

Oklahoma Department of Transportation

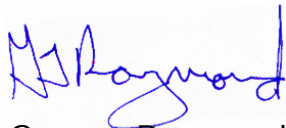
Bulletin Board Postings for EEO Requirements
Construction Control Directive No. **19971226**

July 16, 2009

Scope: To identify the items required to be posted on a project's bulletin board to satisfy EEO Requirements.

On projects which are funded all or in part with federal funds, the contractor is required to post certain informational documents at the jobsite for the benefit of the construction workers. All required information is to be posted on a bulletin board. The bulletin board shall be weatherproof and watertight and be located in an area readily accessible to the project employees.

The enclosed [form](#) has been developed to assist each Residency office in verifying that this contractual requirement has been fulfilled by the contractor. This form shall be completed by Residency personnel at the beginning of contract work and filed in the project file. The bulletin board should be monitored throughout the project duration to ensure that the bulletin board remains on the project site and that the information posted does not weather and become unreadable.



George Raymond, P.E.
Construction Engineer

BULLETIN BOARD

The Contractor is required to post a weatherproof and watertight bulletin board in a readily accessible area where employees gather to start work on the project site. The bulletin board must contain the following items:

<u>Yes</u>	<u>No</u>	
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- | | | |
|-----|-----|-----------------------------------------------------------------------------------------------------------------|
| ___ | ___ | A. Poster-OFCCP-1420 "Equal Opportunity is the Law" |
| ___ | ___ | B. Poster-OFCCP-1420 "La Igualdad De Oportunidades De Empleo Es La Ley" |
| ___ | ___ | C. Poster-WH-1321 "Notice to Employees" Davis Bacon Wage Rate |
| ___ | ___ | C-1 Poster-WH-1321 SPA "Notice to Employees" Davis Bacon Wage Rate - Spanish |
| ___ | ___ | D. Poster-FHWA-1022 "Notice Federal Aid Projects" |
| ___ | ___ | G. Poster-OSHA-3165 "Job Safety and Health Protection" |
| ___ | ___ | H. Poster-OSHA-3167 "Seguridad En El Trabajo Y Proteccion De La Salud" |
| ___ | ___ | I. Poster-WH-1088 "Your Rights Federal Minimum Wage" |
| ___ | ___ | J. Poster-WH-1088SP "Deprechos De Empleados" |
| ___ | ___ | K. Poster-WH-1284 "Notice to Workers with Disabilities Paid at Special Minimum Wages" |
| ___ | ___ | L. Poster-WH-1420 "Your Rights Under the Family and Medical Leave Act of 1993" |
| ___ | ___ | M. Poster-WH-1420SP "Sus Derechos bajo La Ley de Ausencia Familiar y Medica de 1993" |
| ___ | ___ | N. Poster-WH-1462 "Notice Employee Polygraph Protection Act" |
| ___ | ___ | O. Poster-OSHA-1926.5 "Emergency Telephone Numbers of Medical Facilities and Ambulance Services" |
| ___ | ___ | Q. Poster-State Minimum Wage "Your Rights Under the Oklahoma Minimum Wage Act" (two posters) |
| ___ | ___ | R. Contractor's EEO Policy Statement |
| ___ | ___ | S. Letter Appointing the Contractor's EEO Officer for the Project |
| ___ | ___ | T. Letter Naming Contractor's EEO Officer and all Subcontractors EEO Officer(s) with Contact Information |
| ___ | ___ | U. Letter of Certification of Nonsegregated Facilities |
| ___ | ___ | V. Contractor's Training Program Information |
| ___ | ___ | W. Contractor's Procedure for Resolving Discrimination Complaints |
| ___ | ___ | X. Contractor's Designated Safety Officer |
| ___ | ___ | Y. Wage Scale from Project Contract |
| ___ | ___ | Z. ODEQ Authorization to Discharge Certificate with Emergency Contact Name and Phone Number |

Project Number: _____

Signature: _____

Title: _____

Date: _____

OKLAHOMA DEPARTMENT OF TRANSPORTATION

DATE: December 26, 1997

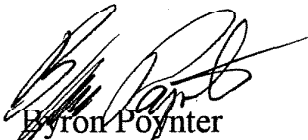
TO: Field Division Engineers, Division Construction Engineers, and
Resident Engineers

FROM: Byron Poynter, Construction Engineers

SUBJECT: CONSTRUCTION CONTROL DIRECTIVE NO. 971226.

BULLETIN BOARD POSTINGS

On projects which are funded all or in part with federal funds, the contractor is required to post certain informational documents at the jobsite for the benefit of the construction workers. To assist you in verifying the postings, the list of the documents to be posted is enclosed.



Byron Poynter
Construction Engineer

Document list enclosed

Copy to: Distribution List

CHECK LIST FOR PROJECT BULLETIN BOARD'S

PROJECT NUMBER _____ DATE _____

POSTERS:

- ☐ EQUAL OPPORTUNITY IS THE LAW (EEOC-P/E-1)
- ☐ LA IQUALIDAD DE OPORTUNIDADES DE EMPLEO ES LA LEY (EEOC-P/E-S)
- ☐ JOB SAFETY AND HEALTH PROTECTION (OSHA-2203)
- ☐ SEQURIDAD EN EL TRABAJO Y PROTECCION DE LA SALUD (OSHA-2200)
- ☐ NOTICE TO EMPLOYEES (USDOL-1321)
- ☐ NOTICE FEDERAL AID PROJECTS (FHWA-1022)
- ☐ YOUR RIGHTS FEDERAL MINIMUM WAGE (USDOL-1088)
- ☐ YOUR RIGHTS FEDERAL MINIMUM WAGE (SPANISH)
- ☐ WAGE RATE INFORMATION (FHWA-1495)
- ☐ INFORMACION SOBRE ESCALAS DE SALARIOS (FHWA-1495A)
- ☐ EMERGENCY TELEPHONE NUMBERS OF MEDICAL FACILITIES AND
AMBULANCE SERVICES (OSHA-1926.5)
- ☐ YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993
(WH-1420)
- ☐ NOTICE EMPLOYEE POLYGRAPH PROTECTION ACT (WH-1462)
- ☐ STATE MINIMUM WAGE ACT-YOUR RIGHTS UNDER THE OKLA.MIN.WAGE ACT

OTHER ITEMS:

- ☐ CONTRACTOR'S EEO POLICY STATEMENT
- ☐ LETTER DESIGNATING EEO OFFICER
- ☐ CERTIFICATION OF NONSEGREGATED FACILITIES
- ☐ CONTRACTOR'S PROCEDURE FOR RESOLVING DISCRIMINATION COMPLAINTS
- ☐ WAGE SCALE FROM PROJECT CONTRACT

BULLETIN BOARD

The Contractor is required to post a weatherproof and watertight bulletin board in a readily accessible area where employees gather to start work on the project site. The bulletin board must contain the following items:

Yes **No**

- | | | |
|-----|-----|-----------------------------------------------------------------------------------------------------------------|
| ___ | ___ | A. Poster-OFCCP-1420 "Equal Opportunity is the Law" |
| ___ | ___ | B. Poster-OFCCP-1420 "La Igualdad De Oportunidades De Empleo Es La Ley" |
| ___ | ___ | C. Poster-WH-1321 "Notice to Employees" Davis Bacon Wage Rate |
| ___ | ___ | C-1. Poster-WH-1321 SPA "Notice to Employees" Davis Bacon Wage Rate - Spanish |
| ___ | ___ | D. Poster-FHWA-1022 "Notice Federal Aid Projects" |
| ___ | ___ | G. Poster-OSHA-3165 "Job Safety and Health Protection" |
| ___ | ___ | H. Poster-OSHA-3167 "Sequirdad En El Trabajo Y Proteccion De La Salud" |
| ___ | ___ | I. Poster-WH-1088 "Your Rights Federal Minimum Wage" |
| ___ | ___ | J. Poster-WH-1088SP "Deprechos De Empleados" |
| ___ | ___ | K. Poster-WH-1284 "Notice to Workers with Disabilities Paid at Special Minimum Wages" |
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| ___ | ___ | M. Poster-WH-1420SP "Sus Derechos bajo La Ley de Ausencia Familiar y Medica de 1993" |
| ___ | ___ | N. Poster-WH-1462 "Notice Employee Polygraph Protection Act" |
| ___ | ___ | O. Poster-OSHA-1926.5 "Emergency Telephone Numbers of Medical Facilities and Ambulance Services" |
| ___ | ___ | Q. Poster-State Minimum Wage "Your Rights Under the Oklahoma Minimum Wage Act" (two posters) |
| ___ | ___ | R. Contractor's EEO Policy Statement |
| ___ | ___ | S. Letter Appointing the Contractor's EEO Officer for the Project |
| ___ | ___ | T. Letter Naming Contractor's EEO Officer and all Subcontractors EEO Officer(s) with Contact Information |
| ___ | ___ | U. Letter of Certification of Nonsegregated Facilities |
| ___ | ___ | V. Contractor's Training Program Information |
| ___ | ___ | W. Contractor's Procedure for Resolving Discrimination Complaints |
| ___ | ___ | X. Contractor's Designated Safety Officer |
| ___ | ___ | Y. Wage Scale from Project Contract |
| ___ | ___ | Z. ODEQ Authorization to Discharge Certificate with Emergency Contact Name and Phone Number |

Project Number: _____

Signature: _____

Title: _____

Date: _____

BULLETIN BOARD

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<u>Yes</u>	<u>No</u>	
------------	-----------	--

- | | | |
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| ___ | ___ | B. Poster-OFCCP-1420 "La Igualdad De Oportunidades De Empleo Es La Ley" |
| ___ | ___ | C. Poster-WH-1321 "Notice to Employees" Davis Bacon Wage Rate |
| ___ | ___ | D. Poster-FHWA-1022 "Notice Federal Aid Projects" |
| ___ | ___ | E. Poster-FHWA-1495 "Wage Rate Information" |
| ___ | ___ | F. Poster-FHWA-1495A "Informacion Sobre Escalas De Salrios" |
| ___ | ___ | G. Poster-OSHA-3165 "Job Safety and Health Protection" |
| ___ | ___ | H. Poster-OSHA-3167 "Sequirdad En El Trabajo Y Proteccion De La Salud" |
| ___ | ___ | I. Poster-WH-1088 "Your Rights Federal Minimum Wage" |
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| ___ | ___ | K. Poster-WH-1284 "Notice to Workers with Disabilities Paid at Special Minimum Wages" |
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| ___ | ___ | M. Poster-WH-1420SP "Sus Derechos bajo La Ley de Ausencia Familiar y Medica de 1993" |
| ___ | ___ | N. Poster-WH-1462 "Notice Employee Polygraph Protection Act" |
| ___ | ___ | O. Poster-OSHA-1926.5 "Emergency Telephone Numbers of Medical Facilities and Ambulance Services" |
| ___ | ___ | P. Poster-Whistle Blower "Know Your Rights Under The Recovery Act!" [ARRA funded (STIM) projects only] |
| ___ | ___ | Q. Poster-State Minimum Wage "Your Rights Under the Oklahoma Minimum Wage Act" (two posters) |
| ___ | ___ | R. Contractor's EEO Policy Statement |
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Project Number: _____

Signature: _____

Title: _____

Date: _____

OKLAHOMA DEPARTMENT OF TRANSPORTATION

DATE: December 22, 1997
TO: Field Division Engineers, Division Construction Engineers, and
Resident Engineers
FROM: Byron Poynter, Construction Engineers
SUBJECT: CONSTRUCTION CONTROL DIRECTIVE NO. 971222.

PROJECTS WITH COMPLETE-BY DATES

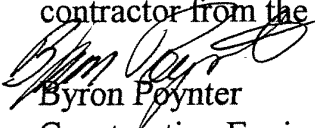
For many projects, time charges begin on the effective date of work order and end on a specific date. Typically, the amount of time between these dates is more than it takes to perform the work. The intent is; that the contractor may begin work any time during this period but must be done with the work on or before the complete-by date.

When a contract has a complete-by date, the specified date is a term of the contract. If the date is changed, it is a modification of the terms of the agreement and must be accomplished by a change order.

The justification for moving a complete-by date must be that the Department has failed to clear the project of utilities or other similar reason for which the contractor is not responsible.

Weather may only be used as a reason when the amount of unusually severe weather is so extreme that, combined with the physical aspects of the project, render an on-time completion impossible.

It may not always be possible to have the final inspection on the day the work is completed. It is acceptable to set the completion date on the date the work is completed even if the final inspection is a week or so later. However, with reference to Control Directive No. 940406, setting of a completion date releases the contractor from the physical project and must be set after all of the work is done.


Byron Poynter
Construction Engineer

Copy to: Distribution List

OKLAHOMA DEPARTMENT OF TRANSPORTATION

DATE: December 17, 1997 REVISED, SEE SHADED AREA
TO: Field Division Engineers, Division Construction Engineers, and
Resident Engineers
FROM: Byron Poynter, Construction Engineers
SUBJECT: CONSTRUCTION CONTROL DIRECTIVE NO. 971208.

SPECIFICATION CHANGE - DRILLED SHAFT FOUNDATIONS

Portions of the 1996 Specification for Drilled Shaft Foundations (metric), appear to be infeasible as to constructability. The specification will soon be revised to comply with a consensus reached between the industry and ODOT. This is your authority to make immediate adjustments to the handling of the Drilled Shafts on all ongoing projects in accordance with the following:

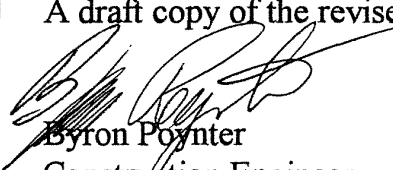
Section 516.02 (b) Concrete:

This section will be changed to provide for a slump of 150 mm at initiation of the concrete placement and a slump of 100 mm is to be maintained until the placement is complete, temporary casing removed and the top of the shaft aligned.

Section 516.04 (a) Contractor Qualifications:

This section will be changed to require a limited work plan for regular Drilled Shafts and a more comprehensive plan for when slurry displacement or polymer modified concrete is specified. The three year experience reference will be omitted.

A draft copy of the revised specification is enclosed.


Byron Poynter
Construction Engineer

Copy to: Distribution List

OKLAHOMA DEPARTMENT OF TRANSPORTATION
SPECIAL PROVISIONS
FOR
DRILLED SHAFT FOUNDATIONS

DRAFT

These Special Provisions revise, amend, and where in conflict, supersede applicable sections of the Standard Specifications for Highway Construction, Edition of 1996.

These Special Provisions are generally written in the imperative mood. In sentences using the imperative mood, the subject, "the Contractor", is implied. Reference to the Contractor is also implied in this language by the use of "shall", "shall be", or similar words and phrases. In material specifications, the subject may also be the supplier, fabricator, or manufacturer supplying material, products, or equipment for use on the project.

Wherever "directed", "required", "prescribed", or other similar words are used, the "direction", "requirement", or "order" of the Engineer is intended. Similarly, wherever "approved", "acceptable", "suitable", "satisfactory", or other similar words are used, the words mean "approved by", "acceptable to", or "satisfactory to" the Engineer. The word "will" generally pertains to decisions or actions of the Engineer.

These specifications are written with metric (SI) units.

(Replace Subsection 516.02(b) with the following:)

- (b) **Concrete.** Furnish Class AA concrete modified as follows. Limit the maximum nominal aggregate size to 19 mm. Increase minimum cement content 10% for concrete placed under water or slurry.

Adjust approved admixtures for site conditions to ensure that the concrete has at least 150 mm of slump at the start of placement and at least 100 mm of slump at the completion of placement and casing/reinforcement alignment. Maintain the concrete temperature under 30°C during placement.

(Replace Subsection 516.04(a) with the following:)

- (a) **Contractor Qualifications and Installation Plan.** Use personnel with appropriate experience for the construction of drilled shafts.

Submit an installation plan for approval at least 30 calendar days before constructing drilled shafts. Include the following information in the plan for drilled shafts.

- Details of reinforcement placement including support and centering methods.
- Details of concrete placement including proposed operational procedures for tremie and pumping methods.
- Details of the concrete mix design including results of concrete trial mix and slump loss tests at ambient temperatures appropriate for the site conditions.

Include the following information in the plan for slurry displacement drilled shafts.

- List of proposed equipment to be used including cranes, drills, augers, bailing buckets, final cleaning equipment, desanding equipment, slurry pumps, core sampling equipment, tremies, concrete pumps, casings, etc. (Analyze the capacity of the equipment to drill the size, depth, and hardness of the planned excavations.)
- Details of overall construction operation sequence and the sequence of shaft construction in bents or groups.
- Details of shaft excavation methods and procedures for maintaining correct horizontal and vertical alignment of the excavation.
- Details of excavated materials use or disposal.
- Details of the methods to mix, circulate, desand, dispose of the slurry.
- Details of methods to clean the shaft excavation.
- Personnel resumes of project experiences and appropriate documentation including names, addresses, and telephone numbers of organizations or associations that verify the information.

Approval of the installation plan, personnel, and, if appropriate, trial shafts does not relieve the responsibility for obtaining the required results. Revise and resubmit for approval if the installation plan does not provide satisfactory results. Submit any request for changing the top of shaft elevations, as needed, with the installation plan.

(Replace from the beginning of Subsection 516.04(c)1 through the end of Subsection 516.04(c)1.1 with the following:)

1. *Hole Excavation.* Excavate holes according to the approved installation plan.

Before drilling, excavate for structure footings supported on drilled shafts and construct embankments and fills.

Position the drilled shaft within 75 mm of the required position in a horizontal plane at the top of the shaft elevation. Do not allow the alignment of a vertical shaft to vary from the required alignment by more than one percent of shaft depth. Do not allow the alignment of a battered shaft to vary from the required battered alignment by more than 2% of shaft depth.

Use excavation equipment and methods that provide a flat bottom for the completed shaft, not deviating from a level horizontal plane more than 3% of shaft diameter. Use excavation equipment that provides a shaft diameter not less than 25 mm smaller than the required diameter.

Excavate to the plan elevation, extending the excavation below the plan elevation only when it is determined that the load bearing material encountered during excavation does not satisfy plan requirements. Take soil samples or rock cores as shown on the plans or directed by the Engineer to determine the character of the material directly below the shaft excavation. Immediately notify the Engineer of any significant deviation from the plans in subsurface conditions that may result in a shaft depth change.

Check dimensions and alignment of each shaft excavation in the presence of the Engineer before concrete placement. Final shaft depth shall be measured after final cleaning.

When it is determined that the hole sidewall has softened due to excavation methods, swelled due to delays in concreting, or degraded as a result of slurry cake buildup, overream the sidewall a minimum of 12 mm and maximum of 75 mm to sound material.

Immediately prior to concrete placement, clean the hole so no more than 50% of the bottom of each hole has more than 12 mm of sediment and the maximum depth of sediment or debris at any place on the bottom of the hole does not exceed 38 mm. For dry holes, reduce the depth of water to 150 mm or less before placing concrete.

Use one or more of the following methods for excavation. Do not use methods prohibited by the plans or special provisions.

1.1 *Dry Method.* Use the dry construction method at sites where the groundwater level and soil conditions are suitable to permit construction of the shaft in a relatively dry excavation and where the sides and bottom of the shaft may be visually inspected before placing concrete. The dry method consists of drilling the shaft, removing accumulated water, removing loose material from the excavation, placing the reinforcing cage, and concreting the shaft in a relatively dry condition.

The dry construction method can only be used when the trial shaft excavation demonstrates the following:

- Less than 300 mm of water accumulates above the bottom of the hole during a one hour period with no pumping.
- The sides and bottom of the hole remain stable without detrimental caving, sloughing, or swelling over a four hour waiting period immediately following the completion of excavation.
- Loose material and water can be satisfactorily removed before inspection and before concrete placement.

When caving, sloughing, or swelling conditions exist or when groundwater seepage exceeds the described limits, discontinue and use an approved alternative method.

Oklahoma Department of Transportation

Monitoring The Davis-Bacon Act Construction Control Directive No. **19971114**

July 9, 2012

Scope: To establish the procedure for monitoring payrolls submitted by the contractor and performing the periodic wage rate interviews.

The purpose of this Directive is to offer guidelines for monitoring the requirements of the Davis-Bacon Act. The primary purpose of this act is to ensure that persons working on Federally funded contracts (Federal aid contracts on the Federal aid highway system) are paid at least the minimum hourly wage rate for their job classification. Specific information concerning the Davis-Bacon Act can be found on the U.S. Department of Labor, Wage and Hour Division's website at www.dol.gov. The applicable federal regulations are found in 29 CFR Part 1 and Part 5.

Contracts containing projects designated as Local Roads or Rural Minor Collectors exempt the contractor from submitting weekly payrolls. Additionally, the Residency office administering the contract will not be required to perform the wage rate interviews of the contractor's employees on these projects. ODOT identifies Local Road or Rural Minor Collector projects by placing a "D" in the project number, just before the "hole number" (i.e. BRO-144D(33)CO). All other contracts containing a project which is Federally funded, all or in part, will require that the contractor submit weekly payrolls and will require the performance of the wage rate interviews by the Residency. For contracts that contain Federally funded projects tied with projects that are exempt, all of the projects in the contract will require both the submittal of weekly payrolls by the contractor and the performance of the wage rate interviews by the Residency.

Contractor Payrolls

The prime contractor and all approved subcontractors performing work on a Federally funded contract are required to submit weekly payroll records to the Residency. All payroll records from the prime contractor or subcontractor shall be received within two weeks of the end of the payroll reporting period. Payrolls for periods of "no work in progress" will not be required. The Residency will be required to stamp all payrolls indicating the date on which they were received.

The Residency must monitor the payroll records received weekly and should notify the prime contractor in writing for any failure to submit the required payrolls or to submit a record with the necessary information (as detailed below) within the two week period. The written notification to the prime contractor may

state actions that could be taken by the Residency, including holding future progressive payments until the contractual requirement has been satisfied. Any such correspondence must be stored in the project's payroll files.

Wage Rate Interviews

The Residency employees shall conduct systematic spot interviews of the prime contractor's and approved subcontractor's employees to identify whether the minimum wage and other labor standards of the contract are being fully complied with and that there is no misclassification of an employee. Only those employees, laborers and mechanics whose classifications are subject to the Davis-Bacon Act will be interviewed. Examples of exempt classifications include supervisor, foreman, salaried employees and survey crews. One employee of the prime contractor or subcontractor shall be interviewed each month during the duration of the original contract time. A minimum of two employees shall be interviewed on a specific contract. The Residency should ensure that interviews of subcontractors' employees are done as well as the prime contractor's employees. An employee shall not be interviewed more than once per contract. Refer to the attached interview form. This form shall be used to record the information obtained from the interview.

Once an employee is interviewed, the results of the interview should be checked against the information contained in the weekly payroll record for that date and the payroll record should be reviewed for completeness. There is no mandatorily prescribed format for the contractor's or subcontractor's payroll records, however, payroll records received by the Residency shall contain, at a minimum, the following information:

1. Each employee's full name and individual employee identification number. Employee's home address and full social security number shall not be used.
2. Each employee's classification.
3. Each employee's hourly wage rate and, where applicable, overtime hourly rate.
4. The daily and weekly hours worked in each of the employee's classification, including actual overtime hours worked.
5. The itemized deductions made for each employee. Any deductions listed as "Other" deductions, shall be explained on page 2 of the payroll form.
6. The net wages paid to each employee.

During the Residency's review of the payroll record from the prime contractor or subcontractor for whom the interviewed employee works, the Residency will review the record and note any deviations from the following:

1. The employee was paid, at least, 1½ times the regular hourly rate for every hour worked beyond 40 hours per week.
2. The employee was paid, at a minimum, the rate specified in the contract for the associated classification.
3. The record contains a certified statement executed by the person who supervises the payment of wages by the contractor or subcontractor with respect to the wages paid during the payroll period.

Any deficiency discovered during the Residency's review shall be brought to the appropriate contractor's attention for their corrective action. All corrections should be reflected on future payrolls submitted to the Residency.

Personnel Providers

Contractors or subcontractors may use workers from a provider firm. The payroll submittal and interview requirements are the same as in any contract utilizing Federal funding. Payrolls must be submitted and certified by the provider on behalf of the contractor. The certified payrolls must show the actual wages paid to the employees, regardless of the employer, whether a labor finder or contractor.

Deficiency Reporting

The Residency shall report all cases of classification or wage rate violations discovered during the residency review or received by complaint to ODOT's Civil Rights Division – External Programs.

A handwritten signature in blue ink, appearing to read "G. Raymond", is written over a light blue rectangular background.

George Raymond, P.E.
Construction Engineer

EQUAL EMPLOYMENT OPPORTUNITY AND LABOR COMPLIANCE REPORT

Prime Sub Contractor Name: _____
 Project: _____ County: _____
 ODOT Representative: _____ Date: _____

Employee Interview

		Yes/Si	No
1.	Have you seen the posting of minimum wage rates? ¿Usted ha visto la fijación de las tarifas de salario mínimo?	<input type="checkbox"/>	<input type="checkbox"/>
2.	Have you been advised that this project has minimum established wage rates? ¿Le han aconsejado que este proyecto se paga a razones de un sueldo mínimo ya establecido?	<input type="checkbox"/>	<input type="checkbox"/>
3.	What is your job classification? _____ ¿Cuál es su clasificación de trabajo? _____		
4.	What is your wage rate? _____ ¿Cuál es su tarifa de salario? _____		
7.	Are you currently enrolled in a training program? ¿Le alistan actualmente en un programa de entrenamiento?	<input type="checkbox"/>	<input type="checkbox"/>
8.	Is your daily work consistent with your job classification? ¿Concuerda su trabajo diario con la clasificación de su trabajo?	<input type="checkbox"/>	<input type="checkbox"/>
9.	Who do you work for? _____ ¿Para quién usted trabaja? _____		
10.	How are you paid? (Cash or Check) _____ ¿Cómo le pagan? (Efectivo o cheque) _____		
11.	Are you paid weekly? ¿Es usted semanario pagado?	<input type="checkbox"/>	<input type="checkbox"/>
12.	Are you paid overtime for work over 40 hours per week? ¿Le pagan a Ud. Por horas exgrtas (cuando trabaja más de 40 horas por semana)?	<input type="checkbox"/>	<input type="checkbox"/>
13.	Is there money deducted from your pay beside income and social security taxes? ¿Hay dinero deducido de su paga al lado de impuestos de la renta y de Seguridad Social?	<input type="checkbox"/>	<input type="checkbox"/>
14.	Do you know where the project EEO Bulletin Board is? ¿Sabe Ud. Donde está el tablón de anuncios para el proyecto EEO*?	<input type="checkbox"/>	<input type="checkbox"/>
15.	Do you know who your Company EEO Officer is? ¿Sabe Ud. Quien es el/la dirigente de EEO* de su compañía?	<input type="checkbox"/>	<input type="checkbox"/>

EMPLOYEE'S NAME

PRINTED NAME: _____ SIGNED: _____
Nombre en letra **Firma** **(Employee Signature)**

Payroll Review

1.	Has the Prime Contractor submitted his and all Subcontractors weekly payrolls?	<input type="checkbox"/>	<input type="checkbox"/>
2.	Is the Contractor paying 1 ½ times regular rate of hours worked above 40 hours?	<input type="checkbox"/>	<input type="checkbox"/>
3.	Have wage rates been checked to insure that rates paid were at least as much as the minimum rate established?	<input type="checkbox"/>	<input type="checkbox"/>
4.	WERE ANY DISCREPANCIES NOTED: (If discrepancies are found in their wage rate and and classification, exam documents in file, verify amount due is paid.)	<input type="checkbox"/>	<input type="checkbox"/>
5.	In your opinion, has the Contractor taken the required affirmative action to comply with all of the E.E.O. requirements in his contract?	<input type="checkbox"/>	<input type="checkbox"/>
	Remarks: _____		
6.	Did you compare wages with Contract Wages (Davis Bacon Wages)?	<input type="checkbox"/>	<input type="checkbox"/>

Reviewed By: _____ **Date:** _____

OKLAHOMA DEPARTMENT OF TRANSPORTATION

DATE: November 14, 1997

TO: Field Division Engineers, Division Construction Engineers, and
Resident Engineers

FROM: Byron Poynter, Construction Engineer

SUBJECT: CONSTRUCTION CONTROL DIRECTIVE NO. 971114

This Directive Cancels Construction Control Directive No. 960724

MONITORING THE DAVIS-BACON ACT

The purpose of this Directive is to offer guidelines for monitoring the Davis-Bacon Act. The primary purpose of this act is to ensure that persons working on projects which include federal funds, are paid at least the minimum hourly rate for their job classification.

Projects designated as Local Roads or Rural Collectors are exempt from submittal of payrolls. These projects are identified with a "D" in the Project Number, just before the "hole number". Please advise the Contractor early of this exemption. All other projects which are federally funded all or in part, require submission of contractor payrolls.

Payrolls should be received within two weeks of the end of the payroll period. Submittal of payrolls is a contractual requirement. You must ensure that they are submitted. Payrolls for periods of "no work in progress" are not required.

In order to compare the payrolls to the contract rates the payroll reports must indicate the workers classification. That is; the job title must, relate to the contract titles. Example: Concrete Finisher, Form Setter, Bulldozer Operator, Motor Grader (Fine Grade), Motor Grader (Rough), etc.

Construction Control Directive No. 971114 Continued.

INTERVIEWS

Interview project workers periodically as to hourly rate of pay and compare to the payrolls to ensure that at least, the minimum hourly rate is paid.


Interviews should be conducted weekly for the first two or three weeks of a project to ensure that the contractor is in compliance. Afterwards, one interview per month, randomly selected, should be adequate. A minimum of ten percent of all workers should be interviewed during the course of the project.

PERSONNEL PROVIDERS

Some contractors use workers from a Provider Firm. The requirements are the same. Payrolls must be submitted and certified by the provider on behalf of the contractor. If a deficiency is detected, work through the contractor to resolve the matter.

DEFICIENCY REPORTING

Report all cases of act violations or deficiencies to the Construction Division (for the annual report to the FHWA).



Byron Poynter
Construction Engineer

Copy to: Distribution list.

Oklahoma Department of Transportation

Monitoring The Davis-Bacon Act Construction Control Directive No. **19971114**

January 22, 2009

Scope: To establish the procedure for monitoring payrolls submitted by the contractor and performing the periodic wage rate interviews.

The purpose of this Directive is to offer guidelines for monitoring the requirements of the Davis-Bacon Act. The primary purpose of this act is to ensure that persons working on Federally funded contracts (Federal aid contracts on the Federal aid highway system) are paid at least the minimum hourly wage rate for their job classification. Specific information concerning the Davis-Bacon Act can be found on the U.S. Department of Labor, Wage and Hour Division's website at www.dol.gov. The applicable federal regulations are found in 29 CFR Part 1 and Part 5.

Contracts containing projects designated as Local Roads or Rural Minor Collectors exempt the contractor from submitting weekly payrolls. Additionally, the Residency office administering the contract will not be required to perform the wage rate interviews of the contractor's employees on these projects. ODOT identifies Local Road or Rural Minor Collector projects by placing a "D" in the project number, just before the "hole number" (i.e. BRO-144D(33)CO). All other contracts containing a project which is Federally funded, all or in part, will require that the contractor submit weekly payrolls and will require the performance of the wage rate interviews by the Residency. For contracts that contain Federally funded projects tied with projects that are exempt, all of the projects in the contract will require both the submittal of weekly payrolls by the contractor and the performance of the wage rate interviews by the Residency.

Contractor Payrolls

The prime contractor and all approved subcontractors performing work on a Federally funded contract are required to submit weekly payroll records to the Residency. All payroll records from the prime contractor or subcontractor shall be received within two weeks of the end of the payroll reporting period. Payrolls for periods of "no work in progress" will not be required. The Residency will be required to stamp all payrolls indicating the date on which they were received.

The Residency must monitor the payroll records received weekly and should notify the prime contractor in writing for any failure to submit the required payrolls or to submit a record with the necessary information (as detailed below) within the two week period. The written notification to the prime contractor may state actions that could be taken by the Residency, including holding future progressive payments until the contractual requirement has been satisfied. Any such correspondence must be stored in the project's payroll files.

Wage Rate Interviews

The Residency employees shall conduct systematic spot interviews of the prime contractor's and approved subcontractor's employees to identify whether the minimum wage and other labor standards of the contract are being fully complied with and that there is no misclassification of an employee. Only those employees, laborers and mechanics whose classifications are subject to the Davis-Bacon Act will be interviewed. Examples of exempt classifications include supervisor, foreman, salaried employees and survey crews. One employee of the prime contractor or subcontractor shall be interviewed each month during the duration of the original contract time. A minimum of two employees shall be interviewed on a specific contract. The Residency should ensure that interviews of subcontractors' employees are done as well as the prime contractor's employees. An employee shall not be interviewed more than once per contract. Refer to the attached interview [form](#). This form shall be used to record the information obtained from the interview.

Once an employee is interviewed, the results of the interview should be checked against the information contained in the weekly payroll record for that date and the payroll record should be reviewed for completeness. There is no mandatorily prescribed format for the contractor's or subcontractor's payroll records, however, payroll records received by the Residency shall contain, at a minimum, the following information:

1. Each employee's full name and individual employee identification number. Employee's home address and full social security number shall not be used.
2. Each employee's classification.
3. Each employee's hourly wage rate and, where applicable, overtime

- hourly rate.
4. The daily and weekly hours worked in each of the employee's classification, including actual overtime hours worked.
 5. The itemized deductions made for each employee.
 6. The net wages paid to each employee.

During the Residency's review of the payroll record from the prime contractor or subcontractor for whom the interviewed employee works, the Residency will review the record and note any deviations from the following:

1. The employee was paid, at least, 1½ times the regular hourly rate for every hour worked beyond 40 hours per week.
2. The employee was paid, at a minimum, the rate specified in the contract for the associated classification.
3. The record contains a certified statement executed by the person who supervises the payment of wages by the contractor or subcontractor with respect to the wages paid during the payroll period.

Any deficiency discovered during the Residency's review shall be brought to the appropriate contractor's attention for their corrective action. All corrections should be reflected on future payrolls submitted to the Residency.

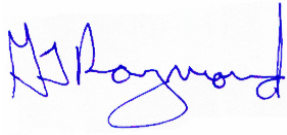
Personnel Providers

Contractors or subcontractors may use workers from a provider firm. The payroll submittal and interview requirements are the same as in any contract utilizing Federal funding. Payrolls must be submitted and certified by the provider on behalf of the contractor.

Deficiency Reporting

The Residency shall report all cases of classification or wage rate violations discovered during the residency review or received by complaint to ODOT's Regulatory Services Branch.

Monitoring The Davis-Bacon Act
January 22, 2009

A handwritten signature in blue ink, appearing to read "G. Raymond", is positioned above the printed name.

George Raymond, P.E.
Construction Engineer

OKLAHOMA DEPARTMENT OF TRANSPORTATION

DATE: November 17, 1997

TO: Field Division Engineers, Construction Engineers, Resident Engineers

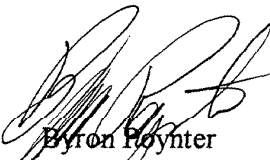
FROM: Byron Poynter, Construction Engineer

SUBJECT: CONSTRUCTION CONTROL DIRECTIVE NO. 971107

FORM FOR FIELD CHANGE ORDERS

Due to ever changing circumstances, especially on projects of long duration, there is a need for some informal documentation of changes made in the field whether they result in a formal change or not. This will help to ensure that any agreement made in the field will proceed to implementation and payment even if the agreeing parties are no longer present when the project is finalized.

We have modified a form used for this purpose by another state and suggest that it be used to secure field agreements. The superintendent and the Resident Engineer (or delegated inspector) should sign the agreement (copy enclosed).



Byron Poynter
Construction Engineer

Copy to: Distribution List

FIELD WORK ORDER

TO: (Contractor, Name and Address)

PROJECT NO.
ORDER NO.
STATION

You are hereby ordered to perform extra work described below in compliance with Subsections 104.03 and 109.03 of the Specifications and the conditions listed herein:

DESCRIPTION OF WORK: *(Include specifications if non-standard items)*

ITEM OF WORK	UNIT	APPROX. QUANTITY	AGREED UNIT PRICE	AMOUNT

FOR THE DEPARTMENT OF TRANSPORTATION	FOR THE CONTRACTOR We Concur
Signature:	Signature:
Name:	Name:
TITLE:	TITLE:
DATE:	DATE:

OKLAHOMA DEPARTMENT OF TRANSPORTATION

DATE: September 12, 1997

TO: Field Division Engineers, Division Construction Engineers, and
Resident Engineers

FROM: Byron Poynter, Construction Engineers

SUBJECT: CONSTRUCTION CONTROL DIRECTIVE NO. 970912.

STORMWATER PERMITS TO DEQ

THIS DIRECTIVE CANCELS CONTROL DIRECTIVE NO. 970826.

The permit for National Pollutant Discharge Elimination System (NPDES) we have been operating under since 1992 expired September 9, 1997. Projects which will not be stabilized until after October 9, 1997 will require a new Notice Of Intent (NOI) submittal.

At the same time, the responsibility for permitting has been moved from the Environmental Protection Agency (EPA) to the Oklahoma Department of Environmental Quality (DEQ).

For projects which require a new submittal of the NOI, A copy must be completed for each co-permittee. Use the enclosed DEQ Form and submit to the following address:

Stormwater Notice of Intent
Oklahoma Department of Environmental Quality
Water Quality Division
1000 NE Tenth Street
Oklahoma City, Oklahoma 73117-1212

Even though the national permit has expired, the EPA has transferred their files to the DEQ. Because of this, you will have to submit an Notice of Termination (NOT) to close out any project that has become stabilized.

Construction Control Directive No. 970826 Continued.

The new NOT form is not currently available at this time. Use the old EPA form and submit to the DEQ until you receive the new DEQ form.

BILLING:


There is now a \$240.00 fee for filing the NOI. The fee is paid annually and for projects that have a duration of more than one year, the fee will be paid for each year until stabilization occurs. The Department has arranged to pay this fee direct on a monthly billing by the DEQ. You will not need to be concerned with payment, except that the billing will continue until you have submitted a NOT.

Please send a copy of the NOI and the NOT to the comptroller to assist with the payment and termination of charges.

ADDITIONAL CERTIFICATION:

The new guidelines (copy enclosed), require that subcontractors sign-off on a certification ensuring that the subcontractor is aware of the terms of the NOI (page 19 part E 1. Of the guidelines). Since these submittals are required 30 days before work begins, we will make this certification part of the subcontractor approval system. When you receive a subcontractor approval, place a copy with the Stormwater Runoff Plan.

Enclosed: New NOI Form
 New Guidelines


Byron Poynter
Construction Engineer
Copy to: Distribution List

Storm.bcp

See Reverse Side for Instructions

OPDES
FORM



Oklahoma Department of Environmental Quality
Oklahoma City, Oklahoma 73117-1212

Notice of Intent (NOI) for Storm Water Discharges Associated with CONSTRUCTION ACTIVITY Under an OPDES General Permit

Submission of this Notice of Intent constitutes notice of the party identified in Section II of this form intends to be authorized by an OPDES permit issued for storm water discharges associated with industrial activity in the State of Oklahoma. *Becoming a permittee obligates such discharger to comply with the terms and conditions of the permit.* IN ORDER TO OBTAIN AUTHORIZATION, ALL REQUESTED INFORMATION MUST BE PROVIDED ON THIS FORM. SEE INSTRUCTIONS ON BACK OF FORM.

Facility Owner/Operator Information

Name: _____ Phone: _____
Address: _____ Status of Owner/Operator: _____
City: _____ State: _____ Zip Code: _____

Site Information

Name of the Project: _____
Location of Project: _____
City: _____ State: _____ Zip Code: _____
Quarter: _____ Section: _____ Township: _____ Range: _____
Latitude: _____ Longitude: _____ County: _____

Is the facility located on
Indian Lands?
☐ Yes ☐ No

Is Pollution Prevention Plan (PPP) developed? ☐ Yes ☐ No Is PPP Implemented? ☐ Yes ☐ No
Address of location of PPP for viewing: ☐ Address in I. above ☐ Address in II. above ☐ Other, please specify below

Address: _____ Phone: _____
City: _____ State: _____ Zip Code: _____
Operator OPDES Number: _____ or NPDES Number: _____

Name of Receiving Water: _____

Month Day Year Month Day Year
Construction Start Date Completion Date

Estimated area to be disturbed (to nearest acre): _____

Is the Storm Water Pollution Prevention Plan in compliance with all applicable local sediment
and erosion plans? ☐ Yes ☐ No ☐ None

Based on the instructions provided in Addendum A of the permit, are any
species identified in Addendum A in proximity to the storm water
discharges to be covered under this permit, or the area of BMP
construction to control those storm water discharges? ☐ Yes ☐ No
Will Construction (land disturbing activities) be conducted for storm
water controls? ☐ Yes ☐ No

II. Certification

I certify under penalty of law that I have read and understand the Part I.B. eligibility requirements for coverage under the general permit for storm water discharges from construction activities, including those requirements relating to the protection of endangered species identified in Part I.B.3.e.

I further certify that I have followed the procedures found in Addendum A to protect listed endangered and threatened species and designated critical habitat and that the discharges covered under this permit and BMPs to control storm water runoff meet one or more of the eligibility requirements of Part I.B.3.e.(1) of this permit. Check the box(es) corresponding to the part of Part I.B.3.e.(1) under which you claim compliance with the eligibility requirements of this permit.

a) ☐ (b) ☐ (c) ☐ (d) ☐ (e) ☐

I understand that continued coverage under this permit is contingent upon maintaining eligibility as provided for in Part I.B.

☐ Utility companies check here if applying for coverage as described in Section II(A)(4). The following certification statement additionally applies: I certify that I understand that authorization to discharge is contingent upon a principal operator of the construction project being granted coverage under this, or an alternative NPDES permit.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system design to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this 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: _____ Date: _____

Signature: _____



Instructions - DEQ Form xx Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activity To Be Covered Under an OPDES Permit

Who Must File A Notice Of Intent Form

Under the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et seq. (the Act)), Oklahoma Environmental Code, Title 27A of the Oklahoma Statutes, Section 2-14-101 et seq. and the rules OAC 252:002-15, discharge of storm water from construction activities is prohibited without an Oklahoma Pollutant Discharge Elimination System Permit. The operator of a construction site that has such a storm water discharge must submit a NOI to obtain coverage under an OPDES Storm Water General Permit (GP 005). If you have questions about whether you need a permit under the OPDES Storm Water program, or if you need information, write to or telephone the Water Quality Division, Department of Environmental Quality (DEQ), at (405) 271-5205.

Where to File NOI Form

NOIs must be sent to the following address:

DEQ
Water Quality Division
100 NE 10th Street
Oklahoma City, OK 73117-1212

Completing The Form

You must type or print, using upper-case 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, call DEQ-WQD at (405) 271-5205.

Section I. Facility Owner/Operator Information

Provide the legal name, mailing address, and telephone number of the person, firm, public organization, or any other entity that either individually or taken together meet the following two criteria: (1) they have operational control over the site specifications (including the ability to make modifications in specifications); and (2) they have the day-to-day operational control of those activities at the site necessary to ensure compliance with plan requirements and permit conditions. Do not use a colloquial name.

Enter the appropriate letter to indicate the legal status of the operator of the facility: F = Federal; S = State; M = Public (other than Federal or State); P = Private

Section II. Site Information

Enter the Project's official or legal name and complete street address, including city, county, state, ZIP code and phone number. If the site lacks a street address, indicate with a general statement the location of the site (e.g., intersection of state highways 61 and 34). The applicant must also provide the latitude and longitude of the facility in degrees, minutes, and seconds to the nearest 15 seconds or the quarter, section, township and range (to the nearest quarter section) of the approximate center of the site. Location for subdivisions will be quarter, section, township and range.

The latitude and longitude of your facility can be located on USGS quadrangle maps. The quadrangle maps can be obtained at 1-800-USA MAPS. Longitude and latitude may also be obtained at the Census Bureau Internet site: <http://www.census.gov/cgi-bin/gazetteer>. Only one location description is needed: address; section, township, and range; or latitude and longitude.

Indicate whether the facility is on Indian Lands.

Indicate if the Pollution Prevention Plan (PPP) had been developed. Also indicate if the PPP had been implemented. Refer to Part IV of the General Permit for Information of PPPs. "Yes" means the PPP is ready to be implemented upon notification of coverage or that the PPP is ready to be implemented at the time the NOI form is submitted.

Provide the address and phone number where the PPP can be viewed, if different from address previously given. Check appropriate box.

Enter the name of the receiving water body. If no water body exists on site, enter name of closest predominant receiving water body. Contact the appropriate state office to obtain more information on water bodies.

Enter the construction start and completion date using four digits for the year.

Enter the estimated area to be disturbed including but not limited to: grubbing, excavation, grading, and utilities and infrastructure installation. Indicate to the nearest acre.

Indicate if the PPP is in compliance with all other applicable local sediment and erosion plans.

Indicate if any species listed in Addendum A of the General Permit is in proximity to the storm water discharges or BMP construction associated with the discharges and requirements to be covered by this permit.

Indicate if land disturbing activities will be conducted for the construction of storm water controls.

Indicate if applicant is subject to and in compliance with a written historic preservation agreement.

Section III. Certification

Indicate under which criteria the applicant claims compliance with the Endangered Species Act. Refer to Part I.B.3.e.(1) of the General Permit.

If applicant is a Utility Company, indicate if applying for coverage as described in Section II.(A).(4) of the General Permit.

Federal Statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) 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, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign had been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner of the proprietor, or;

For a municipality, state, Federal, or other public facility: by either a principal executive or ranking elected official.

PLEASE MAKE SURE YOU ACQUIRE A COPY OF THIS PERMIT AND READ ALL TERMS AND CONDITIONS.

GENERAL PERMIT

(GP-005)

**FOR STORM WATER DISCHARGES
FROM CONSTRUCTION ACTIVITIES
WITHIN THE STATE OF OKLAHOMA**

**OKLAHOMA DEPARTMENT OF
ENVIRONMENTAL QUALITY**

WATER QUALITY DIVISION

SEPTEMBER 8, 1997

Storm Water General Permit for Construction Activities

Cover Page

Permit No. [GP-005]

Authorization to Discharge Under the Oklahoma Pollutant Discharge Elimination System Act (OPDES)

In compliance with the provisions of the OPDES, 27A O.S. 2-6-201 et seq., as amended, except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities, located in an area specified in Part I.A., are authorized to discharge in accordance with the conditions and requirements set forth herein. Only those operators of storm water discharges from construction activities in the general permit area who submit a Notice of Intent in accordance with Part II of this permit are authorized under this general permit.

This permit shall become effective on September 9, 1997.

This permit and the authorization to discharge shall expire at midnight, September 8, 2002.

(Signature of Executive Director)

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located in Oklahoma.

General Permits for Storm Water Discharges From Construction Activities

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- C. Obtaining Authorization
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- Addenda
 - A. Endangered Species Guidance
 - B. Notice of Intent (NOI) Form
 - C. Notice of Termination (NOT) Form

Part I. Coverage Under This Permit

A. Permit Area

The permit language is structured as if it were a single permit, with area-specific conditions specified in Part XI. Permit coverage is actually provided by legally separate and distinctly numbered authorizations.

B. Eligibility

1. This permit authorizes discharges of storm water from construction activities as defined in OAC 252:605-1-5(c)(3)(K)[being clearing, grading, and excavation activities that result in the disturbance of five or more acres of total land area, including smaller areas that are part of a larger common plan of development or ownership] and those construction site discharges designated by the Executive Director as needing a storm water permit. Any discharge authorized by a different NPDES permit may be commingled with discharges authorized by this permit.

2. This permit also authorizes storm water discharges from support activities related to a construction site (e.g. concrete or asphalt batch plants, equipment staging yards, material storage areas, etc.) from which there otherwise is a storm water discharge from a construction activity provided:

- a. The support activity is not a commercial operation serving multiple unrelated construction projects, and does not operate beyond the completion of the construction activity; and
- b. Appropriate controls and measures are identified in the storm water pollution prevention plan for the discharges from the support activity areas.

3. Limitations on Coverage

The following storm water discharges from construction sites are not authorized by this permit:

- a. Post Construction Discharges. Storm water discharges that originate from the site after construction activities have been completed and the site has undergone final stabilization.
- b. Discharges Mixed with Non-storm Water. Discharges that are mixed with sources of

non-storm water other than discharges which are identified in Part III.A.2. of this permit and which are in compliance with Part IV.D.5 (non-storm water discharges) of this permit. Any discharge authorized by a different NPDES permit may be commingled with discharges authorized by this permit.

c. Discharges Covered by Another Permit. Storm water discharges associated with construction activity that have been issued an individual permit or required to obtain coverage under an alternative general permit in accordance with paragraph VI.L;

d. Discharges Threatening Water Quality. Storm water discharges from construction sites that the Executive Director determines will cause, or have the reasonable potential to cause, excursions above water quality standards. (Where such determinations have been made, the discharger will be notified by the Director that an individual permit application is necessary.);

e. Discharges that are not Protective of Endangered and Threatened Species.

(1) A discharge of storm water associated with construction activity is covered under this permit only if the applicant certifies that it meets at least one of the following criteria. Failure to continue to meet one of these criteria during the term of the permit will result in the storm water discharges associated with construction being ineligible for coverage under this permit.

(a) The storm water discharge(s), and the construction and implementation of Best Management Practices (BMPs) to control storm water runoff, are not likely to adversely affect species identified in Addendum A of this permit or critical habitat for a listed species; or

(b) The applicant's activity has received previous authorization under section 7 or section 10 of the Endangered Species Act (ESA) and that authorization addressed storm water discharges and/or BMPs to control storm water runoff (e.g., developer included impact of entire project in consultation over a wetlands dredge and fill permit under Section 7 of the Endangered Species Act); or

(c) The applicant's activity was considered as part of a larger, more comprehensive assessment of impacts on endangered and threatened species under section 7 or section 10 of the Endangered Species Act that which accounts for storm water discharges and BMPs to control storm water runoff (e.g., where an area-wide habitat conservation plan and section 10 permit is issued which addresses impacts from construction activities including those from storm water, or a National Environmental Policy Act (NEPA) review is conducted which incorporates ESA section 7 procedures); or

(d) Consultation under section 7 of the Endangered Species Act is conducted for the applicant's activity which results in either a no jeopardy opinion or a written concurrence on a finding of no likelihood of adverse effects; or (e) The applicant's activity was considered as part of a larger, more comprehensive site-specific assessment of impacts on endangered and threatened species by the owner or other operator of the site and that permittee certified eligibility under item (a), (b), (c), or (d) above (e.g. owner was able to certify no adverse impacts for the project as a whole under item (a), so the contractor can then certify under item (e)). Utility companies applying for permit coverage for the entire permit area of coverage as defined under Part I.A. may certify under item (e) since authorization to discharge is contingent on a principal operator of a construction project having been granted coverage under this, or an alternative NPDES or OPDES permit for the areas of the site where utilities installation activities will occur.

(2) All applicants must follow the procedures provided at Addendum A of this permit when

applying for permit coverage. (3) The applicant must comply with any terms and conditions imposed under the eligibility requirements of paragraphs (1)(a), (b), (c), (d), or (e) above to ensure that storm water discharges or BMPs to control storm water runoff are protective of listed endangered and threatened species and/or critical habitat. Such terms and conditions must be incorporated in the applicant's storm water pollution prevention plan. (4) For the purposes of conducting consultation to meet the eligibility requirements of paragraph (1)(d) above, applicants are designated as non-Federal representatives. See 50 CFR 402.08. However, applicants who choose to conduct consultation as a non-Federal representative must notify DEQ.

(5) This permit does not authorize any "take" (as defined under section 9 of the Endangered Species Act) of endangered or threatened species unless such takes are authorized under sections 7 or 10 the Endangered Species Act.

(6) This permit does not authorize any storm water discharges nor require any BMPs to control storm water runoff that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the Endangered Species Act or result in the adverse modification or destruction of habitat that is designated as critical under the Endangered Species Act.

C. Obtaining Authorization

1. In order for storm water discharges from construction activities to be authorized to discharge under this general permit, a discharger must:

(a) First develop a Pollution Prevention Plan (covering either the entire site or all portions of the site for which they are operators--see definition in Part IX) according to the requirements in Part IV (preparation and implementation of the Plan may be a cooperative effort where there is more than one operator at a site), and then

(b) Submit a Notice of Intent (NOI) in accordance with the requirements of Part II, using an NOI form provided by the Oklahoma Department of Environmental Quality (DEQ) (or a photocopy thereof). The Pollution Prevention Plan must be implemented upon commencement of construction activities.

2. For construction sites where the operator changes, or where a new operator is added after the submittal of an NOI under Part II, a new NOI must be submitted in accordance with Part II.

3. Once authorization is issued by the DEQ, dischargers who submit an NOI in accordance with the requirements of this permit are authorized to discharge storm water from construction activities under the terms and conditions of this permit. DEQ may deny coverage under this permit and require submittal of an application for an individual OPDES permit based on a review of the NOI or other information (see Part VI.L of this permit).

D. Terminating Coverage

1. Operators wishing to terminate coverage under this permit must submit a notice of termination (NOT) in accordance with Part VIII of this permit.

2. All permittees must submit a NOT within thirty (30) days after completion of their construction activities and final stabilization of their portion of the site, or another operator taking over all of their responsibilities at the site. A permittee cannot submit an NOT without

final stabilization unless another party has agreed to assume responsibility for final stabilization of the site. Appropriate enforcement actions may be taken for permit violations where a permittee submits a NOT but the permittee has not transferred operational control to another permittee or the site has not undergone final stabilization. Project-by-project NOTs are not required to be submitted by utility company operators for installation of utilities at construction sites if the utility company operator has been authorized to discharge in the full area of coverage for a given permit as defined in Part I.A. of this permit.

Part II. Notice of Intent Requirements

A. Deadlines for Notification

1. Except as provided in Parts II.A.3, II.A.4, II.A.5, or II.A.6, parties with operational control over project specifications, (e.g., owner or developer), should submit an initial Notice of Intent (NOI) in accordance with the requirements of this Part at least thirty (30) days prior to the commencement of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities);

2. Except as provided in Parts II.A.3, II.A.4., or Part II.A.5, parties defined as operators solely due to their day-to-day operational control over those activities at a project site which are necessary to ensure compliance with the storm water pollution prevention plan or other permit conditions (e.g., general contractor, erosion control contractor, etc.) should submit an NOI at least thirty (30) days prior to commencing work at the site.

3. For storm water discharges from construction sites where the operator changes, (including projects where an operator is added after an NOI has been submitted under Parts II.A.1 or II.A.2) an NOI in accordance with the requirements of this Part should be submitted at least thirty (30) days prior to when the new operator assumes operational control over site specifications or commences work at the site.

4. Utility Companies (i.e., telephone, electric, gas, water, sewer, cable TV, etc. companies that provide service to the public) whose involvement in an individual construction project is limited to installation of underground or above-ground service lines and associated equipment to provide connections from a main transmission line to individual customers (e.g., homes, apartments, businesses, etc.) or a location where the site operator's utility subcontractor will tap in (e.g., public water utility installs a stub with a tap into the main trunk line and developer's utility contractors run the distribution lines), may file a single NOI to obtain coverage for all such activities in the permit areas defined in Part I.A. Permit coverage obtained in this manner is limited to the utility company's activities on sites where:

a. An operator of the individual construction project has obtained permit coverage under this or an alternative general permit or under an individual permit;

b. The pollution prevention plan for the site identifies control measures for utilities installation activities; and

c. The party responsible for implementation of each control measure for utilities installation is clearly identified.

Where a utility company is constructing a main transmission line, or other project for themselves, the utility company must obtain permit coverage on a site-by-site basis.

Note: Utility contractors hired by a utility company or other site operator and not meeting the definition of "operator" are considered subcontractors and are covered by the subcontractor certification requirements of Part IV.E.

5. The DEQ reserves the right to bring appropriate enforcement actions for any unpermitted activities that may have occurred between the time construction commenced and authorization of future discharges.

6. Permittees with construction projects authorized to discharge under the previous general permit issued in 1992 by EPA and now replaced by this OPDES permit must:

a. Submit a new NOI within thirty (30) days of the effective date of this permit in order to be authorized to discharge after [insert date 30 days after effective date of permit]. If the permittee will be eligible to submit a Notice of Termination (NOT) (e.g., construction finished and final stabilization complete) before the 30th day, no NOI is required.

b. Update their current pollution prevention plan to comply with the requirements of Part IV no later than [insert date 30 days from the effective date of the permit].

B. Contents of Notice of Intent

1. Notice of Intent for Individual Construction Projects

The Notice(s) of Intent shall be signed in accordance with Part VI.G of this permit and shall include the following information:

a. The street address (description of location if no street address is available), county, and the latitude and longitude of the approximate center of the construction site/project for which the notification is submitted;

b. The name, address, and telephone number of the operator(s) filing the NOI for permit coverage and operator status as a Federal, State, private, or other public entity;

c. The name, address, and telephone number of the construction site owner and owner's status as a Federal, State, private, or other public entity;

d. The name of the receiving water(s), or if the discharge is through a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the receiving water(s);

e. The permit number of any NPDES and OPDES permit(s) for any discharge(s) (including any storm water discharges or any non-storm water discharges) from the site, to the extent available.

f. An estimate of project start date and completion dates, estimates of the number of acres of the site on which soil will be disturbed, and

g. A certification that a storm water pollution prevention plan, including both construction and post-construction controls, has been prepared for the site in accordance with Part IV of this permit, and such plan provides compliance with approved State and/or local sediment and erosion plans or permits and/or storm water management plans or permits in accordance with Part IV.D.2.d of this permit. (A copy of the plans or permits should not be included with the NOI submission).

h. Whether, based on the instruction in Addendum A, any species identified in Addendum A are in proximity to the storm water discharges covered by this permit or the BMPs to be used to comply with permit conditions.

i. Under which section of Part I.B.3.e.(1)(Endangered Species) the applicant is certifying eligibility.

k. The following certifications shall be signed in accordance with Part VI.G.

I certify under penalty of law that I have read and understand the Part I.B. eligibility requirements for coverage under the general permit for storm water discharges from construction activities, including those requirements relating to the protection of endangered species identified in Addendum A.

I further certify that I have followed the procedures found in Addendum A to protect listed endangered and threatened species and designated critical habitat and that the discharges covered under this permit and BMPs to control storm water runoff meet one of the eligibility requirements of Part I.B.3.e.(1) of this permit. Check the box(es) corresponding to that part of Part I.B.3.e.(1) under which you claim compliance with the eligibility requirements of the permit--(a), (b), (c), (d), or (e).

2. Notice of Intent for Permit Issuance Area-wide Coverage of Utility Companies While Installing Utility Service

The Notice(s) of Intent for utility companies filing for area-wide coverage in accordance with Part II.A.4. shall be signed in accordance with Part VI.G of this permit and shall include the following information:

a. The name, address, and telephone number of the utility company filing the NOI for permit coverage and operator status as a Federal, State, private, or other public entity;

b. The area for which coverage is being requested and whether or not any construction projects will be located on an Indian reservation;

c. The name, address, and telephone number of the utility company's point of contact for the utility company's compliance with the area-wide coverage granted by the permit;

d. A certification that a storm water pollution prevention plan with standard operating procedures for the limited utility company construction activities related to installation of service connections has been prepared in accordance with Part IV of this permit, and such plan provides compliance with approved State and/or local sediment and erosion plans or permits and/or storm water management plans or permits in accordance with Part IV.D.2.d of this permit. (A copy of the plans or permits should not be included with the NOI submission.)

e. Under which sections of Part I.B.3.e.1. (Endangered Species) the applicant is certifying eligibility.

f. The following certifications shall be signed in accordance with Part VI.G.

I certify under penalty of law that I have read and understand the Part I.B. eligibility requirements for coverage under the general permit for storm water discharges from construction activities, including those requirements relating to the protection of endangered species identified Part I.B.3.e.

I further certify that I understand that authorization to discharge is contingent on a principal operator of a construction project having been granted coverage under this, or an alternative NPDES or OPDES permit for the areas of the site where utilities installation activities will occur and that a pollution prevention plan including appropriate control measures for activities related to installation of utility service has been prepared and will be implemented.

I further certify that I have followed the procedures found in Addendum A to protect listed

endangered and threatened species and designated critical habitat and that the discharges covered under this permit and BMPs to control storm water runoff meet one of the eligibility requirements of Part I.B.3.e.(1) of this permit. Check the box(es) corresponding to that part of Part I.B.3.e.(1) under which you claim compliance with the eligibility requirements of the permit-(a), (b), (c), (d), or (e).

I understand that continued coverage under this storm water general permit is contingent upon maintaining eligibility as provided for in Part I.B.

C. Where to Submit

1. NOIs, signed in accordance with Part VI.G of this permit, are to be submitted to the DEQ the address: Storm Water Notice of Intent, Oklahoma Department of Environmental Quality, Water Quality Division, 1000 N.E. Tenth Street, Oklahoma City, Oklahoma 73117-1212.

2. A copy of the DEQ's acknowledgment of coverage under the general permit and assignment of a permit number; a local contact telephone number/address for public access to view the pollution prevention plan at reasonable times during regular business hours (advance notice by the public of the desire to view the plan may be required, not to exceed two working days). The permit does not require that free copies of the plan be provided to interested members of the public, only that they have reasonable access to view the document and copy it at their own expense. A brief description of the project shall also be posted at the construction site in a prominent and safe place for public viewing during regular business hours (alongside the building permit if the building permit is required to be displayed).

Part III. Special Conditions, Management Practices, and Other Non-Numeric Limitations

A. Prohibition on Non-Storm Water Discharges

1. Except as provided in paragraph I.B.2 or 3 and III.A.2, all discharges covered by this permit shall be composed entirely of storm water.

2. Discharges of material other than storm water that are in compliance with a NPDES permit (other than this permit) issued for that discharge may be mixed with discharges authorized by this permit.

3. The following non-storm water discharges are authorized by this permit provided the non-storm water component of the discharge is in compliance with paragraph IV.D.5: discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles or control dust in accordance with Part IV.D.2.c.(2); potable water sources including waterline flushings; routine external building washdown which does not use detergents; pavement washwaters 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; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

B. Releases in Excess of Reportable Quantities

The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. This permit does not relieve the permittee of the reporting requirements of 40 CFR 117 and 40 CFR 302. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR 117 or 40 CFR 302, occurs during a 24 hour period:

1. The permittee is required to notify the National Response Center (NRC) (800-424-8802; in the Washington, DC metropolitan area 202-426-2675) in accordance with the requirements of 40 CFR 117 and 40 CFR 302 as soon as he or she has knowledge of the discharge;

2. The permittee shall submit within 14 calendar days of knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and steps to be taken to minimize the chance of future occurrences to the EPA Regional Office, at United States EPA, Region VI, Waste Management Division, (6W-EA), Storm Water Staff, First Interstate Bank Tower, at Fountain Place, 1445 Ross Avenue, 12th Floor, Suite 1200, Dallas, Texas, 75202; and

3. The storm water pollution prevention plan required under Part IV of this permit must be modified within 14 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. In addition, the plan must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

C. Spills

This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

D. Discharge Compliance With Water Quality Standards

Dischargers seeking coverage under this permit shall not be causing or have the reasonable potential to cause or contribute to a violation of a water quality standard. Where a discharge is already authorized under this permit and is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable State Water Quality Standard, the permitting authority will notify the operator of such violation(s) and the permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions in the pollution prevention plan. If violations remain or re-occur, then coverage under this permit will be terminated by the permitting authority and an alternative permit may be issued. Compliance with this requirement does not preclude any enforcement activity as provided by the Oklahoma Environmental Quality Code for the underlying violation.

E. Responsibilities of Operators

1. Developer/Owner Operator--The permittee(s) with operational control over project specifications (including the ability to make modifications in specifications) (e.g. developer or

owner) must:

a. Ensure the project specifications for the portion of the site for which they are operators meet the minimum requirements of Part IV (Pollution Prevention Plan Development) and all other applicable conditions;

b. Ensure that the pollution prevention plan indicates which areas of the project they have operational control over and ensure that if modifications are made to the pollution prevention plan, where other operators are implementing portions of the plan, that these other operators be immediately notified of such modifications.

c. Ensure that the pollution prevention plan for the portion of the site for which they are operators indicates the name and NPDES or OPDES permit number for parties with day to day operational control of those activities necessary to ensure compliance with the storm water pollution prevention plan or other permit conditions. If these parties have not been identified at the time the pollution prevention plan is initially developed, the permittee with operational control over project specifications shall be considered to be the responsible party until such time as the authority is transferred to another party (e.g. general contractor hired) and the plan updated;

d. Ensure that the pollution prevention plan complies with measures to identify and protect listed threatened and endangered species and/or critical habitat as specified in Part I.B.3.e., Addendum A of this permit and as may be required as a result of consultation;

2. Full Site Operator--The permittee(s) with day-to-day operational control of those activities at a project site which are necessary to ensure compliance with the storm water pollution prevention plan or other permit conditions (e.g. general contractor) must:

a. Ensure the pollution prevention plan for the portion of the site for which they are operators meets the minimum requirements of Part IV (Pollution Prevention Plan Development) and identifies the parties responsible for implementation of control measures identified in the plan;

b. Ensure that the pollution prevention plan indicates which areas of the project they have operational control over and ensure that if modifications are made to the pollution prevention plan, where other operators are implementing portions of the plan, that these other operators be immediately notified of such modifications;

c. Ensure that the pollution prevention plan for the portion of the site for which they are operators indicates the name and NPDES or OPDES permit number of the party with operational control over project specifications (including the ability to make modifications in specifications);

d. Ensure that the pollution prevention plan complies with measures to identify and protect listed threatened and endangered species and/or critical habitat as specified in Part I.B.3.e., Addendum A of this permit and as may be required as a result of consultation;

3. Partial Site Operators. Permittees with operational control over only a portion of a larger construction site (e.g., one of four homebuilders in a particular subdivision, utility companies, etc.) are responsible for compliance with all applicable terms and conditions of this permit as it relates to their activities on their portion of the construction site, including protection of endangered species, and implementation of pollution prevention plan measures. Partial site operators shall ensure (either directly or through coordination with another permittee) that their activities do not render another party's pollution controls ineffective. Partial site operators must either implement their portions of a common pollution prevention plan developed by a full site

operator or develop and implement their own pollution prevention plan.

Part IV. Storm Water Pollution Prevention Plans

A storm water pollution prevention plan shall be developed for each construction site covered by this permit (at least one per permit area for utility company service connection permit coverage). 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 pollution prevention plan is encouraged. Individual operators at a site may, but are not required, to develop separate pollution prevention plans that cover only their portion of the project provided reference is made to other operators at the site. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site. The plan shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges associated with construction activity at the construction site and to assure compliance with the terms and conditions of this permit. When developing pollution prevention plans, applicants must follow the procedures in Addendum A of this permit to determine whether endangered and threatened species would be affected by the applicant's storm water discharges or BMPs to control storm water runoff. Any information on whether endangered and threatened species and their critical habitat are found in proximity to the construction site must be included in the pollution prevention plan. Any terms or conditions that are imposed under the eligibility requirements of Part I.B.3.e and Addendum A of this permit to protect endangered and threatened species and/or critical habitat from storm water discharges or BMPs to control storm water runoff must be incorporated into the pollution prevention plan. Permittees must implement the applicable provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

A. Deadlines for Plan Preparation and Compliance

The plan shall:

1. Be completed (including certifications required under Part IV.E) prior to the submittal of an NOI to be covered under this permit and updated as appropriate; and
2. The plan shall provide for compliance with the terms and schedule of the plan beginning with the initiation of construction activities.

B. Signature, Plan Review and Making Plans Available

1. The plan shall be signed in accordance with Part VI.G, and be retained on-site at the facility which generates the storm water discharge in accordance with Part V (retention of records) of this permit. If the site is inactive or does not have an on site location adequate to store the pollution prevention plan, the location of the plan, along with a contact phone number, shall be posted on site. If the plan is located off site, reasonable local access to the plan, during normal working hours, must be provided as described below.

2. The permittee shall make plans available upon request to the DEQ or any other State or local agency approving sediment and erosion plans, grading plans, or storm water management plans; interested members of the public; local government officials; or to the operator of a municipal separate storm sewer receiving discharges from the site. Viewing by the public shall be at reasonable times during regular business hours (advance notice by the public of the desire to view the plan may be required, not to exceed two working days). The permit does not require that free copies of the plan be provided to interested members of the public, only that they have reasonable access to view the document and copy it at their own expense. The copy of the plan required to be kept onsite (or locally available) must be made available to the DEQ (or authorized representative) for review at the time of an onsite inspection.

3. The DEQ, or authorized representative, may notify the permittee (co-permittees) at any time that the plan does not meet one or more of the minimum requirements of this Part. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this Part. Within 7 calendar days of receipt of such notification from the Director, (or as otherwise provided by the Director), or authorized representative, the permittee shall make the required changes to the plan and shall submit to the DEQ a written certification that the requested changes have been made. The DEQ may take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of the permit.

C. Keeping Plans Current

The permittee must amend the plan whenever:

1. There is a change in design, construction, operation, or maintenance, which has a significant effect on the discharge of pollutants to the waters of the State and which has not otherwise been addressed in the plan;

2. Inspections or investigations by site operators, local, State or federal officials indicate the storm water pollution prevention plan is proving ineffective in eliminating or significantly minimizing pollutants from sources identified under Part IV.D.2 of this permit, or is otherwise not achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity; and

3. The plan shall be amended to identify any new contractor and/or subcontractor that will implement a measure of the storm water pollution prevention plan (see Part IV.E). The plan must also be amended to address any measures necessary to protect endangered and threatened species. Amendments to the plan may be reviewed by DEQ in the same manner as Part IV.B above.

D. Contents of Plan

The storm water pollution prevention plan shall include the following items:

1. Site Description

Each plan shall provide a description of pollutant sources and other information as indicated:

- a. A description of the nature of the construction activity;
- b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation, etc);
- c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities;
- d. An estimate of the runoff coefficient of the site after construction activities are completed and existing data describing the soil or the quality of any discharge from the site;
- e. A general location map (e.g. portion of a city or county map or similar scale) and a site map indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, an outline of areas which are not to be disturbed, the location of major structural and nonstructural controls identified in the plan, the location of areas where stabilization practices are expected to occur, surface waters (including wetlands), and locations where storm water is discharged to a surface water;
- f. A description of any discharge associated with industrial activity other than construction (including storm water discharges from dedicated asphalt plants and dedicated concrete plants) covered by the permit; and the location of that activity;
- g. The name of the receiving water(s), and areal extent of wetland acreage at the site;
- h. A copy of the permit requirements (may simply attach copy of permit language);
- i. Information on whether listed endangered or threatened species and/or critical habitat are found in proximity to the construction activity and whether such species are adversely affected by the applicant's storm water discharges or BMPs to control storm water runoff as required under Addendum A of the permit.

2. Controls

Each plan shall include a description of appropriate controls and measures that will be implemented at the construction activity. The plan must clearly describe for each major activity identified in Part IV.D.1.b: (a) appropriate control measures and the timing during the construction process that the measures will be implemented and (b) which permittee is responsible for implementation (e.g., perimeter controls for one portion of the site will be installed by Contractor A after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained by Contractor B until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed by Owner after final stabilization). The description and implementation of controls shall address the following minimum components:

a. Erosion and Sediment Controls.

(1) Short and Long Term Goals and Criteria:

(a) The construction-phase erosion and sediment controls should be designed to retain sediment on site to the maximum extent practicable.

(b) All control measures must be properly selected, installed, and maintained in accordance with the manufacturers specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the permittee must replace or modify the control for site situations.

(c) If sediments escapes the construction site, off-site accumulations of sediment must be

removed at a frequency sufficient to minimize offsite impacts (e.g., fugitive sediment in street could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).

(d) Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.

(e) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g. screening outfalls, picked up daily, etc.).

(f) Offsite material storage areas (also including overburden and stockpiles of dirt, etc.) used solely by the permitted project are considered a part of the project and shall be addressed in the pollution prevention plan.

(2) Stabilization Practices:

A description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for stabilization should be avoided. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the construction site log along with inspections.. Except as provided in paragraphs IV.D.2.(a).(1).(a), (b), and (c) below, stabilization measures shall 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.

(a) Where the initiation of stabilization is precluded by severe and/or adverse climatological conditions, in which case , stabilization measures shall be initiated as soon as practicable.

(b) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 21 days, temporary stabilization measures do not have to be initiated on that portion of site.

(c) In semi-arid areas (areas with an average annual rainfall of 10 to 20 inches), and areas experiencing droughts where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonal arid conditions, stabilization measures shall be initiated as soon as practicable.

(3) Structural Practices:

A description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Placement of Structural practices in floodplains should be avoided to the degree attainable. The installation of these devices may be subject to section 404 of the Clean

Water Act (CWA).

(a) For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. The 3,600 cubic feet of storage area per acre drained does not apply to flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. For drainage locations which serve 10 or more disturbed acres at one time and where a temporary sediment basin providing 3,600 cubic feet of storage per acre drained, 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 downslope boundaries of the construction area and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

(b) For drainage locations serving less than 10 acres, 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 downslope boundaries (and those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for 3,600 cubic feet of storage per acre drained is provided.

b. Storm Water Management. A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to section 404 of the CWA. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with construction activity have been eliminated from the site. However, post-construction storm water BMPs that discharge pollutants from point sources once construction is completed, may in themselves, need authorization under a separate OPDES permit.

(1) Such practices may include: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices). The pollution prevention plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.

(2) Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel for the purpose of providing a non-erosive velocity flow 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).

c. Other Controls.

(1) No solid materials, including building materials, shall be discharged to waters of the State, except as authorized by a section 404 of the CWA.

(2) Off-site vehicle tracking of sediments and the generation of dust shall be minimized.

(3) The plan shall ensure and demonstrate compliance with State and/or local waste disposal, sanitary sewer or septic system regulations to the extent these are located within the permitted area.

(4) The plan shall include a narrative description of practices to reduce pollutants from construction related materials which are stored onsite including an inventory of construction materials (including waste materials), storage practices to minimize exposure of the materials to storm water, and spill prevention and response.

(5) 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.

(6) The plan shall include measures to protect listed endangered and threatened species and/or critical habitat (if applicable) including any terms or conditions that are imposed under the eligibility requirements of Part I.B.3.e and Addendum A of this permit to protect such species and/or critical habitat from storm water discharges or BMPs to control storm water runoff. Failure to include these measures will result in the storm water discharges from the construction activities being ineligible for coverage under this permit.

d. Approved Local Plans.

(1) Permittees which discharge storm water associated construction activities must include in their storm water pollution prevention plan procedures and requirements specified in applicable sediment and erosion site plans or site permits, or storm water management site plans or site permits approved by local officials. Permittees shall provide a certification in their storm water pollution prevention plan that their storm water pollution prevention plan reflects requirements applicable to protecting surface water resources in sediment and erosion site plans or site permits, or storm water management site plans or site permits approved by State, Tribal or local officials. Permittees shall comply with any such requirements during the term of the permit. This provision does not apply to provisions of master plans, comprehensive plans, non-enforceable guidelines or technical guidance documents that are not identified in a specific plan or permit that is issued for the construction site.

(2) Storm water pollution prevention plans must be amended to reflect any change applicable to protecting surface water resources in sediment and erosion site plans or site permits, or storm water management site plans or site permits approved by local officials for which the permittee receives written notice. Where the permittee receives such written notice of a change, the permittee shall provide a recertification in the storm water pollution plan that the storm water pollution prevention plan has been modified to address such changes.

(3) Dischargers seeking alternative permit requirements shall submit an individual permit application in accordance with Part VI.L of the permit at the address indicated in Part V.C of this permit for the DEQ, along with a description of why requirements in approved local plans or permits, or changes to such plans or permits, should not be applicable as a condition of an NPDES or OPDES permit.

3. Maintenance

A description of procedures to ensure the timely maintenance of vegetation, erosion and sediment control measures and other protective measures identified in the site plan in good and effective operating condition. Maintenance needs identified in inspections or by other means shall

be accomplished before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

4. Inspections

Qualified personnel (provided by the permittee or cooperatively by multiple permittees) shall inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site at least once every fourteen calendar days, before anticipated storm events (or series of storm events such as intermittent showers over one or more days) expected to cause a significant amount of runoff and within 24 hours of the end of a storm event of 0.5 inches or greater. Where sites have been finally or temporarily stabilized, runoff is unlikely due to winter conditions (e.g. site covered with snow, ice, or frozen ground), or during seasonal arid periods in semi-arid areas (areas with an average annual rainfall of 10 to 20 inches) such inspection shall be conducted at least once every month.

a. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.

b. Based on the results of the inspection, the site description identified in the plan in accordance with paragraph IV.D.1 of this permit and pollution prevention measures identified in the plan in accordance with paragraph IV.D.2 of this permit shall be revised as appropriate, but in no case later than 7 calendar days following the inspection. Such modifications shall provide for timely implementation of any changes to the plan within 7 calendar days following the inspection.

c. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan (including the location(s) of discharges of sediment or other pollutants from the site and of any control device that failed to operate as designed or proved inadequate for a particular location), and actions taken in accordance with paragraph IV.D.4.b of the permit shall be made and retained as part of the storm water pollution prevention plan for at least three years from the date that the site is finally stabilized. Such reports shall identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part VI.G of this permit.

5. Non-Storm Water Discharges

Except for flows from fire fighting activities, sources of non-storm water listed in Part III.A.2 of this permit that are combined with storm water discharges associated with construction activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the

discharge.

Contractor and Subcontractor Certifications

1. Contractors and Subcontractors Implementing Storm Water Control Measures

The storm water pollution prevention plan must clearly identify for each control measure identified in the plan, the party that will implement the measure. The Permittee(s) shall insure all contractors and subcontractors identified in the plan as being responsible for implementing storm water control measures sign a copy of the following certification statement, in accordance with Part VI.G of this permit, before performing any work in the area covered by the storm water pollution prevention plan. All certifications must be included with the storm water pollution prevention plan.

I certify under penalty of law that I understand the terms and conditions of the Oklahoma Pollutant Discharge Elimination System Act (OPDES) general permit that authorizes storm water discharges associated with construction activity from the construction site identified as part of this certification.

The certification must include the name and title of the person providing the signature in accordance with Part VI.G of this permit; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

2. Contractors and Subcontractors Impacting Storm Water Control Measures

The permittee shall insure contractor(s) and/or subcontractor(s) that will conduct activities that impact the effectiveness of control measures identified in the plan, but who do not meet the definition of "operator" (Part IX), sign a copy of the following certification statement, in accordance with Part VI.G of this permit, before beginning work on site. All certifications must be included with the storm water pollution prevention plan.

I certify under penalty of law that I will coordinate, either through the general contractor, owner, or directly, with the contractor(s) and/or subcontractor(s) identified in the pollution prevention plan having responsibility for implementing storm water control measures to minimize any impact my actions may have on the effectiveness of these storm water controls measures.

The certification must include the name and title of the person providing the signature in accordance with Part VI.G of this permit; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

3. Utility Companies

The storm water pollution prevention plan must clearly identify, for each control measure identified in the plan relating to the installation of utility service, the party that will implement the measure. The Permittee(s) shall provide to the site operator(s) responsible for maintenance of the pollution prevention plan addressing impacts of utilities installation, a copy of the following certification statement, signed in accordance with Part VI.G of this permit, before performing any work in the area covered by the storm water pollution prevention plan. All certifications

must be included with the storm water pollution prevention plan.

I certify under penalty of law that I understand the terms and conditions of the Oklahoma Pollutant Discharge Elimination System Act (OPDES) general permit that authorizes storm water discharges associated with construction activity from the portion of the construction site that will be disturbed during my installation of utility service.

The certification must include the name and title of the person providing the signature in accordance with Part VI.G of this permit; the name, address and telephone number of the permittee; the address (or other identifying description) of the site; and the date the certification is made.

Part V. Retention of Records

A. Documents

The permittee shall retain copies of storm water pollution prevention plans and all reports required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit, for a period of at least three years from the date that the site is finally stabilized. This period may be extended by request of the Director at any time.

B. Accessibility

The permittee shall retain a copy of the storm water pollution prevention plan required by this permit (including a copy of the permit language) at the construction site (or other local location accessible to the DEQ and the public) from the date of project initiation to the date of final stabilization. The permittees with day to day operational control over pollution prevention plan implementation shall have a copy of the plan available at a central location onsite for the use of all operators and those identified as having responsibilities under the plan whenever they are on the construction site.

C. Addresses

Except for the submittal of NOIs (see Part II.C of this permit), all written correspondence concerning discharges in Oklahoma covered under this permit should be sent to Storm Water Unit, Oklahoma Department of Environmental Quality, Water Quality Division, 1000 N.E. Tenth Street, Oklahoma City, Oklahoma 73117-1212

Part VI. Standard Permit Conditions

A. Duty To Comply

1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of OPDES and is grounds for enforcement action; for permit termination,

revocation and reissuance, or modification; or for denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions.

Criminal

(1) Negligent Violations. OPDES provides that any person who negligently violates permit conditions is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

(2) Knowing Violations. OPDES provides that any person who knowingly violates permit conditions is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.

(3) Knowing Endangerment. OPDES provides that any person who knowingly violates permit conditions and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both.

(4) False Statement. OPDES provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under OPDES or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under OPDES, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or by both.

Civil Penalties

OPDES provides that any person who violates a permit condition is subject to a civil penalty not to exceed \$10,000 per day for each violation.

c. Administrative Penalties

OPDES provides that any person who violates a permit condition is subject to an administrative penalty, not to exceed \$10,000 per violation nor shall the maximum amount exceed \$125,000.

B. Continuation of the Expired General Permit

This permit expires five years after the effective date. However, an expired general permit may continue in force and effect. To retain coverage under the continued permit, permittees should provide notice of their intent to remain covered under this permit at least thirty (30) days prior to the expiration date. The notice must be signed in accordance with Part VI.G.1. of this permit and must contain the following information:

1. Name, address and telephone number of the operator.
2. The existing storm water construction permit number.

C. Need To Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee 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.

D. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Duty to Provide Information

The permittee shall furnish to the DEQ or an authorized representative of the DEQ any information which is requested to determine compliance with this permit or other information.

F. Other Information

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the DEQ, he or she shall promptly submit such facts or information.

G. Signatory Requirements

All Notices of Intent, storm water pollution prevention plans, reports, certifications or information either submitted to the Director or the operator of a large or medium municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed as follows:

1. All Notices of Intent shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: 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 the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

2. All reports required by the permit and other information requested by the DEQ or authorized representative of the DEQ shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described above and submitted to the

Q.

b. 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 manager, operator, superintendent, or 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).

c. Changes to authorization. If an authorization under paragraph II.B. is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new notice of intent satisfying the requirements of paragraph II.B must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing documents under paragraph VI.G shall make 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, 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.

Penalties for Falsification of Reports

OPDES provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or by both.

I. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under OPDES, section 311 of the CWA or section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

J. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

K. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

L. Requiring an Individual Permit or an Alternative General Permit

1. The DEQ may require any person authorized by this permit to apply for and/or obtain either an individual OPDES permit or an alternative OPDES general permit. Any interested person may petition the DEQ to take action under this paragraph. Where the DEQ requires a discharger authorized to discharge under this permit to apply for an individual OPDES permit, the DEQ shall notify the discharger in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of issuance or denial of the individual OPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications shall be submitted to the DEQ. The DEQ may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an individual OPDES permit application as required by the DEQ under this paragraph, then the applicability of this permit to the individual OPDES permittee is automatically terminated at the end of the day specified by the DEQ for application submittal.

2. Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of OAC 252:605, with reasons supporting the request, to the DEQ at the address indicated in this permit. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.

3. When an individual OPDES permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative OPDES general permit, the applicability of this permit to the individual OPDES permittee 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. When an individual OPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative OPDES general permit, the applicability of this permit to the individual OPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the DEQ.

M. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water

nollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

N. Inspection and Entry

The permittee shall allow the DEQ, an authorized representative, in the case of a construction site which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
3. *Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).*

P. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or notification of planned changes or anticipated noncompliance does not stay any permit action.

Part VII. Reopener Clause

A. If there is evidence indicating that the storm water discharges authorized by this permit cause, have the reasonable potential to cause or contribute to, a violation of a water quality standard, the discharger may be required to obtain individual permit or an alternative general permit in accordance with Part I.C of this permit or the permit may be modified to include different limitations and/or requirements.

B. Permit modification or revocation will be conducted according to Oklahoma Law.

Part VIII. Termination of Coverage

A. Notice of Termination

Where a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated, or where the operator of all storm water discharges at a facility changes, the permittee must submit a Notice of Termination that is signed in accordance with Part VI.G of this permit. The Notice of Termination shall include the following information:

1. The street (description of location if no street address is available) address of the

construction site for which the notification is submitted;

2. The name, address and telephone number of the permittee submitting the Notice of Termination;

3. The OPDES permit number for the storm water discharge identified by the Notice of Termination;

4. An indication of whether the storm water discharges associated with construction activity have been eliminated or the operator of the discharges has changed;

5. For changes in operators, the name, address, and phone number of the new operator, and

6. The following certification signed in accordance with Part VI.G (signatory requirements) of this permit:

I certify under penalty of law that either: (a) all storm water discharges associated with construction activity from the portion of the identified facility where I was an operator have ceased or have been eliminated or (b) I am no longer an operator at the construction site and a new operator has assumed operational control for those portions of the construction site where I previously had operational control. I understand that by submitting this notice of termination, I am no longer authorized to discharge storm water associated with construction activity under this general permit, and that discharging pollutants in storm water associated with construction activity to waters of the State is unlawful under OPDES where the discharge is not authorized by a NPDES or OPDES permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit or OPDES.

For the purposes of this certification, elimination of storm water discharges associated with construction activity means that all disturbed soils at the portion of the construction site where the operator had control have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time to insure final stabilization is maintained, or that all storm water discharges associated with construction activities from the identified site that are authorized by a NPDES or OPDES general permit have otherwise been eliminated from the portion of the construction site where the operator had control.

B. Addresses

All Notices of Termination are to be sent, using the form provided by the Director (or a photocopy thereof), to the address specified on the NOT form.

Part IX. Definitions

“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 State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Control Measure"--As used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

"Commencement of Construction"--The initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

"CWA" means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C 1251 et seq.

"DEQ" means the Oklahoma Department of Environmental Quality.

"Discharge of Storm Water Associated with Construction Activity"--As used in this permit, refers to storm water "point source" discharges from areas where soil disturbing activities (e.g., clearing, grading, or excavation, etc.), construction materials or equipment storage or maintenance (e.g., fill piles, concrete truck washout, fueling, etc.), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants, etc.) are located.

"Executive Director" means the Executive Director of the Oklahoma Department of Environmental Quality

"Final Stabilization" means that all soil disturbing activities at the site have been completed, and that a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 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. In some parts of the country, background native vegetation will cover less than 100% of the ground (e.g. arid areas). Establishing at least 70% of the natural cover of native vegetation meets the vegetative cover criteria for final stabilization. For example, if the native vegetation covers 50% of the ground, 70% of 50% would require 35% total cover for final stabilization.

"Flow-weighted composite sample" means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

"Large and Medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:

(i) Located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR 122); or

(ii) Located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR 122); or

(iii) Owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

"NOI" means notice of intent to be covered by this permit (see Part II of this permit.)

"NOT" means notice of termination (see Part VIII of this permit).

"OPDES" means the Oklahoma Pollutant Discharge Elimination System Act.

"Operator" means any party associated with the construction project that meets either of the following 2 criteria: (1) The party has operational control over project specifications (including the ability to make modifications in specifications), or (2) the party has day-to-day operational

control of those activities at a project site which are necessary to ensure compliance with the storm water pollution prevention plan or other permit conditions (e.g., they are authorized to direct workers at the site to carry out activities identified in the storm water pollution prevention plan or comply with other permit conditions).

“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 discharges. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

“Runoff coefficient” means the fraction of total rainfall that will appear at the conveyance as runoff.

“Storm Water” means storm water runoff, snow melt runoff, and surface runoff and drainage.

“Storm Water Associated with Industrial Activity” is defined at 40 CFR 122.26(b)(14) and incorporated here by reference. Most relevant to this permit is 40 CFR 122.26(b)(14)(x), which relates to construction activity including clearing, grading and excavation activities.

“Waters of the State” means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, storm sewers, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof, shall include all circumstances the waters of the United States which are contained within the boundaries of, flow through or border upon this state or any portion thereof.

Addendum A--Endangered Species Guidance

I. Instructions

Below is a list of endangered and threatened species that EPA has determined may be affected by the activities covered by the baseline construction general permit (BCGP). These species are listed by county. In order to get BCGP coverage, applicants must:

- + Indicate in box provided on the NOI whether any species listed in this Addendum or critical habitat are in proximity to the facility,

- + Certify pursuant to Section I.B.3.e that they have followed the procedures found in Addendum A to protect listed endangered and threatened species and designated critical habitat and that the storm water discharges and BMPs to control storm water run off covered under this permit meet one or more of the eligibility requirements of Part I.B.3.e.(1) of this permit, while checking the box(es) that correspond to paragraph (a), (b), (c), (d), or (e) of Part I.B.3.e.(1) for which eligibility is claimed.

To do this, please follow steps 1 through 6 below when developing the pollution prevention plan below.

Step 1: Determine if the Construction Site Is Found Within Designated Critical Habitat for Listed

Species

Some (but not all) listed species have designated critical habitat. Exact locations of such habitat is provided in the Service regulations at 50 CFR part 17 and part 226. To determine if their construction site occurs within (also known as “in proximity to”) critical habitat, applicants should either review those regulations or contact the United States Fish and Wildlife Service (FWS) Office, 222 S. Houston, Tulsa, Oklahoma, 74127 .

If the construction site is not located in designated critical habitat, then the applicant need not consider impacts to critical habitat when following steps 2 through 5. If the applicant’s site is located within (i.e. in proximity to) critical habitat then the applicant must look at impacts to critical habitat when following steps 2 through 6.

(EPA notes that many measures imposed to protect listed species under steps 2 through 6 will also protect critical habitat. However, obligations to ensure that an action is not likely to result in the destruction or adverse modification of critical habitat are separate from those of ensuring that an action is not likely to jeopardize the existence of threatened and endangered species. Thus, meeting the eligibility requirements of this permit may require measures to protect critical habitat that are separate and distinct from those to protect listed species.)

Step 2: Review the County Species List To Determine if any Species Are located in the County Where the Construction Activities Occurs

If no species are listed in a facility’s county or if a facility’s county is not found on the list, an applicant is eligible for BCGP coverage and may indicate in the NOI that no species are found in proximity and certify that it is eligible for BCGP coverage under Part I.B.3.e.(1)(a) of the permit by marking box a. in the certification provisions of the NOI. Where a facility is located in more than one county, the lists for all counties should be reviewed. If species are located in the county, follow step 3 below.

Step 3: Determine if any Species May Be Found “In Proximity” to the Construction Activity’s Storm Water Discharges

A species is in proximity to a construction activity’s storm water discharge when the species is:

- + Located in the path or immediate area through which or over which contaminated point source storm water flows from construction activities to the point of discharge into the receiving water.

- + Located in the immediate vicinity of, or nearby, the point of discharge into receiving waters.

- + Located in the area of a site where storm water BMPs are planned or are to be constructed.

The area in proximity to be searched/surveyed for listed species will vary with the size and structure of the construction activity, the nature and quantity of the storm water discharges, and the type of receiving waters. Given the number of construction activities potentially covered by the BCGP, no specific method to determine whether species are in proximity is required for permit coverage under the BCGP. Instead, applicants should use the method or methods which

best allow them to determine to the best of their knowledge whether species are in proximity to their particular construction activities. These methods may include:

- + Conducting 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.

- + Contacting the nearest U.S. Fish and Wildlife Service (FWS) office. Many endangered and threatened species are found in well-defined areas or habitats. That information is frequently known to State or Federal wildlife agencies.

- + Contacting local/regional conservation groups. These groups inventory species and their locations and maintain lists of sightings and habitats.

- + Conducting a formal biological survey. Larger construction sites with extensive storm water discharges may choose to conduct biological surveys as the most effective way to assess whether species are located in proximity and whether there are likely adverse effects.

- + Conducting an Environmental Assessment Under the National Environmental Policy Act (NEPA). Some construction activities may require environmental assessments under NEPA. Such assessments may indicate if listed species are in proximity. (BCGP coverage does not trigger NEPA because it does not regulate any dischargers subject to New Source Performance Standards under section 306 of the Clean Water Act. See CWA Sec. 511(c). However, some construction activities might require review under NEPA because of Federal funding or other Federal nexus.)

If no species are in proximity, an applicant is eligible for BCGP coverage and may indicate that in the NOI and certify that it is eligible for BCGP coverage under Part I.B.3.E.(1)(a) of the permit by marking box a. in the certification provisions of the NOI.

If listed species are found in proximity to a facility, applicants must indicate the location and nature of this presence in the Pollution Prevention Plan and follow step 4 below.

Step 4: Determine if Species or Critical Habitat Could Be Adversely Affected by the Construction Activity's Storm Water Discharges or by BMPs To Control Those Discharges

Scope of Adverse Effects: Potential adverse effects from storm water include:

- + Hydrological. Storm water may cause siltation, sedimentation or induce other changes in the 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.

- + 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. Applicants must also consider the likelihood of adverse effects on species from any BMPs to control storm water. Most adverse impacts from BMPs are likely to occur from the construction activities. However, it is possible that the operation of some BMPs (for example, larger storm water retention ponds) may affect endangered and threatened species.

If adverse effects are not likely, then the applicant should certify that it is eligible for BCGP

coverage under Part I.B.3.e(1)(a) of the permit by marking box a. in the certification provisions of the NOI. If adverse effects are likely, applicants should follow step 5 below.

Step 5: Determine if Measures Can Be Implemented To Avoid any Adverse Effects

If an applicant determines that adverse effects are likely, it can receive coverage if appropriate measures are undertaken to avoid or eliminate any actual or potential adverse effects prior to applying for permit 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 limiting the size of construction activity that will be subject to storm water discharge controls.

At this stage, applicants may wish to contact the FWS to see what appropriate measures might be suitable to avoid or eliminate 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 which is described in more detail below at Step Six.

If applicants adopt measures to avoid or eliminate adverse effects, they must continue to abide by them during the course of permit coverage. These measures must be described in the pollution prevention plan and may be enforceable as permit conditions.

If appropriate measures to avoid the likelihood of adverse effects are not available to the applicant, the applicant should follow Step 6 below.

Step 6: Determine if the Eligibility Requirements of Part I.B.3.E.(1)(b)-(e) Can Be Met

Where adverse effects are likely, the applicant must contact the EPA and FWS. Applicants may still be eligible for BCGP coverage if any likelihood of adverse effects are addressed through meeting the criteria of Part I.B.3.e.(1)(b)-(e) of the permit. To do so the applicant may:

- + I.B.3.e.(1)(b). The applicant's activity has received previous authorization through an earlier section 7 consultation or issuance of a ESA section 10 permit (incidental taking permit) and that authorization addressed storm water discharges and/or BMPs to control storm water runoff. (e.g., developer included impact of entire project in consultation over a wetlands dredge and fill permit under Section 7 of the Endangered Species Act). If the applicant is eligible for coverage under this criteria, it should indicate this by marking box (b) of the certification provisions.

- + I.B.3.e.(1)(c). The applicant's activity was considered as part of a larger, more comprehensive assessment of impacts on endangered and threatened species and/or critical habitat under section 7 or section 10 of the Endangered Species Act that which accounts for storm water discharges and BMPs to control storm water runoff (e.g., where a area-wide habitat conservation plan and section 10 permit is issued which addresses impacts from construction activities including those from storm water or a NEPA review is conducted which incorporates ESA section 7 procedures). If the applicant is eligible for coverage under this criteria, it should indicate this by marking box (c) of the certification provisions.

- + I.B.3.e.(1)(d). Enter section 7 consultation with the FWS for the applicant's storm water discharges and BMPs to control storm water runoff.

In such cases, EPA automatically designates the applicant as a non-federal representative. See

I.B.3.e.(4). When conducting section 7 consultation as a non-federal representative, applicants should follow the procedures found in 50 CFR 402 the ESA regulations. Applicants must also notify EPA and the appropriate FWS office of its intention to conduct consultation as a non-federal representative.

Coverage by the BCGP is permissible under Part I.B.3.E.(1)(b) if the consultation results in either: (1) FWS written concurrence with a finding of no likelihood of adverse effects (see 50 CFR 402.13) or (2) issuance of a biological opinion in which FWS finds that the action is not likely to jeopardize the continued existence of listed endangered threatened species or result in the adverse modification or destruction of adverse habitat (see 50 CFR 403.14(h)).

Any terms and conditions developed through consultations to protect listed species and critical habitat must be incorporated into the pollution prevention plan. As noted above, applicants may, if they wish, initiate consultation during Step Five above (upon becoming aware that endangered and threatened species are in proximity to the facility).

If the applicant is eligible for coverage under this criteria, it should indicate this by marking box (d) of the certification provisions.

+ I.B.3.e.(1)(e). The applicant's activity was considered as part of a larger, more comprehensive site-specific assessment of impacts on endangered and threatened species by the owner or other operator of the site when it developed a SWPPP and that permittee certified eligibility under items I.B.3.e.(1)(a), (b), (c), or (d) of the permit (e.g. owner was able to certify no adverse impacts for the project as a whole under item (a), so contractor can then certify under item (e)). Utility companies applying for area-wide permit coverage may certify under item (e) since authorization to discharge is contingent on a principal operator of a construction project having been granted coverage under this, or an alternative NPDES or OPDES permit for the areas of the site where utilities installation activities will occur.

If the applicant is eligible for coverage under this criteria, it should indicate this by marking box (e) of the certification provisions.

The applicant must comply with any terms and conditions imposed under the eligibility requirements of paragraphs I.B.3.e.(1)(a), (b), (c), (d), (e) to ensure that storm water discharges or BMPs to control storm water runoff are protective of listed endangered and threatened species and/or critical habitat. Such terms and conditions must be incorporated in the applicant's storm water pollution prevention plan.

If the eligibility requirements of Part I.B.3.e.(1)(a)-(e) cannot be met then the applicant may not receive coverage under the BCGP. Applicants should then consider applying to DEQ for an individual permit.

This permit does not authorize any "taking" (as defined under section 9 of the Endangered Species Act) of endangered or threatened species unless such takes are authorized under sections 7 or 10 the Endangered Species Act. Applicants who believe their construction activities may result in takes of listed endangered and threatened species should be sure to get the necessary coverage for such takes through an individual consultation or section 10 permit.

This permit does not authorize any storm water discharges or BMPs to control storm water runoff that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the Endangered Species Act or result in the adverse modification or destruction of designated critical habitat.

II. Endangered Species County-by-County List

II. COUNTY/SPECIES LIST—

[The following list identifies federally listed or proposed U.S. species by State and County. It has been updated through March 31, 1995.]

State/County	Group name	Inventory name	Scientific name	IR/FF*
OKLAHOMA				
DAIR	BIRDS	EAGLE, BALD	Haliaeetus leucocephalus.	
DEALFA	BIRDS	CRANE, WHOOPING	Grus americana.	
		EAGLE, BALD	Haliaeetus leucocephalus.	
		PLOVER, PIPING	+haradnus melodus.	
		TERN, INTERIOR (POPULATION LEAST)	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST)	Sterna antillarum.	
TOKA	BIRDS	EAGLE, BALD	Haliaeetus leucocephalus.	
WEAVER	BIRDS	CRANE, WHOOPING	Grus americana.	
		EAGLE, BALD	Haliaeetus leucocephalus.	
		PLOVER, PIPING	+haradnus melodus.	
		TERN, INTERIOR (POPULATION LEAST)	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST)	Sterna antillarum.	
BECKHAM	BIRDS	CRANE, WHOOPING	Grus americana.	
BLAINE	BIRDS	CRANE, WHOOPING	Grus americana.	
		EAGLE, BALD	Haliaeetus leucocephalus.	
		PLOVER, PIPING	+haradnus melodus.	
		TERN, INTERIOR (POPULATION LEAST)	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST)	Sterna antillarum.	
BRYAN	BIRDS	EAGLE, BALD	Haliaeetus leucocephalus.	
		TERN, INTERIOR (POPULATION LEAST)	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST)	Sterna antillarum.	
CADDO	REPTILES	ALLIGATOR, AMERICAN	Alligator mississippiensis.	
	BIRDS	CRANE, WHOOPING	Grus americana.	
		EAGLE, BALD	Haliaeetus leucocephalus.	
CANADIAN	BIRDS	CRANE, WHOOPING	Grus americana.	
		EAGLE, BALD	Haliaeetus leucocephalus.	
		PLOVER, PIPING	+haradnus melodus.	
		TERN, INTERIOR (POPULATION LEAST)	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST)	Sterna antillarum.	

II. COUNTY/SPECIES LIST—Continued

[The following list identifies federally listed or proposed U.S. species by State and County. It has been updated through March 31, 1995.]

State/County	Group name	Inventory name	Scientific name	IR/FF*
CARTER	BIRDS	EAGLE, BALD	Haliaeetus leucocephalus.	
CHEROKEE	BIRDS	EAGLE, BALD	Haliaeetus leucocephalus.	
CHOCTAW	BIRDS	EAGLE, BALD	Haliaeetus leucocephalus.	
	PLANTS	ORCHID, EASTERN PRAIRIE FRINGED	Platanthera leucophaea.	
CIMARRON	BIRDS	EAGLE, BALD	Haliaeetus leucocephalus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
CLEVELAND	FISHES	SHINER, ARKANSAS RIVER	NOTROPIS GIRARDI.	
	BIRDS	CRANE, WHOOPING	Grus americana.	
		EAGLE, BALD	Haliaeetus leucocephalus.	
		PLOVER, PIPING	+haradnus melodus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
COMANCHE	BIRDS	CRANE, WHOOPING	Grus americana.	
		EAGLE, BALD	Haliaeetus leucocephalus.	
		PLOVER, PIPING	+haradnus melodus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
COTTON	BIRDS	CRANE, WHOOPING	Grus americana.	
		EAGLE, BALD	Haliaeetus leucocephalus.	
		PLOVER, PIPING	+haradnus melodus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
CRAIG	FISHES	CAVEFISH, OZARK	Amblyopsis rosae.	
		MAOTOM, NEOSHO	Noturus placidus.	
	PLANTS	ORCHID, WESTERN PRAIRIE FRINGED	Platanthera praeciar.	
CREEK	BIRDS	EAGLE, BALD	Haliaeetus leucocephalus.	
		PLOVER, PIPING	+haradnus melodus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
CUSTER	BIRDS	CRANE, WHOOPING	Grus americana.	
		EAGLE, BALD	Haliaeetus leucocephalus.	
		PLOVER, PIPING	+haradnus melodus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
DELAWARE	BIRDS	EAGLE, BALD	Haliaeetus leucocephalus.	
DEWEY	FISHES	CAVEFISH, OZARK	Amblyopsis rosae.	
	BIRDS	CRANE, WHOOPING	Grus americana.	
		EAGLE, BALD	Haliaeetus leucocephalus.	
		PLOVER, PIPING	+haradnus melodus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
ELLIS	BIRDS	CRANE, WHOOPING	Grus americana.	
		EAGLE, BALD	Haliaeetus leucocephalus.	
		PLOVER, PIPING	+haradnus melodus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
GARFIELD	BIRDS	CRANE, WHOOPING	Grus americana.	
GARVIN	BIRDS	CRANE, WHOOPING	Grus americana.	
		EAGLE, BALD	Haliaeetus leucocephalus.	
GRADY	BIRDS	CRANE, WHOOPING	Grus americana.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	

II. COUNTY/SPECIES LIST—Continued

The following list identifies federally listed or proposed U.S. species by State and County. It has been updated through March 31, 1995.]

State/County	Group name	Inventory name	Scientific name	IR/FF*
GRANT	BIRDS	CRANE, WHOOPING	Grus americana.	
		EAGLE, BALD	Haliaeetus leucocephalus.	
GREER	BIRDS	CRANE, WHOOPING	Grus americana.	
		EAGLE, BALD	Haliaeetus leucocephalus.	
HARMON	BIRDS	CRANE, WHOOPING	Grus americana.	
		PLOVER, PIPING	+haradnus melodus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
HARPER	BIRDS	CRANE, WHOOPING	Grus americana.	
		PLOVER, PIPING	+haradnus melodus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
HASKELL	BIRDS	EAGLE, BALD	Haliaeetus leucocephalus.	
		PLOVER, PIPING	+haradnus melodus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
HUGHES	BIRDS	EAGLE, BALD	Haliaeetus leucocephalus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
JACKSON	BIRDS	CRANE, WHOOPING	Grus americana.	
		PLOVER, PIPING	+haradnus melodus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
JEFFERSON	BIRDS	CRANE, WHOOPING	Grus americana.	
		EAGLE, BALD	Haliaeetus leucocephalus.	
		PLOVER, PIPING	+haradnus melodus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
JOHNSTON	BIRDS	CRANE, WHOOPING	Grus americana.	
		EAGLE, BALD	Haliaeetus leucocephalus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
KAY	BIRDS	EAGLE, BALD	Haliaeetus leucocephalus.	
		PLOVER, PIPING	+haradnus melodus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
KINGFISHER	BIRDS	CRANE, WHOOPING	Grus americana.	
		EAGLE, BALD	Haliaeetus leucocephalus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
KIOWA	BIRDS	CRANE, WHOOPING	Grus americana.	
		EAGLE, BALD	Haliaeetus leucocephalus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
LE FLORE	BIRDS	EAGLE, BALD	Haliaeetus leucocephalus.	
		PLOVER, PIPING	+haradnus melodus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
	CLAMS	ROCK-POCKETBOOK, OUACHITA	Arkansia (=Arcidens) wheeleri.	

II. COUNTY/SPECIES LIST—Continued

[The following list identifies federally listed or proposed U.S. species by State and County. It has been updated through March 31, 1995.]

State/County	Group name	Inventory name	Scientific name	IR/FF*
		ROCK-POCKETBOOK, OUACHITA	Arkansia (=Arcidens) wheeleri.	
		(=WHEELER'S PM).		
LINCOLN	FISHES	DARTER, LEOPARD	Percina pantherina.	
	BIRDS	CRANE, WHOOPING	Grus americana.	
LOGAN	BIRDS	EAGLE, BALD	Haliaeetus leucocephalus.	
		CRANE, WHOOPING	Grus americana.	
		PLOVER, PIPING	+haradrius melodus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
LOVE	BIRDS	CRANE, WHOOPING	Grus americana.	
		EAGLE, BALD	Haliaeetus leucocephalus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
MAJOR	BIRDS	CRANE, WHOOPING	Grus americana.	
		EAGLE, BALD	Haliaeetus leucocephalus.	
		PLOVER, PIPING	+haradrius melodus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
MARSHALL	BIRDS	EAGLE, BALD	Haliaeetus leucocephalus.	
		PLOVER, PIPING	+haradrius melodus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
MAYES	BIRDS	EAGLE, BALD	Haliaeetus leucocephalus.	
MCCLAIN	FISHES	CAVEFISH, OZARK	Amblyopsis rosae.	
	BIRDS	CRANE, WHOOPING	Grus americana.	
		PLOVER, PIPING	+haradrius melodus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
MCCURTAIN	BIRDS	EAGLE, BALD	Haliaeetus leucocephalus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
	FISHES	DARTER, LEOPARD	Percina pantherina.	
MCINTOSH	REPTILES	ALLIGATOR, AMERICAN	Alligator mississippiensis.	
	BIRDS	EAGLE, BALD	Haliaeetus leucocephalus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
MURRAY	BIRDS	EAGLE, BALD	Haliaeetus leucocephalus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
MUSKOGEE	BIRDS	CRANE, WHOOPING	Grus americana.	
		EAGLE, BALD	Haliaeetus leucocephalus.	
		PLOVER, PIPING	+haradrius melodus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
NOBLE	BIRDS	EAGLE, BALD	Haliaeetus leucocephalus.	
		PLOVER, PIPING	+haradrius melodus.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
		TERN, INTERIOR (POPULATION LEAST).	Sterna antillarum.	
NOWATA	BIRDS	EAGLE, BALD	Haliaeetus leucocephalus.	
OKLAHOMA	BIRDS	PLOVER, PIPING	+haradrius melodus.	
		CRANE, WHOOPING	Grus americana.	

II. COUNTY/SPECIES LIST—Continued

[The following list identifies federally listed or proposed U.S. species by State and County. It has been updated through March 31, 1995.]

State/County	Group name	Inventory name	Scientific name	IR/FF
OSAGE	BIRDS	EAGLE, BALD	<i>Haliaeetus leucocephalus</i> .	
		PLOVER, PIPING	+ <i>haradrius melodus</i> .	
		TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
		TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
		CRANE, WHOOPING	<i>Grus americana</i> .	
		CURLEW, ESKIMO	<i>Numenius borealis</i> .	
		EAGLE, BALD	<i>Haliaeetus leucocephalus</i> .	
		PLOVER, PIPING	+ <i>haradrius melodus</i> .	
		TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
		TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
OTTAWA	BIRDS	EAGLE, BALD	<i>Haliaeetus leucocephalus</i> .	
	FISHES	CAVEFISH, OZARK	<i>Amblyopsis rosae</i> .	
PAWNEE	BIRDS	MADTOM, NEOSHO	<i>Noturus placidus</i> .	
		CRANE, WHOOPING	<i>Grus americana</i> .	
		EAGLE, BALD	<i>Haliaeetus leucocephalus</i> .	
		TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
PAYNE	BIRDS	TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
		CRANE, WHOOPING	<i>Grus americana</i> .	
		PLOVER, PIPING	+ <i>haradrius melodus</i> .	
		TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
		TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
PITTSBURG	BIRDS	EAGLE, BALD	<i>Haliaeetus leucocephalus</i> .	
		TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
		TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
		TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
PONTOTOC	BIRDS	EAGLE, BALD	<i>Haliaeetus leucocephalus</i> .	
		TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
		TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
POTTAWATOMIE	BIRDS	TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
		TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
		TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
PUSHMATAHA	BIRDS	EAGLE, BALD	<i>Haliaeetus leucocephalus</i> .	
	CLAMS	ROCK-POCKETBOOK, OUACHITA	<i>Arkansia (=Arcidens) wheeleri</i> .	
		ROCK-POCKETBOOK, OUACHITA (=WHEELER'S PM).	<i>Arkansia (=Arcidens) wheeleri</i> .	
ROGER MILLS	FISHES	DARTER, LEOPARD	<i>Percina pantherina</i> .	
	BIRDS	CRANE, WHOOPING	<i>Grus americana</i> .	
		EAGLE, BALD	<i>Haliaeetus leucocephalus</i> .	
		PLOVER, PIPING	+ <i>haradrius melodus</i> .	
		TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
		TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
		TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
ROGERS	BIRDS	CRANE, WHOOPING	<i>Grus americana</i> .	
		EAGLE, BALD	<i>Haliaeetus leucocephalus</i> .	
		PLOVER, PIPING	+ <i>haradrius melodus</i> .	
		TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
		TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
SEMINOLE	PLANTS	ORCHID, WESTERN PRAIRIE FRINGED	<i>Platanthera praecleara</i> .	
	BIRDS	TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
		TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	
SEQUOYAH	BIRDS	EAGLE, BALD	<i>Haliaeetus leucocephalus</i> .	
		PLOVER, PIPING	+ <i>haradrius melodus</i> .	
		TERN, INTERIOR (POPULATION LEAST).	<i>Sterna antillarum</i> .	

II. COUNTY/SPECIES LIST—Continued

[The following list identifies federally listed or proposed U.S. species by State and County. It has been updated through March 31, 1995.]

State/County	Group name	Inventory name	Scientific name	IR/FF*
STEPHENS	BIRDS	TERN, INTERIOR (POPULATION)	<i>Sterna antillarum</i> .	
		LEAST.		
		CRANE, WHOOPING	<i>Grus americana</i> .	
TEXAS	BIRDS	EAGLE, BALD	<i>Haliaeetus leucocephalus</i> .	
		CRANE, WHOOPING	<i>Grus americana</i> .	
		EAGLE, BALD	<i>Haliaeetus leucocephalus</i> .	
		PLOVER, PIPING	+ <i>haradrius melodus</i> .	
		TERN, INTERIOR (POPULATION)	<i>Sterna antillarum</i> .	
		LEAST.		
TILLMAN	BIRDS	TERN, INTERIOR (POPULATION)	<i>Sterna antillarum</i> .	
		LEAST.		
		CRANE, WHOOPING	<i>Grus americana</i> .	
		PLOVER, PIPING	+ <i>haradrius melodus</i> .	
		TERN, INTERIOR (POPULATION)	<i>Sterna antillarum</i> .	
		LEAST.		
TULSA	BIRDS	TERN, INTERIOR (POPULATION)	<i>Sterna antillarum</i> .	
		LEAST.		
		EAGLE, BALD	<i>Haliaeetus leucocephalus</i> .	
		PLOVER, PIPING	+ <i>haradrius melodus</i> .	
		TERN, INTERIOR (POPULATION)	<i>Sterna antillarum</i> .	
		LEAST.		
WAGONER	BIRDS	TERN, INTERIOR (POPULATION)	<i>Sterna antillarum</i> .	
		LEAST.		
		CRANE, WHOOPING	<i>Grus americana</i> .	
		EAGLE, BALD	<i>Haliaeetus leucocephalus</i> .	
		PLOVER, PIPING	+ <i>haradrius melodus</i> .	
		TERN, INTERIOR (POPULATION)	<i>Sterna antillarum</i> .	
		LEAST.		
		TERN, INTERIOR (POPULATION)	<i>Sterna antillarum</i> .	
		LEAST.		
WASHINGTON	BIRDS	CRANE, WHOOPING	<i>Grus americana</i> .	
		EAGLE, BALD	<i>Haliaeetus leucocephalus</i> .	
		PLOVER, PIPING	+ <i>haradrius melodus</i> .	
WASHITA	BIRDS	CRANE, WHOOPING	<i>Grus americana</i> .	
		CRANE, WHOOPING	<i>Grus americana</i> .	
		CURLEW, ESKIMO	<i>Numenius borealis</i> .	
WOODS	BIRDS	EAGLE, BALD	<i>Haliaeetus leucocephalus</i> .	
		PLOVER, PIPING	+ <i>haradrius melodus</i> .	
		TERN, INTERIOR (POPULATION)	<i>Sterna antillarum</i> .	
		LEAST.		
		TERN, INTERIOR (POPULATION)	<i>Sterna antillarum</i> .	
		LEAST.		
WOODWARD	BIRDS	CRANE, WHOOPING	<i>Grus americana</i> .	
		EAGLE, BALD	<i>Haliaeetus leucocephalus</i> .	
		PLOVER, PIPING	+ <i>haradrius melodus</i> .	
		TERN, INTERIOR (POPULATION)	<i>Sterna antillarum</i> .	
		LEAST.		
		TERN, INTERIOR (POPULATION)	<i>Sterna antillarum</i> .	
		LEAST.		

OKLAHOMA DEPARTMENT OF TRANSPORTATION

STORMWATER RUN-OFF

SUBCONTRACTOR CERTIFICATION

PROJECT NO. _____ JOB PIECE: _____

COUNTY: _____

This certification is to be signed by subcontractors implementing Stormwater Control Measures (earthwork, erosion control, etc.) on the above identified project(s), as part of the subcontract approval.

I certify under penalty of law that I understand the terms and conditions of the Oklahoma Pollutant Discharge Elimination System Act (OPDES) General permit that authorizes storm water discharges associated with construction activity from the construction site identified as part of this certification.

Name of Certifier

Name of Firm

Date

Address of Firm

Firm's Phone No.

OKLAHOMA DEPARTMENT OF TRANSPORTATION

DATE: August 26, 1997

TO: Field Division Engineers, Division Construction Engineers, and
Resident Engineers

FROM: Byron Poynter, Construction Engineers

SUBJECT: CONSTRUCTION CONTROL DIRECTIVE NO. 970826.

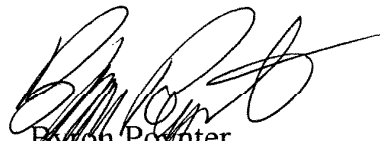
EXTENSION OF STORMWATER PERMITS

The permit for National Pollutant Discharge Elimination System (NPDES) we have been operating under since 1992 will expire September 9, 1997. Projects which will not be stabilized until after October 9, 1997 will require a new Notice Of Intent (NOI) submittal to "administratively extend" the current permit. With reference to the enclosures, please note the following:

Notices of Termination (NOT) will be automatic on all active projects September 9, 1997.

Projects which will not be stabilized within 30 days (by October 9, 1997) will require a new submittal of the NOI. Use the new EPA Form 3510-6 (enclosed). Prepare one for contractor and for the Local Government entity if applicable.

For projects which will become stabilized (NOT stage) by October 9, 1997, no further action is necessary (an NOT is not required).


Byron Poynter
Construction Engineer

Enclosure: 3 sheets

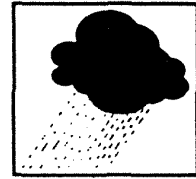
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970912*



U.S. Environmental Protection Agency
Office of Wastewater Management
401 M Street, S.W.
Washington, D.C. 20460



**Instructions for Permittees During Reissuance of the
EPA Storm Water Construction General Permit**

EPA is preparing to reissue its Storm Water Construction General Permit. Please read these instructions carefully. Following these instructions will assist you in maintaining NPDES Storm Water General Permit coverage for construction activities in States where EPA is the permitting authority during the permit reissuance period.

General Information

The 1987 Congressional Amendments to the Clean Water Act require EPA to control the discharge of pollutants from storm water point sources. Regulations were finalized by EPA in 1990, and storm water permits for construction sites disturbing five or more acres were required starting in 1992. The 1992 EPA Baseline General Permit for Construction Activities expires at midnight, September 9, 1997, or midnight, September 25, 1997, depending on where the construction activity is located¹.

EPA proposed a new Construction General Permit² in the *Federal Register* on June 2, 1997 (Volume 62, Number 105, pages 29785-29825). Public comments will be accepted on the proposed permit through August 1, 1997. Copies of the proposed permit are available through the USEPA Office of Water Resources Center at (202) 260-786 or through the following internet sites:

<http://www.epa.gov/owmitnet/pipes/storm.htm>
<http://www.epa.gov/earth1r6/6en/w/sw/home.htm>

There is the potential that the new Construction General Permit will not be issued prior to the expiration of the 1992 Baseline Construction General Permit. According to the Administrative Procedures Act, permittees that wish to continue permit coverage for construction activities under the 1992 Baseline General Permit beyond September 9, 1997 (or September 25, 1997 in certain areas¹) must "administratively extend" their existing Baseline General Construction Permit to have continuing permit coverage until EPA issues the new permit. The following instructions provide guidance on how to administratively extend your existing permit and how to apply for the new permit once it is final.

(Please note that the following instructions are based on the terms and conditions of the proposed new Construction General Permit published in the *Federal Register* on June 2, 1997)

¹ The 1992 EPA Baseline Construction Permit expires at midnight, September 25, 1997, in Massachusetts, Washington DC, Guam, American Samoa, non-Indian lands in Florida, Indian lands in New York and at Federal Facilities in Delaware. The permit expires at midnight, September 9, 1997, in all other areas where EPA is the permitting authority. It should be noted that there is conflicting information in the 1992 Baseline Construction General Permit that states that the expiration date is October 1, 1997 (57 *FR* 41223 and 57 *FR* 44454). However, EPA believes that the more consistent reading of the permit in accordance with the Clean Water Act would provide for the permit to expire at midnight, September 9, 1997, and September 25, 1997.

² The proposed EPA Construction General Permit does not extend coverage to construction activities in Florida. EPA Region IV proposed a separate Construction General Permit to cover those discharges. This permit was proposed in the *Federal Register* on April 16, 1997 (Volume 62, Number 73, pages 18605-18628); the proposal was modified and extended to include coverage of discharges from construction activities on Indian County lands in Alabama, Mississippi, Florida, North Carolina and South Carolina on June 27, 1997 (Volume 62, Number 124, pages 35053 - 35057). Comments on the Region IV proposal are due on or before August 26, 1997.

Instructions:

A. TO EXTEND-EXISTING BASELINE GENERAL PERMIT COVERAGE:

1. Submit a Notice of Intent (NOI) form for extended coverage under the 1992 Baseline Construction General Permit prior to **September 9, 1997 (or September 25, 1997 in certain areas¹)** to the address given in B.3 below. Use EPA NOI Form 3510-6 (enclosed). The form number is printed on the bottom left corner of the form. This indicates that you wish to continue coverage under an "administratively extended" Baseline Construction General Permit until EPA publishes the new Construction General Permit. Include the project's existing NPDES Permit Number in Section IV of the NOI form. If the NPDES Permit Number is not known, contact the EPA NOI Processing Center at (703) 931-3230.
2. Continue to follow the terms and conditions of the 1992 Baseline Construction General Permit until coverage is acquired under the new Construction General Permit as described below.

NOTE: Permittees that have terminated construction activity and do not wish to remain covered under the Baseline Construction General Permit, should **not** submit an NOI for an administrative extension. Permittees **may** submit a Notice of Termination (NOT) (EPA Form 3510-7) to terminate coverage at any time prior to September 9, 1997 (or September 25, 1997 in certain areas¹), but coverage will terminate automatically when the permit expires at midnight, September 9, 1997 (or September 25, 1997 in certain areas¹), unless an NOI for extended permit coverage is submitted.

B. TO ACQUIRE CONSTRUCTION GENERAL PERMIT COVERAGE UNDER THE EPA REISSUED CONSTRUCTION GENERAL PERMIT WHEN FINAL

1. Obtain a copy of the final reissued 1997 EPA Construction General Permit when it is published in the *Federal Register*.
2. Read and comply with all aspects of the new EPA Construction General Permit (note that some requirements may differ from those of the 1992 Baseline Construction General Permit).
3. Submit the new construction NOI form that was published with the final Construction General Permit **within 30 days of the effective date** of the final Construction General Permit to:

Storm Water Notice of Intent (4203)
USEPA
401 M Street, S.W.
Washington, DC 20460

NOTE: The new Construction General Permit contains a construction-specific NOI that is different from NOIs that have been used in the past. It is EPA's intent to publish the new construction NOI form with the new EPA Construction General Permit in the *Federal Register*. Applicants must submit the new construction NOI form when applying for coverage under the new EPA Construction General Permit once it is issued in final.

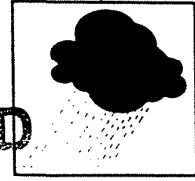
Applicants that submit an NOI for coverage under the new Construction General Permit are required to remain in compliance with the 1992 Baseline Construction General Permit during the time between the effective date of the new permit and 30 days thereafter.

If your construction activity will meet the requirements for termination of coverage (i.e., will be finally stabilized) prior to 30 days after the effective date of the new Construction General Permit, submittal of an NOI for coverage under the new Construction General Permit is not required. However, submittal of an NOI for extended coverage beyond September 9, 1997 (or September 25, 1997 in certain areas¹) under the 1992 Baseline Construction General Permit is still required if construction is expected to extend beyond these dates. In this case, the permittee is required to remain in compliance with the 1992 Baseline Construction General Permit during the time between September 9, 1997 (or September 25, 1997 in certain areas¹) and the date on which the site is finally stabilized.



U.S. Environmental Protection Agency
Office of Wastewater Management
401 M Street, S.W.
Washington, D.C. 20460

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AUG 13 1997

CONSTRUCTION
DIVISION

ANNOUNCEMENT on RE-ISSUANCE of the
NPDES STORM WATER CONSTRUCTION GENERAL PERMIT

General

The United States Environmental Protection Agency is issuing a new National Pollutant Discharge Elimination System (NPDES) Phase I Storm Water Construction General Permit. EPA intends to issue the new permit to coincide with the expiration of the Baseline Construction General Permit in order to allow for continued general permit availability. The Baseline Construction General Permit was issued by EPA on September 9, 1992 in most areas (58 FR 41297) and September 25, 1992 in other areas (57 FR 44412) and will expire on September 9, 1997 or September 25, 1997, respectively. EPA Region IV is issuing a separate permit for construction activities in the State of Florida. Issuance of the new Construction General Permit will not affect areas where the State is the NPDES permitting authority.

The proposed Construction General Permit was published in the *Federal Register* on June 2, 1997 (62 FR 29785).

Background

The 1987 Congressional Amendments to the Clean Water Act required EPA to control pollution from storm water discharges. Regulations were finalized by EPA in 1990, and storm water permits for construction sites disturbing five or more acres were required beginning in 1992.

What's New?

Revisions to the technical aspects of the permit involve improvements in clarity and certain new requirements.

The most significant proposed changes include expanded conditions to protect endangered and threatened species, new conditions to protect historic properties, a requirement to post a copy of confirmation of permit coverage and a brief description of the project, a requirement to provide for public access to copies of a pollution prevention plan on the site or in another nearby location, terms for construction activities transitioning from the existing permit, clarification of who must become a permittee and their requirements, a streamlined permitting option for utility companies, a requirement to submit a Notice of Termination (NOT) when construction is completed, the ability to acquire permit coverage for other construction dedicated industrial activities (e.g., concrete batching plant) under one general permit, and

pollution prevention plan performance standards.

Endangered species and historical preservation requirements were modeled after those in the 1995 NPDES Storm Water Multi-Sector General Permit for industrial activities. The process was changed to allow the developer of a site to comply with the requirements of the Endangered Species Act and National Historical Preservation Act while avoiding duplication of effort on the part of subsequent operators (e.g., contractors, etc.).

The Endangered Species Act and the National Historic Preservation Act require EPA to consult with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and Advisory Council on Historic Preservation on the effect that discharges authorized under this permit have on endangered species and historic properties. In general, these Acts prohibit EPA from authorizing discharges that would jeopardize the survival of endangered species or adversely impact historic properties.

Public Comment

Public comments on the proposed permit will be accepted through August 1, 1997.

Public Hearings

Public hearings will be held during the months of June and July in Boston, MA, Portland, ME, Concord, NH, Houston, TX, Albuquerque, NM, Dallas, TX, Phoenix, AZ, Boise, ID, Seattle, WA, and Anchorage, AK. Consult with local EPA Storm Water Coordinators for exact times, dates, and locations.

Additional Information

Copies of the proposed permit as published in the *Federal Register* are available through the EPA Office of Water Resources Center at (202) 260-7786 or through the following internet sites:

<http://www.epa.gov/owmitnet/pipes/storm.htm>

<http://www.epa.gov/earth1/r6/gen/w/sw/home.htm>

**PUBLIC HEARING DATES, TIMES, and LOCATIONS for the
NEW CONSTRUCTION GENERAL PERMIT**

EPA Region 1

Portland, Maine

Date: Tuesday, July 22, 1997.
Time: 2:00 pm-5:00 pm.
Place: Portland City Hall, 389 Congress Street, Room 208, Portland, ME 04101.

Boston, Massachusetts

Date: Thursday, July 24, 1997.
Time: 6:00 pm-9:00 pm.
Place: John A. Volpe National Transportation Systems Center, 55 Broadway--Kendall Square, Cambridge, MA 02142.

EPA Region 6

Public Meetings were held previously in Dallas, TX, Houston, TX, and Albuquerque, NM, and a Public Hearing was held in Dallas, TX for this Region.

EPA Region 9

Phoenix, Arizona

Date: July 24, 1997.
Time: 1-5 p.m.
Place: Arizona Department of Environmental Quality, Public Meeting Room, 3033 North Central Ave., Phoenix, Arizona.

EPA Region 10

Boise, Idaho

Date: Thursday, July 24, 1997.
Time: 6:00 pm-10:00 pm.
Place: Idaho Public Television Building, Telemedia Room (First Floor), 1455 North Orchard, Boise, Idaho 83706.

Seattle, Washington

Date: Tuesday, July 29, 1997.
Time: 6:00 pm-10:00 pm.
Place: Park Place Building, Denali/Kenai Room (14th Floor), 1200 6th Avenue, Seattle, Washington 98101.

Anchorage, Alaska

Date: Thursday, July 31, 1997.
Time: 5:00 pm-9:00 pm.
Place: Federal Building/United States Court House, Room 135, 222 West 7th Avenue, Anchorage, Alaska 995131.

See Reverse for Instructions

NPDES
FORMUnited States Environmental Protection Agency
Washington, DC 20460**Notice of Intent (NOI) for Storm Water Discharges Associated with Industrial Activity Under a NPDES General Permit**

Completion of this Notice of Intent constitutes notice that the party identified in Section II of this form intends to be authorized by a NPDES permit issued for storm water discharges associated with industrial activity in the State identified in Section III of this form. Becoming a permittee obligates such discharger to comply with the terms and conditions of the permit. ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM.

I. Permit Selection: You must indicate the NPDES Storm Water general permit under which you are applying for coverage. Check one of these.

Baseline
Industrial ☐Baseline
Construction ☐Multi-Sector
(Group Permit) ☐

II. Facility Operator Information

Name: _____ Phone: _____

Address: _____ Status of Owner/Operator: ☐

City: _____ State: _____ ZIP Code: _____

III. Facility/Site Location Information

Name: _____

Is the facility located on
Indian Lands? (Y or N) ☐

Address: _____

City: _____ State: _____ ZIP Code: _____

Latitude: _____ Longitude: _____ Quarter: _____ Section: _____ Township: _____ Range: _____

IV. Site Activity Information

MS4 Operator Name: _____

Receiving Water Body: _____

If you are filing as a co-permittee,
enter storm water general permit number: _____SIC or Designated
Activity Code: _____

Primary: _____ 2nd: _____

Is the facility required to submit monitoring data? (1, 2, 3, or 4) ☐If You Have Another Existing NPDES
Permit, Enter Permit Number: _____**Multi-Sector Permit Applicants Only:**

Based on the instructions provided in Addendum H of the Multi-Sector permit, are species identified in Addendum H in proximity to the storm water discharges to be covered under this permit, or the areas of BMP construction to control those storm water discharges? (Y or N) ☐

Will construction (land disturbing activities) be conducted for storm water controls? (Y or N) ☐

Is applicant subject to and in compliance with a written historic preservation agreement? (Y or N) ☐

V. Additional Information Required for Construction Activities Only

Project Start Date: _____ Completion Date: _____

Estimated Area to be
Disturbed (in Acres): _____Is the Storm Water Pollution Prevention Plan
in compliance with State and/or Local
sediment and erosion plans? (Y or N) ☐

VI. Certification:

The certification statement in Box 1 applies to all applicants.

The certification statement in Box 2 applies only to facilities applying for the Multi-Sector storm water general permit.

BOX 1

ALL APPLICANTS:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

BOX 2

MULTI-SECTOR STORM WATER GENERAL PERMIT APPLICANTS ONLY:

I certify under penalty of law that I have read and understand the Part I.B. eligibility requirements for coverage under the Multi-Sector storm water general permit, including those requirements relating to the protection of species identified in Addendum H.

To the best of my knowledge, the discharges covered under this permit, and construction of BMPs to control storm water run-off, do not have an effect on properties listed or eligible for listing on the Addendum H of the Multi-Sector storm water general permit or are otherwise eligible for coverage due to previous authorization under the Endangered Species Act.

To the best of my knowledge, I further certify that such discharges, and construction of BMPs to control storm water run-off, are not likely to and will not likely adversely affect any species identified in the National Register of Historic Places under the National Historic Preservation Act, or are otherwise eligible for coverage due to a previous agreement under the National Historic Preservation Act.

I understand that continued coverage under the Multi-Sector general permit is contingent upon maintaining eligibility as provided for in Part I.B.

Print Name: _____

Date: _____

Instructions - EPA Form 3510-6
Notice Of Intent (NOI) For Storm Water Discharges Associated With Industrial Activity
To Be Covered Under a NPDES General Permit

Who Must File A Notice Of Intent (NOI) Form

Federal law at 40 CFR Part 122 prohibits point source discharges of storm water associated with industrial activity to a water body(ies) of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit. The operator of an industrial activity that has such a storm water discharge must submit a NOI to obtain coverage under a NPDES Storm Water General Permit. If you have questions about whether you need a permit under the NPDES Storm Water program, or if you need information as to whether a particular program is administered by EPA or a state agency, telephone or write to the Notice of Intent Processing Center at (703) 931-3230.

Where To File NOI Form

NOIs must be sent to the following address: Storm Water Notice of Intent (4203)
401 M Street, S.W.
Room 2104 Northeast Mall
Washington, DC 20460
(202) 260-9541*

* This telephone number should be used as the recipient's number for express deliveries. The telephone number at the Notice of Intent Processing Center is (703) 931-3230.

Completing The Form

You must type or print, using upper-case 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, call the Notice of Intent Processing Center at (703) 931-3230.

Section I Permit Selection

You must indicate the NPDES storm water general permit under which you are applying for coverage. Check one box only. The Baseline Industrial and Baseline Construction permits were issued in September 1992. The Multi-Sector Permit became effective October 1, 1995.

Section II Facility Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this application. The name of the operator may or may not be the same as the name of the facility. The responsible party is the legal entity that controls the facility's operation, rather than the plant or site manager. Do not use a colloquial name. Enter the complete address and telephone number of the operator. This will be the address to which EPA will send correspondence related to the NOI.

Enter the appropriate letter to indicate the legal status of the operator of the facility:
F = Federal; S = State; M = Public (other than federal or state); P = Private.

Section III Facility/Site Location Information

Enter the facility's or site's official or legal name and complete street address, including city, state, and ZIP code. Do not provide a P.O. Box number as the street address. If applying for a Baseline Permit and the facility or site lacks a street address, indicate the state and either the latitude and longitude of the facility to the nearest 15 seconds or the quarter, section, township, and range (to the nearest quarter section) of the approximate center of the site. If applying for the Multi-Sector Permit indicate the complete street address and either the latitude and longitude of the facility to the nearest 15 seconds or the quarter, section, township, and range (to the nearest quarter section) of the approximate center of the site.

All applicants must indicate whether the facility is located on Indian lands.

Section IV Site Activity Information

If the storm water discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., municipality name, county name) and the receiving water of the discharge from the MS4. (A MS4 is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by a state, city, town, borough, county, parish, district, association, or other public body which is designed or used for collecting or conveying storm water.)

If the facility discharges storm water directly to receiving water(s), enter the name of the receiving water(s).

If you are filing as a co-permittee and a storm water general permit number has been issued, enter that number in the space provided.

Indicate the monitoring status of the facility. Refer to the permit for information on monitoring requirements. Indicate the monitoring status by entering one of the following:

1 = Not subject to monitoring requirements under the conditions of the permit.

3 = Subject to monitoring requirements but not required to submit data.

4 = Subject to monitoring requirements but submitting certification for monitoring exclusion.

List, in descending order of significance, up to two 4-digit standard industrial classification (SIC) codes that best describe the principal products or services provided at the facility or site identified in Section III of this application. If you are applying for coverage under the construction general permit, enter "CO" (which represents SIC codes 1500 - 1799).

For industrial activities defined in 40 CFR 122.26(b)(14)(i)-(xi) that do not have SIC codes that accurately describe the principal products produced or services provided, use the following 2-character codes.

HZ = Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA [40 CFR 122.26 (b)(14)(iv)];

LF = Landfills, land application sites, and open dumps that receive or have received any industrial wastes, including those that are subject to regulation under subtitle D of RCRA [40 CFR 122.26 (b)(14)(v)];

SE = Steam electric power generating facilities, including coal handling sites [40 CFR 122.26 (b)(14)(vii)];

TW = Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage [40 CFR 122.26 (b)(14)(ix)]; or,

CO = Construction activities [40 CFR 122.26 (b)(14)(x)].

If there is another NPDES permit presently issued for the facility or site listed in Section III, enter the permit number. If an application for the facility has been submitted but no permit number has been assigned, enter the application number.

Facilities applying for coverage under the Multi-Sector storm water general permit must answer the last three questions in Section IV. Refer to Addendum H of the Multi-Sector general permit for a list of species that are either proposed or listed as threatened or endangered. "BMP" means "Best Management Practices" that are used to control storm water discharges.

Indicate whether any construction will be conducted to install or develop storm water runoff controls.

Section V Additional Information Required for Construction Activities Only

Construction activities must complete Section V in addition to Sections I through IV. Only construction activities need to complete Section V.

Enter the project start date and the estimated completion date for the entire development plan.

Provide an estimate of the total number of acres of the site on which soil will be disturbed (round to the nearest acre).

Indicate whether the storm water pollution prevention plan for the site is in compliance with approved state and/or local sediment and erosion plans, permits, or storm water management plans.

Section VI Certification

Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) 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, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if 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; or

For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

Paperwork Reduction Act Notice

Public reporting burden for this application is estimated to average 0.5 hours per application, including 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 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, 401 M Street, SW, Washington, DC 20460, or Director, Office of Information and Regulatory Affairs, Office of

OKLAHOMA DEPARTMENT OF TRANSPORTATION

DATE: July 9, 1997

TO: Field Division Engineers, Division Construction Engineers, and
Resident Engineers

FROM: Byron Poynter, Construction Engineers

SUBJECT: CONSTRUCTION CONTROL DIRECTIVE NO. 970709.

DRILLED SHAFTS - PERMANENT CASING (CORRUGATED GALVANIZED STEEL PIPE FOR DOUBLE CASING METHOD)

The method of payment for permanent inner casing (CGSP casing) in drilled shafts using the Double Casing Method has changed from the 1988 Standard Specification to the 1996 Metric Standard Specification. Under the 1996 metric spec, CGSP casing is not a pay item.

The use of CGSP casing and the Double Casing Method has not changed. Under either specification, the contractor typically has the option to use the Double Casing Method to facilitate construction of drilled shafts. If plan notes specify the Double Casing Method, CGSP casing must be used. If plan notes prohibit the Double Casing Method, CGSP casing cannot be used. Permanent casing cannot be used when the drilled shaft relies upon skin friction to carry the load. Permanent casing interferes with the development of the skin friction between the drilled shaft and surrounding soil. When permanent casing is used, it should never extend to the bottom of the shaft.

Where casing is not required and not prohibited, the contractor may elect to use casing to facilitate his operations at his own expense. If there are not plan notes, many methods of excavation may be acceptable depending upon the soil conditions; refer to the Standard Specifications.

Depending on which specification controls, edition, 1988 vs. 1996, and the plan notes, the payment method for CGSP casing varies.

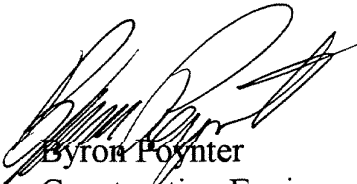
CONSTRUCTION CONTROL DIRECTIVE NO. 970709 (CONTINUED)

The following table details the differences:

Plan Note Requirements	1988 Spec		1996 Spec	
	Install CGSP?	Separate Pay Item?	Install CGSP?	Separate Pay Item?
• No Special Notes	Contractor's Option	YES	Contractor's Option	NO
• Double Casing Method required; • Cost of CGSP included in other items.	YES	NO	YES	NO "Cost" plan note is not needed; it is covered by the Spec.
• Double Casing Method required; • CGSP Pay Item included in the summary.	YES	YES	NOT APPLICABLE The Bridge Division will not specify a CGSP pay item under the 1996 Standard Specification.	
• Double Casing Method Prohibited	NO	NO	NO	NO

If you think the double casing method should be specifically included or excluded on your project, be sure to inform the bridge project engineer and/or consultant well before the letting, preferably at the Plan-in-hand meeting.

If you find a category not mentioned above, contact this office or the Bridge Division before taking action.



Byron Poynter
Construction Engineer

Copy to: Distribution List

OKLAHOMA DEPARTMENT OF TRANSPORTATION

Date: June 5, 1997 July 11, 1997 (corrected typo)

To: Field Division Engineers, Division Construction Engineers, Resident Engineers, and County Bridge Engineers.

From: Byron Poynter, Construction Engineer

Subject: CONSTRUCTION CONTROL DIRECTIVE NO. 970605

COARSE AGGREGATE GRADATION FOR PORTLAND CEMENT CONCRETE


The coarse aggregate gradation specification for P.C. Concrete has been adjusted to allow from 0% to 2% passing the No. 200 sieve, for gradation sizes 57, 67 and 7. Refer to Section 701.06 of the Standard Specifications and the gradation below.

701-2(a) 91s 9-23-93

701.06. COARSE AGGREGATE: Revise the requirements for the No. 200 in the table in Subsection (c) as follows:

Sieve Size	No. 3 (2" to 1")	No. 357 (2" to #4)	No. 57 (1" to # 4)	No. 67 3/4" to No. 4)	No. 7 (1/2" to # 4)
No. 200	0-1.5	0-1.5	0-2.0	0-2.0	0-2.0

The metric specifications have been issued with this gradation. This adjustment will apply to projects let under the 1988 Specifications. If needed, you may apply this gradation to the 1988 Specifications with a "no cost" change order.



Byron Poynter
Construction Engineer

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CCDAGG.BP

OKLAHOMA DEPARTMENT OF TRANSPORTATION

DATE: March 19, 1997

TO: Field Division Engineers, Division Construction Engineers, and
Resident Engineers

FROM: Byron Poynter, Construction Engineers

SUBJECT: CONSTRUCTION CONTROL DIRECTIVE NO. 970319.

USE OF LINE NUMBERS - LIST OF CHANGE ORDERS

Often line numbers on the pay estimates are used for purposes not intended resulting in confusing or odd print-outs. For example; sometimes on a line labeled "deduction" there is an plus amount instead of a negative amount. To help clear up this matter it is suggested that the various special pay items be placed on the lines as follows:

LINE NO.	ITEM
600 - 799	CHANGE ORDERS
800 - 899	MATERIALS ON HAND
900 - 989	MATERIAL TAKEN INTO WAREHOUSE AND QA/QC ADJUSTMENTS
991 - 992	SPECIAL DEDUCTIONS
993	LIQUIDATED DAMAGES

A list of change orders is required for the final estimate. This has for a long time been placed on separate sheets as part of the final document packet. Since change orders with supplemental agreements have to be listed on the final estimate, you may wish to list all change orders on the final estimate in lieu of providing a separate list.

CONSTRUCTION CONTROL DIRECTIVE NO. 970319 CONTINUED

If you choose to do this, please identify the change with one or two words. Also if the change adds new contract items, show the new item(s) and the amount paid. Original contract items that have been overrun are to be paid in the body of the estimate as always (unless there is a need to segregate for proper allocation of funds).

A SAMPLE LIST MIGHT BE AS FOLLOWS:

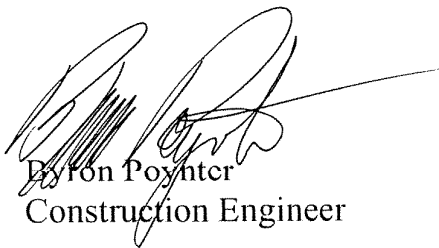
600	Change Order No. 1 SE (Tax Bond)			
601	Change Order No. 2 (rejected)			
602	Change Order No. 3 SE - 48"RCP LF	150.00	50.00	7,500.00
603	Change Order No. 4 OR - Asphalt ty A			
604	Change Order No. 5 SE - Time			
605	Change Order No. 6 SE - 12" Piling LF	84.00	28.00	2,352.00
606	Change Order No. 7 SE - Add Detour			
	TBSC Ton	118.00	30.00	3,540.00
607	Change Order No. 8 AA - See Explanation			

OR = Overrun of existing items.

SE = Supplemental Agreement.

AA= Additional Appropriation.

The intent for listing all of the change orders on the estimate is to save time, effort, and paper. If this does not result in a savings, please advise



Byron Poynter
Construction Engineer

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OKLAHOMA DEPARTMENT OF TRANSPORTATION

DATE: March 17, 1997

TO: Field Division Engineers, Division Construction Engineers, and
Resident Engineers

FROM: Byron Poynter, Construction Engineer

SUBJECT: CONSTRUCTION CONTROL DIRECTIVE NO. 970317
THIS DIRECTIVE CANCELS AND SUPERSEDES
DIRECTIVE NO. 13 DATED FEBRUARY 1, 1973

WAIVERS OF ACCEPTANCE TESTING

Every effort should be made to obtain (as a minimum) the number of tests as recommended by guidelines for acceptance of highway construction materials. However, occasionally a test will be lost or, due to oversight, not performed. One of the actions that you may take with regard to lack of testing, is to waive the tests or the portion that is lacking. A limit has NOT been set on the amount of testing that may be waived. However, the amount of testing waived will continue to be monitored by the Construction Division and Materials Division.

All testing should be done with a certain amount of common sense utilized. Following are some comments that should help to guide you in making waivers.

After the project or work unit is complete, there is no value to testing lots of material that will not be incorporated into the project, in order to have the proper number of tests.

Almost all materials can be tested after they have been placed. However, if testing is lacking, the use of the material should be evaluated to see if the actual application will receive stresses or if it is more ornamental, before any funds are spent to verify quality.

CONSTRUCTION CONTROL DIRECTIVE NO. 970317 CONTINUED

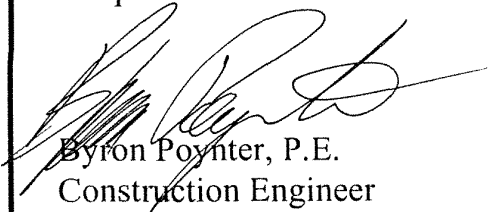
When there are failing tests on temporary work such as, a shoo-fly detour, and the detour has endured through the time period it was needed, or the contractor has maintained the detour to guarantee its success, the materials should be accepted and 100% of the money earned should be paid. An exception to this would be when the failing tests and subsequent failure of the detour caused the Department to incur additional costs which would not have happened had the material and workmanship been successful.

Some manufacturers of items such as "stick-down" traffic stripe tape put more tape on the roll than what is reflected on the invoice. This is done to ensure a "full measure" of what is purchased. Field measurements will almost always result in a greater amount than what is included in the test report. The amount measured should be paid. The portion not covered by test report should be waived.

When a material item has been supported by several passing tests and it is found that some of the material is not covered by tests and there is no other evidence that the portion not covered is any different than the portion tested, a waiver should be considered.

On the other hand, there are cases when all of the tests are present, the material is marked as tested, but due to damage during delivery or other reasons the material is not acceptable for use in the work and should be rejected.

It is desired that some level of practicality be applied with regard to testing waivers. Keep in mind that the need is for quality materials to be used in the construction.



Byron Poynter, P.E.
Construction Engineer

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OKLAHOMA DEPARTMENT OF TRANSPORTATION

DATE: March 4, 1997 REVISED MAY 30, 1997 (see shaded areas)
TO: Field Division Engineers, Construction Engineers, Resident Engineers
FROM: Byron Poynter, Construction Engineer
SUBJECT: CONSTRUCTION CONTROL DIRECTIVE NO. 970304
CHANGE ORDER AUTHORIZATION LEVELS

The following proposal has been approved for implementation. As part of the process, each Field Division Engineer is to notify the Construction Division as to the amount of authority to be delegated to each Resident Engineer (by name please) we will refer to this as the Delegation List. This is for matching the signatures with the delegated authority. The Division Engineer need not sign changes within the authority level of the Resident Engineer.

This process will begin as soon as the Delegation List has been received by Construction. However, no Changes will be returned for these purposes.

THE PROPOSAL:

The purpose of this authorization is to allow the Division Engineer to be more responsive to conditions in the field and to make timely decisions necessary to minimize the cost of changes.

Part 2 To present Change Orders to the Transportation Commission in a prioritized manner to facilitate the approval process.

The authorizations referred to in this Directive are for the purpose of completing the project as outlined in the plans and contract. Redesign of bridges, pavement typical sections, alignments and changes in the general scope of the plans, will require approval of the Central Office as in the past

Change Orders generally fall into one or more of three categories:

- | | |
|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. OVERRUN OF EXISTING ITEMS: | This type of change represents an overrun of existing contract items and does not alter the contract or require a Supplemental Agreement. The scope of the plans usually is not changed. |
| 2. ADDED CONTRACT ITEMS
MANDATED BY THE PLANS | This change adds contract items that are specified in the plans but are not listed in the contract. |

CONSTRUCTION CONTROL DIRECTIVE NO. 970304 CONTINUED

3. ADDED CONTRACT ITEMS FOR
ADDITIONS TO THE PROJECT:

This type of change typically extends the scope of the project and may include both existing and added contract items.

Part 1

The Division Engineer is authorized to proceed with any Change Order having a value up to \$50,000.00. It is suggested that the Division Engineer limit the authority further delegated to Resident Engineers to \$10,000.00 but that authority may be increased to the Division Engineer's limit depending on the experience and performance of the individual Resident Engineer.

Change Orders not exceeding \$50,000.00 will be approved by either the Division Engineer or the Resident Engineer, depending solely on the ceiling amount the Division Engineer has elected to delegate. All such delegations should be made in writing and if subsequent delegations are made, the later delegation should formally revoke its predecessor.

Change Orders which change the scope of the project with a value greater than \$50,000, up to \$150,000 would be approved by the Director or his designee.

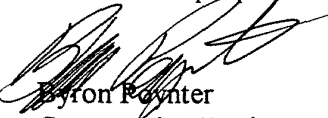
Change Orders which add features to the project with a value greater than \$150,000 would be brought to the Transportation Commission for approval prior to substantive changes being made but without delaying the project.

If it becomes evident that sound engineering judgment has not been exercised on a Change Order approved within delegated authority and it appears that the system might be strengthened, the Construction Engineer may require a debriefing to examine the questioned Change Order and will participate in such debriefing, if requested.

Part 2

The State Construction Engineer will categorize all changes and make a routine explanation to the Transportation Commission with regard to changes in category 3 and when changes in category 3 are mixed with items in other categories. A routine explanation would also be made when changes in categories 1 and 2 are inordinately costly or involve substantive changes in the scope of the project.

None of this proposal would preclude formal approval of Change Orders.


Byron Foynter
Construction Engineer

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Revised December 31, 2001

CHANGE ORDER AUTHORIZATION LEVELS

DIVISION	RESIDENT	AMOUNT
ONE	All Residencies	\$10,000.00
TWO	Brent Frank	\$10,000.00
	David Huddleston	\$10,000.00
	M. C. Ollar	\$10,000.00
	Vacant	\$ 0.00
THREE	All Residencies	\$10,000.00
FOUR	All Residencies	\$10,000.00
FIVE	All Residencies	\$10,000.00
SIX	All Residencies	\$25,000.00
SEVEN	Reese Knight	\$ 5,000.00
	Mark Zishka	\$15,000.00
	Jerry Harwell	\$20,000.00
EIGHT	All Residencies	\$10,000.00

OKLAHOMA DEPARTMENT OF TRANSPORTATION

REVISED AREAS

DATE: January 15, 1997 REVISED JUNE 24, 1999 P-4 ARE SHADED
TO: Field Division Engineers, Division Construction Engineers, and
Resident Engineers
FROM: Byron Poynter, Construction Engineer
SUBJECT: CONSTRUCTION CONTROL DIRECTIVE NO. 970115

CERTIFICATION OF MATERIALS

Since March 1, 1997, the Resident Engineer has been responsible for Certification of Materials on assigned projects. This revision is to clarify the certification format and include any waivers of tests that have been made.

All tests, certifications and brochure items for materials used in the construction of the project are to be tallied and compared to the as-built quantities (L-5). The certification is to address all failing tests, noncomplying materials and waivers. See also Construction Control Directive No. 970317 "Waivers of Acceptance Testing"

The certification is as follows:

DATE _____ PROJECT NO. _____
JOB Piece _____ COUNTY _____

This is to certify that:

The results of the tests used in the acceptance program indicate that the materials incorporated in the construction work, and the construction operations controlled by sampling and testing, were in conformity with the approved plans and specifications. All Independent Assurance samples and tests are within tolerance limits of the samples and tests that are used in the acceptance program. (See note 1.)

Exceptions to the plans and specifications are as follows:

(List each failing test and what action was taken with regard to the materials represented by the failing test. Also include any material test that was waived.)

Resident Engineer

Note 1. If Independent Assurance Sampling was not done, omit the last sentence in the certification.

CONSTRUCTION CONTROL DIRECTIVE NO. 970115 CONTINUED

Only the Resident Engineer is authorized to sign and seal the certification. Residency Managers that are not licensed are to initial the certification and forward to the Assistant Division Engineer or Division Engineer to be signed and sealed.

Send a final list of all of the items and quantities and the certification to the Materials Division and to the Construction Division (see note 2. Below). When the project has a contract amount of \$1,000,000 or more and is on the National Highway System, send the Federal Highway Administration a copy also. You will not receive a response from the Materials Division as in the past. Proceed with finalization of the contract.

Note 2. You may use the L-5 Form but it may be easier to use the audit sheet which transmits information between the Residency and Division. Be sure to list all items including the earthwork items and items established by change order.

Please summarize the exceptions on the certification. A sample certification might appear as follows:

DATE December 6, 1997

PROJECT NO. NH-88(99)

JOB Piece 05678(04)

COUNTY Acapulco

This is to certify that:

The results of the tests used in the acceptance program indicate that the materials incorporated in the construction work, and the construction operations controlled by sampling and testing, were in conformity with the approved plans and specifications. All Independent Assurance samples and tests are within tolerance limits of the samples and tests that are used in the acceptance program.

Exceptions to the plans and specifications are as follows:

3-2-97	Type A Asphalt	1254 tons	No. 10 sieve out 2%	Accepted
3-6-97	Beads for Striping	64 lb.		Accepted
5-25-97	Removable Striping Tape	87 LF	no certification	Accepted
5-29-97	Type B asphalt	26 tons	no test	Waived
8-22-97	24" conc. Storm Sewer Pipe	7 LF		Waived

John Doe
Resident Engineer

See Note 1. Page 1

CONSTRUCTION CONTROL DIRECTIVE NO. 970115 CONTINUED

—
It is not necessary to attach copies of the test or work sheets, we only need the summary indicating what action was taken.

ADMINISTRATION OF MATERIALS TESTING

Production and distribution of the monthly Materials Received Report, which has been done routinely for several years, is found to have little value and is no longer required.

CATEGORIES OF TESTING:

There are basically five areas of testing and verification for acceptance; Tests performed by the Residency, Pretested stock materials, Manufacturer's Certification, Brochure Items, and tests by the Central Laboratory for Acceptance. The types of materials in each category will be addressed on the following pages.

**OKLAHOMA DEPARTMENT OF TRANSPORTATION
A REFERENCE GUIDE FOR HANDLING OF TESTS, CERTIFICATIONS AND
DRAWINGS FOR APPROVAL**

Sampling and Testing by the Construction Residency	The Resident Engineer will sample, test, and maintain records at his office. Copies of the Asphalt Plant Inspector's Report and Test Reports of Concrete Cylinders are to be sent to the Materials Engineer.
Pre-tested Materials (Materials that have been been sampled by the Materials Division or certified as pretested stock to a supplier)	The Supplier will send the original shipping report (DT Form 217) to the Materials Engineer and one (1) copy each to the Resident Engineer and Contractor.
Manufacturer's Certification	The Supplier will send the original certification to the Materials Engineer and one (1) copy each to the Resident Engineer and Contractor. (Some materials require sampling in addition to the certification.) After the certification is deemed acceptable, by the Materials Division, one copy each will be sent to the Resident Engineer and the prime contractor. The Materials Engineer may authorize the Resident Engineer to accept certifications for specific materials.
Brochure Items	The Contractor/Supplier will send five (5) copies to the ODOT Approving Authority. (see note 3.) On approval, four (4) copies will be sent to the Materials Engineer for distribution. The Materials Engineer will send one (1) copy to the Contractor and two (2) copies to the Resident Engineer.
Materials Sampled & Tested by Central Lab. For Acceptance (Project Specific)	One copy of the report is sent to the contractor and one copy to the Resident Engineer.
Shop Drawings	See separate Construction Control Directive for the process of submittals of shop drawings, false work details, approval of concrete and related documents.

Note 3. Send a copy of the transmittal only to the Resident Engineer so that he will know that the brochure has been submitted. The Approving Authority is the Division (IE; Traffic, Bridge, Roadway, Local Gov.) that has primary responsibility for the approval.

CONSTRUCTION CONTROL DIRECTIVE NO. 970115 CONTINUED

1. Tests performed or samples acquired by the Construction Residency and forwarded to the Materials Division are as follows:

Filter Blanket	Electric Conduit
Cement	Waterproofing Materials
Fly Ash	Fencing Materials
Aggregate (all types)	Jute Mesh
Soils	Lime
Asphaltic Mixtures	Electric Conductors
Rip Rap	Penetrating Water Repellant
Liquid Asphalt	P.C. Concrete

2. Materials from Pretested Stockpiles:

These are materials that have been purchased in bulk by a supplier. The materials are tested in lots and later shipped to the project accompanied by a test report that identifies the lot source. The testing entity may be the Central Laboratory, a Consulting Firm, and in some cases, another State. The materials in this category typically are:

R/W Markers	Curing Compound (membrane&emulsion)
Delineators	Glass Beads
Traffic Stripe	Castings
(solvent based paint & plastic)	Brick
Glass Beads	Joint Fillers
Pull Boxes,Lids	Joint Sealers (other than silicone)
Reinforced Concrete Pipe	Guardrail End Section
Signs (all)	Wood Fence Post
Guardrail Posts & Blocks(wood&stl.)	
Paint	Pavement Markers & Epoxy
Underdrain Pipe (plastic)	Compression Joint
Sign Posts Stubs	Reinforcing Steel (for CRCP)
Welded Wire Fabric	

CONSTRUCTION CONTROL DIRECTIVE NO. 970115 CONTINUED

3. Manufacturer Certified Materials:

Aluminum Bridge Rails	Cast iron pipe & fittings
Valves & Boxes	Fire Hydrants
Air Entraining Agents	Admixtures
Bearing Pads (1)	Liquid Asphalt(1)
Fertilizer	Construction Traffic Control
Seeding	Ditch Liner Protection
Penetrating Water Repellant (1)	Fly Ash (1)
Glare Screen	Attenuator Modules
Geogrid Reinforcing Materials	Silicone Joint Sealants
Corrugated Metal Pipe	Coated Metal Pipe
Unfabricated Steel Sign Posts	Guardrail, Hardware & End Terminals
Acrylic Waterborne Paint	Portland Cement (1)
Filter Fabric (1)	Paint Systems(for Structural Steel)
Reinforcing Fabric (1)	
Separator Fabric (1)	

(1) Sample Required

4. Items Verified by Brochure:

The specification for signal and lighting items may be met by several manufacturers. After award of the project, the contractor indicates which manufacturer will furnish the materials by submitting a Brochure depicting the model number etc. The Brochure is then sent to the designer for approval. Typically, the items are Signal Heads, Overhead Lighting, Signal Controllers and Cabinets and other miscellaneous hardware items.

CONSTRUCTION CONTROL DIRECTIVE NO. 970115 CONTINUED

5. Materials Sampled and Tested By The Central Laboratory For Acceptance (Project Specific).

Precast Concrete Median Barriers,	Epoxy Coated Steel
Concrete Boxes, Manholes & Inlets	Heavy Weld Steel Grates
Reinforcing Steel	Overhead Sign Structures (alum)
Pipe Railing	Prestressed Concrete Beams
Wire Mesh	Timber and Lumber
Fabricated Steel Pipe Posts	Piling (all)
Culvert End Treatments	Structural Steel

PROCESSING SHOP DRAWINGS

See separate Construction Control Directive for the process of submittals of shop drawings and related documents.

Byron Poynter
Construction Engineer

Copy to: Distribution List

NOTE TO WRITER: DIRECTIVE NO. 970115 HAS REFERENCES TO THE DIRECTIVE FOR SHOP DRAWING SUBMITTALS. IF EITHER IS REVISED, THE OTHER WILL REQUIRE REVISION ALSO.