performed.

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

For an electronic version of the form go to:

<http://www.wfl.fhwa.dot.gov/other/it/forms/wflhd465A.pdf>.

**155.06 Acceptance.** Work schedules, records, and documents will be evaluated under Subsection 106.02.

### **Measurement**

**155.07** Measure the Section 155 items listed in the bid schedule according to Subsection 109.02.

### **Payment**

**155.08** The accepted quantities will be paid at the contract price per unit of measurement for the Section 155 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 construction schedule will be paid as follows:

- (a) 25 percent of the item amount, not to exceed one percent of the original contract amount, will be paid after the construction schedule is accepted.
- (b) Payment of the remaining portion of the lump sum will be prorated based on the total work completed.

**Section 156.— PUBLIC TRAFFIC**

**156.03 Accommodating Traffic During Work.** Add the following:

Close the road to public travel in advance of the project site as approved by the CO.

Immediately open the road to emergency vehicles.

Notify the CO 48 hours in advance of planned closures.

Maintain existing closures or use other methods to close the road that are approved by the CO. If a lock is installed, provide 3 keys to the CO.

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**Reserved**

**Section 203.— REMOVAL OF STRUCTURES AND OBSTRUCTIONS**

**Description**

**203.01** Add the following:

This work also consists of removing and stockpiling an existing pedestrian trail bridge located near MP 6.9.

**203.03** Add the following:

Remove the trail bridge and transport to the designated the Forest Service site located approximately 13 miles from the work site.

Forest Service contact is Alfred Watson at (360) 449-7881.

**Section 204.— EXCAVATION AND EMBANKMENT****Description****204.01** Add the following:

This work also includes removal of flood debris on the roadway and ditchlines adjacent to the work site.

**Construction Requirements****204.06 Roadway Excavation.** Amend as follows:**(a) General.** Add the following to the second paragraph:

Conserve sufficient quantities of 6-inch minus material from the roadway excavation for use in finishing the roadbed.

Add the following:

Do not allow excavated material to fall outside of the construction limits during excavation operations.

**204.10 Embankment Construction.** **(b) Embankment within the roadway prism.** Add the following:

Construct the top 12 inches of the embankment with 6-inch minus material conserved from the roadway cuts.

**204.14 Disposal of Unsuitable or Excess Material.** Delete the text of the first paragraph and substitute the following:

Dispose of any unsuitable or excess material at designated waste sites or outside the Gifford Pinchot National Forest. Restore the haul road to its previous condition after hauling operation is completed.

If material is disposed of off the project, comply with Subsection 107.10 as well as any applicable local, State, and Federal laws.

**Measurement**

**204.16** Amend as follows:

Add the following to paragraph (a)(1)(a) Roadway prism excavation:

Use the volume shown in the plan column on the summary of quantities sheet of the plans. The volume is subject to adjustments resulting from changes to slope stakes. See Subsection 152.03(c), Slope stakes and references.

Delete Table 204-1 and substitute the following:

**Table 204-1 (continued)  
Sampling and Testing Requirements**

Material or Product	Type of Acceptance (Subsection)	Characteristic	Category	Test Methods Specifications	Sampling Frequency	Point of Sampling	Split Sample	Reporting Time
Unclassified borrow (704.06)	Measured and tested for conformance (106.04)	Classification	—	AASHTO M 145	1 per soil type	Processed material before incorporating in work	Yes, when requested	Before using in work
		Moisture-density	—	AASHTO T 180, method D <sup>(1)</sup> or T 99, method C <sup>(1)</sup>	1 per soil type but not less than 1 per 13,000 yd <sup>3</sup>	“	“	“
		Compaction	—	AASHTO T 310 or other approved procedures	1 per 3500 yd <sup>2</sup> but not less than 1 per layer	In-place	—	Before placing next layer

**Table 204-1 (continued)  
Sampling and Testing Requirements**

Material or Product	Type of Acceptance (Subsection)	Characteristic	Category	Test Methods Specifications	Sampling Frequency	Point of Sampling	Split Sample	Reporting Time
Earth embankment (204.11)	Measured and tested for conformance (106.04)	Classification	—	AASHTO M 145	1 per soil type	Source of Material	Yes, when requested	Before using in work
		Moisture-density	—	AASHTO T 180, method D <sup>(1)</sup> or T 99, method C <sup>(1)</sup>	1 per soil type but not less than 1 per 13,000 yd <sup>3</sup>	“	“	“
Top of subgrade (204.11)	Measured and tested for conformance (106.04)	Compaction	—	AASHTO T 310 or other approved procedures	1 per 3500 yd <sup>2</sup> but not less than 1 per layer	In-place	—	Before placing next layer
		Compaction	—	AASHTO T 310 or other approved procedures	1 per 2500 yd <sup>2</sup>	In-place	—	Before placing next layer

(1) Minimum of 5 points per proctor.

**Section 251.— RIPRAP**

**Construction Requirements**

Delete Table 251-1 and substitute the following:

**Table 251-1  
Sampling and Testing Requirements**

Material or Product	Type of Acceptance (Subsection)	Characteristic	Category	Test Methods Specifications	Sampling Frequency	Point of Sampling	Split Sample	Reporting Time
Riprap (705.02)	Measured and tested for conformance (106.04)	Apparent specific gravity & absorption	—	AASHTO T 85	1 per material type	Source of material	Yes	Before using in work
		Course durability index	—	AASHTO T 210	“	“	“	“

## **Section 601.— MINOR CONCRETE STRUCTURES**

### **Construction Requirements**

**601.07 Acceptance.** Amend as follows:

Delete the text of this Subsection and substitute the following:

Material for minor concrete structures will be evaluated under Subsections 106.02 and 106.03.

Excavation and backfill will be evaluated under Section 209.

Construction of minor concrete structures will be evaluated under Subsections 106.02 and 106.04.

Delete Table 601-2 Sampling and Testing Requirements.

## Section 603.— STRUCTURAL PLATE STRUCTURES

### Description

#### **603.01** Add the following:

This work also consists of installing a Government supplied structural plate culvert and installing sediment retention sills at selected culvert installations.

### Construction Requirements

#### **603.03 General.** Add the following:

Structure wall thickness is to be the largest of what is specified on the culvert plan and profile sheet or required by FLH Standard Drawing 603-1. Structures not covered by FLH Standard Drawing 603-1 must be designed consistent with the latest version of AASHTO Standard Specifications for Design of Highway Bridges, Section 12, and ASTM A-796.

The maximum fill height for the structural plate culvert specified in the plans is 16 feet, measured from the top of the pipe or arch to the top of the pavement.

Structural plate is to be corrugated galvanized steel conforming to AASHTO M167. Fasten plates with galvanized steel ¾-inch bolts and nuts conforming to ASTM A-449 and A-153. Use two bolts per corrugation.

#### **603.04 Erecting.** Add the following:

Assemble structure according to the latest version of AASHTO Standard Specifications for Design of Highway Bridges, Section 26.

The Government will furnish the plates, bolts and nuts for the structural plate pipe culvert and will supply a copy of the manufacturer's instruction for assembly of the culvert.

Provide a minimum embankment cover of at least 36 inches before allowing traffic to pass over the culvert. Measure the minimum cover from the top of the pipe culvert to the bottom of the pavement.

Construct simulated stream channel treatments as shown in the plans according to Section 647. Prevent culvert wall plates, culvert invert plates, and sediment retention sills from being damaged when installing stream channel treatments inside the culvert.

Install sediment retention sills as shown in the plans. Hot-dip galvanize sediment retention sills, gussets, and structural plates. Weld the sediment retention sills to the culvert wall at the corrugation valleys. The welds are to be continuous and leak tight. Continuous weld gussets to

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the sediment retention sill plates. Provide a gusset foot length sufficient for tack-welding the gussets to at least two corrugation crests. Apply two coats of zinc-rich paint to all welds. Sediment retention sill spacing may vary up to +/- 6 inches as needed for locating the sill plates in corrugation valleys or away from plate seems.

When directed, camber pipe culverts upward from a chord through the inlet and outlet inverts an ordinate amount equal to 1% of the pipe length. Develop camber on a parabolic curve. If the midpoint elevation on the parabolic curve as designed exceeds the elevation of the inlet invert, reduce the amount of camber.

**603.05 Acceptance.** Add the following:

Installation of simulated stream channel treatments will be evaluated under Subsection 106.02.

### **Measurement**

**603.06** Add the following:

Materials including, but not limited to, streambed aggregate, sand bag seal, stone sills, and sediment retention sills will not be measured for direct payment.

**Section 616.— SLOPE PAVING**

**Material**

**616.02** Amend as follows:

Add the following to the materials list:

Deformed steel wire	709.01 (g)
Hook bolts	709.01 (e)
Reinforcing bars	709.01 (b)
Tie bars	709.01 (d)

Delete the text of Table 616-1 and substitute the following:

Table 616-1  
Sampling and Testing Requirements

Material or Product	Type of Acceptance (Subsection)	Characteristic	Category	Test Methods Specifications	Sampling Frequency	Point of Sampling	Split Sample	Reporting Time
Bed course (704.09)	Measured and tested for conformance (106.04)	Gradation	—	AASHTO T 27 & T 11	1 per 600 yd <sup>3</sup>	Production output or stockpile	Yes, when requested	—
		Liquid limit	—	AASHTO T 89 & T 87	“	“	“	—
Mortar (712.05)	Measured and tested for conformance (106.04)	Making test specimens compressive strength	—	AASHTO T 23 & T 22	1 per installation	Job site	—	—

## **Section 622.— RENTAL EQUIPMENT**

### **Description**

**622.01** Delete the text of this Subsection and substitute the following:

This work consists of furnishing and operating equipment for the construction work as ordered by the CO and listed below. Work under this Section does not include equipment time used to perform work provided for under any other pay item shown in the bid schedule. The work anticipated under this Section includes:

- (a) Regrading ditches and shoulders to drain;
- (b) Placing conserved topsoil; and
- (c) Additional excavation or shaping of cut slopes.

### **Construction Requirements**

**622.02 Rental Equipment.** Delete the text of the first paragraph and substitute the following:

Furnish and operate the following equipment:

<b>Number of Units</b>	<b>Type of Equipment</b>
1	Dump truck, 12 cubic yard minimum capacity
1	Backhoe loader, 2 cubic foot minimum rated capacity
1	Hydraulic excavator, crawler mounted, 1 cubic yard minimum capacity

Submit the model number and serial number for each piece of equipment before use. Make equipment available for inspection and approval before use.

## Section 625.— TURF ESTABLISHMENT

### Construction Requirements

**625.03 General.** Delete the text of this Subsection and substitute the following:

Apply straw mulch to finished slopes and ditches immediately following completion of ground disturbing activities. Do not apply mulch during windy weather or when the ground is excessively wet, frozen or snow covered unless approved by the CO.

**625.07 Seeding.** Delete the text of this Subsection and substitute the following:

Apply the seed using hydraulic-type equipment capable for providing a uniform application using water as the carrying agent. Apply seed at a rate of 35 pounds per acre. Add a tracer material consisting of either wood or grass cellulose fiber mulch to the water. Apply the tracer at a rate of 400 pounds per acre to provide visible evidence of uniform application. Apply the seed using hand- or machine-operated equipment. Apply seed at a rate of 50 pounds per acre when using non-hydraulic methods.

**625.08 Mulching. (b) Hydraulic method.** Delete the second and third paragraphs and substitute the following:

Apply certified weed-free straw mulch at a rate of 400 pounds per slurry unit. Apply to a maximum depth of 2 inches.

## **Section 647.— ENVIRONMENTAL MITIGATION (ADDED SECTION)**

### **Description**

**647.01** This work consists of placing conserved streambed material, placing habitat stone, constructing rock weirs, and reconstructing streambed channels.

### **Material**

**647.02** Conform to the following Subsections:

Streambed material	703.20
Habitat Stone	705.07

### **Construction Requirements**

**647.03 General.** Construct erosion control measures according to Section 157.

Minimize construction disturbance around streams.

Conserve topsoil according to Section 204.

Excavate according to Section 209.

**647.04 Stream Channel.** Shape constructed channels to blend with natural streambed channels or to the contours shown in the plans.

**647.05 Streambed Material.** Streambed material is defined as streambed sediments and streambed cobbles (class A, B, C, D, or E). Conserve streambed material meeting requirements of Section 703.20 and stockpile in locations approved by the CO. Conserve and stockpile material to prevent segregation. Mix streambed cobbles with streambed sediment to provide a uniform mixture. Place streambed sediment to its full thickness in one operation to avoid displacing underlying material. Do not place material by methods that cause material segregation or damage to the culvert wall. Construct a well-defined parabolic shape by sloping streambed materials placed inside culverts towards the culvert flow line.

**647.06 Habitat Stone.** Place habitat stone at locations shown on the plans. Bury stone to  $\frac{3}{4}$  depth in the smallest dimension.

**647.07 Rock Weirs.** Place stone meeting requirements of Section 705.07 in a well-defined parabolic shaped weir pointing upstream. Place stones close together to form a compact and rigid mass. Ensure the rock weir legs slope up from a lower apex in the center of the channel to

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the terminations in the overbank area. Fill the voids in the rock weir and backfill the excavation with streambed material.

**647.08 Acceptance.** Material and construction of items will be evaluated under 106.02. It is expected that sufficient material will be available for conservation from the streambed excavation near MP 6.9. If material is initially rejected under 106.02, conformance under 106.04 may be required.

#### **Measurement**

**647.09** Measure the Section 647 items listed in the bid schedule according to Subsection 109.02.

#### **Payment**

**647.10** The accepted quantities will be paid at the contract price per unit of measurement for the Section 647 pay items listed in the bid schedule. Payment will be full compensation for the work prescribed in this Section. See Subsection 109.05.

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## Section 703.— AGGREGATE

**703.02 Coarse Aggregate for Concrete.** Delete the text of this Subsection and substitute the following:

Conform to AASHTO M 80, class A including the reactive aggregate supplementary requirement, except as amended or supplemented by the following:

- |                                       |  |
|---------------------------------------|--|
| (a) Los Angeles abrasion, AASHTO T 96 | 40% max.                                 |
| (b) Adherent coating, ASTM D 5711     | 1.0% max.                                |
| (c) Grading, AASHTO M 43              | All sizes except numbers 8, 89, 9, or 10 |

For bridge decks or surface courses, do not use aggregates known to polish or carbonate aggregates containing less than 25 percent by mass of insoluble residue as determined by ASTM D 3042.

For lightweight coarse aggregate, conform to AASHTO M 195.

**703.05 Subbase, Base, and Surface Course Aggregate.** Delete the text in paragraph (b) and substitute the following:

**(b) Subbase or base aggregate.** In addition to paragraph (a) above, conform to the following:

- |                                     |              |
|-------------------------------------|--------------|
| (1) Gradation                       | Table 703-2A |
| (2) Fractured faces, ASTM D 5821    | 50% min.     |
| (3) SE/P <sub>200</sub> Index (SEP) | 1.000 min.   |

**703.20 Streambed Material.** (Added Subsection.)

Furnish aggregate consisting of hard, durable, free from seams, cracks, and other defects conforming to the following:

- (a) Streambed Sediment. Furnish round to sub-round material meeting the requirements of Table 703-16. Crushed stone or gravels are not acceptable.

**Table 703-16  
Streambed Sediment Gradation**

Sieve Size	Percent by Weight Passing Designated Sieve (AASHTO T 27 and T 11)
2 ½ inch	100
2 inch	65 – 100
1 inch	50 – 85
No. 4 <sup>(1)</sup>	26 – 44
No. 40	16 max.
No. 200	10 – 15

(1) No more than 0.2 percent woody debris retained.

**(b) Streambed Cobbles.** Furnish round to sub-round material meeting the requirements of Table 703-17. Crushed stone or gravels are not acceptable.

**Table 703-17  
Streambed Cobbles Gradation<sup>(1)</sup>**

Nominal Size	Percent less than the nominal size
	Class
	E
12"	100
10"	
8"	70
6"	
5"	40
4"	
3"	
2"	
1 ½"	
¾"	10

(1) Grading of the cobbles will be by visual inspection of material before it is placed, and if directed by the CO, by placing material on a flat surface and sorting and measuring a sampling of the cobbles..

Note: Approximate size can be determined by taking the average dimension of the three axes of the rock; length, width, and thickness by use of the following calculation:

$$\frac{\text{Length} + \text{Width} + \text{Thickness}}{3} = \text{Approximate Size}$$

**Section 704.— SOIL**

**704.02 Bedding Material.** Delete the text of this Subsection and substitute the following:

Furnish a well graded, free draining material free of excess moisture, muck, frozen lumps, roots, sod, or other deleterious material conforming to the following:

- |  |  |
|--|--|
| (a) Maximum particle size                                | 1/2 inch or half the corrugation depth, whichever is smaller |
| (b) Material passing No. 200 sieve, AASHTO T 27 and T 11 | 10% max.   |

## Section 705.— ROCK

### 705.07 Habitat Stone. (Added Subsection.)

Furnish hard, durable stone, free from seams, cracks, and other defects, conforming to the following:

- |   |           |
|---|-----------|
| (a) Apparent specific gravity, AASHTO T 85  | 2.50 min. |
| (b) Absorption, AASHTO T 85   | 4.2% max. |
| (c) Coarse durability index, AASHTO T 210   | 50 min.   |
| (d) Gradation, Habitat Stone. Furnish round to angular stone meeting the approximate minimum size shown in the plans. Sizing of the stones will be by visual inspection of material before it is placed, and if directed by the CO, by placing material on a flat surface and sorting and measuring a sampling of the stones. |           |

Approximate size can be determined by taking the average dimension of the three axes of the rock; length, width, and thickness by use of the following calculation:

$$(\text{Length} + \text{Width} + \text{Thickness})/3 = \text{Approximate Size}$$

Do not use shale, rock with shale seams, or other fissured rock that may break into smaller pieces.

**Section 709.—REINFORCING STEEL AND WIRE ROPE****709.01 Reinforcing Steel.** Amend as follows:

**(b) Reinforcing bars.** Delete the text of this paragraph and substitute the following:

Furnish deformed, grade 60 bars conforming to AASHTO M 31 or M 332.

**(d) Tie bars.** Delete the text of this paragraph and substitute the following:

Furnish deformed, grade 60 bars conforming to AASHTO M 31.

**(e) Hook bolts.** Delete the text of this paragraph and substitute the following:

Furnish plain, grade 60 bars conforming to AASHTO M 31 with M14 rolled threads or M16 cut threads. Furnish a threaded sleeve nut capable of sustaining a minimum axial load of 15,000 pounds.

**Section 713.— ROADSIDE IMPROVEMENT MATERIAL**

**713.04 Seed.** Add the following:

Use native seed mix provided by the Forest Service. Contact CO for quantity needed.

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US Army Corps  
of Engineers  
Seattle District

## Department of the Army Regional General Permit



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### RGP-8

## U.S. Forest Service Fish Passage Program Within the State of Washington

**Effective Date:** October 7, 2005

**Expiration Date:** October 7, 2010

**Permit Number:** RGP-8

**Permit Title:** U.S. Forest Service Fish Passage Program

**Authority:** In accordance with 33 CFR 325.2(e)(2), the U.S. Army Corps of Engineers (Corps) is issuing a regional general permit (RGP) that authorizes certain activities in or affecting waters of the United States, including navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

**Issuing Office:** U.S. Army Corps of Engineers, Seattle District  
Regulatory Branch, CENWS-OD-RG  
Post Office Box 3755  
Seattle, Washington 98124-3755  
Telephone: (206) 764-3495

**Purpose:** The purpose of this RGP is to authorize culvert replacement or removal projects which enhance fish passage and have minor individual and cumulative adverse impact on the aquatic environment.

To use this RGP, the U.S. Forest Service, Region 6, Pacific Northwest Region (Forest Service), as the permittee, is responsible for ensuring that the authorized activities comply with all applicable provisions of this RGP. Failure to abide by the requirements of this RGP may constitute a violation of the Clean Water Act and/or Rivers and Harbors Act.

This RGP contains provisions intended to protect the environment, endangered species, and cultural resources. Work that will not comply with these provisions is not authorized by this RGP and may require Department of the Army authorization by a standard individual permit. Moreover, compliance with the provisions of this RGP does not itself guarantee that the work would be authorized under this RGP.

**Activities authorized by this RGP:** Work authorized by this RGP is limited to the activities described below. This RGP authorizes the following work in or affecting navigable waters of the United States and discharges of dredged or fill material into waters of the United States.

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**Three culvert treatments are covered by this RGP.** They are as follows:

1) Culvert/Road fill removal and restoration of stream channels and associated floodplains upstream, within, and downstream of the existing culvert and road fill. This includes the placement of fill, large wood and boulders below or waterward of the ordinary high water mark.

2) Culvert replacement with a larger culvert or open-bottom arch culvert. New flow relief culverts may be installed in the existing road prism in developed floodplains.

3) Culvert replacement with a bridge and reconstruction of the stream channels and associated floodplains upstream, within, and downstream of the existing culvert and road fill. This includes the placement of fill, large wood and boulders below or waterward of the ordinary high water mark. New flow relief culverts may be installed in the existing road prism in developed floodplains.

**Definitions:**

*Mean higher high water (MHHW)* is the elevation in the shore of tidal waters reached by the plane of the average of the higher of the two daily high tides, generally averaged over a period of 19 years. This elevation has been established at set tide gauges throughout Washington State. The MHHW for these tide gauges may be obtained by checking the following website <http://www.nws.usace.army.mil/hh/tides/tides.htm>.

*Mean high water (MHW)* The elevation on the shore of tidal waters (ocean waters, bays, estuaries, and certain rivers) "reached by the plane of the mean (average) high water. Where precise location of the actual line becomes necessary, it must be established by survey with reference to the available tidal datum, preferably averaged over a period of 18.6 years." There are set tide gauges throughout Washington State. The MHW for these tide gauges may be obtained by checking the following website: <http://www.nws.usace.army.mil/hh/tides/tides.htm>

*Ordinary high water mark.* The line on the shore of non-tidal streams and lakes "established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of the soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas." It is the line of jurisdiction in freshwaters for the Corps of Engineers regulatory program. For tidally influenced waterbodies, OHW correlates to the line of Mean Higher High Water (MHHW).

**Location of Authorized Activities:** This RGP is applicable in all waters of the United States, including navigable waters of the United States, located within lands administered by National Forest units within the State of Washington. National Forests located solely in Washington include the Colville, Gifford Pinchot, Mt. Baker Snoqualmie, Okanogan-Wenatchee, and the Olympic National Forest. National Forest system lands that extend into both Oregon and Washington include Umatilla National Forest and the Columbia River Gorge National Scenic Area. Within the aforementioned National Forest units, the authorized activities will be restricted to road crossings at streams (404 only and/or navigable waters). Road crossing project on Non-federal lands can be authorized when such project improve fish passage into National Forest lands.

**Annual Reporting Requirements:**

The Forest Service will submit an annual report to U.S. Army Corps of Engineers, Seattle District, Regulatory Branch (Corps), the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (FWS) and the Washington Department of Ecology (Ecology) summarizing the completed fish passage culvert projects for that year. This report is due no later than January 30 of each year.

**Reporting:** Reports must include the following elements:

- Forest Service Project Identification #,
- Project Name,
- Location,
- Date of construction (start and completion dates) ,
- Identification as either a culvert removal or replacement project,

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Width and slope of impassable culvert  
 Fish species/Evolutionarily Significant Unit (ESU) (and life history stages) above and below the impassable culvert,  
 Bankfull width (from the ordinary high water mark) and slope of stream channel,  
 Designation of channel substrate,  
 New structure type,  
 Width and slope of new structure,  
 Miles of stream opened to fish passage,  
 Number of injuries/mortalities to Endangered Species Act (ESA) listed species as a result of construction

**Annual Review:** In addition to the annual reports, the Forest Service will coordinate and convene an annual review meeting with the Corps and Ecology to discuss the annual monitoring report, conduct site visits, and collectively determine if RGP objectives are being met.

**Water Quality Certification:** On May 31, 2005, Ecology issued the Section 401 Water Quality Certification (WQC) for RGP-8. The FS must comply with the conditions specified in the WQC as special conditions of this RGP.

**Coastal Zone Management Consistency:** Section 307(c) of the Coastal Zone Management Act of 1972 (CZMA), as amended (16 U.S.C. 1456 c)), requires federal agencies conducting activities, including development projects, affecting a state's coastal zone, to comply to the maximum extent practicable with an approved state coastal zone management program. The Forest Service must comply with requirements of the State of CZMA for the activities authorized by this RGP.

**Endangered Species:** The Endangered Species Act of 1973 (ESA), as amended, requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or the U.S. Fish and Wildlife Service (USFWS), pursuant to Section 7 of the ESA, on any action, or proposed action, permitted, funded, or undertaken by the agency that may affect a species listed as threatened or endangered under the ESA, or its designated critical habitat. The U.S. Forest Service has determined that activities that would be authorized by this RGP would affect federally listed species and, therefore, have completed consultation with the NMFS and USFWS. NMFS (NMFS reference number 2003/00670) issued a Biological Opinion (BO) on September 2, 2003, and USFWS (USFWS reference numbers 1-3-03-PF-1243 WA and 1-7-03-F-0379 WA) issued Biological Opinion (BO) on January 21, 2004, for the proposed activities covered under this RGP. The U.S. Forest Service must implement the Terms and Conditions stated in the both biological opinions.

**Essential Fish Habitat:** The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). The Forest Service has determined that activities authorized by this RGP may adversely affect EFH for federally managed fisheries in Washington waters. In this consultation, the NMFS concluded that the proposed activities authorized by this RGP may adversely affect designated EFH for Pacific salmon. The NMFS has included conservation recommendations as terms and conditions of the BO, issued by NMFS on September 3, 2003, to avoid, minimize, or otherwise offset affects to designated EFH produced by the activities authorized by this RGP. These Terms and Conditions are incorporated into the RGP by reference.

**Permit Conditions:** Department of the Army authorization under this RGP is subject to the following special and general conditions:

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### SPECIAL CONDITIONS

(1). Work Windows. Work that disturbs the substrate, bank, or shore of a water of the United States that contains fish life shall be conducted only during the work period for that waterbody as indicated in the most recent Washington Department Fish and Wildlife (WDFW) Allowable Work Periods for Hydraulic Projects in Freshwater for the project area. Other timing will be allowed on site-specific basis if the Forest Service fish biologist and the WDFW Area Habitat Biologist agree that implementing the activity outside the normal period would be unlikely to cause negative impacts to fish. Any agreements to modify the work period for specific projects or specific sites will be documented by WDFW. Upon request from the Corps, the Forest Service must provide a list of specific projects or specific sites where work periods were modified through agreement between Forest Service and WDFW.

Those portions of the project work that occur outside or above (waterward of) the ordinary high water channel (above the Corps jurisdictional line) are not subject to the work periods described above. Examples of such work include the replacement of bridge decking, construction of bridge superstructure after footings are in place, and the placement of fill over a culvert following culvert placement.

(2). Compliance with Terms and Conditions. Projects authorized by this RGP shall comply with all terms and conditions herein and any conditions added by the National Marine Fisheries and the U.S. Fish and Wildlife Services as a result of their Biological Opinions (BOs), and the Washington State Department of Ecology as a result of a water quality certification. Failure to abide by these terms and conditions invalidates this authorization and may result in a violation of Federal law, which may require that the permittee restore the site or take other remedial action. Activities requiring Department of the Army authorization that are not specifically authorized by this RGP are prohibited unless authorized by another Department of the Army permit.

(3). Endangered Species. This RGP does not authorize you to take a threatened or endangered species, in particular the Lower Columbia River chinook, Upper Columbia River spring-run chinook, Puget Sound chinook, Snake River fall-run chinook, Snake River spring/summer-run chinook, Columbia River chum, Hood Canal summer-run chum, Lower Columbia River steelhead, Middle Columbia River steelhead, Upper Columbia River steelhead, Snake River Basin steelhead, Columbia River bull trout, Coastal/Puget Sound bull trout, gray wolf, woodland caribou, Wenatchee Mountains checker-mallow, marsh sandwort, showy stickseed, grizzly bear, Canada lynx, bald eagle, Warner sucker, Spalding's catchfly, Ute's ladies'-tresses, water howellia, Kincaid's sulphur lupine, bald eagle, marbled murrelet, northern spotted owl, and or adversely modify designated critical habitat. In order to legally take a listed species, you must have a separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permits, or ESA Section 7 consultation Biological Opinion with non-discretionary "incidental take" provisions with which you must comply). The BO(s) prepared by the National Marine Fisheries Service (NMFS) dated September 3, 2003, and the U.S. Fish and Wildlife Service (USFWS) dated January 21, 2004, contain mandatory terms and conditions to implement the reasonable and prudent measures that are associated with the specified "incidental take" in the BO(s) (USFWS reference numbers 1-3-03-PF-1243 WA and 1-7-03-F-0379 WA). Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the BO(s). These terms and conditions are incorporated by reference in this permit. Failure to comply with the commitments made in this document constitutes non-compliance with the ESA and this RGP. The USFWS/NMFS is the appropriate authority to determine compliance with ESA.

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The BO(s) issued to the permittee may be modified, renewed, or updated to incorporate changes in listed species, critical habitat or Terms and Conditions, as deemed necessary by the issuing agency, USFWS or NMFS. The revised and/or renewed BO(s) will remain eligible under the RGP until the RGP expiration date. Copies of the revised and/or renewed BO(s) must be sent to the U.S. Army Corps of Engineers, Regulatory Branch, within 10 days of the date of the revised BO.

The permittee must re-initiate consultation with the appropriate agency, USFWS or NMFS, if critical habitat is designated for a species and the BO(s) must be revised to include the necessary changes prior to construction of a project located in designated critical habitat.

(4). Essential Fish Habitat. The U.S. Forest Service, Pacific Northwest Region 6 has completed EFH consultation pursuant to section 305(b) of the MSA and implementing regulation at 50 CFR Part 600. In this consultation, NMFS concluded that the proposed actions may adversely affect designated EFH for Pacific salmon. NMFS has included conservation recommendations in the Biological Opinion (NMFS Reference Number 2003/00670), dated September 2, 2003 to avoid, minimize or otherwise offset effect to EFH produced by activities authorized by this RGP. Your authorization under this Corps permit is conditional upon your compliance with all of the conservation recommendations in the NMFS Biological Opinion. These conservation measures are incorporated by reference in this permit. Failure to comply with the commitments made in this document constitutes non-compliance with the MSA and this RGP. The NMFS is the appropriate authority to determine compliance with MSA.

(5). Historic Properties. U.S. Forest Service, Pacific Northwest Region 6, is the federal lead for compliance with National Historic Preservation Act. Activities authorized by this RGP that may affect historic properties listed or eligible for listing, in the National Register of Historic Places (NRHP) under the provisions of 33 CFR 325, Appendix C, must be satisfied prior to construction. Historic properties include prehistoric and historic archeological sites, and areas or structures of cultural interest. The Forest Service must notify the Corps if the proposed activity may affect an historic property that is listed, eligible for listing, or may be eligible for listing in the NRHP, and shall not begin the activity until the requirements of the National Historic Preservation Act have been satisfied by providing documentation, including a concurrence letter from State Historic Preservation Office (SHPO) and/or from an affected Indian Tribe(s) to the Corps. If a previously unknown historic property is encountered during work authorized by this RGP, the permittee shall immediately cease all ground activities in the immediate area, notify the SHPO, any affected Indian Tribe(s) and Corps within 1 business day of discovery. The permittee shall perform any work required by SHPO, tribes or the Corps in accordance with Section 106 of the National Historic Preservation Act and Corps regulations and avoid any further impact to the property until the requirements of 33 CFR Part 325, Appendix C, have been satisfied.

(6). Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status unless the appropriate Federal agency (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, USFWS), that has direct management responsibility for such rivers has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. The U.S. Forest Service, Pacific Northwest Region 6 is one of the responsible Federal agencies for National Wild and Scenic River System. The permittee will provide documentation to the Corps in the annual report that the activities authorized by the RGP did not adversely affect any Wild and Scenic River designation or study status. The permittee must provide documentation from the responsible federal agency (National Park Service, Bureau of Land Management or USFWS) that any proposed

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activity will not adversely affect the Wild and Scenic River designation or study status for any project within the National Wild and Scenic River System for which the Forest Service is not the responsible agency.

- (7). Best Management Practices (BMPs). The following BMPs must be implemented:
- Installation of sediment/erosion control devices including sediment fencing, hay bales, etc. prior to construction.
  - Implementation of Pollution and Erosion Control Plan (PECP) that will minimize use of heavy equipment, maintain clean equipment, and limit ground clearing activities close to streams.
  - Implementation of spill prevention and containment plan (SPCP) that will minimize spillage of fuel/oil leakage from equipment.
  - Isolation of in-stream work areas by installation of a stream diversion structure and dewatering of work area.
  - Turbidity monitoring and reporting during active in-water work.
  - Revegetation of all disturbed areas with native plants.

### GENERAL CONDITIONS

1. Reliance on Permittee's Information. In verifying a permittee's authorization under this RGP, the Department of the Army has relied, in part, on the information provided by the permittee. If this information proves to be false, incomplete, or inaccurate, the permittee's authorization may be modified, suspended, or revoked, in whole or in part.

2. Contractor's Copy of Permit. The permittee shall provide complete copies of this permit to the contractor. Best Management Practices (BMPs) to ensure that the Terms and Conditions of the NMFS and FWS biological opinions for the authorized project will be met, shall be incorporated into the contract provisions for each project. Copies of this permit and Forest Service's contract (including the BMPs) must be kept at the project site during construction and be available for inspection at the project site.

3. Work in the Dry. Work that disturbs the substrate, bank, or shore of a water of the United States shall occur in the dry whenever practicable.

4. Operation of Equipment. Equipment shall be operated from the top of the bank, dry gravel bar, work platform, or similar out-of-water location whenever possible. Equipment shall be operated in a manner that minimizes the suspension of particulates. All equipment used in or around waters shall be clean and inspected daily prior to use to ensure that the equipment has no fluid leaks. Should a leak develop during use, the leaking equipment shall be removed from the site immediately and not used again until it has been adequately repaired. No equipment may be stored or fueled so close to a surface water that the activity could adversely affect the waterbody.

5. Disturbance of Vegetation. Disturbance of bank vegetation shall be limited to the minimum amount necessary to accomplish the project. Disturbed bank vegetation shall be replaced with native, locally adapted species appropriate for the site whenever practicable.

6. Isolation of Work Area. In-water work areas shall be isolated from the surrounding waterbody by a properly installed silt screen or a similar sediment containment device whenever practicable. The permittee shall remove the silt screen or other temporary sediment containment devices as soon as they are no longer necessary to protect the surrounding waterbody.

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7. Permanent Discharges. The discharge of dredged or fill material into waters of the United States to dispose of the material or to create dryland is not authorized.

8. Access for Inspection. The permittee shall allow the District Engineer or his authorized representative to inspect the project whenever deemed necessary by the Corps, to ensure that the activity is in compliance with the terms and conditions prescribed herein.

9. Limits of Authorization. This permit does *not*:

- a. Obviate the requirement to obtain all other Federal, State, or local authorizations required by law for the activity authorized herein, including any authorization required from Congress.
- b. Convey any property rights, either in real estate or material, or any exclusive privileges.
- c. Authorize any injury to property, invasion of rights, or any infringement of Federal, State, or local laws or regulations.
- d. Authorize the interference with any existing or proposed Federal project.

10. Limits of Federal Liability. This permit is not an approval of the design features of any authorized project or an implication that such project is adequate for the intended purpose; a Department of the Army permit merely expresses the consent of the Federal Government to conduct the proposed work insofar as public rights are concerned. In issuing this RGP, the Federal Government does not assume any liability for the following:

- a. Design or construction deficiencies associated with the authorized work.
- b. Damages to the permitted project or uses thereof as a result of other permitted activities or from natural causes, such as flooding.
- c. Damages to persons, property, or to other permitted or unauthorized activities or structures caused by the activity authorized by this permit.
- d. Damages associated with any future modification, suspension, or revocation of this permit.
- e. The removal, relocation, or alteration of any structure or work in navigable waters of the United States ordered by the Secretary of the Army or his authorized representative.
- f. Damage to the permitted project or uses thereof as a result of current or future activities undertaken by, or on behalf of, the United States in the public interest.

11. Tribal Rights. No activity may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

12. Corps Coordination. The permittee shall coordinate with the appropriate office of the Corps prior to commencing any construction activity in a federally maintained channel and/or waterway. (Section 10)

13. Obstruction of Navigation. The permittee understand and agree that, if future operations by the United States require the removal, relocation, or other alteration of the work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work unreasonably obstructs the full and free use of navigable waters of the United States, the permittee shall, upon due notice from the Corps, remove, relocate, or alter the obstructions caused thereby, without expense to the United States. If the permittee fails to comply with the direction of the Corps, the District

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Engineer may restore the navigable capacity of the waterway, by contract or otherwise, and recover the cost thereof from the permittee. (Section 10)

14. Stability. The permittee shall design projects to be stable against the forces of flowing water, wave action, and the wake of passing vessels.

15. Maintenance. The permittee shall properly maintain all authorized structures and fills, including maintenance necessary to ensure public safety.

16. Marking Structures. The permittee shall install and maintain any lights, signals, or other appropriate markers necessary to clearly designate the location of structures or work that might pose a hazard to public safety. Permittees shall abide by U.S. Coast Guard requirements concerning the marking of structures and work in navigable waters of the United States. (Section 10)

17. Water Quality Standards. All activities authorized herein that involve a discharge of dredged or fill material into waters of the United States shall, at all times, remain consistent with all applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards, and management practices established pursuant to the Clean Water Act (P.L. 92-500; 86 Stat. 816) or pursuant to applicable State and local law. (Section 404)

18. Minimization of Environmental Impact. The permittee shall make every reasonable effort to conduct the authorized activities in a manner that minimizes the adverse impact of the work on water quality, fish and wildlife, and the natural environment, including adverse impacts to migratory waterfowl breeding areas, spawning areas, shellfish beds, and aquatic resource buffer zones.

19. Soil Erosion and Sediment Controls. The permittee shall use and maintain appropriate erosion and sediment controls in effective operating condition and permanently stabilize all exposed soil and other fills, including any work below the ordinary high water mark or high tide line, at the earliest practicable date using native vegetation to the maximum extent practicable. The permittee shall remove all installed controls as soon as they are no longer needed to control erosion or sediment.

20. Equipment. The permittee shall place heavy equipment working in wetlands on mats, or take other appropriate measures to minimize soil disturbance.

21. Aquatic Life Movements. The permittee shall not substantially disrupt the necessary life-cycle movement of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the primary purpose of the activity is to temporarily impound water.

22. Management of Water Flows. To the maximum extent practicable, the activity must be designed to maintain downstream flow conditions. Furthermore, the activity shall not permanently restrict or impede the passage of normal or expected high flows unless the primary purpose of the fill is to temporarily impound water. The permittee should limit the work conducted in waters of the United States to low- or no-flow periods.

23. Water Supply Intakes. The permittee shall ensure that activities authorized by this RGP have no more than a minimal adverse impact on public water supply intakes.

24. Practicable Alternatives. Activities authorized by this RGP shall be designed and constructed to avoid and minimize adverse impacts to waters of the United States to the extent practicable through the use of practicable alternatives. Alternatives that shall be considered include those that minimize the number and extent of discharges of dredged or fill material into waters of the United States.

25. Suitable Material. Any material or structure placed in waters of the United States, whether temporary or permanent, shall be free of toxic pollutants in toxic amounts. (Section 404)

26. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected area returned to pre-construction contours. (Section 404)

27. Disposal of Excess Material. All construction debris and any other material not authorized by the Corps for permanent placement into waters of the United States shall be disposed of in an upland location in a manner that precludes it from entering waters of the United States. (Section 404)

**Modification, suspension, or revocation of the RGP:** This RGP may be modified, suspended, or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that the individual or cumulative impacts of work that would be authorized using this procedure are contrary to the public interest. Any such modification, suspension, or revocation shall become effective 30 days after the issuance of a public notice announcing such action. The final decision whether to modify, suspend, or revoke this permit, in whole or in part, shall be made pursuant to procedures prescribed by the Chief of Engineers. Following such revocation, any future activities heretofore authorized by this RGP will require alternate Department of the Army authorization.

The authorization of an individual project under this RGP may also be summarily modified, suspended, or revoked, in whole or in part, if the permittee either fails to abide by the terms and conditions of this permit or provides information that proves to be false, incomplete, or inaccurate, or, upon a finding by the District Engineer, that such action would be in the public interest. If a permittee's authorization is revoked, the permittee shall, upon notice of such revocation, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former condition. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

**Expiration of the RGP:** This permit shall become effective on the date of the signature of the District Engineer or his authorized representative and will automatically expire 5 years from that date unless the permit is modified, revoked, or extended prior to that date. Activities that have commenced (e.g., are under construction) or are under contract to commence in reliance upon this permit will remain authorized provided that the activity is completed within 1 year of the date of this permit's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization.

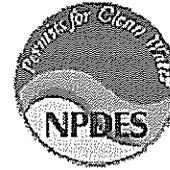
BY AUTHORITY OF THE SECRETARY OF THE ARMY:

\_\_\_\_\_  
Date

\_\_\_\_\_  
DEBRA M. LEWIS  
Colonel, Corps of Engineers  
District Engineer



U.S. ENVIRONMENTAL PROTECTION  
AGENCY (EPA)  
NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (NPDES)  
EPA's NOI PROCESSING CENTER



05/30/2008

Company: FEDERAL HIGHWAY ADMINISTRATION  
ATTN: DIANE L SPENCER  
610 E 5th Street  
Vancouver, WA 98661

Facility: GIFFORD PINCHOT  
NATIONAL FORES  
Mt. St. Helens District  
Mt. St. Helens, WA 98648

Permit Number: WAR10B26F

This email/letter acknowledges that you have submitted a complete Notice of Intent form to be covered under the NPDES General Permit for Stormwater Discharges for Construction General Permit Activity (Construction General Permit). Coverage under this permit begins at the conclusion of your seven-day waiting period, on 06/06/2008.

As stated above, this letter acknowledges receipt of a complete Notice of Intent. However, it is not an EPA determination of the validity of the information you provided. Your eligibility for coverage under the Permit is based on the validity of the certification you provided. Your signature on the Notice of Intent certifies that you have read, understood, and are implementing all of the applicable requirements. An important aspect of this certification requires that you correctly determine whether you are eligible for coverage under this permit.

As you know, the Construction General Permit requires you to have developed and begun implementing a Stormwater Pollution Prevention Plan (SWPPP) and outlines important inspection and record keeping requirements. You must also comply with any additional location-specific requirements applicable to your state or tribal area. A copy of the Construction General Permit must be kept with your SWPPP. An electronic copy of the Permit and additional guidance materials can be viewed and downloaded at [www.epa.gov/npdes/stormwater](http://www.epa.gov/npdes/stormwater).

For tracking purposes, the following number has been assigned to your Notice of Intent Form:  
WAR10B26F.

If you have general questions regarding the stormwater program or your responsibilities under the Construction General Permit, please call

EPA Region 10

Permits

Project: WA FS ERFO 2007(1)-22(2), Mt. St. Helens District Repairs, FR 83 MP 6.9-11.3

Julie Congdon (206) 553-2752

If you have questions about your Notice of Intent form, please call the EPA NOI Processing Center at 1-866-352-7755 (toll free) or send an inquiry via the online form at <http://www.epa.gov/npdes/noicontact>.

Next time, you can use the eNOI system (<http://www.epa.gov/npdes>) to apply for a Notice of Intent.

EPA NOI Processing Center  
Operated by Avanti Corporation  
1200 Pennsylvania Ave., NW  
Mail Code: 4203M  
Washington, DC 20460  
1-866-352-7755

**NPDES General Permit for Storm Water Discharges From Construction Activities**

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**National Pollutant Discharge Elimination System  
General Permit for Discharges from  
Large and Small Construction Activities**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et. seq., (hereafter CWA or the Act), as amended by the Water Quality Act of 1987, P.L. 100-4, operators of large and small construction activities that are described in Subpart 1.3 of this National Pollutant Discharge Elimination System (NPDES) general permit, except for those activities excluded from authorization of discharge in Subpart 1.3.C of this permit are authorized to discharge pollutants to waters of the United States in accordance with the conditions and requirements set forth herein. Permit coverage is required from the "commencement of construction activities" until "final stabilization" as defined in Appendix A.

This permit shall become effective on July 1, 2003.

This permit and the authorization to discharge shall expire at midnight, July 1, 2008.

Signed:

Linda M. Murphy, Director, Office of Ecosystem Protection  
EPA Region 1

Kevin Bricke, Acting Director, Division of Environmental Planning and Protection  
EPA Region 2

Carlos E. O'Neill, P.E., Acting Division Director, Caribbean Environmental Protection Division  
EPA Region 2

John M. Capacasa, Director, Water Protection Division  
EPA Region 3

Rebecca Harvey, Chief, NPDES Program Branch  
EPA Region 5

Miguel I. Flores, Director, Water Quality Protection Division  
EPA Region 6

Leo J. Alderman, Director, Water, Wetlands, and Pesticides Division  
EPA Region 7

Stephen S. Tuber, Assistant Regional Administrator, Office of Partnerships and Regulatory Assistance  
EPA Region 8

Nancy Woo, Acting Director, Water Division  
EPA Region 9

Randall F. Smith, Director, Office of Water  
EPA Region 10

The signatures are for the permit conditions in Parts 1 through 9 and Appendices A through G and for any additional conditions which apply to facilities located in the corresponding state, Indian country, or other area.

## PART 1: COVERAGE UNDER THIS PERMIT

### 1.1 Introduction

This Construction General Permit (CGP) authorizes storm water discharges from large and small construction activities that result in a total land disturbance of equal to or greater than one acre, where those discharges enter surface waters of the United States or a municipal separate storm sewer system (MS4) leading to surface waters of the United States subject to the conditions set forth in this permit. This permit also authorizes storm water discharges from any other construction activity designated by EPA where EPA makes that designation based on the potential for contribution to an excursion of a water quality standard or for significant contribution of pollutants to waters of the United States. This permit replaces two permits issued in 1998 (63 FR 7858, February 17, 1998 for EPA Regions 1, 2, 3, 7, 8, 9, and 10 and 63 FR 36489, July 6, 1998 for EPA Region 6). Any references to the 1998 CGP in this permit refer to those two permits.

This permit is presented in a reader-friendly, plain language format. This permit uses the terms “you” and “your” to identify the person(s) who owns or operates a “facility” or “activity” as defined in Appendix A and who must comply with the conditions of this permit. This format should allow you, the permittee and operator of a large or small construction activity, to easily locate and understand applicable requirements.

The goal of this permit is to reduce or eliminate storm water pollution from construction activity by requiring that you plan and implement appropriate pollution control practices to protect water quality.

### 1.2 Permit Area

If your large or small construction activity is located within the areas listed in Appendix B, you may be eligible to obtain coverage under this permit. Permit coverage is actually provided by legally separate and distinctly numbered permits covering each of the areas listed in Appendix B.

### 1.3 Eligibility

Permit eligibility is limited to discharges from “large” and “small” construction activity as defined in Appendix A or as otherwise designated by EPA. This general permit contains eligibility restrictions, as well as permit conditions and requirements. You may have to take certain actions to be eligible for coverage under this permit. In such cases, you must continue to satisfy those eligibility provisions to maintain permit authorization. If you do not meet the requirements that are a pre-condition to eligibility, then resulting discharges constitute unpermitted discharges. By contrast, if you do not comply with the requirements of the general permit, you may be in violation of the general permit for your otherwise eligible discharges.

#### A. Allowable Storm Water Discharges

Subject to compliance with the terms and conditions of this permit, you are authorized to discharge pollutants in:

1. Storm water associated with large and small construction activity as defined in Appendix A;
2. Storm water discharges designated by EPA as needing a storm water permit under 40 CFR §122.26(a)(1)(v) or §122.26(b)(15)(ii);
3. Discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:
  - a. The support activity is directly related to the construction site required to have NPDES permit coverage for discharges of storm water associated with construction activity;
  - b. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and
  - c. Appropriate controls and measures are identified in a Storm Water Pollution Prevention Plan (SWPPP) covering the discharges from the support activity areas; and
4. Discharges composed of allowable discharges listed in 1.3.A and 1.3.B commingled with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.

**B. Allowable Non-Storm Water Discharges**

You are authorized for the following non-storm water discharges, provided the non-storm water component of the discharge is in compliance with Subpart 3.5 (Non-Storm Water Discharge Management):

1. Discharges from fire-fighting activities;
2. Fire hydrant flushings;
3. Waters used to wash vehicles where detergents are not used;
4. Water used to control dust in accordance with Subpart 3.4.G;
5. Potable water including uncontaminated water line flushings;
6. Routine external building wash down that does not use detergents;
7. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
8. Uncontaminated air conditioning or compressor condensate;
9. Uncontaminated ground water or spring water;
10. Foundation or footing drains where flows are not contaminated with process materials such as solvents;
11. Uncontaminated excavation dewatering;
12. Landscape irrigation.

**C. Limitations on Coverage**

1. This permit does not authorize post-construction discharges that originate from the site after construction activities have been completed and the site has achieved final stabilization, including any temporary support activity. Post-construction storm water discharges from industrial sites may need to be covered by a separate NPDES permit.
2. This permit does not authorize discharges mixed with non-storm water. This exclusion does not apply to discharges identified in Subpart 1.3.B, provided the discharges are in compliance with Subpart 3.5 (Non-Storm Water Discharge Management).
3. This permit does not authorize storm water discharges associated with construction activity that have been covered under an individual permit or required to obtain coverage under an alternative general permit in accordance with Subpart 4.2.
4. This permit does not authorize discharges that EPA, prior to authorization under this permit, determines will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. Where such a determination is made prior to authorization, EPA may notify you that an individual permit application is necessary in accordance with Subpart 4.2. However, EPA may authorize your coverage under this permit after you have included appropriate controls and implementation procedures in your SWPPP designed to bring your discharge into compliance with water quality standards.
5. *Discharging into Receiving Waters With an Approved Total Maximum Daily Load Analysis*
  - a. You are not eligible for coverage under this permit for discharges of pollutants of concern to waters for which there is a total maximum daily load (TMDL) established or approved by EPA unless you incorporate into your SWPPP measures or controls that are consistent with the assumptions and requirements of such TMDL. To be eligible for coverage under this general permit, you must incorporate into your SWPPP any conditions applicable to your discharges necessary for consistency with the assumptions and requirements of such TMDL. If a specific wasteload allocation has been established that would apply to your discharge, you must incorporate that allocation into your SWPPP and implement necessary steps to meet that allocation.
  - b. In a situation where an EPA-approved or established TMDL has specified a general wasteload allocation applicable to construction storm water discharges, but no specific requirements for construction sites have been identified in the TMDL, you should consult with the State or Federal TMDL authority to confirm that adherence to a SWPPP that meets the requirements of the CGP will be consistent with the approved TMDL. Where an EPA-approved or established TMDL has not

Permits

specified a wasteload allocation applicable to construction storm water discharges, but has not specifically excluded these discharges, adherence to a SWPPP that meets the requirements of the CGP will generally be assumed to be consistent with the approved TMDL. If the EPA-approved or established TMDL specifically precludes such discharges, the operator is not eligible for coverage under the CGP.

#### 6. *Endangered and Threatened Species and Critical Habitat Protection*

- a. Coverage under this permit is available only if your storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities, as defined in Appendix A, are not likely to jeopardize the continued existence of any species that are federally-listed as endangered or threatened (“listed”) under the Endangered Species Act (ESA) or result in the adverse modification or destruction of habitat that is federally-designated as critical under the ESA (“critical habitat”).
- b. You are not eligible to discharge if the storm water discharges, allowable non-storm water discharges, or storm water discharge-related activities would cause a prohibited “take” of federally-listed endangered or threatened species (as defined under section 3 of the ESA and 50 CFR 17.3), unless such takes are authorized under sections 7 or 10 of the ESA.
- c. **Determining Eligibility:** You must use the process in Appendix C (ESA Review Procedures) to determine eligibility *PRIOR* to submittal of the Notice of Intent (NOI). You must meet one or more of the following six criteria (A-F) for the entire term of coverage under the permit:

- Criterion A. No federally-listed threatened or endangered species or their designated critical habitat are in the project area as defined in Appendix C; or
- Criterion B. Formal consultation with the Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the ESA has been concluded and that consultation:
- i. Addressed the effects of the project’s storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat, and
  - ii. The consultation resulted in either:
    - a. Biological opinion finding no jeopardy to federally-listed species or destruction/adverse modification of federally-designated critical habitat, or
    - b. written concurrence from the Service(s) with a finding that the storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities are not likely to adversely affect federally-listed species or federally-designated critical habitat; or
- Criterion C. Informal consultation with the Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the ESA has been concluded and that consultation:
- i. Addressed the effects of the project’s storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat, and
  - ii. The consultation resulted in either:
    - a. Biological opinion finding no jeopardy to federally-listed species or destruction/adverse modification of federally-designated critical habitat, or
    - b. written concurrence from the Service(s) with a finding that the storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities are not likely to adversely affect federally-listed species or federally-designated critical habitat; or
- Criterion D. The construction activities are authorized through the issuance of a permit under section 10 of the ESA, and that authorization addresses the effects of the storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities on federally-listed species and federally-designated critical habitat; or
- Criterion E. Storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities are not likely to adversely affect any federally-listed

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threatened or endangered species or result in the destruction or adverse modification of federally-designated critical habitat; or

- Criterion F. The project's storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities were already addressed in another operator's valid certification of eligibility under Criteria A-E which included your construction activities and there is no reason to believe that federally-listed species or federally-designated critical habitat not considered in the prior certification may be present or located in the project area. By certifying eligibility under this criterion, you agree to comply with any measures or controls upon which the other operator's certification was based.

You must comply with any applicable terms, conditions, or other requirements developed in the process of meeting the eligibility requirements of the criteria in this section to remain eligible for coverage under this permit. Such terms and conditions must be documented and incorporated into your SWPPP.

## 7. Historic Properties

*[Reserved]*

You are reminded that you must comply with applicable state, tribal and local laws concerning the protection of historic properties and places.

### 1.4 Waivers for Certain Small Construction Activities

Three scenarios exist under which small construction activities (see definition in Appendix A) may be waived from the NPDES permitting requirements detailed in this general permit. These exemptions are predicated on certain criteria being met and proper notification procedures being followed. Details of the waiver options and procedures for requesting a waiver are provided in Appendix D.

## PART 2: AUTHORIZATION FOR DISCHARGES OF STORM WATER FROM CONSTRUCTION ACTIVITY

To obtain coverage under this general permit, you, the operator, must prepare and submit a complete and accurate Notice of Intent (NOI), as described in this Part. Discharges are not authorized if your NOI is incomplete or inaccurate or if you were never eligible for permit coverage.

### 2.1 Authorization to Discharge Date

This permit is effective as of the publication date in the Federal Register and is effective for five years, expiring at midnight on the anniversary of publication in the fifth year.

- A. If you submit an NOI during the first 90 days after the issuance date of this permit you are authorized to discharge storm water from construction activities under the terms and conditions of this permit seven (7) calendar days after submittal to EPA of a complete and accurate NOI (i.e., 7 days from date of postmark), except as noted in Subpart 2.1.C.
- B. If you submit an NOI after the first 90 days of this permit and prior to the expiration date of this permit, you are authorized to discharge storm water from construction activities under the terms and conditions of this permit seven (7) calendar days after acknowledgment of receipt of your complete NOI is posted on EPA's NPDES website <http://www.epa.gov/npdes/stormwater/cgp>, except as noted in Subpart 2.1.C.
- C. EPA may delay your authorization based on eligibility considerations of Subpart 1.3 (e.g., ESA concerns). In these instances, you are not authorized for coverage under this permit until you receive notice from EPA of your eligibility.

### 2.2 Notice of Intent Contents

- A. You must use the NOI form provided in Appendix E (or a photocopy thereof) and available at [www.epa.gov/npdes/stormwater/cgp](http://www.epa.gov/npdes/stormwater/cgp). If EPA makes other NOI forms available (either directly, by public notice, or by making information available on the Internet), you may take advantage of any of those options to satisfy the NOI use requirements of this Subpart.
- B. You must provide the following information on the NOI form:
  1. The applicable permit number for which you are requesting coverage (See Appendix B);

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2. Operator name, address, telephone number, and Employer Identification Number (EIN) as established by the U.S. Internal Revenue Service;
3. Project/Site name, address, county or similar governmental subdivision, and latitude/longitude of your construction project or site;
4. Whether your site is located in Indian country and if so, the name of the Reservation, if applicable;
5. Whether the SWPPP has been prepared in advance of filing of this NOI and the location where the applicable SWPPP may be viewed;
6. Name of the water(s) of the U.S. into which your site discharges;
7. Indication whether your discharge is consistent with the assumptions and requirements of applicable EPA approved or established TMDLs;
8. Estimated dates of commencement of construction activity and final stabilization (i.e., project start and completion dates);
9. Total acreage (to the nearest quarter acre) to be disturbed for which you are requesting permit coverage;
10. Whether any federally-listed threatened or endangered species, or federally-designated critical habitat are in your project area to be covered by this permit, and the basis for certifying eligibility for permit coverage based on the instructions in Appendix C;
11. A certification statement, signed and dated by an authorized representative as defined in Appendix G, Section 11, and the name and title of that authorized representative.

### 2.3 Submission Deadlines

- A. *New Projects*: To obtain coverage under this permit, you must submit a complete and accurate NOI and be authorized consistent with Subpart 2.1 prior to your commencement of construction activities.
- B. *Permitted Ongoing Projects (only applicable for first 90 days after this permit is issued)*: If you previously received authorization to discharge for your project under the 1998 CGP and you wish to continue coverage under this permit:
  1. Except as noted in 2.3.B.2, you must:
    1. Submit an NOI within 90 days of the issuance date of this permit, and
    2. Until you are authorized under this permit consistent with Subpart 2.1, comply with the terms and conditions of the 1998 CGP under which you were previously authorized.
  2. If you meet the termination of coverage requirements in accordance with Subpart 5.1 within 90 days of the issuance date of this permit (e.g., construction will be finished and final stabilization achieved) you must:
    1. Submit an NOT consistent with the 2003 CGP using the NOT form provided in Appendix F, and
    2. Until coverage is no longer required, comply with the terms and conditions of the 1998 CGP under which you were previously authorized.
- C. *Unpermitted Ongoing Projects (only applicable for first 90 days after this permit is issued)*: If you previously did not receive authorization to discharge for your project under the 1998 CGP and you wish to obtain coverage under this permit:
  1. Except as noted in 2.3.C.2, you must:
    1. Submit an NOI within 90 days of the issuance date of this permit, and
    2. Until you are authorized under this permit consistent with Subpart 2.1, comply with an interim Storm Water Pollution Prevention Plan (SWPPP) consistent with the 1998 CGP.
  2. If you meet the termination of coverage requirements in accordance with Subpart 5.1 within 90 days of the issuance date of this permit (e.g., construction will be finished and final stabilization achieved) you must comply with an interim Storm Water Pollution Prevention Plan (SWPPP) consistent with the 1998 CGP until permit coverage is no longer required.

- D. *Late Notifications*: Operators are not prohibited from submitting NOIs after initiating clearing, grading, excavation activities, or other construction activities. When a late NOI is submitted, authorization for discharges occurs consistent with Subpart 2.1. The Agency reserves the right to take enforcement action for any unpermitted discharges or permit noncompliance that occur between the commencement of construction and discharge authorization.

#### 2.4 Where to Submit

- A. Except as noted in Subpart 2.3.B, you must send your complete and accurate NOI to EPA at one of the following addresses:

For Regular U.S. Mail Delivery:

EPA Storm Water Notice Processing Center  
Mail Code 4203M  
U.S. EPA  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

For Overnight/Express Mail Delivery:

EPA Storm Water Notice Processing Center  
Room 7420  
U.S. EPA  
1201 Constitution Avenue, NW  
Washington, DC 20004

- B. In lieu of Subpart 2.4.A, when available, you may submit your NOI using EPA's electronic NOI system (i.e., eNOI) as detailed at [www.epa.gov/npdes/stormwater/cgp](http://www.epa.gov/npdes/stormwater/cgp).

### PART 3: STORM WATER POLLUTION PREVENTION PLANS (SWPPPS)

#### 3.1 Storm Water Pollution Prevention Plan Framework

- A. A SWPPP must be prepared prior to submission of an NOI as required in Part 2. At least one SWPPP must be developed for each construction project covered by this permit and such SWPPP must be prepared in accordance with good engineering practices.
- B. The SWPPP must:
1. Identify all potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site;
  2. Describe practices to be used to reduce pollutants in storm water discharges from the construction site; and
  3. Assure compliance with the terms and conditions of this permit.
- C. Once a definable area has been finally stabilized, you may mark this on your SWPPP and no further SWPPP or inspection requirements apply to that portion of the site (e.g., earth-disturbing activities around one of three buildings in a complex are done and the area is finally stabilized, one mile of a roadway or pipeline project is done and finally stabilized, etc).
- D. You must implement the SWPPP as written from commencement of construction activity until final stabilization is complete.

#### 3.2 Requirements for Different Types of Operators

You may meet one or both of the operational control components in the definition of operator found in Appendix

- A. Subpart 3.2.C applies to all permittees having control over only a portion of a construction site.

- A. If you have operational control over construction plans and specifications, you must ensure that:
1. The project specifications meet the minimum requirements of this Subpart and all other applicable permit conditions;
  2. The SWPPP indicates the areas of the project where the operator has operational control over project specifications, including the ability to make modifications in specifications;
  3. All other permittees implementing portions of the SWPPP (or their own SWPPP) who may be impacted by a change to the construction plan are notified of such changes in a timely manner; and
  4. The SWPPP indicates the name of the party(ies) with day-to-day operational control of those activities necessary to ensure compliance with the SWPPP or other permit conditions.

- B. If you have operational control over day-to-day activities, you must ensure that:
1. The SWPPP meets the minimum requirements of this Subpart and identifies the parties responsible for implementation of control measures identified in the plan;
  2. The SWPPP indicates areas of the project where you have operational control over day-to-day activities;
  3. The SWPPP indicates the name of the party(ies) with operational control over project specifications (including the ability to make modifications in specifications).
- C. If you have operational control over only a portion of a larger project (e.g., one of four homebuilders in a subdivision), you are responsible for compliance with all applicable terms and conditions of this permit as it relates to your activities on your portion of the construction site, including protection of endangered species, critical habitat, and historic properties, and implementation of best management practices (BMPs) and other controls required by the SWPPP. You must ensure either directly or through coordination with other permittees, that your activities do not render another party's pollution control ineffective. You must either implement your portion of a common SWPPP or develop and implement your own SWPPP.

For more effective coordination of BMPs and opportunities for cost sharing, a cooperative effort by the different operators at a site to prepare and participate in a comprehensive SWPPP is encouraged. Individual operators at a site may, but are not required to, develop separate SWPPPs that cover only their portion of the project provided reference is made to other operators at the site. In instances where there is more than one SWPPP for a site, cooperation between the permittees is encouraged to ensure the storm water discharge controls and other measures are consistent with one another (e.g., provisions to protect listed species and critical habitat).

### 3.3 Pollution Prevention Plan Contents: Site and Activity Description

- A. The SWPPP must identify all operators for the project site, and the areas of the site over which each operator has control.
- B. The SWPPP must describe the nature of the construction activity, including:
1. The function of the project (e.g., low density residential, shopping mall, highway, etc.);
  2. The intended sequence and timing of activities that disturb soils at the site;
  3. Estimates of the total area expected to be disturbed by excavation, grading, or other construction activities, including dedicated off-site borrow and fill areas; and
  4. A general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) with enough detail to identify the location of the construction site and waters of the United States within one mile of the site.
- C. The SWPPP must contain a legible site map, showing the entire site, identifying:
1. Direction(s) of storm water flow and approximate slopes anticipated after major grading activities;
  2. Areas of soil disturbance and areas that will not be disturbed;
  3. Locations of major structural and nonstructural BMPs identified in the SWPPP;
  4. Locations where stabilization practices are expected to occur;
  5. Locations of off-site material, waste, borrow or equipment storage areas;
  6. Locations of all waters of the United States (including wetlands);
  7. Locations where storm water discharges to a surface water; and
  8. Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.
- D. The SWPPP must describe and identify the location and description of any storm water discharge associated with industrial activity other than construction at the site. This includes storm water discharges from dedicated asphalt plants and dedicated concrete plants, that are covered by this permit.

### 3.4 Pollution Prevention Plan Contents: Controls to Reduce Pollutants

- A. The SWPPP must include a description of all pollution control measures (i.e., BMPs) that will be implemented as part of the construction activity to control pollutants in storm water discharges. For each major activity identified in the project description the SWPPP must clearly describe appropriate control measures, the general sequence during the construction process in which the measures will be implemented, and which operator is responsible for the control measure's implementation.
- B. The SWPPP must include a description of interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation is preserved where possible and that disturbed portions of the site are stabilized. Use of impervious surfaces for stabilization should be avoided.
- C. The following records must be maintained as part of the SWPPP:
  1. Dates when major grading activities occur;
  2. Dates when construction activities temporarily or permanently cease on a portion of the site; and
  3. Dates when stabilization measures are initiated.
- D. The SWPPP must include a description of structural practices to divert flows from exposed soils, retain/detain flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Placement of structural practices in floodplains must be avoided to the degree practicable.
- E. The SWPPP must include a description of all post-construction storm water management measures that will be installed during the construction process to control pollutants in storm water discharges after construction operations have been completed. Structural measures should be placed on upland soils to the degree practicable. Such measures must be designed and installed in compliance with applicable federal, local, state or tribal requirements.
- F. The SWPPP must describe measures to prevent the discharge of solid materials, including building materials, to waters of the United States, except as authorized by a permit issued under section 404 of the CWA.
- G. The SWPPP must describe measures to minimize, to the extent practicable, off-site vehicle tracking of sediments onto paved surfaces and the generation of dust.
- H. The SWPPP must include a description of construction and waste materials expected to be stored on-site with updates as appropriate. The SWPPP must also include a description of controls, including storage practices, to minimize exposure of the materials to storm water, and spill prevention and response practices.
- I. The SWPPP must include a description of pollutant sources from areas other than construction (including storm water discharges from dedicated asphalt plants and dedicated concrete plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

### 3.5 Non-Storm Water Discharge Management

The SWPPP must identify all allowable sources of non-storm water discharges listed in Subpart 1.3.B of this permit, except for flows from fire fighting activities, that are combined with storm water discharges associated with construction activity at the site. Non-storm water discharges should be eliminated or reduced to the extent feasible. The SWPPP must identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

### 3.6 Maintenance of Controls

- A. All erosion and sediment control measures and other protective measures identified in the SWPPP must be maintained in effective operating condition. If site inspections required by Subpart 3.10 identify BMPs that are not operating effectively, maintenance must be performed as soon as possible and before the next storm event whenever practicable to maintain the continued effectiveness of storm water controls.
- B. If existing BMPs need to be modified or if additional BMPs are necessary for any reason, implementation must be completed before the next storm event whenever practicable. If implementation before the next storm event is impracticable, the situation must be documented in the SWPPP and alternative BMPs must be implemented as soon as possible.
- C. Sediment from sediment traps or sedimentation ponds must be removed when design capacity has been reduced by 50 percent.

### 3.7 Documentation of Permit Eligibility Related to Endangered Species

The SWPPP must include documentation supporting a determination of permit eligibility with regard to Endangered Species, including:

- A. Information on whether federally-listed endangered or threatened species, or federally-designated critical habitat may be in the project area;
- B. Whether such species or critical habitat may be adversely affected by storm water discharges or storm water discharge-related activities from the project;
- C. Results of the Appendix C listed species and critical habitat screening determinations;
- D. Confirmation of delivery of NOI to EPA or to EPA's electronic NOI system. This may include an overnight, express or registered mail receipt acknowledgment; or electronic acknowledgment from EPA's electronic NOI system.
- E. Any correspondence for any stage of project planning between the U.S. Fish and Wildlife Service (FWS), EPA, the U.S. National Marine Fisheries Service (NMFS), or others and you regarding listed species and critical habitat, including any notification that delays your authorization to discharge under this permit;
- F. A description of measures necessary to protect federally-listed endangered or threatened species, or federally-designated critical habitat. The permittee must describe and implement such measures to maintain eligibility for coverage under this permit.

### 3.8 Copy of Permit Requirements

Copies of this permit and of the signed and certified NOI form that was submitted to EPA must be included in the SWPPP. Also, upon receipt, a copy of the letter from the EPA Storm Water Notice Processing Center notifying you of their receipt of your administratively complete NOI must also be included as a component of the SWPPP.

### 3.9 Applicable State, Tribal, or Local Programs

The SWPPP must be consistent with all applicable federal, state, tribal, or local requirements for soil and erosion control and storm water management, including updates to the SWPPP as necessary to reflect any revisions to applicable federal, state, tribal, or local requirements for soil and erosion control.

### 3.10 Inspections

- A. Inspections must be conducted in accordance with one of the two schedules listed below. You must specify in your SWPPP which schedule you will be following.
  1. At least once every 7 calendar days, OR
  2. At least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.
- B. Inspection frequency may be reduced to at least once every month if:
  1. The entire site is temporarily stabilized,
  2. Runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), or
  3. Construction is occurring during seasonal arid periods in arid areas and semi-arid areas.
- C. A waiver of the inspection requirements is available until one month before thawing conditions are expected to result in a discharge if all of the following requirements are met:
  1. The project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., more than one month);
  2. Land disturbance activities have been suspended; and
  3. The beginning and ending dates of the waiver period are documented in the SWPPP.
- D. Inspections must be conducted by qualified personnel (provided by the operator or cooperatively by multiple operators). "Qualified personnel" means a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact

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storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity.

- E. Inspections must include all areas of the site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation. Inspectors must look for evidence of, or the potential for, pollutants entering the storm water conveyance system. Sedimentation and erosion control measures identified in the SWPPP must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the United States, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking.
- F. Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may limit the access of inspection personnel to the areas described in Subpart 3.10.E above. Inspection of these areas could require that vehicles compromise temporarily or even permanently stabilized areas, cause additional disturbance of soils, and increase the potential for erosion. In these circumstances, controls must be inspected on the same frequencies as other construction projects, but representative inspections may be performed. For representative inspections, personnel must inspect controls along the construction site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described above. The conditions of the controls along each inspected 0.25 mile segment may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 mile segment to either the end of the next 0.25 mile inspected segment, or to the end of the project, whichever occurs first.
- G. For each inspection required above, you must complete an inspection report. At a minimum, the inspection report must include:
  1. The inspection date;
  2. Names, titles, and qualifications of personnel making the inspection;
  3. Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;
  4. Weather information and a description of any discharges occurring at the time of the inspection;
  5. Location(s) of discharges of sediment or other pollutants from the site;
  6. Location(s) of BMPs that need to be maintained;
  7. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
  8. Location(s) where additional BMPs are needed that did not exist at the time of inspection; and
  9. Corrective action required including any changes to the SWPPP necessary and implementation dates.

A record of each inspection and of any actions taken in accordance with this Part must be retained as part of the SWPPP for at least three years from the date that permit coverage expires or is terminated. The inspection reports must identify any incidents of non-compliance with the permit conditions. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the construction project or site is in compliance with the SWPPP and this permit. The report must be signed in accordance with Appendix G, Section 11 of this permit.

### 3.11 Maintaining an Updated Plan

- A. The SWPPP, including the site map, must be amended whenever there is a change in design, construction, operation, or maintenance at the construction site that has or could have a significant effect on the discharge of pollutants to the waters of the United States that has not been previously addressed in the SWPPP.
- B. The SWPPP must be amended if during inspections or investigations by site staff, or by local, state, tribal or federal officials, it is determined that the discharges the SWPPP is ineffective in eliminating or significantly minimizing pollutants in storm water discharges from the construction site.
- C. Based on the results of an inspection, the SWPPP must be modified as necessary to include additional or modified BMPs designed to correct problems identified. Revisions to the SWPPP must be completed within

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seven (7) calendar days following the inspection. Implementation of these additional or modified BMPs must be accomplished as described in Subpart 3.6.B.

### 3.12 Signature, Plan Review and Making Plans Available

- A. A copy of the SWPPP (including a copy of the permit), NOI, and acknowledgement letter from EPA must be retained at the construction site (or other location easily accessible during normal business hours to EPA, a state, tribal or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; the operator of a municipal separate storm sewer receiving discharges from the site; and representatives of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service) from the date of commencement of construction activities to the date of final stabilization. If you have day-to-day operational control over SWPPP implementation, you must have a copy of the SWPPP available at a central location on-site for the use of all those identified as having responsibilities under the SWPPP whenever they are on the construction site. If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance at the construction site.
- B. A sign or other notice must be posted conspicuously near the main entrance of the construction site. If displaying near the main entrance is infeasible, the notice can be posted in a local public building such as the town hall or public library. The sign or other notice must contain the following information:
1. A copy of the completed Notice of Intent as submitted to the EPA Storm Water Notice Processing Center; and
  2. If the location of the SWPPP or the name and telephone number of the contact person for scheduling SWPPP viewing times has changed (i.e., is different than that submitted to EPA in the NOI), the current location of the SWPPP and name and telephone number of a contact person for scheduling viewing times.

For linear projects, the sign or other notice must be posted at a publicly accessible location near the active part of the construction project (e.g., where a pipeline project crosses a public road).

- C. SWPPPs must be made available upon request by EPA; a state, tribal or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; the operator of a municipal separate storm sewer receiving discharges from the site; and representatives of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service to the requestor. The copy of the SWPPP that is required to be kept on-site or locally available must be made available, in its entirety, to the EPA staff for review and copying at the time of an on-site inspection.
- D. All SWPPPs must be signed and certified in accordance with Appendix G, Section 11.

### 3.13 Management Practices

- A. All control measures must be properly selected, installed, and maintained in accordance with any relevant manufacturer specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the operator must replace or modify the control for site situations as soon as practicable.
- B. If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.
- C. Litter, construction debris, and construction chemicals that could be exposed to storm water must be prevented from becoming a pollutant source in storm water discharges.
- D. Except as provided below, stabilization measures must be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
1. Where stabilization by the 14th day is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.
  2. Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 14 days, temporary stabilization measures do not have to be initiated on that portion of the site.

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3. In arid, semiarid, and drought-stricken areas where initiating perennial vegetative stabilization measures is not possible within 14 days after construction activity has temporarily or permanently ceased, final vegetative stabilization measures must be initiated as soon as practicable.
- E. A combination of sediment and erosion control measures are required to achieve maximum pollutant removal.
1. Sediment Basins: For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from the drainage area from a 2-year, 24-hour storm, or equivalent control measures, must be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, must be provided where attainable until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from offsite areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is attainable, the operator may consider factors such as site soils, slope, available area on-site, etc. In any event, the operator must consider public safety, especially as it relates to children, as a design factor for the sediment basin, and alternative sediment controls must be used where site limitations would preclude a safe design.
  2. For drainage locations which serve 10 or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions).
  3. For drainage locations serving less than 10 acres, smaller sediment basins and/or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm or 3,600 cubic feet of storage per acre drained is provided.
- F. Velocity dissipation devices must be placed at discharge locations and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regime of the receiving water).

### 3.14 Documentation of Permit Eligibility Related to Total Maximum Daily Loads

The SWPPP must include documentation supporting a determination of permit eligibility with regard to waters that have an EPA-established or approved TMDL, including:

- A. Identification of whether your discharge is identified, either specifically or generally, in an EPA-established or approved TMDL and any associated allocations, requirements, and assumptions identified for your discharge;
- B. Summaries of consultation with State or Federal TMDL authorities on consistency of SWPPP conditions with the approved TMDL, and
- C. Measures taken by you to ensure that your discharge of pollutants from the site is consistent with the assumptions and requirements of the EPA-established or approved TMDL, including any specific wasteload allocation that has been established that would apply to your discharge.

See section 1.3.C.5 for further information on determining permit eligibility related to TMDLs.

## PART 4: SPECIAL CONDITIONS, MANAGEMENT PRACTICES AND OTHER NON-NUMERIC LIMITATIONS

### 4.1 Continuation of the Expired General Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedure Act and remain in force and effect. If you were granted permit coverage prior to the expiration date, you will automatically remain covered by the continued permit until the earliest of:

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- A. Reissuance or replacement of this permit, at which time you must comply with the conditions of the new permit to maintain authorization to discharge; or
- B. Your submittal of a Notice of Termination; or
- C. Issuance of an individual permit for the project's discharges; or
- D. A formal permit decision by EPA to not reissue this general permit, at which time you must seek coverage under an alternative general permit or an individual permit.

#### 4.2 Requiring an Individual Permit or an Alternative General Permit

- A. EPA may require you to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition EPA to take action under this paragraph. If EPA requires you to apply for an individual NPDES permit, EPA will notify you in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and an application form. In addition, if you are an existing permittee covered under this permit, the notice will set a deadline to file the application, and will include a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to you, coverage under this general permit will automatically terminate. Applications must be submitted to EPA at the applicable EPA Regional offices listed in Appendix B of this permit. EPA may grant additional time to submit the application upon your request. If you are covered under this permit and you fail to submit in a timely manner an individual NPDES permit application as required by EPA, then the applicability of this permit to you is automatically terminated at the end of the day specified by EPA as the deadline for application submittal.
- B. You may request to be excluded from the coverage of this general permit by applying for an individual permit. In such a case, you must submit an individual application in accordance with the requirements of 40 CFR §122.26(c)(1)(ii), with reasons supporting the request, to EPA at the applicable EPA Regional office listed in Appendix B of this permit. The request may be granted by issuance of an individual permit or an alternative general permit if your reasons are adequate to support the request.
- C. When an individual NPDES permit is issued to you, who are otherwise subject to this permit, or you are authorized to discharge under an alternative NPDES general permit, the applicability of this permit to you is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. If you, who are otherwise subject to this permit, are denied an individual NPDES permit or an alternative NPDES general permit, the applicability of this permit to you is automatically terminated on the date of such denial, unless otherwise specified by EPA.

#### 4.3 Releases in Excess of Reportable Quantities

The discharge of hazardous substances or oil in storm water discharges from the construction site must be prevented or minimized in accordance with the SWPPP. This permit does not relieve you of the federal reporting requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 relating to spills or other releases of oils or hazardous substances.

Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117 or 40 CFR Part 302, occurs during a 24-hour period:

- you must provide notice to the National Response Center (NRC) (800–424–8802; in the Washington, DC, metropolitan area call 202–426–2675) in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 as soon as site staff have knowledge of the discharge; and
- you must modify the SWPPP as required under Subpart 3.11 within 7 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. Plans must identify measures to prevent the reoccurrence of such releases and to respond to such releases.

#### 4.4 Spills

This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

#### 4.5 Attainment of Water Quality Standards After Authorization

- A. You must select, install, implement and maintain BMPs at your construction site that minimize pollutants in the discharge as necessary to meet applicable water quality standards. In general, except in situations explained in Subpart 4.5.B below, your SWPPP developed, implemented, and updated consistent with Part 3.0 is considered as stringent as necessary to ensure that your discharges do not cause or contribute to an excursion above any applicable water quality standard.
- B. At any time after authorization, EPA may determine that your storm water discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. If such a determination is made, EPA will require you to:
- i. Develop a supplemental BMP action plan describing SWPPP modifications in accordance with Subpart 3.11 to address adequately the identified water quality concerns;
  - ii. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
  - iii. Cease discharges of pollutants from construction activity and submit an individual permit application according to Subpart 4.2.

All written responses required under this part must include a signed certification consistent with Appendix G, Section 11.

### PART 5: TERMINATION OF COVERAGE

#### 5.1 Requirements

You may only submit a Notice of Termination (NOT) after one or more of the following conditions have been met:

- A. Final stabilization has been achieved on all portions of the site for which you are responsible;
- B. Another operator has assumed control according to Appendix G, Section 11.C over all areas of the site that have not been finally stabilized;
- C. Coverage under an individual or alternative general NPDES permit has been obtained; or
- D. For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.

The NOT must be submitted within 30 days of one of the above conditions being met. Authorization to discharge terminates at midnight of the day the NOT is signed.

#### 5.2 Submitting a Notice of Termination

It is your responsibility to submit a complete and accurate Notice of Termination (NOT), using the form provided in Appendix F (or a photocopy thereof) available at [www.epa.gov/npdes/stormwater/cgp](http://www.epa.gov/npdes/stormwater/cgp). If EPA notifies dischargers (either directly, by public notice, or by making information available on the Internet) of other NOT form options (e.g., electronic submission), you may take advantage of those options to satisfy the requirements of Part 5.

- A. The Notice of Termination must include the following information:
1. The NPDES permit tracking number for the storm water discharge;
  2. The basis for submission of the NOT, including: final stabilization has been achieved on all portions of the site for which the permittee is responsible; another operator/permittee has assumed control over all areas of the site that have not been finally stabilized; coverage under an alternative NPDES permit has been obtained; or, for residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner;
  3. You, the operator's name, address, telephone number and your organization's Employer Identification Number (EIN) as established by the U.S. Internal Revenue Service;
  4. The name of the project and address (or a description of location if no street address is available) of the construction site for which the notification is submitted; and
  5. A certification statement, signed and dated by an authorized representative as defined in Appendix G, Section 11 and the name and title of that authorized representative.

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### 5.3 Where to Submit

A. All NOTs must be submitted to one of the following addresses:

For Regular U.S. Mail Delivery:

EPA Storm Water Notice Processing Center  
Mail Code 4203M  
U.S. EPA  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

For Overnight/Express Mail Delivery:

EPA Storm Water Notice Processing Center  
Room 7420  
U.S. EPA  
1201 Constitution Avenue, NW  
Washington, DC 20004

B. In lieu of Subpart 5.3.A, you can submit your NOT to EPA using EPA's electronic system (i.e., eNOI), when available. Check [www.epa.gov/npdes/stormwater/cgp](http://www.epa.gov/npdes/stormwater/cgp) for updates.

## PART 6: RETENTION OF RECORDS

Copies of the SWPPP and all documentation required by this permit, including records of all data used to complete the NOI to be covered by this permit, must be retained for at least three years from the date that permit coverage expires or is terminated. This period may be extended by request of EPA at any time.

## PART 7: REOPENER CLAUSE

### 7.1 Procedures for Modification or Revocation

Permit modification or revocation will be conducted according to 40 CFR §122.62, §122.63, §122.64 and §124.5.

### 7.2 Water Quality Protection

If there is evidence indicating that the storm water discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, you may be required to obtain an individual permit in accordance with Part 4.5 of this permit, or the permit may be modified to include different limitations and/or requirements.

### 7.3 Timing of Permit Modification

EPA may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines, that may be promulgated in the course of the current permit cycle.

## PART 8: STANDARD PERMIT CONDITIONS

The federal regulations require that the Standard Conditions provisioned at 40 CFR §122.41 be applied to all NPDES permits. You are required to comply with those Standard Conditions, details of which are provided in Appendix G.

## PART 9: PERMIT CONDITIONS APPLICABLE TO SPECIFIC STATES, INDIAN COUNTRY, OR TERRITORIES

The provisions of this Part provide modifications or additions to the applicable conditions of this permit to reflect specific additional conditions required as part of the state or tribal CWA Section 401 certification process, or the Coastal Zone Management Act (CZMA) certification process, or as otherwise established by the permitting authority. The specific additional revisions and requirements only apply to activities in those specific states, Indian country, and federal facilities. States, Indian country, and federal facilities not included in this Part do not have any modifications or additions to the applicable conditions of this permit.

State Coastal Zone Management Act (CZMA) certification was not received from Massachusetts in time for that state to be included in this permit. As such, large construction activities in Massachusetts covered under the 1998 CGP will continue to be covered under that permit. EPA will reissue the CGP for Massachusetts for large and small construction activities at a later date, and will include any state-specific modifications or additions as part of the State's CZMA certification process.

## A. Region 1

## 1. MAR100000: Commonwealth of Massachusetts, except Indian country

## a. State Water Quality Statutes, Regulations, and Policies:

- i. You must comply with the Massachusetts Clean Waters Act (Ch. 21, ss. 23-56).
- ii. You must comply with the conditions in 314 CMR 4.00 - Surface Water Quality Standards.
- iii. You must comply with the conditions in 314 CMR 3.00 - Surface Water Discharge Permit Program.
- iv. You must comply with the Wetlands Protection Act, Ch. 131, s. 40 and its regulations, 310 CMR 10.00 and any order of Conditions issued by a Conservation Commission or a Superseding Order of Conditions issued by the Massachusetts Department of Environmental Protection.

## b. Department of Environmental Protection Storm Water Management Policy:

- i. You must comply with the Massachusetts Storm Water Management Policy, March 1997 and applicable Storm Water Performance Standards, as prescribed by state regulations promulgated under the authority of the Massachusetts Clean Waters Act, MGL Ch. 21, ss. 23-56 and the Wetlands Protection Act Ch. 131, s. 40.

## c. Other State Environmental Laws, Regulations, Policies:

- i. You must comply with the Massachusetts Endangered Species Act [MESA] (MGL Ch. 313A and regulations at 321 CMR 10.00) and any actions undertaken to comply with this storm water permit, shall not result in non-compliance with the MESA.
- ii. You must not conduct activities under this permit that will interfere with implementation of mosquito control work conducted in accordance with Chapter 252 including, s. 5A thereunder and DEP Guideline Number BRP G01-02, West Nile Virus Application of Pesticides to Wetland Resource Areas and Buffer Zones, and Public Water Systems.

## d. Other Department Directives:

- i. The Department may require you to perform water quality monitoring during the permit term if monitoring is necessary for the protection of public health or the environment as designated under the authority at 314 CMR 3.00.
- ii. The Department may require you to provide measurable verification of the effectiveness of BMPs and other control measures in your management program, including water quality monitoring.
- iii. The Department has determined that compliance with this permit does not protect you from enforcement actions deemed necessary by the Department under its associated regulations to address an imminent threat to the public health or a significant adverse environmental impact which results in a violation of the Massachusetts Clean Waters Act, Ch. 21, ss. 26-53.
- iv. The Department reserves the right to modify the 401 Water Quality Certification if any changes, modifications or deletions are made to the general permit. In addition, the Department reserves the right to add and/or alter the terms and conditions of its 401 Water Quality Certification to carry out its responsibilities during the term of this permit with respect to water quality, including any revisions to 314 CMR 4.00, Surface Water Quality Standards.

## e. Permit Compliance

- i. Should any violation of the Massachusetts Surface Water Quality Standards (314 CMR 4.00) or the conditions of this certification occur, the Department will direct you to correct the violation(s). The Department has the right to take any action as authorized by the General Laws of the Commonwealth to address the violation of this permit or the MA Clean Waters Act and the regulations promulgated thereunder. Substantial civil and criminal penalties are authorized under MGL Ch. 21, s. 42 for discharging into Massachusetts' waters in violation of an order or permit issued by this Department. This certification does not relieve the you of the duty to comply with other applicable Massachusetts statutes and regulations.

## 2. NHR100000: State of New Hampshire

- a. If you disturb 100,000 square feet or more of contiguous area, you must also apply for a "Significant Alteration of the Terrain Permit from DES pursuant to RSA 485-A:17 and Env-Ws 415. This requirement

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applies to the disturbances of only 50,000 square feet when construction occurs within the protected shoreline (see RSA 483-B and Env-Ws 1400).

- b. You must determine that any excavation dewatering discharges are not contaminated before they will be authorized as an allowable non-storm water discharge under this permit (see Subpart 1.3.B). The water is considered uncontaminated if there is no groundwater contamination within 1,000 feet of the discharge. Information on groundwater contamination can be generated over the Internet via the NHDES web site [www.des.state.nh.us](http://www.des.state.nh.us) (One Stop Data Retrieval, Onestop Master Site Table). The web site also provides E-mail access to an NHDES Site Remediation Contact to answer questions about using the Web site.
- c. You must treat any uncontaminated excavation dewatering discharges as necessary to remove suspended solids and turbidity. The discharges must be sampled at a location prior to mixing with storm water at least once per week during weeks when discharges occur. The samples must be analyzed for total suspended solids (TSS) and must meet monthly average and maximum daily TSS limitations of 50 milligrams per liter (mg/L) and 100 mg/L, respectively. TSS (a.k.a. Residue, Nonfilterable) analysis and sampling must be performed in accordance with Tables IB (parameter, units and method) and II (required containers, preservation techniques and holding times) in 40 CFR 136.3 (see: [http://www.access.gpo.gov/nara/cfr/waisidx\\_02/40cfr136\\_02.html](http://www.access.gpo.gov/nara/cfr/waisidx_02/40cfr136_02.html)). Records of any sampling and analysis must be maintained and kept with the SWPPP for at least three years after final site stabilization.
- d. During site design and preparation of the storm water pollution prevention plan (SWPPP), you must consider opportunities for groundwater recharge using on-site infiltration. The SWPPP must include a description of any on-site infiltration that will be installed as a post construction storm water management measure (see Subpart 3.4.E) or reasons for not employing such measures. For design considerations for infiltration measures see the September 2001 DES publication titled "Managing Storm Water as a Valuable Resource" which is available online at: [www.des.state.nh.us/StormWater/construction.htm](http://www.des.state.nh.us/StormWater/construction.htm). Loss of annual recharge to groundwater should be minimized through the use of infiltration measures wherever feasible.

## B. Region 2

## 1. NYR10000I: Indian country within the State of New York

St. Regis Mohawk Territory at Akwesasne

- a. NOIs shall also be submitted to the St. Regis Mohawk Tribe, Environment Division, at the same time they are submitted to EPA, at the following address:  
  
St. Regis Mohawk Tribe, Environment Division  
412 State Route 37  
Akwesasne, NY 13655  
Attn: Clean Water Program Manager.
- b. In addition, Storm Water Pollution Prevention Plans (and any updates or amendments thereto) must be submitted to the Environment Division and to the Tribal Historic Preservation Officer at least thirty (30) days in advance of corresponding Notices of Intent. This will allow the Environment Division and the THPO to make an informed determination as to whether any proposed discharges might adversely impact the quality of its surface or groundwater, or disturb sites of historic or cultural significance to the Tribe that may be listed, or eligible to be listed, on the National Register of Historic Places.
- c. Within 10 days of the inspection required under Subpart 3.10.G of this permit, the permittee shall provide a copy of the Inspection Report to the Environment Division.

## C. Region 6

## 1. NMR150000: The State of New Mexico, except Indian country

*NOTE: Conditions in the New Mexico Environment Department (NMED) certification of the permit resulted in permit requirements adding further restrictions on eligibility for discharges to Outstanding National Resource Waters (ONRWs), expanding on requirements for pollution prevention plans, and limiting options provided in the permit related to inspection frequency and final stabilization.*

- a. In addition to all other provisions of this permit, operators who intend to obtain authorization under this permit for all new storm water discharges must satisfy the conditions in Subpart 9.C.1.a.i, unless a TMDL has been established for the receiving stream which specifies a waste load allocation (WLA) for

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construction storm water discharges or the receiving stream is a Tier 3 water, in which case Subpart 9.C.1.a.ii applies.

- i. The operator must include a Sediment Control Plan (SCP) as a part of the Storm Water Pollution Prevention Plan (SWPPP). The SCP must include site-specific interim and permanent stabilization, managerial, and structural solids, erosion, and sediment control BMPs and/or other controls that are designed to prevent an increase in the sediment yield and flow velocity from pre-construction, undisturbed conditions. This applies to discharges both during construction and after construction operations have been completed. The SCP must identify, and document the rationale for selecting these BMPs and/or other controls. The SCP must also describe design specifications, construction specifications, maintenance schedules (including a long term maintenance plan), criteria for inspections, as well as expected performance and longevity of the BMPs. Using appropriate soil loss prediction models (such as SEDCAD 4.0, RUSLE, SEDIMONT II, MULTISED, etc.), the operator(s) must demonstrate, and include documentation in the SCP, that implementation of the site-specific practices will result in sediment yields that will not be greater than the sediment yield levels from pre-construction, undisturbed conditions. The SCP must be prepared in accordance with good engineering practices and certified by a registered professional engineer. The operator(s) must design, implement, and maintain BMPs in the manner specified in the SCP and the SWPPP.
  - ii. Operators are not eligible to obtain authorization under this permit for all new storm water discharges to outstanding national resource waters (ONRWs) (also referred to as "Tier 3: waters). According to the Antidegradation Policy at Paragraph 3 of Subsection A of 20.6.4.8 NMAC, in part, "ONRWs may include, but are not limited to, surface waters of the state within national and state monuments, parks, wildlife refuges, waters of exceptional recreational or ecological significance, and waters identified under the Wild and Scenic Rivers Act." No ONRWs exist at the time this permit is being finalized; however, during the term of the permit, if a receiving water is designated as an ONRW, the operator must obtain an individual permit for storm water discharges from large and small construction activities.
- b. Storm water discharges associated with industrial activity to Clean Water Act section 303(d) waters as well as all other "waters of the State" that the New Mexico Environment Department, Surface Waters Quality Bureau (SWQB) has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard and/or that do not comply with the applicable anti-degradation provisions of the State's WQS are not authorized by this permit.

*Note: Upon receipt of this determination, NMED anticipates that, within a reasonable period of time, EPA will notify the general permittee to apply for and obtain an individual NPDES permit for these discharges per 40 CFR Part 122.28(b)(3).*

- c. Inspections required under Subpart 3.10 must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater. The option for inspections at least once per 7 calendar days is not available. The Inspection Waivers provided in Parts 3.10.B and C still apply.
- d. Permittees can not use temporary erosion controls as described in item 3 of the Appendix A definition of "Final Stabilization" as a method for final stabilization under the permit.
- e. Signed copies of discharge monitoring reports, individual permit applications, and all other reports required by the permit to be submitted, shall also be sent to:

Program Manager  
Point Source Regulation Section  
Surface Water Quality Bureau  
New Mexico Environment Department  
P.O. Box 26110  
Santa Fe, NM 87502

2. NMR150001: Indian country within the State of New Mexico, except Navajo Reservation Lands that are covered under Arizona permit AZR100001 and Ute Mountain Reservation Lands that are covered under Colorado permit COR100001
  - a. *Pueblo of Acoma* The following conditions apply only to discharges on the Pueblo of Acoma.

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- i. A copy of the storm water pollution prevention plan, Notice of Intent, and Notice of Termination must be submitted to the Haaku Water Office at the address below. The pollution prevention plan must be submitted to the Pueblo at least thirty (30) days in advance of submitting the Notice of Intent to EPA.

HAAKU WATER OFFICE  
 Pueblo of Acoma  
 P.O. Box 309  
 Pueblo of Acoma, NM 87034

- b. *Pueblo of Isleta* The following conditions apply only to discharges on the Pueblo of Isleta.

- i. Subpart 1.3.C.4, (Eligibility, Limitations on Coverage) first sentence, is revised to read: "This permit does not authorize discharges that EPA or the Pueblo of Isleta, prior to authorization under this permit, determines will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard or impairment of a designated use of receiving waters."

- ii. Subpart 2.4. (Where to Submit) is amended to add the following section (2.4.C):

C. Copies of all Notices of Intent submitted to EPA must also be sent concurrently to the Pueblo of Isleta at the following address. Discharges are not authorized by this permit unless an accurate and complete Notice of Intent has been submitted to the Pueblo of Islet

Regular U.S. Mail Delivery

OR

Overnight/Express Mail Delivery

Environment Department  
 Pueblo of Isleta  
 P.O. Box 1270  
 Isleta, NM 87022

Environment Department  
 Building L  
 11000 Broadway, SE  
 Albuquerque, NM 87105

- iii. Part 2 (Authorizations for Discharges of Storm Water from Construction Activity), second sentence, is amended to read: "Discharges are not authorized if your NOI is incomplete or inaccurate, if you failed to submit a copy of the NOI to the Pueblo of Isleta, or if you were never eligible for permit coverage."
- iv. Subpart 3.4. (Pollution Prevention Plan Contents: Controls to Reduce Pollutants), section A, last sentence, is amended to read: "For each major activity identified in the project description the SWPPP must clearly describe appropriate control measures, the general sequence during the construction process in which the measures will be implemented, and which operator is responsible for the control measure's implementation and maintenance."
- v. Subpart 3.8 (Copy of Permit Requirements), first sentence, is revised to read "Copies of this permit and of the signed and certified NOI form that was submitted to the Pueblo of Isleta and EPA must be included in the SWPPP."
- vi. Subpart 3.10.(Inspections), section A is revised to read "Inspections must be conducted at least once every 7 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater."
- vii. Subpart 3.10. (Inspections), section G, last paragraph, is amended to add: "Copies of inspection reports that identify incidents of noncompliance shall be sent to Pueblo of Isleta at the address listed in Subpart 2.4.C." (See above)
- viii. Subpart 3.12. (Signature, Plan Review and Making Plans Available), section A, first sentence is amended to read: "A copy of the SWPPP (including a copy of the permit) must be retained at the construction site (or other location easily accessible during normal business hours to the Pueblo of Isleta's Environmental Department, EPA, a state, tribal or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; the operator of a municipal separate storm sewer receiving discharges from the site; and representatives of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service) from the date of commencement of construction activities to the date of final stabilization."
- ix. Subpart 3.12. (Signature, Plan Review and Making Plans Available), section C. is amended to read: "SWPPPs must be made available upon request by EPA; representatives of the Pueblo of Isleta Environment Department, a state, tribal or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; the operator of a municipal separate storm sewer receiving discharges from the site; and representatives of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service to the requestor. The copy of the

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SWPPP that is required to be kept on-site or locally available must be made available, in its entirety, to the EPA staff and the Pueblo of Isleta's Environment Department staff for review and copying at the time of an on-site inspection.

- x. Subpart 3.13. (Management Practices), section A is amended to add: "Erosion and sediment controls shall be designed to retain sediment on-site."
- xi. Subpart 4.3 (Releases in Excess of Reportable Quantities), first bullet is amended to read: "you must provide notice to the Pueblo of Isleta Environment Department (505-869-5748) and the National Response Center (NRC) (800-424-8802; in the Washington, DC, metropolitan area call 202-426-2675) in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 as soon as site staff have knowledge of the discharge; and"
- xii. Subpart 4.5 (Attainment of Water Quality Standards After Authorization), is amended to add the following fourth bullet:  
 "You must provide the Pueblo of Isleta, at the address listed in Subpart 2.4.C, with a copy of the EPA notification, the supplemental action plan, data and certification required by EPA."
- xiii. Subpart 5.3. (Where to Submit) is amended to add the following section (5.3.C):  
 C. Copies of all Notices of Termination submitted to EPA must also be sent concurrently to the Pueblo of Isleta at the following address.

Regular U.S. Mail Delivery

OR

Overnight/Express Mail Delivery

Environment Department  
 Pueblo of Isleta  
 P.O. Box 1270  
 Isleta, NM 87022

Environment Department  
 Building L  
 11000 Broadway, SE  
 Albuquerque, NM 87105

- xiv. Any correspondence, other than NOIs and NOTs, with the Pueblo of Isleta concerning storm water discharges authorized by this permit shall sent one of the addresses in Subpart 5.3.C (see above).
- xv. Appendix G, Section 9, first sentence is amended to read:  
 "You must allow the Pueblo of Isleta's Environment Department, EPA, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to."
- xvi. Appendix G, Section 12, subsections A, B, C, F, G and H are amended to require that when you must notify EPA of an event (e.g., planned changes, anticipated noncompliance, transfers, required reporting due to potential adverse effects or environmental impacts or other noncompliance matters), the Pueblo of Isleta must also be notified.
- xvii. Parties wishing to apply for an Equivalent Analysis Waiver (see Appendix D, Section C) must provide a copy of the waiver analysis to the Pueblo of Isleta at the address specified in Subpart 5.3.C (See above) at the time it is submitted to EPA.
- c. *Pueblo of San Juan*. The following conditions apply only to discharges on the Pueblo of San Juan.
  - i. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Pueblo at the time it is provided to the Environmental Protection Agency, at the following address:  
 Office of Environmental Affairs  
 Pueblo of San Juan  
 P.O. Box 717  
 San Juan, NM 87566
  - ii. Appendix G, Section 10 (Monitoring and records), item D is amended to add:  
 "All monitoring must be conducted in accordance with the Pueblo of San Juan's Quality Assurance Project Plan."
- d. *Pueblo of Sandia*. The following conditions apply only to discharges on the Pueblo of Sandia.

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- i. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Pueblo at the same time it is submitted to the Environmental Protection Agency.

Environment Department  
 Pueblo of Sandia  
 Box 6008  
 Bernalillo, NM 87004

- ii. The Storm Water Pollution Prevention Plan must be available to tribal environmental personnel upon request.
  - iii. You must telephone the Pueblo of Sandia Environment Department at (505) 867-4533 of any noncompliance that may endanger human health or the environment within ten (10) hours of becoming aware of the circumstance.
- e. *Santa Clara Pueblo*. The following conditions apply only to discharges on the Santa Clara Pueblo.

- i. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Santa Clara Pueblo Office of Environmental Affairs at the same time it is submitted to the Environmental Protection Agency.

Santa Clara Pueblo  
 Office of Environmental Affairs  
 One Knee Street  
 P.O. Box 580  
 Espanola, NM 87532

- f. *Pueblo of Tesuque* The following conditions apply only to discharges on the Pueblo of Tesuque.

- i. A copy of the storm water pollution prevention plan, Notice of Intent, and Notice of Termination must be submitted to the Pueblo of Tesuque Environment Department at the address below. The Notice of Intent and the Notice of Termination must be submitted at the same time they are submitted to EPA. The pollution prevention plan must be submitted before the project begins. Phone: 505- 983-2667 FAX: 505-982-2331

Pueblo of Tesuque  
 Environment Department  
 Rt. 42, Box 360-T  
 Santa Fe, NM 87506

3. OKR15000F: Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, including activities associated with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09).

- a. Subpart 1.3.C. (Limitations on Coverage) is modified to add paragraphs 8 and 9 as follows:

“8. For activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Big Lee Creek or an water or watershed designated “ORW” (Outstanding Resource Water) in Oklahoma’s Water Quality Standards, this permit may only be used to authorize discharges from temporary construction activities. Discharges from ongoing activities such as sand and gravel mining or any other mineral mining are not authorized.

9. Activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Big Lee Creek or an water or watershed designated “ORW” (Outstanding Resource Water) in Oklahoma’s Water Quality Standards, this permit may not be used to authorize discharges from concrete or asphalt batch plants.”

#### D. Region 8

1. MTR10000I: Indian country within the State of Montana

- a. Confederated Salish and Kootenai Tribes of the Flathead Nation. The following conditions apply only for projects on the Flathead Indian Reservation:

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- i. The permittee must send the SWPPP to the Tribes at least 30 days before construction starts. The 30 day period will give Tribal staff time to become familiar with the project site, prepare for construction inspections and determine compliance with Tribal water quality standards, as required by the Tribe's Water Quality Management Ordinance 89B (1990) and Surface Water Quality Standards & Antidegradation Policy (1995). Copies of the SWPPP should be sent to the following address:

Confederated Salish and Kootenai Tribes  
 Natural Resources Department  
 Department Head  
 P.O. Box 278  
 Pablo, MT 59855

- ii. Before submitting the Notice of Termination, permittees must clearly demonstrate to an appointed tribal staff person during an on-site inspection that requirements for site stabilization have been met and all temporary erosion control structures removed. The staff person performing the on-site inspection will be determined by the Environmental Protection Division Manager. The staff person will draft a short letter stating the stabilization requirements have been met to add to the permittees Notice of Termination submission to EPA.
- iii. The permittee must send a copy of the Notice of Intent (NOI) and the Notice of Termination (NOT) to the Tribes at the same time that the NOI and NOT is sent to EPA. Copies of the NOI and NOT should be sent to the address above.

- b. Fort Peck Tribes - Assiniboine & Sioux. The following conditions apply only for projects within the Fort Peck Indian Reservation:

- i. The permittee must send a copy of the Notice of Intent (NOI) and the Notice of Termination (NOT) to the Tribes at the same time that the NOI and NOT is sent to EPA. Copies of the NOI and NOT should be sent to the following address:

Deb Madison  
 Environmental Program Manager  
 Fort Peck Assiniboine & Sioux Tribes  
 P.O. Box 1027  
 Poplar, MT 59255

## E. Region 9

## 1. ASR100000: The Island of American Samoa

- a. Discharges authorized by the general permit shall meet all applicable American Samoa water quality standards.
- b. Permittees discharging under the general permit shall comply with all conditions of the permit.

## 2. AZR10000I: Indian country lands within the State of Arizona, including Navajo Reservation lands in New Mexico and Utah

- a. White Mountain Apache Tribe. The following condition applies only for projects on the White Mountain Apache Reservation: All NOIs for proposed storm water discharge coverage shall be provided to the following address:

Tribal Environmental Planning Office  
 P.O. Box 2109  
 Whiteriver, AZ 85941

## 3. NIR100000: Commonwealth of the Northern Mariana Islands (CNMI)

- a. An Earthmoving and Erosion Control Permit shall be obtained from the CNMI DEQ prior to any construction activity covered under the NPDES general permit.
- b. All conditions and requirements set forth in the USEPA NPDES general permit for discharges from large and small construction must be complied with.

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- c. A SWPPP for storm water discharges from construction activity must be approved by the Director of the CNMI DEQ prior to the submission of the NOI to USEPA. The CNMI address for the submittal of the SWPPP for approval is:  
  
Commonwealth of the Northern Mariana Islands  
Office of the Governor  
Director, Division of Environmental Quality (DEQ)  
P.O. Box 501304 C.K.  
Saipan, MP 96950-1304
- d. An NOI to be covered by the general permit for discharges from large and small construction sites must be submitted to CNMI DEQ (use above address) and USEPA, Region 9, in the form prescribed by USEPA, accompanied by a SWPPP approval letter from CNMI DEQ.
- e. The NOI must be postmarked seven (7) calendar days prior to any storm water discharges and a copy must be submitted to the Director of CNMI DEQ (use above address) no later than seven (7) calendar days prior to any stormwater discharges.
- f. Copies of all monitoring reports required by the NPDES general permit must be submitted to CNMI DEQ (use above address).
- g. In accordance with section 10.3(h) and (i) of the CNMI water quality standards, CNMI DEQ reserves the right to deny coverage under the general permit and to require submittal of an application for an individual NPDES permit based on a review of the NOI or other information made available to the Director.

F. Region 10

1. AKR100000: The State of Alaska, except Indian country
  - a. Operators of construction projects disturbing five or more acres occurring outside the Municipality of Anchorage must submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) and a copy of the Notice of Intent (NOI) to the State of Alaska Department of Environmental Conservation (ADEC) for review, and shall be accompanied by the state-required fee of \$400. Submittal of the SWPPP and the NOI to the ADEC should be made at the same time the NOI is submitted to the EPA.
  - b. Operators of publicly-funded projects disturbing five or more acres occurring within the Municipality of Anchorage must submit a copy of the SWPPP and a copy of the NOI to the ADEC for review, and shall be accompanied by the state-required fee of \$400. Submittal of the SWPPP and the NOI to the ADEC should be made at the same time the NOI is submitted to the EPA.
  - c. Operators of construction projects disturbing at least one acre and less than five acres must submit a copy of the NOI to the ADEC at the same time it is submitted to the EPA.
  - d. Storm Water Pollution Prevention Plans and Notices of Intent must be submitted to ADEC at the following address:  
  
Alaska Department of Environmental Conservation  
Water Quality Permitting/Storm Water  
555 Cordova Street  
Anchorage, Alaska 99501
  - e. Operators of private construction projects disturbing one or more acres within the Municipality of Anchorage shall submit a copy of the Storm Water Pollution Prevention Plan to the Municipality at the following address:  
  
Municipality of Anchorage, Office of Planning Development and Public Works  
4700 S. Bragaw Street  
P.O. Box 196650  
Anchorage, Alaska 99519-6650
  - f. Submittal of the SWPPP to the Municipality of Anchorage should be made before or at the same time the NOI is submitted to the EPA and the ADEC and shall be accompanied by any Municipality-required fee.

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2. IDR100000: The State of Idaho, except Indian country
- Any construction related storm water discharges to impaired water bodies on Idaho's Clean Water Act (CWA) Section 303(d) list with EPA-approved Total Maximum Daily Loads (TMDL) must be consistent with any load allocations established by the applicable TMDL.
  - No net increase of listed pollutants is allowed in any construction related storm water discharges to an impaired water body considered "high priority" as included on Idaho's CWA Section 303(d) list that does not yet have an EPA-approved TMDL.
  - If a TMDL has not been established for an impaired water body considered "medium priority" or "low priority" as included on Idaho's CWA Section 303(d) list, BMPs shall be employed as necessary to prohibit further impairment of the designated or existing beneficial uses.
  - Only BMPs authorized by the appropriate designated agency as defined in the Idaho Water Quality Standards and Wastewater Treatment Requirements (IDAPA 58.01.02 et seq.), or otherwise approved by the Idaho Department of Environmental Quality, will be allowed.
  - Use of the "Equivalent Analysis Waiver" in Addendum D is not authorized.
  - Operators may contact the Idaho Department of Environmental Quality regional office nearest the construction activity for more information about impaired waterways:

Boise Regional Office:

1445 N. Orchard  
Boise ID 83706-2239  
Tel: (208)373-0550  
Fax: (208)373-0287

Cascade Satellite Office:

109 N. Main St., PO Box 247  
Cascade, ID 83611  
Tel: (208)382-6808  
Fax: (208)382-3327

Coeur d'Alene Regional Office:

2110 Ironwood Parkway  
Coeur d'Alene ID 83814  
Tel: (208)769-1422  
Fax: (208)769-1404

Grangeville Satellite Office:

300 W. Main  
Grangeville ID 83530  
Tel: (208)983-0808  
Fax: (208)983-2873

Idaho Falls Regional Office:

900 N. Skyline, Suite B  
Idaho Falls, ID 83402  
Tel: (208)528-2650  
Fax: (208)528-2695

Lewiston Regional Office:

1118 "F" Street  
Lewiston, ID 83501  
Tel: (208)799-4370  
Toll Free: 1-877-541-3304  
Fax: (208)799-3451

Pocatello Regional Office:

444 Hospital Way #300  
Pocatello ID 83201  
Tel: (208)236-6160  
Fax: (208)236-6168

Twin Falls Regional Office:

601 Pole Line Road, Suite 2  
Twin Falls, ID 83301  
Tel: (208)736-2190  
Fax: (208)736-2194

3. ORR100001: Indian country within the State of Oregon, except Fort McDermitt Reservation lands (see Region 9):
- Confederated Tribes of the Umatilla Indian Reservation. The following conditions apply only for projects within the exterior boundaries of the Umatilla Indian Reservation:
    - The operator shall be responsible for achieving compliance with the Confederated Tribes of the Umatilla Indian Reservation's (CTUIR) Water Quality Standards.
    - The operator shall submit all Erosion Control and/or Storm Water Pollution Prevention Plans to the CTUIR Water Resources Program for review and approval by the Department of Natural Resources Director prior to submitting the Notice of Intent to EPA and prior to beginning any discharge activities.
    - The operator shall contact the CTUIR Tribal Historic Preservation Office (THPO) prior to beginning any construction activities to determine whether a cultural resource survey of the project area or other investigation is required. All cultural resource fieldwork must be conducted by qualified personnel and documented using Oregon Reporting Standards. The resulting report must be submitted to the THPO for concurrence at least 30 days before any ground disturbing work can occur at the site. The operator must obtain THPO concurrence in the form of a letter, which (if necessary) will include any measures that must be taken to prevent or mitigate adverse effects to potentially eligible historic properties, prior to any ground disturbing work.
    - The operator shall submit copies of the Notice of Intent to the CTUIR Water Resources Program and the CTUIR Tribal Historic Preservation Office at the same time it is submitted to EPA.

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- v. Erosion Control and Storm Water Pollution Prevention Plans and Notices of Intent shall be submitted to:

Confederated Tribes of the Umatilla Indian Reservation  
 Water Resources Program  
 P.O. Box 638  
 Pendleton, OR 97801  
 (541) 276-3447

Confederated Tribes of the Umatilla Indian Reservation  
 Cultural Resources Protection Program  
 Tribal Historic Preservation Office  
 P.O. Box 638  
 Pendleton, OR 97801  
 (541) 276-3629

- b. Confederated Tribes of Warm Springs. The following conditions apply only for projects on the Warm Springs Indian Reservation:
- i. All activities covered by this NPDES general permit occurring within a designated riparian buffer zone as established in Ordinance 74 (Integrated Resource Management Plan or IRMP) must be reviewed, approved and permitted through the Tribe's Hydraulic Permit Application process, including payment of any applicable fees.
  - ii. All activities covered by this NPDES general permit must follow all applicable land management and resource conservation requirements specified in the IRMP.
  - iii. Operators of activities covered by this NPDES general permit must submit a Storm Water Pollution Prevention Plan to the Tribe's Water Control Board at the following address for approval at least 30 days prior to beginning construction activity:
 

Chair, Warm Springs Water Control Board  
 P.O. Box C  
 Warm Springs, Oregon 97761

4. WAR10000F: Federal Facilities in the State of Washington, except those located on Indian Country

The following conditions apply to stormwater discharges from all permitted construction sites which disturb one acre or more and which discharge to surface waters (40 CFR part 122.26(b)(14)(x) and 122.26 (b)(15)):

- a. Discharges must not cause or contribute to a violation of surface water quality standards (Chapter 173-201A WAC), sediment management standards (Chapter 173-204 WAC), ground water quality standards (Chapter 173-200 WAC), and human health-based criteria in the National Toxics Rule (Federal Register, Vol. 57, No. 246, Dec. 22, 1992, pages 60848-60923). Discharges that are not in compliance with these standards are not authorized.
- b. You must apply all known available and reasonable methods of prevention, control and treatment (AKART), including the preparation and implementation of an adequate Stormwater Pollution Prevention Plan (SWPPP), with all appropriate BMPs installed and maintained in accordance with the SWPPP and the terms and conditions of this permit.
- c. Stormwater BMPs must be properly designed, constructed, maintained and operated to:
  - i. Prevent pollution of state waters and protect water quality, including compliance with applicable state water quality standards;
  - ii. Satisfy state requirements for all known available and reasonable methods of prevention, control and treatment (AKART) of wastes (including construction stormwater runoff) prior to discharge to waters of the state; and
  - iii. Satisfy the federal technology-based treatment requirements under 40 CFR part 125.3.
- d. You must document the technical basis for the design criteria used to select and design your stormwater management BMPs. You must document within your Stormwater Pollution Prevention Plan (SWPPP) how stormwater BMPs were selected, the pollutant removal performance expected from the BMP being selected, the technical basis (scientific, technical studies, and/or modeling) which support the performance claims for the BMPs being selected, and an assessment of how the selected BMP will

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comply with state water quality standards, satisfy the state AKART requirements, and satisfy the federal technology-based treatment requirements.

If you choose to follow the stormwater management practices contained in stormwater technical manuals approved by Washington State, including the proper selection, implementation and maintenance of appropriate BMPs, you are presumed to have satisfied this demonstration requirement and do not need to include within the SWPPP the technical basis which support the performance claims for the BMPs being used. The SWPPP must include a reference to the manual used. Approved stormwater technical manuals include:

- i. Stormwater Management Manual for Western Washington, August 2001, for sites west of the crest of the Cascade Mountains;
  - ii. Stormwater Management Manual for Eastern Washington, (completion expected in the fall of 2003) for sites east of the crest of the Cascade Mountains; or
  - iii. Other equivalent stormwater management guidance documents approved by Ecology.
- e. Stormwater discharges from construction sites which disturb 5 acres or more (40 CFR part 122.26(b)(14)(x)) and which discharge to surface waters listed as impaired by the state under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, and/or phosphorus are subject to an effluent limitation that is equal to the applicable water quality standards at the point of discharge. If impairment is due to turbidity and/or fine sediment, the turbidity at the point of discharge shall not exceed the background (upstream) turbidity of the receiving water.
- i. Effluent limitations apply to direct discharges to listed waterbodies as well as indirect discharges via a stormwater conveyance system.
  - ii. All references and requirements associated with Section 303(d) of the Clean Water Act shall use the most current listing by Ecology of impaired waters that exists at the time of application for coverage under this permit
- f. Stormwater discharges from construction sites which disturb 5 acres or more (40 CFR part 122.26(b)(14)(x)) and which discharge to surface waters for which there is a total maximum daily load (TMDL) allocation or other control plan that addresses sediment (including turbidity, fine sediment, total suspended solids or siltation), high pH, or phosphorus must be consistent with the requirements in the approved TMDL or applicable control plan. Control plans may be total maximum daily load (TMDL) determinations, restrictions for the protection of endangered species, ground water management plans, or other limitations that regulate or set limits on discharges to a specific waterbody or groundwater recharge area.

Information on impaired waterways is available from the Department of Ecology web site at: <http://www.ecy.wa.gov/programs/wq/stormwater>. You may also contact the Department of Ecology for more information about impaired waterways at:

Mailing Address:

Department of Ecology  
Stormwater Unit  
PO Box 47600  
Olympia, WA 98504-7600  
Phone: 360-407-6000

Physical Address:

Department of Ecology  
300 Desmond Drive  
Lacey, WA 98503  
Phone: 360-407-6000

5. WAR10000I: Indian country within the State of Washington
- a. Puyallup Tribe of Indians. The following conditions apply only for projects on the Puyallup Reservation:
    - i. Each operator shall be responsible for achieving compliance with the Puyallup Tribe's Water Quality Standards.

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- ii. Each operator shall submit all Pollution Prevention Plans to the Puyallup Tribe Environmental Department for review and approval prior to beginning any discharge activities.
  - iii. Each operator shall submit a copy of the Notice of Intent to the Puyallup Tribal Environmental Department at the same time it is submitted to EPA.
  - iv. Storm Water Pollution Prevention Plans and Notices of Intent shall be submitted to:  
Puyallup Tribe Natural Resources, Environmental Department  
1850 Alexander Avenue  
Tacoma, WA 98421
- b. Confederated Tribes of the Chehalis Reservation. The following conditions apply only for projects on the Chehalis Reservation:
- i. The operator shall be responsible for achieving compliance with the Chehalis Tribe's Water Quality Standards.
  - ii. The operator shall submit a Storm Water Pollution Prevention Plan to the Chehalis Tribe Department of Natural Resources for review and approval at least thirty (30) days prior to beginning any discharge activities.
  - iii. The operator shall submit a copy of the Notice of Intent to the Chehalis Tribe Department of Natural Resources at the same time it is submitted to EPA.
  - iv. Storm Water Pollution Prevention Plans and Notices of Intent shall be submitted to:  
Chehalis Tribe Department of Natural Resources  
420 Howanut Road  
Oakville, WA 98568

## Appendix A - Definitions and Acronyms

### Definitions

“Arid Areas” means areas with an average annual rainfall of 0 to 10 inches.

“Best Management Practices” (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practice to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

“Commencement of Construction Activities” means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction-related activities (e.g., stockpiling of fill material).

“Control Measure” as used in this permit, refers to any BMP or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

“CWA” means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

“Discharge” when used without qualification means the “discharge of a pollutant.”

“Discharge of Storm Water Associated with Construction Activity” as used in this permit, refers to a discharge of pollutants in storm water from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

“Eligible” means qualified for authorization to discharge storm water under this general permit.

“Facility” or “Activity” means any “point source” or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

“Federal Facility” means any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned by, or constructed or manufactured for the purpose of leasing to, the Federal government.

“Final Stabilization” means that:

1. All soil disturbing activities at the site have been completed and either of the two following criteria are met:
  - a. a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or
  - b. equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
2. When background native vegetation will cover less than 100 percent of the ground (e.g., arid areas, beaches), the 70 percent coverage criteria is adjusted as follows: if the native vegetation covers 50 percent of the ground, 70 percent of 50 percent ( $0.70 \times 0.50 = 0.35$ ) would require 35 percent total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.
3. In arid and semi-arid areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:
  - a. Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by you,
  - b. The temporary erosion control measures are selected, designed, and installed to achieve 70 percent vegetative coverage within three years.
4. For individual lots in residential construction, final stabilization means that either:
  - a. The homebuilder has completed final stabilization as specified above, or

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- b. The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.
5. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction, etc.), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to “water of the United States,” and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria (1) or (2) or (3) above.

“Indian country” is defined at 40 CFR §122.2 to mean:

1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
2. All dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and
3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.

“Large Construction Activity” is defined at 40 CFR §122.26(b)(14)(x) and incorporated here by reference. A large construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

“Municipal Separate Storm Sewer System” or “MS4” is defined at 40 CFR §122.26(b)(8) to mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
2. Designed or used for collecting or conveying storm water;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

“New Project” means the “commencement of construction activities” occurs after the effective date of this permit.

“Ongoing Project” means the “commencement of construction activities” occurs before the effective date of this permit.

“Operator” for the purpose of this permit and in the context of storm water associated with construction activity, means any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform permittees of EPA’s interpretation of how the regulatory definitions of “owner or operator” and “facility or activity” are applied to discharges of storm water associated with construction activity.

“Owner or operator” means the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

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“Permitting Authority” means the United States Environmental Protection Agency, EPA, a Regional Administrator of the Environmental Protection Agency or an authorized representative.

“Point Source” means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

“Pollutant” is defined at 40 CFR §122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

“Project Area” means:

- The areas on the construction site where storm water discharges originate and flow toward the point of discharge into the receiving waters (including areas where excavation, site development, or other ground disturbance activities occur) and the immediate vicinity. (Example: 1. Where bald eagles nest in a tree that is on or bordering a construction site and could be disturbed by the construction activity or where grading causes storm water to flow into a small wetland or other habitat that is on the site that contains listed species.)
- The areas where storm water discharges flow from the construction site to the point of discharge into receiving waters. (Example: Where storm water flows into a ditch, swale, or gully that leads to receiving waters and where listed species (such as amphibians) are found in the ditch, swale, or gully.)
- The areas where storm water from construction activities discharge into receiving waters and the areas in the immediate vicinity of the point of discharge. (Example: Where storm water from construction activities discharges into a stream segment that is known to harbor listed aquatic species.)
- The areas where storm water BMPs will be constructed and operated, including any areas where storm water flows to and from BMPs. (Example: Where a storm water retention pond would be built.)
- The areas upstream and /or downstream from construction activities discharges into a stream segment that may be affected by the said discharges. (Example: Where sediment discharged to a receiving stream settles downstream and impacts a breeding area of a listed aquatic species.)

“Receiving water” means the “Water of the United States” as defined in 40 CFR §122.2 into which the regulated storm water discharges.

“Runoff coefficient” means the fraction of total rainfall that will appear at the conveyance as runoff.

“Semi-Arid Areas” means areas with an average annual rainfall of 10 to 20 inches.

“Site” means the land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity.

“Small Construction Activity” is defined at 40 CFR §122.26(b)(15) and incorporated here by reference. A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

“Storm Water” means storm water runoff, snow melt runoff, and surface runoff and drainage.

“Storm Water Discharge-Related Activities” as used in this permit, include: activities that cause, contribute to, or result in storm water point source pollutant discharges, including but not limited to: excavation, site development, grading and other surface disturbance activities; and measures to control storm water including the siting, construction and operation of BMPs to control, reduce or prevent storm water pollution.

“Total Maximum Daily Load” or “TMDL” means the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If a receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

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“Waters of the United States” is as defined at 40 CFR §122.2.

“Wetland” means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**ACRONYMS**

BMP - Best Management Practices

CGP - Construction General Permit

CFR - Code of Federal Regulations

CWA - Clean Water Act

EPA - United States Environmental Protection Agency

ESA - Endangered Species Act

FWS - United States Fish and Wildlife Service

MS4 - Municipal Separate Storm Sewer System

MSGP - Multi-Sector General Permit

NHPA - National Historic Preservation Act

NMFS - United States National Marine Fisheries Service

NOI - Notice of Intent

NOT - Notice of Termination

NPDES - National Pollutant Discharge Elimination System

POTW - Publicly Owned Treatment Works

SHPO - State Historic Preservation Officer

SWPPP - Storm Water Pollution Prevention Plan

THPO - Tribal Historic Preservation Officer

TMDL - Total Maximum Daily Load

WQS - Water Quality Standard

## Appendix B - Permit Areas Eligible for Coverage

Permit coverage for storm water discharges from construction activity occurring within the following areas is provided by legally separate and distinctly numbered permits:

### 1. EPA Region 1: CT, MA, ME, NH, RI, VT

US EPA, Region 01  
Office of Ecosystem Protection  
NPDES Storm Water Program  
1 Congress St, Suite 1100 (CMU)  
Boston, MA 02114-2023

The States of Connecticut, Maine, Rhode Island, and Vermont are the NPDES Permitting Authority for the majority of discharges within their respective states.

<u>Permit No.</u>	<u>Areas of Coverage/Where EPA is Permitting Authority</u>
<b>MAR100000</b>	Commonwealth of Massachusetts (except Indian country)
<b>MAR10000I</b>	Indian country within the State of Massachusetts
<b>CTR10000I</b>	Indian country within the State of Connecticut
<b>NHR100000</b>	State of New Hampshire
<b>RIR10000I</b>	Indian country within the State of Rhode Island
<b>VTR10000F</b>	Federal Facilities in the State of Vermont
<b>MER10000I</b>	Indian country within the State of Maine

### 2. EPA Region 2: NJ, NY, PR, VI

For NJ, NY, and VI:

US EPA, Region 02  
NPDES Storm Water Program  
290 Broadway, 24th Floor  
New York, NY 10007-1866

For PR:

US EPA, Region 02  
Caribbean Environmental Protection Division  
NPDES Storm Water Program  
1492 Ponce de Leon Ave  
Central Europa Building, Suite 417  
San Juan, PR 00907-4127

The State of New York is the NPDES Permitting Authority for the majority of discharges within its state. The State of New Jersey and the Virgin Islands are the NPDES Permitting Authority for all discharges within their respective states.

<u>Permit No.</u>	<u>Areas of Coverage/Where EPA is Permitting Authority</u>
<b>NYR10000I</b>	Indian country within the State of New York
<b>PRR100000</b>	The Commonwealth of Puerto Rico

**3. EPA Region 3: DE, DC, MD, PA, VA, WV**

US EPA, Region 03  
 NPDES Storm Water Program  
 1650 Arch St  
 Philadelphia, PA 19103

The State of Delaware is the NPDES Permitting Authority for the majority of discharges within its state. Maryland, Pennsylvania, Virginia, and West Virginia are the NPDES Permitting Authority for all discharges within their respective states.

<b><u>Permit No.</u></b>	<b><u>Areas of Coverage/Where EPA is Permitting Authority</u></b>
<b>DCR100000</b>	The District of Columbia
<b>DER10000F</b>	Federal Facilities in the State of Delaware

**4. EPA Region 4: AL, FL, GA, KY, MS, NC, SC, TN**

US EPA, Region 04  
 Water Management Division  
 NPDES Storm Water Program  
 61 Forsyth St SW  
 Atlanta, GA 30303-3104

Coverage Not Available. Construction activities in Region 4 must obtain permit coverage under an alternative permit.

**5. EPA Region 5: IL, IN, MI, MN, OH, WI**

US EPA, Region 05  
 NPDES & Technical Support  
 NPDES Storm Water Program  
 77 W Jackson Blvd  
 (WN-16J)  
 Chicago, IL 60604-3507

The States of Michigan, Minnesota, and Wisconsin are the NPDES Permitting Authority for the majority of discharges within their respective states. The States of Illinois, Indiana, and Ohio are the NPDES Permitting Authorities for all discharges within their respective states.

<b><u>Permit No.</u></b>	<b><u>Areas of coverage/where EPA is Permitting Authority</u></b>
<b>MIR10000I</b>	Indian country within the State of Michigan
<b>MNR10000I</b>	Indian country within the State of Minnesota
<b>WIR10000I</b>	Indian country within the State of Wisconsin, except the Sokaogon Chippewa (Mole Lake) Community.

**6. EPA Region 6: AR, LA, OK, TX, NM (except see Region 9 for Navajo lands, and see Region 8 for Ute Mountain Reservation lands)**

US EPA, Region 06  
 NPDES Storm Water Program  
 1445 Ross Ave, Suite 1200  
 Dallas, TX 75202-2733

The States of Louisiana, Oklahoma, and Texas are the NPDES Permitting Authority for the majority of discharges within their respective state. The State of Arkansas is the NPDES Permitting Authority for all discharges within its respective state.

<b><u>Permit No.</u></b>	<b><u>Areas of coverage/where EPA is Permitting Authority</u></b>
<b>LAR15000I</b>	Indian country within the State of Louisiana
<b>NMR150000</b>	The State of New Mexico, except Indian country
<b>NMR15000I</b>	Indian country within the State of New Mexico, except Navajo Reservation Lands that are covered under Arizona permit AZR10000I and Ute Mountain Reservation Lands that are covered under Colorado permit COR10000I.
<b>OKR15000I</b>	Indian country within the State of Oklahoma
<b>OKR15000F</b>	Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, including activities associated with with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09).
<b>TXR15000F</b>	Discharges in the State of Texas that are not under the authority of the Texas Commission on Environmental Quality (formerly TNRCC), including activities associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline.
<b>TXR15000I</b>	Indian country within the State of Texas.

**7. EPA Region 7: IA, KS, MO, NE (except see Region 8 for Pine Ridge Reservation Lands)**

US EPA, Region 07  
 NPDES Storm Water Program  
 901 N 5th St  
 Kansas City, KS 66101

The States of Iowa, Kansas, and Nebraska are the NPDES Permitting Authority for the majority of discharges within their respective states. The State of Missouri is the NPDES Permitting Authority for all discharges within its state.

<b><u>Permit No.</u></b>	<b><u>Areas of coverage/where EPA is Permitting Authority</u></b>
<b>IAR10000I</b>	Indian country within the State of Iowa
<b>KSR10000I</b>	Indian country within the State of Kansas
<b>NER10000I</b>	Indian country within the State of Nebraska, except Pine Ridge Reservation lands (see Region 8)

**8. EPA Region 8: CO, MT, ND, SD, WY, UT (except see Region 9 for Goshute Reservation and Navajo Reservation Lands), the Ute Mountain Reservation in NM, and the Pine Ridge Reservation in NE.**

US EPA, Region 08  
 NPDES Storm Water Program  
 999 18th St, Suite 300  
 (EPR-EP)  
 Denver, CO 80202-2466

The States of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming are the NPDES Permitting Authority for the majority of discharges within their respective states.

<b><u>Permit No.</u></b>	<b><u>Areas of coverage/where EPA is Permitting Authority</u></b>
<b>COR10000F</b> <b>COR10000I</b>	Federal Facilities in the State of Colorado, except those located on Indian country Indian country within the State of Colorado, as well as the portion of the Ute Mountain Reservation located in New Mexico
<b>MTR10000I</b> <b>NDR10000I</b>	Indian country within the State of Montana Indian country within the State of North Dakota, as well as that portion of the Standing Rock Reservation located in South Dakota (except for the portion of the lands within the former boundaries of the Lake Traverse Reservation which is covered under South Dakota permit SDR10000I listed below)
<b>SDR10000I</b>	Indian country within the State of South Dakota, as well as the portion of the Pine Ridge Reservation located in Nebraska and the portion of the lands within the former boundaries of the Lake Traverse Reservation located in North Dakota (except for the Standing Rock Reservation which is covered under North Dakota permit NDR10000I listed above)
<b>UTR10000I</b>	Indian country within the State of Utah, except Goshute and Navajo Reservation lands (see Region 9)
<b>WYR10000I</b>	Indian country within the State of Wyoming

**9. EPA Region 9: CA, HI, NV, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Goshute Reservation in UT and NV, the Navajo Reservation in UT, NM, and AZ, the Duck Valley Reservation in ID, and the Fort McDermitt Reservation in OR.**

US EPA, Region 09  
 NPDES Storm Water Program  
 75 Hawthorne St  
 San Francisco, CA 94105-3901

The States of Arizona, California and Nevada are the NPDES Permitting Authority for the majority of discharges within their respective states. The State of Hawaii is the NPDES Permitting Authority for all discharges within its state.

<b><u>Permit No.</u></b>	<b><u>Areas of coverage/where EPA is Permitting Authority</u></b>
<b>ASR100000</b> <b>AZR10000I</b>	The Island of American Samoa Indian country within the State of Arizona, as well as Navajo Reservation lands in New Mexico and Utah
<b>CAR10000I</b> <b>GUR100000</b> <b>JAR100000</b>	Indian country within the State of California The Island of Guam Johnston Atoll
<b>MWR100000</b> <b>NIR100000</b> <b>NVR10000I</b>	Midway Island and Wake Island Commonwealth of the Northern Mariana Islands Indian country within the State of Nevada, as well as the Duck Valley Reservation in Idaho, the Fort McDermitt Reservation in Oregon and the Goshute Reservation in Utah

**10. EPA Region 10: AK, WA, ID (except see Region 9 for Duck Valley Reservation Lands), and OR (except see Region 9 for Fort McDermitt Reservation).**

US EPA, Region 10  
 NPDES Storm Water Program  
 1200 6th Ave (OW-130)  
 Seattle, WA 98101-1128  
 Phone: (206) 553-6650

The States of Oregon and Washington are the NPDES Permitting Authority for the majority of discharges within their respective states.

<b><u>Permit No.</u></b>	<b><u>Areas of coverage/where EPA is Permitting Authority</u></b>
<b>AKR100000</b>	The State of Alaska, except Indian country
<b>AKR10000I</b>	Indian country within the state of Alaska
<b>IDR100000</b>	The State of Idaho, except Indian country
<b>IDR10000I</b>	Indian country within the State of Idaho, except Duck Valley Reservation lands (see Region 9)
<b>ORR10000I</b>	Indian country within the State of Oregon, except Fort McDermitt Reservation lands (see Region 9)
<b>WAR10000F</b>	Federal Facilities in the State of Washington, except those located on Indian country
<b>WAR10000I</b>	Indian country within the State of Washington

## Appendix C - Endangered Species Act Review Procedures

You must meet at least one of the six criteria in Subpart 1.3.C.6 to be eligible for coverage under this permit. You must follow the procedures in this Appendix to assess the potential effects of storm water discharges and storm water discharge-related activities on listed species and their critical habitat. When evaluating these potential effects, operators must evaluate the entire project area.

For purposes of this Appendix, the term "project area" is inclusive of the term "Action Area." Action area is defined in 50 CFR §402.02 as all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. This includes areas beyond the footprint of the construction area that may be affected by storm water discharges and storm water discharge related activities. "Project area" is defined in Appendix A.

(Operators who are eligible and able to certify eligibility under Criterion B, C, D, or F of Subpart 1.3.C.6 because of a previously issued ESA section 10 permit, a previously completed ESA section 7 consultation, or because the operator's activities were already addressed in another operator's certification of eligibility may proceed directly to Step Four.)

### Step One: Determine if Listed Threatened or Endangered Species are Present On or Near Your Project Area

You must determine, to the best of your knowledge, whether listed species are located on or near your project area. To make this determination, you should:

- Determine if listed species are in your county or township. The local offices of the U.S. Fish and Wildlife Service (FWS), National Marine Fisheries Service (NMFS), and State or Tribal Heritage Centers often maintain lists of federally listed endangered or threatened species on their internet sites. Visit [www.epa.gov/npdes/stormwater/cgp](http://www.epa.gov/npdes/stormwater/cgp) to find the appropriate site for your state or check with your local office. In most cases, these lists allow you to determine if there are listed species in your county or township.
- If there are listed species in your county or township, check to see if critical habitat has been designated and if that area overlaps or is near your project area.
- Contact your local FWS, NMFS, or State or Tribal Heritage Center to determine if the listed species could be found on or near your project area and if any critical habitat areas have been designated that overlap or are near your project area. Critical habitat areas maybe designated independently from the listed species for your county, so even if there are no listed species in your county or township, you must still contact one of the agencies mentioned above to determine if there are any critical habitat areas on or near your project area.

You can also find critical habitat designations and associated requirements at 50 CFR Parts 17 and 226.

<http://www.access.gpo.gov>.

- If there are no listed species in your county or township, no critical habitat areas on or near your project area, or if your local FWS, NMFS, or State or Tribal Heritage Center indicates that listed species are not a concern in your part of the county or township, you may check box A on the Notice of Intent Form.
- If there are listed species and if your local FWS, NMFS, or State or Tribal Heritage Center indicates that these species could exist on or near your project area, you will need to do one or more of the following:
  - Conduct visual inspections: This method may be particularly suitable for construction sites that are smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat, or for construction activities that discharge directly into municipal storm water collection systems.
  - Conduct a formal biological survey. In some cases, particularly for larger construction sites with extensive storm water discharges, biological surveys may be an appropriate way to assess whether species are located on or near the project area and whether there are likely adverse effects to such species. Biological surveys are frequently performed by environmental consulting firms. A biological survey may in some cases be useful in conjunction with Steps Two, Three, or Four of these instructions.
  - Conduct an environmental assessment under the National Environmental Policy Act (NEPA). Such reviews may indicate if listed species are in proximity to the project area. Coverage under the CGP does not trigger such a review because the CGP does not regulate new sources (that is, dischargers subject to New Source Performance Standards under section 306 of the Clean Water Act), and is thus statutorily

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exempted from NEPA. See CWA section 511(c). However, some construction activities might require review under NEPA for other reasons such as federal funding or other federal involvement in the project.

If listed threatened or endangered species or critical habitat are present in the project area, you must look at impacts to species and/or habitat when following Steps Two through Four. Note that many but not all measures imposed to protect listed species under these steps will also protect critical habitat. Thus, meeting the eligibility requirements of this CGP may require measures to protect critical habitat that are separate from those to protect listed species.

### **Step Two: Determine if the Construction Activity's Storm Water Discharges or Storm Water Discharge-Related Activities Are Likely to Adversely Affect Listed Threatened or Endangered Species or Designated Critical Habitat**

To receive CGP coverage, you must assess whether your storm water discharges or storm water discharge-related activities is likely to adversely affect listed threatened or endangered species or designated critical habitat that are present on or near your project area.

Potential adverse effects from storm water discharges and storm water discharge-related activities include:

- *Hydrological.* Storm water discharges may cause siltation, sedimentation or induce other changes in receiving waters such as temperature, salinity or pH. These effects will vary with the amount of storm water discharged and the volume and condition of the receiving water. Where a storm water discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely. Construction activity itself may also alter drainage patterns on a site where construction occurs that can impact listed species or critical habitat.
- *Habitat.* Excavation, site development, grading, and other surface disturbance activities from construction activities, including the installation or placement of storm water BMPs, may adversely affect listed species or their habitat. Storm water may drain or inundate listed species habitat.
- *Toxicity.* In some cases, pollutants in storm water may have toxic effects on listed species.

The scope of effects to consider will vary with each site. If you are having difficulty determining whether your project is likely to adversely affect listed species or critical habitat, or one of the Services has already raised concerns to you, you must contact the appropriate office of the FWS, NMFS or Natural Heritage Center for assistance. If adverse effects are not likely, then you may check box E on the NOI form and apply for coverage under the CGP. If the discharge may adversely effect listed species or critical habitat, you must follow Step Three.

### **Step Three: Determine if Measures Can Be Implemented to Avoid Adverse Effects**

If you make a preliminary determination that adverse effects are likely to occur, you can still receive coverage under Criterion E of Subpart 1.3.C.6 of the CGP if appropriate measures are undertaken to avoid or eliminate the likelihood of adverse effects prior to applying for CGP coverage. These measures may involve relatively simple changes to construction activities such as re-routing a storm water discharge to bypass an area where species are located, relocating BMPs, or by changing the "footprint" of the construction activity. You should contact the FWS and/or NMFS to see what appropriate measures might be suitable to avoid or eliminate the likelihood of adverse impacts to listed species and/or critical habitat. (See 50 CFR §402.13(b)). This can entail the initiation of informal consultation with the FWS and/or NMFS (described in more detail in Step Four).

If you adopt measures to avoid or eliminate adverse affects, you must continue to abide by those measures for the duration of the construction project and coverage under the CGP. These measures must be described in the SWPPP and are enforceable CGP conditions and/or conditions for meeting the eligibility criteria in Subpart 1.3. If appropriate measures to avoid the likelihood of adverse effects are not available, you must follow Step Four.

### **Step Four: Determine if the Eligibility Requirements of Criterion B, C, D, or F of Subpart 1.3.C.6 Can Be Met**

Where adverse effects are likely, you must contact the FWS and/or NMFS. You may still be eligible for CGP coverage if any likely adverse effects can be addressed through meeting Criterion B, C, D, or F of Subpart 1.3.C.6 of the CGP. These criteria are as follows:

1. *An ESA Section 7 Consultation Is Performed for Your Activity (See Criterion B or C of Subpart 1.3.C.6 of the CGP).*

Formal or informal ESA section 7 consultation is performed with the FWS and/or NMFS that addresses the effects of your storm water discharges and storm water discharge-related activities on federally-listed and threatened Permits

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species and designated critical habitat. FWS and/or NMFS may request that consultation take place if any actions are identified that may affect listed species or critical habitat. In order to be eligible for coverage under this permit, consultation must result in a “no jeopardy opinion” or a written concurrence by the Service(s) on a finding that your storm water discharge(s) and storm water discharge-related activities are not likely to adversely affect listed species or critical habitat (For more information on consultation, see 50 CFR §402). If you receive a “jeopardy opinion,” you may continue to work with the FWS and/or NMFS and your permitting authority to modify your project so that it will not jeopardize listed species or designated critical habitat.

Most consultations are accomplished through informal consultation. By the terms of this CGP, EPA has automatically designated operators as non-federal representatives for the purpose of conducting informal consultations. See Subpart 1.3.C.6 and 50 CFR §402.08 and §402.13. When conducting informal ESA section 7 consultation as a non-federal representative, you must follow the procedures found in 50 CFR Part 402 of the ESA regulations. You must notify FWS and/or NMFS of your intention and agreement to conduct consultation as a non-federal representative.

Consultation may occur in the context of another federal action at the construction site (e.g., where ESA section 7 consultation was performed for issuance of a wetlands dredge and fill permit for the project or where a NEPA review is performed for the project that incorporates a section 7 consultation). Any terms and conditions developed through consultations to protect listed species and critical habitat must be incorporated into the SWPPP. As noted above, operators may, if they wish, initiate consultation with the Services at Step Four.

Whether ESA section 7 consultation must be performed with either the FWS, NMFS or both Services depends on the listed species that may be affected by the operator’s activity. In general, NMFS has jurisdiction over marine, estuaries, and anadromous species. Operators should also be aware that while formal section 7 consultation provides protection from incidental takings liability, informal consultation does not.

*2. An Incidental Taking Permit Under Section 10 of the ESA is Issued for the Operators Activity (See Criterion D of Subpart 1.3.C.6 of the CGP).*

Your construction activities are authorized through the issuance of a permit under section 10 of the ESA and that authorization addresses the effects of your storm water discharge(s) and storm water discharge-related activities on federally-listed species and designated critical habitat. You must follow FWS and/or NMFS procedures when applying for an ESA Section 10 permit (see 50 CFR §17.22(b)(1) for FWS and §222.22 for NMFS). Application instructions for section 10 permits for FWS and NMFS can be obtained by accessing the FWS and NMFS websites (<http://www.fws.gov> and <http://www.nmfs.noaa.gov>) or by contacting the appropriate FWS and NMFS regional office.

*3. You are Covered Under the Eligibility Certification of Another Operator for the Project Area (See Criterion F of Subpart 1.3.C.6 of the CGP).*

Your storm water discharges and storm water discharge-related activities were already addressed in another operator’s certification of eligibility under Criteria A through E of Subpart 1.3.C.6 which also included your project area. For example, a general contractor or developer may have completed and filed an NOI for the entire project area with the necessary Endangered Species Act certifications (criteria A-E), subcontractors may then rely upon that certification and must comply with any conditions resulting from that process. By certifying eligibility under Criterion F of Subpart 1.3.C.6, you agree to comply with any measures or controls upon which the other operator’s certification under Criterion B, C, or D of Subpart 1.3.C.6 was based. Certification under Criterion F of Subpart 1.3.C.6 is discussed in more detail in the Fact Sheet that accompanies this permit.

You must comply with any terms and conditions imposed under the eligibility requirements of Criterion A through F to ensure that your storm water discharges and storm water discharge-related activities are protective of listed species and/or critical habitat. Such terms and conditions must be incorporated in the project’s SWPPP. If the eligibility requirements of Subpart 1.3.C.6 cannot be met, then you are not eligible for coverage under the CGP. In these instances, you may consider applying to EPA for an individual permit.

## Appendix D - Small Construction Waivers and Instructions

These waivers are only available to storm water discharges associated with small construction activities (i.e., 1-5 acres). As the operator of a small construction activity, you may be able to qualify for a waiver in lieu of needing to obtain coverage under this general permit based on: (A) a low rainfall erosivity factor, (B) a TMDL analysis, or (C) an equivalent analysis that determines allocations for small construction sites are not needed. Each operator, otherwise needing permit coverage, must notify EPA of its intention for a waiver. It is the responsibility of those individuals wishing to obtain a waiver from coverage under this general permit to submit a complete and accurate waiver certification as described below. Where the operator changes or another is added during the construction project, the new operator must also submit a waiver certification to be waived.

### A. Rainfall Erosivity Waiver

Under this scenario the small construction project's rainfall erosivity factor calculation ("R" in the Revised Universal Soil Loss Equation) is less than 5 during the period of construction activity. The operator must certify to the Permitting Authority that construction activity will occur only when the rainfall erosivity factor is less than 5. The period of construction activity begins at initial earth disturbance and ends with final stabilization. Where vegetation will be used for final stabilization, the date of installation of a stabilization practice that will provide interim non-vegetative stabilization can be used for the end of the construction period, provided the operator commits (as a condition of waiver eligibility) to periodically inspect and properly maintain the area until the criteria for final stabilization as defined in the construction general permit have been met. If use of this interim stabilization eligibility condition was relied on to qualify for the waiver, signature on the waiver with its certification statement constitutes acceptance of and commitment to complete the final stabilization process. The operator must submit a waiver certification to EPA prior to commencing construction activities.

*Note: The rainfall erosivity factor "R" is determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE), pages 21–64, dated January 1997; United States Department of Agriculture (USDA), Agricultural Research Service.*

EPA funded a cooperative agreement with Texas A&M University to develop an online rainfall erosivity calculator. You can access the calculator from EPA's website at: [www.epa.gov/npdes/stormwater/cgp](http://www.epa.gov/npdes/stormwater/cgp). Use of the calculator allows you to determine potential eligibility for the rainfall erosivity waiver. It may also be useful in determining the time periods during which construction activity could be waived from permit coverage. You may find that moving your construction activity by a few weeks or expediting site stabilization will allow you to qualify for the waiver.

If you are the operator of the construction activity and eligible for a waiver based on low erosivity potential, you must provide the following information on the waiver certification in order to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operators;
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The rainfall erosivity factor calculation that applies to the active construction phase at your project site; and
5. A statement, signed and dated by an authorized representative as provided in Appendix G, Subsection 11, that certifies that the construction activity will take place during a period when the value of the rainfall erosivity factor is less than five.

At the time of publication, a Low Erosivity Waiver Form is not available. If EPA does create a form, it will be noticed (either directly, by public notice, or by making information available on the Internet at [www.epa.gov/npdes/stormwater/cgp](http://www.epa.gov/npdes/stormwater/cgp)).

*Note: If the R factor is 5 or greater, you cannot apply for the rainfall erosivity waiver, and must apply for permit coverage as per Subpart 2.1 of the construction general permit, unless you qualify for the Water Quality Waiver as described below.*

If your small construction project continues beyond the projected completion date given on the waiver certification, you must recalculate the rainfall erosivity factor for the new project duration. If the R factor is below five (5), you

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must update all applicable information on the waiver certification and retain a copy of the revised waiver as part of the site SWPPP. The new waiver certification must be submitted prior to the projected completion date listed on the original waiver form to assure your exemption from permitting requirements is uninterrupted. If the new R factor is five (5) or above, you must submit an NOI as per Part 2.

#### B. TMDL Waiver

This waiver is available if EPA has established or approved a TMDL that addresses the pollutant(s) of concern and has determined that controls on storm water discharges from small construction activity are not needed to protect water quality. The pollutant(s) of concern include sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. Information on TMDLs that have been established or approved by EPA is available from EPA online at <http://www.epa.gov/owow/tmdl/> and from state and tribal water quality agencies.

If you are the operator of the construction activity and eligible for a waiver based on compliance with an EPA established or approved TMDL, you must provide the following information on the Waiver Certification form in order to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operator(s);
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the water body(s) that would be receiving storm water discharges from your construction project;
5. The name and approval date of the TMDL;
6. A statement, signed and dated by an authorized representative as provided in Appendix G, Subsection 11, that certifies that the construction activity will take place and that the storm water discharges will occur, within the drainage area addressed by the TMDL.

#### C. Equivalent Analysis Waiver

This waiver is available for non-impaired waters only. The operator can develop an equivalent analysis that determines allocations for his small construction site for the pollutant(s) of concern or determines that such allocations are not needed to protect water quality. This waiver requires a small construction operator to develop an equivalent analysis based on existing in-stream concentrations, expected growth in pollutant concentrations from all sources, and a margin of safety.

If you are a construction operator who wants to use this waiver, you must develop your equivalent analysis and provide the following information to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operator(s);
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the water bodies that would be receiving storm water discharges from your construction project;
5. Your equivalent analysis;
6. A statement, signed and dated by an authorized representative as provided in Appendix G, Subsection 11, that certifies that the construction activity will take place and that the storm water discharges will occur, within the drainage area addressed by the equivalent analysis.

#### D. Waiver Deadlines and Submissions

1. Waiver certifications must be submitted prior to commencement of construction activities.

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2. If you submit a TMDL or equivalent analysis waiver request, you are not waived until EPA approves your request. As such, you may not commence construction activities until receipt of approval from EPA.
3. Late Notifications: Operators are not prohibited from submitting waiver certifications after initiating clearing, grading, excavation activities, or other construction activities. The Agency reserves the right to take enforcement for any unpermitted discharges or permit noncompliance that occur between the time construction commenced and waiver authorization is granted.

Submittal of a waiver certification is an optional alternative to obtaining permit coverage for discharges of storm water associated with small construction activity, provided you qualify for the waiver. Any discharge of storm water associated with small construction activity not covered by either a permit or a waiver may be considered an unpermitted discharge under the Clean Water Act. As mentioned above, EPA reserves the right to take enforcement for any unpermitted discharges or permit noncompliance that occur between the time construction commenced and either discharge authorization is granted or a complete and accurate waiver certification is submitted. EPA may notify any operator covered by a waiver that they must apply for a permit. EPA may notify any operator who has been in non-compliance with a waiver that they may no longer use the waiver for future projects. Any member of the public may petition EPA to take action under this provision by submitting written notice along with supporting justification.

Complete and accurate Rainfall Erosivity waiver certifications must be sent to the following address:

Regular U.S. Mail Delivery

EPA Storm Water Notice Processing Center  
Mail Code 4203M  
U.S. EPA  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Overnight/Express Mail Delivery

EPA Storm Water Notice Processing Center  
Room 7420  
U.S. EPA  
1201 Constitution Avenue, NW  
Washington, DC 20004

Complete and accurate TMDL or equivalent analysis waiver requests must be sent to the applicable EPA Region office specified in Appendix B.

**Appendix E - Notice of Intent Form and Instructions**

From the effective date of this permit, operators are to use the Notice of Intent Form contained in this Appendix to obtain permit coverage.

NPDES  
Form



United States Environmental Protection Agency  
Washington, DC 20460

**Notice of Intent (NOI) for Storm Water Discharges Associated with  
Construction Activity Under an NPDES General Permit**

Submission of this Notice of Intent (NOI) constitutes notice that the party identified in Section II of this form requests authorization to discharge pursuant to the NPDES Construction General Permit (CGP) permit number identified in Section I of this form. Submission of this NOI also constitutes notice that the party identified in Section II of this form meets the eligibility requirements of the CGP for the project identified in Section III of this form. Permit coverage is required prior to commencement of construction activity until you are eligible to terminate coverage as detailed in the CGP. To obtain authorization, you must submit a complete and accurate NOI form. Refer to the instructions at the end of this form.

**I. Permit Number**

\_\_\_\_\_

**II. Operator Information**

Name: \_\_\_\_\_

IRS Employer Identification Number (EIN): \_\_\_\_\_ - \_\_\_\_\_

**Mailing Address:**

Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ - \_\_\_\_\_

Phone: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Fax (optional): \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

E-mail (optional): \_\_\_\_\_

**III. Project/Site Information**

Project/Site Name: \_\_\_\_\_

Project Street/Location: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ - \_\_\_\_\_

County or similar government subdivision: \_\_\_\_\_

Latitude/Longitude (Use one of three possible formats, and specify method)

- |   |  |
|---|--|
| Latitude 1. ____° ____' ____" N (degrees, minutes, seconds) | Longitude 1. ____° ____' ____" W (degrees, minutes, seconds) |
| 2. ____° ____' ____" N (degrees, minutes, decimal)          | 2. ____° ____' ____" W (degrees, minutes, decimal)           |
| 3. ____° ____' ____" N (decimal)                            | 3. ____° ____' ____" W (decimal)                             |

Method:  U.S.G.S. topographic map  EPA web site  GPS  Other:  
• If you used a U.S.G.S. topographic map, what was the scale: \_\_\_\_\_

Project Located in Indian country?  Yes  No  
If so, name of Reservation or if not part of a Reservation, put "Not Applicable": \_\_\_\_\_

Estimated Project Start Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Estimated Project Completion Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Month Date Year Month Date Year

Estimated Area to be Disturbed (to the nearest quarter acre): \_\_\_\_\_ . \_\_\_\_\_

**IV. SWPPP Information**

Has the SWPPP been prepared in advance of filing this NOI?  Yes  No

Location of SWPPP for viewing:  Address in Section II  Address in Section III  Other

If Other:

SWPPP Street: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ - \_\_\_\_\_

SWPPP Contact Information (if different than that in Section II):

Name: \_\_\_\_\_

Phone: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Fax (optional): \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

E-mail (optional): \_\_\_\_\_

**V. Discharge Information**

Identify the name(s) of waterbodies to which you discharge. \_\_\_\_\_

Is this discharge consistent with the assumptions and requirements of applicable EPA approved or established TMDL(s)?

Yes  No

**VI. Endangered Species Information**

Under which criterion of the permit have you satisfied your ESA eligibility obligations?

A  B  C  D  E  F

• If you select criterion F, provide permit tracking number of operator under which you are certifying eligibility:

\_\_\_\_\_

**VII. Certification Information**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Instructions for Completing EPA Form 3510-9

**Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activity Under an NPDES General Permit**

NPDES Form

This Form Replaces Form 3510-9 (8/98)

Form Approved OMB Nos. 2040-0188 and 2040-0211

**Who Must File an NOI Form**

Under the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et seq.; the Act), federal law prohibits storm water discharges from certain construction activities to waters of the U.S. unless that discharge is covered under a National Pollutant Discharge Elimination System (NPDES) Permit. Operator(s) of construction sites where one or more acres are disturbed, smaller sites that are part of a larger common plan of development or sale where there is a cumulative disturbance of at least one acre, or any other site specifically designated by the Director, must submit an NOI to obtain coverage under an NPDES general permit. Each person, firm, public organization, or any other entity that meets either of the following criteria must file this form: (1) they have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (2) they have day-to-day operational control of those activities at the project necessary to ensure compliance with SWPPP requirements or other permit conditions. If you have questions about whether you need an NPDES storm water permit, or if you need information to determine whether EPA or your state agency is the permitting authority, refer to [www.epa.gov/npdes/stormwater/cgp](http://www.epa.gov/npdes/stormwater/cgp) or telephone the Storm Water Notice Processing Center at (866) 352-7755.

**Where to File NOI Form**

See the applicable CGP for information on where to send your completed NOI form.

**Completing the Form**

Obtain and read a copy of the appropriate EPA Storm Water Construction General Permit for your area. To complete this form, type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks (abbreviate if necessary to stay within the number of characters allowed for each item). Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions on this form, refer to [www.epa.gov/npdes/stormwater/cgp](http://www.epa.gov/npdes/stormwater/cgp) or telephone the Storm Water Notice Processing Center at (866) 352-7755. Please submit original document with signature in ink - do not send a photocopied signature.

**Section I. Permit Number**

Provide the number of the permit under which you are applying for coverage (see Appendix B of the general permit for the list of eligible permit numbers).

**Section II. Operator Information**

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this

application. An operator of a project is a legal entity that controls at least a portion of site operations and is not necessarily the site manager. Provide the employer identification number (EIN from the Internal Revenue Service; IRS), also commonly referred to as your taxpayer ID. If the applicant does not have an EIN enter "NA" in the space provided. Also provide the operator's mailing address, telephone number, fax number (optional) and e-mail address (if you would like to be notified via e-mail of NOI approval when available). Correspondence for the NOI will be sent to this address.

**Section III. Project/Site Information**

Enter the official or legal name and complete street address, including city, state, zip code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for permit coverage to be granted.

The applicant must also provide the latitude and longitude of the facility either in degrees, minutes, seconds; degrees, minutes, decimal; or decimal format. The latitude and longitude of your facility can be determined in several different ways, including through the use of global positioning system (GPS) receivers, U.S. Geological Survey (U.S.G.S.) topographic or quadrangle maps, and EPA's web-based siting tools, among others. Refer to [www.epa.gov/npdes/stormwater/cgp](http://www.epa.gov/npdes/stormwater/cgp) for further guidance on the use of these methodologies. For consistency, EPA requests that measurements be taken from the approximate center of the construction site. Applicants must specify which method they used to determine latitude and longitude. If a U.S.G.S. topographic map is used, applicants are required to specify the scale of the map used.

Indicate whether the project is in Indian country, and if so, provide the name of the Reservation. If the project is in Indian Country Lands that are not part of a Reservation, indicate "not applicable" in the space provided.

Enter the estimated construction start and completion dates using four digits for the year (i.e., 05/27/1998). Enter the estimated area to be disturbed including but not limited to: grubbing, excavation, grading, and utilities and infrastructure installation. Indicate to the nearest quarter acre. Note: 1 acre = 43,560 sq. ft.

**Section IV. SWPPP Information**

Indicate whether or not the SWPPP was prepared in advance of filing the NOI form. Check the appropriate box for the location where the SWPPP may be viewed. Provide the name,

**Notice of Intent (NOI) for Storm Water Discharges Associated with  
Construction Activity Under an NPDES General Permit**

NPDES Form

This Form Replaces Form 3510-9 (8/98)

Form Approved OMB Nos. 2040-0188 and 2040-0211

fax number (optional), and e-mail address (optional) of the contact person if different than that listed in Section II of the NOI form.

**Section V. Discharge Information**

Enter the name(s) of receiving waterbodies to which the project's storm water will discharge. These should be the first bodies of water that the discharge will reach. (Note: If you discharge to more than one waterbody, please indicate all such waters in the space provided and attach a separate sheet if necessary.) For example, if the discharge leaves your site and travels through a roadside swale or a storm sewer and then enters a stream that flows to a river, the stream would be the receiving waterbody. Waters of the U.S. include lakes, streams, creeks, rivers, wetlands, impoundments, estuaries, bays, oceans, and other surface bodies of water within the confines of the U.S. and U.S. coastal waters. Waters of the U.S. do not include man-made structures created solely for the purpose of wastewater treatment. U.S. Geological Survey topographical maps may be used to make this determination. If the map does not provide a name, use a format such as "unnamed tributary to Cross Creek". If you discharge into a municipal separate storm sewer system (MS4), you must identify the waterbody into which that portion of the storm sewer discharges. That information should be readily available from the operator of the MS4.

Indicate whether your storm water discharges from construction activities will be consistent with the assumptions and requirements of applicable EPA approved or established TMDL(s). To answer this question, refer to [www.epa.gov/npdes/stormwater/cgp](http://www.epa.gov/npdes/stormwater/cgp) for state- and regional-specific TMDL information related to the construction general permit. You may also have to contact your EPA regional office or state agency. If there are no applicable TMDLs or no related requirements, please check the "yes" box in the NOI form.

**Section VI. Endangered Species Information**

Indicate for which criterion (i.e., A, B, C, D, E, or F) of the permit the applicant is eligible with regard to protection of federally listed endangered and threatened species, and designated critical habitat. See Part 1.3.C.6 and Appendix C of the permit. If you select criterion F, provide the permit tracking number of the operator under which you are certifying eligibility. The permit tracking number is the number assigned to the operator by the Storm Water Notice Processing Center after EPA acceptance of a complete NOI.

**Section VII. Certification Information**

All applications, including NOIs, must be signed as follows:

*For a corporation:* By a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

*For a partnership or sole proprietorship:* By a general partner or the proprietor, respectively; or

*For a municipality, state, federal, or other public agency:* By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

Include the name and title of the person signing the form and the date of signing. An unsigned or undated NOI form will not be considered eligible for permit coverage.

**Paperwork Reduction Act Notice**

Public reporting burden for this application is estimated to average 3.7 hours. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch 2136, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460. Include the OMB control number on any correspondence. Do not send the completed form to this address.

**Appendix F - Notice of Termination Form and Instructions**

From the effective date of this permit, operators are to use the Notice of Termination Form contained in this Appendix to terminate permit coverage.



**Notice of Termination (NOT) of Coverage Under an NPDES General Permit for  
Storm Water Discharges Associated with Construction Activity**

NPDES Form This Form Replaces Form 3517-7 (8-98)

Form Approved OMB Nos. 2040-0086 and 2040-0211

**Who May File an NOT Form**

Permittees who are presently covered under the EPA-issued National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity may submit an NOT form when final stabilization has been achieved on all portions of the site for which you are responsible; another operator has assumed control in accordance with Appendix G, Section 11.C of the General Permit over all areas of the site that have not been finally stabilized; coverage under an alternative NPDES permit has been obtained; or for residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.

"Final stabilization" means that all soil disturbing activities at the site have been completed and that a uniform perennial vegetative cover with a density of at least 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed. See "final stabilization" definition in Appendix A of the Construction General Permit for further guidance where background native vegetation covers less than 100 percent of the ground, in arid or semi-arid areas, for individual lots in residential construction, and for construction projects on land used for agricultural purposes.

**Completing the Form**

Type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions about this form, refer to [www.epa.gov/npdes/stormwater/cgp](http://www.epa.gov/npdes/stormwater/cgp) or telephone the Storm Water Notice Processing Center at (866) 352-7755. Please submit original document with signature in ink - do not send a photocopied signature.

**Section I. Permit Number**

Enter the existing NPDES Storm Water General Permit Tracking Number assigned to the project by EPA's Storm Water Notice Processing Center. If you do not know the permit tracking number, refer to [www.epa.gov/npdes/stormwater/cgp](http://www.epa.gov/npdes/stormwater/cgp) or contact the Storm Water Notice Processing Center at (866) 352-7755.

Indicate your reason for submitting this Notice of Termination by checking the appropriate box. Check only one:

*Final stabilization has been achieved on all portions of the site for which you are responsible.*

*Another operator has assumed control according to Appendix G, Section 11.C over all areas of the site that have not been finally stabilized.*

*Coverage under an alternative NPDES permit has been obtained.*

*For residential construction only, if temporary stabilization has been completed and the residence has been transferred to the homeowner.*

**Section II. Operator Information**

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this application and is covered by the permit tracking number identified in Section I. The

operator of the project is the legal entity that controls the site operation, rather than the site manager. Provide the employer identification number (EIN from the Internal Revenue Service; IRS). If the applicant does not have an EIN enter "NA" in the space provided. Enter the complete mailing address and telephone number of the operator. *Optional:* enter the fax number and e-mail address of the operator.

**Section III. Project/Site Information**

Enter the official or legal name and complete street address, including city, state, zip code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for termination of permit coverage to be valid.

**Section IV. Certification Information**

All applications, including NOIs, must be signed as follows:

*For a corporation:* By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

*For a partnership or sole proprietorship:* By a general partner or the proprietor, respectively; or

*For a municipality, state, federal, or other public agency:* By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

Include the name and title of the person signing the form and the date of signing. An unsigned or undated NOT form will not be considered valid termination of permit coverage.

**Paperwork Reduction Act Notice**

Public reporting burden for this application is estimated to average 0.5 hours per notice, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch, 2136, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Include the OMB number on any correspondence. Do not send the completed form to this address.

**Appendix G - Standard Permit Conditions****STANDARD PERMIT CONDITIONS****1. Duty To Comply**

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

- A. You must comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
- B. The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently \$27,500 per day for each violation).

The Clean Water Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

- C. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR Part 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$27,500). Pursuant to 40 CFR Part 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$137,500).

**2. Duty to Reapply**

If you wish to continue an activity regulated by this permit after the expiration date of this permit, you must apply for and obtain a new permit.

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**3. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for you in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**4. Duty to Mitigate**

You must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

**5. Proper Operation and Maintenance**

You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by you only when the operation is necessary to achieve compliance with the conditions of this permit.

**6. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**7. Property Rights**

This permit does not convey any property rights of any sort, or any exclusive privileges.

**8. Duty to Provide Information**

You must furnish to EPA, within a reasonable time, any information which EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. You must also furnish to EPA upon request, copies of records required to be kept by this permit.

**9. Inspection and Entry**

You must allow EPA, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- A. Enter upon your premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

**10. Monitoring and Records**

- A. Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.
- B. You must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of EPA at any time.
- C. Records of monitoring information must include:
  1. The date, exact place, and time of sampling or measurements;
  2. The individual(s) who performed the sampling or measurements;
  3. The date(s) analyses were performed

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4. The individual(s) who performed the analyses;
  5. The analytical techniques or methods used; and
  6. The results of such analyses.
- D. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in the permit.
- E. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

## 11. Signatory Requirements

- A. All applications, including NOIs, must be signed as follows:
1. For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  2. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
  3. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).
- B. All reports required by this permit, including SWPPPs, must be signed by a person described in Appendix G, Subsection 11.A above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
1. The authorization is made in writing by a person described in Appendix G, Subsection 11.A;
  2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
  3. The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.
- C. Changes to Authorization. If an authorization under Subpart 2.1 is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new NOI satisfying the requirements of Subpart 2.1 must be submitted to EPA prior to or together with any reports, information, or applications to be signed by an authorized representative. The change in authorization must be submitted within the time frame specified in Subpart 2.2, and sent to the address specified in Subpart 2.3.
- D. Any person signing documents required under the terms of this permit must include the following certification:
- “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information 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,

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to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- E. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

## 12. Reporting Requirements

- A. Planned changes. You must give notice to EPA as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b); or
  2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR §122.42(a)(1).
- B. Anticipated noncompliance. You must give advance notice to EPA of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. Transfers. This permit is not transferable to any person except after notice to EPA. EPA may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (See 40 CFR §122.61; in some cases, modification or revocation and reissuance is mandatory.)
- D. Monitoring reports. Monitoring results must be reported at the intervals specified elsewhere in this permit.
1. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by EPA for reporting results of monitoring of sludge use or disposal practices.
  2. If you monitor any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by EPA.
  3. Calculations for all limitations which require averaging of measurements must use an arithmetic mean.
- E. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.
- F. Twenty-four hour reporting.
1. You must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time you become aware of the circumstances. A written submission must also be provided within five days of the time you become aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
  2. The following shall be included as information which must be reported within 24 hours under this paragraph.
    - a. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR §122.41(g).)
    - b. Any upset which exceeds any effluent limitation in the permit
    - c. Violation of a maximum daily discharge limitation for any of the pollutants listed by EPA in the permit to be reported within 24 hours. (See 40 CFR §122.44(g).)

3. EPA may waive the written report on a case-by-case basis for reports under Appendix G, Subsection 12.F.2 if the oral report has been received within 24 hours.
- G. Other noncompliance. You must report all instances of noncompliance not reported under Appendix G, Subsections 12.D, 12.E, and 12.F, at the time monitoring reports are submitted. The reports must contain the information listed in Appendix G, Subsection 12.F.
- H. Other information. Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Permitting Authority, you must promptly submit such facts or information.

### 13. Bypass

- A. Definitions.
1. Bypass means the intentional diversion of waste streams from any portion of a treatment facility
  2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. Bypass not exceeding limitations. You may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Appendix G, Subsections 13.C and 13.D.
- C. Notice—
1. Anticipated bypass. If you know in advance of the need for a bypass, you must submit prior notice, if possible at least ten days before the date of the bypass.
  2. Unanticipated bypass. You must submit notice of an unanticipated bypass as required in Appendix G, Subsection 12.F (24-hour notice).
- D. Prohibition of bypass.
1. Bypass is prohibited, and EPA may take enforcement action against you for bypass, unless:
    - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
    - c. You submitted notices as required under Appendix G, Subsection 13.C.
  2. EPA may approve an anticipated bypass, after considering its adverse effects, if EPA determines that it will meet the three conditions listed above in Appendix G, Subsection 13.D.1.

### 14. Upset

- A. Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Appendix G, Subsection 14.C are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- C. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
1. An upset occurred and that you can identify the cause(s) of the upset;
  2. The permitted facility was at the time being properly operated; and

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3. You submitted notice of the upset as required in Appendix G, Subsection 12.F.2.b(24 hour notice).
  4. You complied with any remedial measures required under Appendix G, Section 4.
- D. Burden of proof. In any enforcement proceeding, you, as the one seeking to establish the occurrence of an upset, has the burden of proof.

**STORMWATER, EROSION CONTROL,  
AND SEDIMENT CONTROL  
BEST MANAGEMENT PRACTICES**

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## **EROSION AND SEDIMENTATION CONTROL PLAN NARRATIVE**

### **WA FS ERFO 2007 (1)-22(2) Mt St Helens District Road 83 Mileposts 6.9 to 11.3 Skamania County, Washington**

#### **1. PROJECT DESCRIPTION**

##### **CONSTRUCTION ACTIVITIES**

MP 6.9;

Damage: A recorded 15.14" of rain fell in one 24 hrs period. An excess of water and debris overloaded the existing culvert causing water to travel over the top of the road surface at this stream crossing. The flow eroded much of the fill, resulting in loss of traveled way and diverting a large amount of water.

Repair: Install new drainage structure. Remove debris adjacent to the channel and resurface the road with aggregate and asphalt.

MP 11.25;

Damage: High water eroded approximately 50 ft. of road shoulder and undermine asphalt paved road fork. Fine material below pavement have washed out, causing pavement to fail the entire width of road for a length of up to 50 Ft. Paved apron also failing.

Repair: Armor eroded slopes with riprap, remove failed pavement and resurface the road.

MP 11.30:

Damage: Existing 48 in and 36 in culverts plugged with debris and sediment. Water overtopped road and eroded fill material at outlet side to pavement edge. Thirty six inch pipe had bed sediment at outlet to a depth of 1/3 pipe.

Repair: Remove sediment at inlet and dispose. Reconstruct channel to stabilize site. Open culvert if possible. Rebuild outlet fill with riprap and reconstruct the removed portion of surfacing.

##### **PROJECT LOCATION**

Western Federal Lands Highway Division (WFLHD), in coordination with the Gifford-Pinchot National Forest (GPNF), proposes to repair portions of Forest Road FR 83 MP 6.9, 11.25 and 11.30 that were damaged during a storm event that took place in early November, 2006.

## CONSTRUCTION SEQUENCE

All activities will occur July 2008 to October 2008

*Standard Specifications* of the contract will require that erosion control measures be installed prior to ground-disturbing activities and to be continuously maintained and adjusted as needed to adapt to changes in the site conditions.

## SOIL EROSION

Ground disturbance will occur at the culvert during excavation of the existing culvert and during excavation of adjacent existing cut slopes. Placement of fill material will occur around culvert. Some vegetation will be removed from these areas as a result of this project.

## 2. CONSERVATION MEASURES

Conservation measures are intended to minimize or avoid environmental impacts to listed species or critical habitat. Conservation measures for this project will follow obligatory practices stated in Federal Lands Highway *Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects* (2003). Standard Specifications will be amended in the Special Provisions for the project to include additional conservation measures.

Specific sediment control features will be provided according to the details shown in the Erosion and Sedimentation Control Plans (Plan Sheets).

## STANDARD SPECIFICATIONS

The following Measures are included in Federal Lands Highway *Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects*:

Work areas, including staging areas, shall be separated from the waters of the U.S. as required by *Subsection 107.10 of the Standard Specifications*.

Equipment shall be checked for leaks and maintained and a suitable supply of absorbent materials shall be kept at the job site according to the requirements of *Subsection 107.10 of the Standard Specifications*.

Maintenance provisions are discussed in *Section 157 of the Standard Specifications*. The Contractor shall remain on call at all times, including the winter shutdown period, to address and fix erosion control measures as needed. Should maintenance or repairs be required, the Contractor will have 72 hours to do so after being so notified by the CO.