

SPECIAL CONTRACT REQUIREMENTS

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

Section 101. — TERMS, FORMAT, AND DEFINITIONS

101.03 Abbreviations.

(a) Acronyms. Add the following:

EEBACS — Engineer’s Estimating, Bidding, Award, and Construction System
GSA – General Services Administration
TRPA – Tahoe Regional Planning Agency
NDOT – Nevada Department of Transportation
USFS – United States Forest Service

(b) US Customary abbreviations and symbols. Delete the text and substitute the following:

°F	—	degrees Fahrenheit	temperature
A	—	ampere	electric current
ac.	—	acre	area
BTU	—	British Thermal Unit	energy
cu. in. or in³	—	cubic inches	volume
cu. ft., cf, ft³ or CUFT	—	cubic feet	volume
cu. yd., cy, yd³ or CUYD	—	cubic yards	volume
D	—	day	time
deg. or °	—	degree	plane angle
Fc	—	foot-candles	luminous intensity
fl. oz.	—	fluid ounces	volume
ft. or ’	—	foot or feet	length
gal. or GAL	—	gallon	volume
H	—	Henry	inductance
hr. or HR	—	hour	time
Hz	—	hertz (s ⁻¹)	frequency
in. or ”	—	inch or inches	length
K	—	kelvin	temperature
lb or LB, lbs	—	pound, pounds	mass
Lbf	—	pound-force	force
lnft or LNFT	—	linear foot	length

mi.	— miles	length
min. or m	— minute	time
min. or '	— minute	plane angle
oz.	— ounces	mass
Psi	— pounds/square inch	pressure
Q	— cubic feet/second	flow rate
sec. or s	— second	time
sec. or "	— second	plane angle
sq. in. or in²	— square inches	area
sq. ft., sf, ft² or SQFT	— square feet	area
sq. yd., sy, yd² or SQYD	— square yards	area
T	— short ton (2000 lbs)	mass
V	— volt (W/A)	electric potential
W	— watt (J/s)	power
yd or YD	— yard or yards	length
Ω	— ohm V/A	electric resistance

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

A	— ampere	electric current
Cd	— candella	luminous intensity
°C	— degree Celsius	temperature
D	— day	time
deg. or °	— degree	plane angle
g or gram	— gram	mass
H	— Henry	inductance
Ha	— hectare	area
hr. or HR	— hour	time
Hz	— hertz (s ⁻¹)	frequency
J	— Joule (N·m)	energy
K	— kelvin	temperature
Kg	— kilogram	mass
L	— liter	volume
Lx	— lux	illuminance
M	— meter	length
mm	— millimeter	length
m²	— meter squared	area
m³	— cubic meter	volume
min. or m	— minute	time
min. or '	— minute	plane angle
N	— Newton (kg·m/s ²)	force
Pa	— Pascal (N/m ²)	pressure
sec. or s	— second	time

sec. or "	— second	plane angle
T	— metric ton	Mass
V	— volt (W/A)	electric potential
W	— watt (J/s)	Power
Ω	— ohm V/A	electric resistance

101.04 Definitions.

Add the following:

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

Roadway Prism Delete the text and substitute the following:

Roadway Prism – The volume between the original terrain and the prismatic shape of the roadway.

Subcontractor Delete the text and substitute the following:

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

Section 105. — CONTROL OF MATERIAL

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

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

Add the following:

Certify, according to Subsection 107.10 (d)(2), that sources of rock, sand, gravel, earth, subsoil, or other natural material imported into the project construction limits are noxious weed free.

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

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

Add the following:

The Contractor may use the USFS parking lot at the beginning of the proposed Access Road for a staging area.

Section 106. — ACCEPTANCE OF WORK

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

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

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

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

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

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

Add the following after (b):

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

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

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

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

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

106.03 Certification. Add the following after the second paragraph:

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

Delete the third paragraph and substitute the following:

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

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

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

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

Section	Description	Material	Material Property Or Specification	Frequency	
				Certification	Sample
302	Minor Crushed Aggregate	Crushed Aggregate	Source, Quality and Gradation	1 per source	1 per source
312	Dust Palliative	Calcium Chloride	As specified	1 per shipment	First shipment

Section	Description	Material	Material Property Or Specification	Frequency	
				Certification	Sample
		Magnesium Chloride, Lignosulfonate,			
403	Asphalt Concrete	Aggregate Asphalt Mix	Source quality, Gradation, Stability, and Grade	1 per mix	1 per source
634 and 635	Permanent Pavement Markings, Temporary Traffic Control	634.02 as applicable, 635 as applicable	As specified	1 per source	-----
701	Hydraulic Cement	Portland Cement, Blended Hydraulic Cement, Masonry and Mortar Cement	AASHTO M 85, M 240, ASTM C 91 and ASTM C1392 as applicable	1 per shipment	1 per 100 tons
702.01	Asphalt Material	Asphalt Cement	AASHTO M 226 or M 320, as applicable	1 per shipment	1 per shipment
702.02	Asphalt Material	Emulsified Asphalt	AASHTO M 140 or M 208 as applicable	1 per shipment	1 per shipment
702.03	Asphalt Material	Asphalt Materials used for Damproofing and Waterproofing Concrete and Masonry Surfaces	As specified for each type of asphalt material	1 per shipment	-----
702.05	Antistrip	As specified	As applicable	1 per shipment	-----
706	Concrete and Plastic Pipe	As specified	As applicable	1 per shipment	-----
707	Metal Pipe	As specified	As applicable	1 per shipment	-----
708	Plastic Pipe	As specified	As applicable	1 per shipment	-----
709	Reinforcing and Prestressing Steel	As specified	As applicable	1 per shipment	For 709.01 submit 3, 1- yard (1-meter) bars of each size and grade of bar furnished. 709.02 submit 1 6-foot (2- meter) length for each size furnished
710	Fence and Guardrail	As specified	As applicable	1 per shipment	-----

Section	Description	Material	Material Property Or Specification	Frequency	
				Certification	Sample
711	Concrete Curing Material and Admixtures	As specified	As applicable	1 per material source per material type	-----
712	Joint Material (all)	As specified	As applicable	1 per shipment	-----
713	Roadside Improvement Materials (all)	As specified	As applicable	1 per shipment	-----
714	Geosynthetic Material (all)	As specified	As applicable	1 per shipment	1 per project per type
715	Piling	As specified	As applicable	1 per shipment	-----
716	Material for Timber Structures	Timber and Hardware	As applicable	1 per shipment	-----
717	Structural Metal	As specified	As applicable	1 per shipment	717.01(e) minimum 6 per shipment for each size used. 717.10 1 per project
718	Traffic Signing and Marking Material (all)	As specified	As applicable	1 per shipment	-----
719	Paint	As specified	As applicable	1 per batch\lot	1 sample for quantities > 25 gallons (100L)
720	Structural Wall and Stabilized Embankment Material (all)	As specified	As applicable	1 per shipment per material type	-----
721	Electrical and Illumination Material (all)	As specified	As applicable	1 per shipment per material type	-----
722	Anchor Material	As specified	As applicable	1 per shipment per material type	-----
725	Miscellaneous materials	As specified	As applicable	1 per shipment per material type	-----

Section 107. — LEGAL RELATIONS AND RESPONSIBILITY TO THE PUBLIC

107.01 Laws to be Observed. Add the following:

Section 402 of the Clean Water Act.

Comply with the terms and conditions of any permits that are issued for the performance of work, including Section 402 permits for Construction, Municipal Separate Storm Sewer Systems, Industrial, and Chemical applications in accordance with the National Pollutant Discharge Elimination System.

Tahoe Regional Planning Agency (TRPA) Permit

Comply with the requirements of the TRPA permit. A copy of the permit is located in Appendix D.

Nevada Department of Transportation (NDOT) Permit

Comply with the requirements of the NDOT encroachment permit. A copy of the permit ~~will be provided once obtained and prior to bid opening.~~ is located in Appendix F.

National Pollutant Discharge Elimination System (NPDES) for Nevada

Comply with the requirements of the Nevada General Storm Water Permit NVR100000 for erosion and sediment control due to storm water runoff. A copy of the permit is located at:

<https://ndep.nv.gov/water/water-pollution-control/permitting/stormwater-discharge-permits/construction-sites-greater-than-1-acre>

This permit expired on 01/04/2020; however, the permit has been administratively continued while a permit renewal is being drafted. Amend the SWPPP and site plan when the new permit goes into effect to meet new permit conditions.

Allow 14 days from submittal of NOI to issuance of permit.

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

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

(b) Preparation of the Storm Water Pollution Prevention Plan (SWPPP). The Government has prepared a preliminary SWPPP. Update the preliminary SWPPP for the project or develop a new SWPPP and provide to the CO for review. When the SWPPP is accepted by the CO and signed by both the CO and the Contractor, it will be the document in force on the project. Implement the SWPPP as required throughout the construction period.

Modify the erosion control details and layout sheets included in the plans, as necessary, to accommodate project site conditions and proposed construction operations and include them in the SWPPP.

(c) Notice of Intent (NOI). File a NOI as a primary operator if required or permitted. Provide a copy of the NOI and confirmation letter to the CO. The Government will also file

a separate NOI if required and provide that information to the Contractor for inclusion in the SWPPP. Do not perform any ground disturbing activities including clearing, grubbing, or earthwork until an acknowledgement letter is received from the regulatory agency and the SWPPP has been approved and implemented.

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

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

(e) Inspections and Revisions to the SWPPP. Conduct inspections of the erosion, sediment, and other pollutant controls in compliance with the General Permit. Document inspections and retain records in the SWPPP.

Revisions to the SWPPP may be necessary during construction to make improvements or to respond to unforeseen conditions noted during construction or site inspections. For that purpose, specify in the SWPPP the mechanism whereby revisions may be proposed by the Contractor or the CO and incorporated into the plan, including review and approval of minor changes. Jointly approve and sign each revision to the SWPPP before implementation. Implement approved changes according to the General Permit.

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

At the completion of the project, provide the CO with the complete SWPPP, including inspection forms, logs, and all other required documentation added during the project.

107.02 Protection and Restoration of Property and Landscape

Add the following at the end of this subsection :

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

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

Table 107-1
Status of Utilities

	Company	Utility Type	Contact Name	Phone Number	Status 1, 2, 3, or 4
1	SW Gas Corp	Underground Gas		800-772-4555	4
2	GTE	Fiber/Phone		813-871-2690	4
3	NV Energy	Electric	Jake Newman	775-636-5063	3

4	General Improvement District	Water	Andrew Hickman	775-588-2571	4
5	Frontier	Overhead Communications	Chris Willing	775-782-0910	3
6	Charter	Overhead Communications	Bart Givens	775-823-7744	3

Status 1: The utilities are in conflict with the project and REQUIRE relocation by OTHERS DURING construction.

Status 2: The utilities are in conflict with the project and REQUIRE relocation by the Contractor DURING construction.

Status 3: The utilities are in conflict with the project and REQUIRE relocation by others BEFORE construction.

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

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

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

107.10 Environmental Protection.

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

(4) Do not ford running streams with construction equipment. Obtain approval from the CO to use temporary bridges or other structures whenever crossings are necessary.

(5) Immediately clear ephemeral drainages, intermittent and perennial streams, lakes and reservoirs of all work items, debris or other obstructions placed by or resulting from construction operations.

(6) Locate machinery servicing and refueling areas away from streambeds and washes to reduce the possibility and minimize the impacts of accidental spills or discharges.

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

Sand or soils are not approved absorbent materials.

Add the following to the end of the fourth paragraph:

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

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

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

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

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

Add the following:

(e) Project specific commitments.

(1) Migratory Bird Nest Surveys

- (a) Provide a qualified biologist at no additional cost to the Government to conduct surveys in the construction limits for active bird nests within 10 days prior to vegetation removal (i.e. trimming, clearing, or grubbing) between March 1st and August 31st.
- (b) If vegetation removal will occur in phases along the project route, conduct nest survey in phases so that no more than 10 days lapses between survey and vegetation removal at any one location.
- (c) Provide results of nest survey and avoidance strategies applied, if any, to the CO in a written format within 7 days after the survey(s) are completed.
- (d) If an active nest is identified, notify the CO.
- (e) Determine appropriate avoidance strategy in coordination with CO such as establishing a no-work zone around the nest and delaying vegetation removal or loud noises in that area.

- (f) Monitor the active nest until young have fledged or the nest is no longer active. Notify the CO of any changes in nest status.
- (2) Construction equipment shall have mufflers conforming to original manufacturer specification that are in good working order and are in constant operation to prevent excessive noise or unusual noise. Do not leave equipment idling for more than five minutes when parked or not in use.
- (3) During construction, remove garbage or trash produced from construction activities promptly to avoid creating attractive wildlife nuances.
- (4) Regular working hours are between 8:00 a.m. and 6:30 p.m. and are exempt from noise requirements. Regular construction work outside of these hours must be approved by the CO, conform to TRPA noise standards, and may require noise monitoring.
- (5) All waste resulting from the saw-cutting of pavement shall be removed from the site using a vacuum (or other method approved by the CO) during the cutting process or immediately thereafter.

107.11 Protection of Forests, Parks, and Public Lands. Add the following:

The Forest Service fire prevention plan involving emergency curtailment of operations is included in the Appendix and is in effect on this project.

Section 108. — PROSECUTION AND PROGRESS

108.01 Commencement, Prosecution, and Completion of Work. Add the following:

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

Limit operations as follows:

- (a) Do not begin ground disturbance before May 1st of the calendar year.
- (b) Do not allow ground disturbance activities after October 15th of the calendar year without approval from the CO in coordination with TRPA.

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

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

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

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

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

Add the following:

The CO will issue a Notice to Proceed before commencement of any work. The contract completion date is October 21, 2022.

Follow the grading season restrictions outlined below. No grading or land disturbance will be performed with respect to the project between October 15 and May 1. The Contractor will coordinate with the CO to seek grading exceptions in the event of good weather.

Exceptions to the grading restrictions may be granted by TRPA by submitting an application at:

<https://www.trpa.gov/grading-season-exceptions/>

Grading is prohibited any time of the year during periods of precipitation and for the resulting period of time when the site is covered with snow, or is in a saturated, muddy, or unstable conditions (pursuant to Subsection 64.2.C of the Tahoe Regional Planning Agency Code of Ordinances).

Winterize the site by October 15 to reduce the water quality impacts associated with winter weather as follows according to Attachment Q of the TRPA Construction Permit. Stabilize all disturbed areas with a 3-inch layer of clean wooden mulch or covered with an erosion control blanket:

For the sites that will be inactive between October 15 and May 1:

- a. Temporary erosion controls shall be installed or maintained;
- b. Temporary vegetation protection fencing shall be installed;
- c. Disturbed areas shall be stabilized;
- d. Onsite construction slash and debris shall be cleaned up and removed;
- e. Where feasible, mechanical stabilization and drainage improvements shall be installed; and spoil piles shall be removed from the site.

Add the following:

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

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

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

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

The electronic version of EEBACS-001 is available at:

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

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

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

108.04 Failure to Complete Work on Time.

Delete Table 108-1 and substitute the following:

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

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

Section 109. — MEASUREMENT AND PAYMENT

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

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

109.02 Measurement Terms and Definitions.

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

109.08 Progress Payments.

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

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

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

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

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

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

(e) Processing progress payment requests.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Government will furnish the following:

- (1) 3D coordinates and offset distance from centerline for subgrade and surface course finishing stakes at 50-foot (20-meter) intervals and miscellaneous intermediate stations.
- (2) Slope stake data containing centerline grade and slope staking information at 50-foot (20-meter) station intervals and miscellaneous intermediate stations.
- (3) Computer listings containing: horizontal alignment, vertical alignment, earthwork quantities, and staking details showing superelevation template data and slope information.

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

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

Reestablish missing control points and stakes before slope staking begins.

152.05 Survey and Staking Requirements.**(b) Centerline establishment.** Add the following:

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

(d) Slope and references stakes.**(2) Conventional survey methods.** Add the following:

When the centerline curve radius is less than or equal to 250 feet (75 meters), use a maximum longitudinal spacing between stakes of 25 feet (8 meters). When the centerline is on a tangent or the curve radius is greater than 250 feet (75 meters), use a maximum longitudinal spacing between stakes of 50 feet (15 meters).

(f) Grade-finishing stakes. Delete paragraph (1) AMG method.

(g) Culverts. Delete the text and substitute the following:

Verify and set culvert locations at the inlet, outlet, and inlet basin points according to the plans. Plot the centerline of the proposed culvert at a 1:20 scale. Show the natural ground, the flow line, the roadway section, and the culvert including end treatments and other appurtenances. Provide the elevations, grade, culvert length, degree of elbow, catch points, and hinge points on the plot.

Perform the following if the culvert design shown in the plans does not fit field conditions, when the CO requires adjustment to a culvert location, or when a culvert design isn't provided for a new culvert, culvert replacement, or culvert extension:

- (1) Recommend a revised culvert location and alignment if needed.
- (2) Survey and record the ground profile along the culvert centerline;
- (3) Determine the slope catch points at the inlet and outlet;
- (4) Set reference points and record information necessary to determine culvert length and end treatments;
- (5) Plot to scale the profile along the culvert centerline. Show the natural ground, the flow line, the roadway section, and the culvert including end treatments and other appurtenances. Show elevations, grade, culvert length, and degree of elbow.

(a) For single skewed culverts, submit a plotted field-design cross-section normal to roadway centerline and at each end section. Plot the offset and elevation of natural ground at the end section and at proposed template break points between centerline and the end section. Ensure the template design embankment slope is not exceeded;

(b) For multiple skewed culverts, submit a plotted field design cross-section normal to roadway centerline and at the end sections (left and right) nearest to the shoulder. Plot the offset and elevation of natural ground at the end section and at proposed template break points between centerline and the end section. Ensure the template design embankment slope is not exceeded;

(c) Submit the plotted field-design cross-section for approval of final culvert length and alignment. Plot at a clear and readable scale;

(d) Set inlet, outlet, and reference stakes when the field design has been approved. Stake inlet and outlet ditches to make sure the culvert and end treatments (such as drop inlets) are functional; and

(e) Adjust slope, reference, and clearing stakes as necessary to provide for culvert inlet treatments in cut slopes. Readjust slope, reference, and clearing stakes as necessary when culvert inlets are moved from their plan locations. Review slope adjustments with the CO and obtain approval.

Measurement

152.07 Delete the third paragraph and substitute the following:

Do not measure miscellaneous survey and staking.

152.07 Add the following to the fourth paragraph:

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

Section 153. — CONTRACTOR QUALITY CONTROL

Description

153.01 Add the following:

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

Construction Requirements

153.02 **Qualifications.**

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

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

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

153.03 **Quality Control Plan (QCP).**

(b) Quality control procedures

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

Add the following:

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

Add the following:

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

153.04 Prosecution of Work. Delete the sentence and substitute the following:

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

(a) Preparatory phase.

(1) Delete the paragraph and substitute the following:

In a preparatory phase meeting, review the contract requirements for the work; the process for constructing the work; and the plan for inspecting, testing, measuring, and reporting the work. Include the project superintendent, the quality control supervisor (QCS), the foreman for the work to be performed, and the CO in the meeting. Schedule and conduct a preparatory meeting for each type of work to be performed at least one week prior to beginning the work.

(b) Start-up phase.

(1) Delete the paragraph and substitute the following:

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

(c) Production phase. Add the following:

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

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

153.05 Sampling and Testing.

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

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

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

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

153.06 Certifications. Delete the text and substitute the following:

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

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

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

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

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

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

Enter the following data into EEBACS:

(1) Subcontractors data.**(2) Labor/Equipment.**

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

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

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

Certify all CDR’s using the following statement:

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

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

Submit the record and certification within 24 hours of the work being performed. If the CDR is incomplete, in error, or otherwise misleading, the CDR will be rejected and returned within EEBACS with corrections noted. Correct rejected CDRs and resubmit the revised CDR

within 24 hours. When chronic errors or omissions occur, correct the procedures by which the records are produced.

153.08 Acceptance. Add the following:

Performance of the work may be stopped according to Subsection 108.05, either in whole or in part, for failure to comply with the requirements of this Section. The Government may charge to the Contractor the cost of any additional inspections required when the work being inspected is found not to comply with contract requirements during the initial inspection. Work stop orders, due to recurring deficiencies of work required by this Section, will be rescinded after the Contractor demonstrates to the CO that changes were made to the quality control plan and system which resulted in the correction of those deficiencies. There will be no adjustment in the contract time, or payments to the Contractor for any impacts, delays or other costs due to any periods of work stoppage resulting from failure to comply with the requirements of this Section.

EEBACS electronic documentation will be evaluated under Subsection 106.02.

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

Measurement

153.09 Measure contractor quality control according to Subsection 109.02.

Do not measure EEBACS electronic documentation for payment.

Payment

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

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

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

Section 154. — CONTRACTOR SAMPLING AND TESTING**Construction Requirements****154.03 Sampling.** Add the following:

Perform the initial curing of all concrete test cylinders. Provide for transporting the government verification cylinders to the FHWA-Central Federal Lands Highway's Laboratory unless other testing facilities are authorized by the CO.

Label each concrete mold with the name and number of the Project, the cylinder number, date molded, location of the sample, and the test age (i.e. – 7, 14, or 28 days). Label the mold after casting and the cylinder after stripping to ensure the sample can be identified throughout the entire curing process.

Provide the required cylinder molds.

154.04 Testing Add the following:

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

Add the following subsections:

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

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

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

The CO may require the Contractor to perform testing to demonstrate acceptable equipment and an acceptable level of technician competence. The CO may also check equipment and inspection

records to verify condition. Repair or replace equipment not meeting applicable requirements. Keep laboratory facilities clean and maintain equipment in proper working condition. Provide the CO unrestricted access to the laboratory for inspection and review.

Section 155. — SCHEDULES FOR CONSTRUCTION CONTRACTS

Construction Requirements

155.04 Preliminary Construction Schedule.

Add the following:

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

155.05 Initial and Baseline Construction Schedule.

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

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

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

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

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

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

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

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

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

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

Add the following:

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

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

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

Section 156. — PUBLIC TRAFFIC

Construction Requirements

156.05 Maintaining Roadways During Work.

(a) Add the following:

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

156.07 Limitations on Construction Operations.

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

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

(i) Delete the text and substitute the following:

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

Add the following:

(j) Provide at least one lane of travel in each direction on US 50 for the duration of the project.

(k) Prohibit longitudinal drop offs greater than one inch adjacent to traffic.

(l) Saturday work with traffic control impacts to US 50 are allowed prior to Memorial Day. No Saturday work with traffic control impacts to US 50 are allowed after Memorial Day without prior approval by the CO in coordination with the Nevada Department of Transportation.

(m) Sunday work with traffic control impacts to US 50 are allowed between 8:00 am and 12:00 pm prior to Memorial Day. No Sunday work with traffic control impacts to US 50 are allowed after Memorial Day without prior approval by the CO in coordination with the Nevada Department of Transportation.

(n) Prohibit delays greater than 30 minutes at Sierra Sunset Lane. Provide two weeks notice of any delays, subject to CO approval, to the residents of Sierra Sunset Lane. Provide an area to queue vehicles waiting to enter Sierra Sunset Lane so there is no effect to mainline US 50 traffic.

Section 157. — SOIL EROSION AND SEDIMENT CONTROL

157.04 General. Add the following:

Do not designate the project superintendent as the Erosion Control Supervisor.

Section 202. — ADDITIONAL CLEARING AND GRUBBING

Construction Requirements

202.07 Removal of Individual Trees or Stumps.

Delete the first sentence and add the following text: Trees have been cut by others. Remove and dispose of designated stumps only. Tree removal will only be required at the discretion of the CO.

Add the following text:

Install vegetation protection fencing in areas identified on the plans.

Fencing of vegetation protection areas are shown on the plans. Install fencing at least 48 inches high and constructed of metal posts and orange construction fencing at least 48 inches high. Do not place material or allow equipment to enter in areas protected by fencing or outside the approved construction area without prior approval from the CO. Do not move fences without prior approval.

No trees will be removed (other than those shown on the approved site plan) or trimmed for view enhancement purposes without prior CO written approval. The roots of trees (adjacent to construction) over four inches in diameter will not be severed, unless approved by the CO.

Payment**202.10** Delete the first sentence and add the following text:

Temporary Fencing for Tree Protection is paid for under 63503-1000 Temporary Traffic Control, Plastic Fence. Removal and disposal of designated stumps is paid under 20101-0000 Clearing and Grubbing.

Section 203. — REMOVAL OF STRUCTURES AND OBSTRUCTIONS**Description****203.01** Add the following:

This work consists of removing the existing slope paving.

Construction Requirements**203.04 Removing Material.****(c) Concrete removal in repair areas.** Add the following to the second paragraph:

Use hand tools (hammers and chisels) to remove final particles of concrete or to achieve the required depth.

Delete the third paragraph and substitute the following:

Sandblast all exposed structural steel, reinforcing steel, and concrete surfaces that will be in contact with repair material. Remove all rust and foreign material. Clean the sound concrete surface by flushing with a high-pressure water jet or oil-free compressed air.

Add the following:

The work required by removal of structures and obstructions includes, but is not limited to, removing:

- Existing slope paving above the existing retaining wall on the west side of US 50

203.05 Disposing of Material.**(a) Remove from Project.** Add the following:

Secure clearances according to Subsection 107.10.

(b) Burn. Delete the subsection.**(c) Bury.** Delete the subsection.

Section 204. — EXCAVATION AND EMBANKMENT**Materials****204.03. Add the following:**

Crushed aggregate	703.06
Geotextile	714.01(a)
Asphalt concrete	403, Type II
Stabilization Geogrid	714.03

Construction Requirements**204.05 Conserved Topsoil. Delete the first sentence and substitute the following:**

Conserve topsoil from the roadway excavation and from embankment foundation areas to the extent and depth determined by the CO.

204.07 Subexcavation. Delete the subsection and substitute the following:**204.07 Subexcavation.**

Use separation-stabilization geotextile, Class 1, Type B.

Notify the CO of type and source of backfill material anticipated for subexcavation work at the preparatory phase meeting according to Subsection 153.04(a). Excavate unsuitable materials to the limits designated in the plans, or as directed by the CO. Notify the CO of any additional locations requiring subexcavation, or which require a change in surface dimension or depth. Advise the CO of any adverse conditions such as active subsurface water or unstable soil conditions prior to backfilling. Dispose of unsuitable material according to Subsection 204.14. Do not subexcavate during periods of inclement weather.

Submit a neat line drawing of the excavated volume for each subexcavation prior to backfilling. Place geotextile according to Section 207 prior to placing soil or aggregate backfill materials in the subexcavation. Place and compact soil or aggregate backfill according to Section 204.11, or Section 403 for hot asphalt concrete backfill until the subgrade elevation is achieved. Prevent backfill materials from becoming contaminated with unsuitable materials. Replace the excavated structural section with the structural section shown in the typical section of the plans. Adjust the subgrade elevation to accommodate the replacement structural section.

204.10 Embankment Construction. Add the following:

(d) Reinforced Embankment. When placing reinforced embankment over the top of existing retaining walls, place material in horizontal layers not exceeding 12-inches (300 millimeters) in compacted thickness. Place stabilization geogrid according to Subsection 207.04. Use only light-weight hand operated equipment within 2-feet (600 millimeters)

vertically and 5-feet (1,500 millimeters) horizontally of the top of existing retaining wall. Compact each layer according to Subsection 204.11.

204.14 Disposal of Unsuitable or Excess Material. Add the following:

Secure environmental clearances according to Subsection 107.10(d).

204.15. Add the following:

Geotextile will be evaluated under Section 207.

Asphalt concrete will be evaluated under Section 403.

(c) Embankment construction. Delete the text and substitute the following:

Measure embankment construction in its final position. Do not make deductions from the embankment construction quantity for the volume of minor structures.

(1) Include the following volumes in embankment construction:

- (a) Roadway embankments, including reinforced embankment;
- (b) Material used to backfill holes, pits, and other depressions; and
- (c) Material used for dikes, ramps, mounds, and berms.
- (d) Material imported into the obliteration area or exported out of the obliteration area necessary to restore obliterated roadbeds to original contours.

(2) Do not include the following volumes in embankment construction:

- (a) Preparing foundations for embankment construction;
- (b) Adjustments for subsidence or settlement of the embankment or of the foundation on which the embankment is placed;
- (c) Material used to round fill slopes;
- (d) Material used to backfill subexcavated areas; and
- (e) Material used to restore obliterated roadbeds to original contours.

Reset existing boulders, within the project construction limits, greater than 2 ft. in diameter to proposed slope, not measured for payment.

(g) Subexcavation. Delete the text and substitute the following:

When a subexcavation pay item is shown in the bid schedule:

- (1) Measure subexcavation by the cubic yard of excavation measured in its original position
- (2) Do not measure backfill material and geotextile for payment.

Section 207. — EARTHWORK GEOSYNTHETICS

Construction Requirements

207.04(a) Surface Preparation Add the following.

- (4) **Reinforced Embankment.** Bench into existing ground according to Subsection 204.09. Protect existing retaining wall during excavation.

207.04(c)(1) First layer placement and compaction. Add the following to the last paragraph.

Use only lightweight hand operate equipment within 2-feet vertically and 5-feet horizontally of the existing retaining wall.

Measurement

207.09 Delete the second sentence.

Section 211. — ROADWAY OBLITERATION

Description

211.01 Add the following:

Adjust slopes in the horizontal and vertical plans to blend into existing, adjacent natural ground.

Rip subsoil a minimum of 18 inches in two direction perpendicular to one another. Adjust slopes in the horizontal and vertical plans to blend into existing, adjacent natural ground. Do not compact subsoil after preparation. Apply conserved topsoil, on finished slopes according to Section 624.

Measurement

211.05 Add the following:

Do not measure areas within slope stake limits under roadway obliteration.

Measure material excavated from an obliterated roadway and used for new construction or in separate obliteration locations under Section 204.

Section 302. — MINOR CRUSHED AGGREGATE

302.06 Acceptance. Add the following to the second paragraph:

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

Delete Table 302-1 and substitute the following:

**Table 302-1
Sampling, Testing, and Acceptance Requirements**

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

⁽¹⁾ Sampling and testing required for roadway aggregate.

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

⁽³⁾ Minimum of 5 points per proctor.

Section 403. — ASPHALT CONCRETE**Description****403.01** Add the following:

Asphalt binder shall be PG64-28NV meeting the requirements of Section 702.

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

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

403.08 Placing and Finishing.**403.09 Compacting.** Add the following:

For HMA, do not roll the mix after the surface cools below 175 °F (80°C).

Along forms, curbs, headers, walls, and other places not accessible to the rollers, compact the mix with alternate equipment to obtain the required compaction.

403.12 Acceptance. Add the following:

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

Delete Table 403-2 and substitute the following:

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

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

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

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

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

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

Section 563. — PAINTING

Description

563.01 Add the following:

This work also consists of finishing surfaces with a reactive colorant to produce a natural weathered appearance.

All new galvanized or reflective metal surfaces including but not limited to guardrails, guardrail posts, traffic signal posts, light posts, utility boxes, sign posts, backs of signs, and exposed culverts shall be treated to produce a natural weathered approach, colored to the approved TRPA color, Brown Fed. Standard 595 FS 30059, or another approved color by TRPA. Submit color samples for each respective item to the CO for review and approval, in coordination with TRPA, a minimum of 1 week prior to installation.

Material

563.02 Add the following:

Weathering agent

725.19

Construction Requirements

563.05 Protection of Public, Property, and Workers. Add the following:

Comply with all applicable federal, state, and local regulations. Furnish material safety data sheets for all cleaning and staining products.

Add the following:

563.10A Weathering Agents.

Apply weathering agent to the required galvanized surfaces at the manufacturer's facility. After application, cure the treated guardrail materials to develop the full coloration according to the manufacturer's recommendation.

Repair damages or discoloration to the final finish by field applying weathering agent according to the manufacturer's recommendations.

Apply weathering agent to placed boulders and riprap as directed by the CO. Prepare surfaces and apply weathering agents using the manufacturer's recommendations.

Repair damages to the final finish on non-metallic surfaces by applying weathering agent to damaged areas until the finish matches that of the approved applicable test section.

563.12 Acceptance. Add the following:

Reactive colorant finishes will be evaluated under Subsections 106.02.

Section 602. — CULVERTS AND DRAINS

Material

602.02 Add the following:

Painting 563

Construction Requirements

602.03 General. Add the following:

Treat all exposed galvanized material for culverts and end sections with a weathering agent according to Section 563.

Section 609. — CURB AND GUTTER

609.03 General. Add the following:

Submit concrete color sample to CO for approval prior to placement of curb and gutter.
Concrete mix designs shall be NDOT mix designs previously approved in the last 12 months.

Section 614. — LEAN CONCRETE BACKFILL

614.04

Add the following:

Prior to excavation around water line, submit plan to support the water line, prevent damage, and other preventative measures to the CO for approval.

614.06

Add the following:

Notify the CO when the lean concrete backfill has been placed around the waterline prior to placement of embankment over the lean concrete backfill for inspection and acceptance by the General Improvement District.

Section 617. — GUARDRAIL

Description

617.01

(a) Add the following:

MGS — Midwest Guardrail System (MGS)

(d) Add the following:

MGS Flared	- Straight flared MGS W-beam terminal
MGS Tangent	- Tangent MGS W-beam terminal
SBL-FAT	- Flared SBL anchor terminal

Material

617.02 Add the following:

Painting	563
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Construction Requirements

617.03 General. Add the following:

Treat all galvanized material for guardrail systems with a weathering agent according to Section 563.

Use tangent terminals meeting MASH Test Level 3. When proprietary terminals are required, submit the installation manual from the manufacturer for the terminal, including inspection checklists.

617.11 Acceptance. Add the following:

Painting will be evaluated under Section 563.

Section 621. — MONUMENTS AND MARKERS

Description

621.01 Add the following:

This work also consists of construction, installation, and monitoring of settlement plates.

Materials

621.02 Add the following:

Settlement Plates	707.15
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Construction Requirements

621.03A Settlement Plate Assemblies. (Added subsection).

(a) Settlement Plate Assembly Installation. Construct the settlement plate assembly according to the plans. Alternate designs may be allowed if approved in writing by the CO. Submit detailed drawings to the CO and allow 10 days for review and approval.

Install settlement plate assemblies at the following stations along the roadway: 26+50 and 28+20. Adjust locations to match field conditions as approved by the CO.

Place the assembly on natural ground in front of the existing retaining wall with one 48-inch long section of marker pipe attached. Ensure that the assembly has full bearing and the marker pipe is plumb before proceeding with the casing assembly.

Record the elevation of the top of the iron pipe cap according to Section 152 in the presence of the CO. Determine the location of the settlement plate assembly installation in plan to an accuracy of 0.01 feet and in elevation to an accuracy of 0.01 feet. Cap the casing immediately after the elevation is determined. Stamp or label the casing cap with the installation data and location.

Install additional casing sections on the settlement plate assembly as required as embankment construction proceeds to keep the top of casing above the fill.

Clearly mark and flag each assembly as approved by the CO. Repair or replace settlement plates damaged by the contractor at no cost to the government.

Preserve and protect settlement plates and marker pipes. Immediately repair or replace damaged settlement plates and marker pipe and re-survey at no cost to the government.

(b) Settlement Plate Assembly Monitoring. Monitor the vertical movement of the settlement plate assemblies under the supervision of the CO according to Section 152.

Take readings at the top of the iron pipe cap according to the following:

- (1) Immediately after installation of the settlement plates prior to any fill placement.
- (2) Immediately after the completion of every 3 vertical feet of embankment completion.
- (3) At least weekly after installation regardless of construction activity or inactivity, until the monitoring is deemed complete by the CO.

On the same day readings are collected, provide the data collected to the CO by email in the government provided Microsoft Excel spreadsheet. The electronic spreadsheet must be compatible with Microsoft Excel 2007 (or newer version) and have a worksheet tab name that includes the segment number and the station to station numbers.

621.04 Acceptance. Add the following:

Material for settlement plate assemblies will be evaluated under Subsections 106.02 and 106.03.

Construction and installation of settlement plate assemblies will be evaluated under Subsections 106.02 and 106.04.

Monitoring of settlement plate assemblies will be evaluated under Section 152.

621.05 Measurement. Add the following:

Do not measure repair, replacement, or resetting of settlement plate assemblies that become uncoupled, broken, or inoperable due to Contractor operations.

Do not measure monitoring of settlement plate assemblies.

Section 623. — GENERAL LABOR

Delete the text of this Section and substitute the following:

Description

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

Construction Requirements

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

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

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

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

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

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

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

Biological Services. Provide a qualified biologist(s) to perform surveys described in Subsection 107.10. A qualified biologist shall have a bachelor's degree in a relevant field and at least two full years of documented experience leading similar surveys. Provide qualifications to the CO for review and approval at least 14 days prior to survey initiation.

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

Additional surveying services will be evaluated under Section 152.

Hired technical services will be evaluated under Subsections 106.02 and 106.04.

Measurement

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

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

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

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

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

Payment

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

Section 625. — TURF ESTABLISHMENT**Description**

625.01 Delete the first sentence and substitute the following:

This work consists of soil preparation, watering, seeding, and mulching.

Material

625.02 Delete the text and substitute the following:

Conform to the following Subsections:

Agricultural limestone	713.02
Mulch	713.05
Seed	713.04
Tackifiers	713.11
Water	725.01(b)

Construction Requirements

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

Perform all seeding between October 1 and October 31, prior to first snowfall.

Add the following at the end of the section:

Use seed stock from a local high elevation seed source.

Conform to all laws and regulations pertaining to the sale and shipment of seed required by the Nevada Department of Agriculture and the Federal Seed Act. Ensure that all seed has been tested within twelve (12) months prior to application date. Confirm that seed tags reflect the most recent test date.

Deliver seed to the project site in sealed bags with proper labeling. Weed seed shall not exceed 0.15% of the pure live seed (PLS) specified and shall not include any seed of cheatgrass (*Bromus tectorum*) or sweet clovers (*Melilotus officinalis*, *M. alba*). Crop seed shall not exceed 0.25%.

625.04 Preparing Seedbed. Add the following: For all seeding methods, scarify any disturbed or compacted soils to a depth of 4 inches prior to seeding.

625.06 Fertilizing. Delete the Subsection and substitute the following:

Do not use fertilizer.

Measurement

625.11 Delete the second sentence and substitute the following:

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

Section 629. — ROLLED EROSION CONTROL PRODUCTS AND CELLULAR CONFINEMENT SYSTEMS

Construction Requirements

629.05 (a) Slope Installations. Delete the text and substitute the following:

(a) Slope Installations. At the top of the slope, anchor the RECP by using an anchor trench.

(1) Anchor trench. Construct a 6- by 6-inch (150- by 150-millimeter) trench. Extend the upslope terminal end of the RECP 36 inches (900 millimeters) past the trench. Use staples on 12-inch (300-millimeter) centers to fasten the RECP into the trench. Backfill the trench and compact the soil. Secure the terminal end with a single row of staples on 12-inch (300-millimeter) centers and cover the end with soil. Apply turf establishment to trench.

Securely fasten all RECP to the soil by installing staples according to the manufacturer's recommendations.

Section 633. — PERMANENT TRAFFIC CONTROL

Material

633.02 Add the following:

Painting 563

Construction Requirements

633.04 Sign Posts. Add the following:

Treat all galvanized material on sign posts with a weathering agent according to Section 563.

633.05 Sign Panels. Add the following:

~~Treat all galvanized material on the backs of signs with a weathering agent~~ according to Section 563.
Paint or powder coat all brown

Section 634. — PERMANENT PAVEMENT MARKINGS**Construction Requirements**

634.05 Waterborne Traffic Paint (Type B and C). Delete the Subsection and substitute the following:

Apply paint when the pavement and air temperature are at 50°F (10°C) and rising.

(a) Type B. Do not heat the paint above 120°F (49°C). Apply paint at a rate of 100 square feet per gallon (2.5 square meters per liter).

Apply Type 1 glass beads on the paint at a rate of 6 pounds per gallon (0.72 kilograms per liter) of paint.

Apply two applications of paint and glass beads. Apply the second coat in the opposite direction of the first application. Apply the second application after the first is tack free.

(b) Type C. Do not heat the paint above 120°F (49°C). Apply paint at a rate of 70 square feet per gallon (1.7 square meters per liter).

Apply glass beads using two dispensers. Apply Type 3 glass beads on the paint at a rate of 8 pounds per gallon (0.96 kilograms per liter) immediately followed by Type 1 glass beads at a rate of 6 pounds per gallon (0.72 kilograms per liter).

Measurement

634.12 Add the following after the first paragraph:

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

Delete the second paragraph and substitute the following:

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

Section 635. — TEMPORARY TRAFFIC CONTROL**Description**

635.01 Delete the second paragraph and substitute the following:

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

Material

635.02 Delete the Subsection and substitute the following:

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

Concrete barrier (temporary)	618
Delineator and object marker retroreflectors	718.08
Guardrail (temporary)	617
Retroreflective sheeting	718.01
Sign panels	718.03
Sign posts	718.04
Sign hardware	718.06
Temporary plastic fence	710.11
Temporary pavement markings	718.16

Construction Requirements

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

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

Add the following:

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

Use crashworthy posts within the traversable area adjacent to traffic.

635.09 Flaggers. Add the following:

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

635.13 Temporary Pavement Markings and Delineation. Add the following:

For seasonal suspensions, apply the permanent pavement marking pattern with temporary traffic paint.

(d) Delineation for Unmarked Pavements with Vehicle Positioning Guides. For unmarked pavements, install signing and vehicle positioning guides as indicated in the plans. Use vehicle positioning guides that meet the requirements of Subsection 718.16(b), pavement markers.

Remove all vehicle positioning guides before placing additional pavement layers. Remove all vehicle positioning guides from the surface course before placing permanent pavement markings.

635.13 Temporary Pavement Markings and Delineation. Add the following to the last paragraph:

If permanent pavement markings are not placed within 14 days, provide, at no cost to the contract, additional temporary delineation equivalent to the permanent pavement marking pattern required by the contract.

Measurement

635.24

Add the following:

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

Delete the second paragraph and substitute the following:

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

Delete the first four sentences in the sixth paragraph and substitute the following:

Measure temporary pavement markings by the mile along the centerline of the roadway. Measure temporary pavement markings as a single measurement, inclusive of all markings, from end to end regardless of color, material type, or number of lines. Do not deduct for standard gaps between stripes.

Add the following:

Measure vehicle positioning guides used at the option of the Contractor in lieu of temporary markings as equivalent temporary pavement markings. When vehicle positioning guides exceed the period of use stated in the plans, provide additional temporary or permanent pavement markings at no cost to the Government. Measure vehicle positioning guides by the mile along the centerline of the roadway. Measure as a single measurement, inclusive of all markings, from

end to end regardless of material type, gaps or number of lines. Measure only one application of vehicle positioning guides per lift. “DO NOT PASS”, “PASS WITH CARE”, and “NO CENTER STRIPE” signs required to be used with vehicle positioning guides are subsidiary to the temporary pavement marking item. Do not measure these signs as construction signs.

Section 702. — ASPHALT MATERIAL

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

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

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

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

702.01 Asphalt Binder. Add the following:

Asphalt binder for the asphalt concrete pavement will be Grade PG 64-28NV conforming to Table 702-2. Blend the PG 64-28NV at the source of the supply and deliver as a completed mixture to the job site.

Table 702-2
Asphalt Binder Grade PG 64-28NV

Test	Test Method	Requirement
Tests on Original Binder:		
Flash point, °C	AASHTO T 48	230 Min.
Viscosity @ 135°C, Pa·s	AASHTO T 316	3.00 Max.
Dynamic Shear, G*/sin δ, Test Temp 64°C @ 10 rad/s, kPa	AASHTO T 315	1.00 Min.
Ductility @ 4°C, 5 cm/min, cm	AASHTO T 51	50 Min.
Toughness @ 25°C, in-lbs	ASTM D 5801	110 Min.
Tenacity @ 25°C	ASTM D 5801	75 Min.
Tests on Residue from R.T.F.O., AASHTO T 240:		
Mass Loss, %	AASHTO T 240	1.00 Max.
Dynamic Shear, G*/sin δ, Test Temp 64°C @ 10 rad/s, kPa	AASHTO T 315	2.20 Min.
Ductility @ 4°C, 5 cm/min, cm	AASHTO T 51	25 Min.

Tests on Residue from Pressure Aging Vessel, AASHTO R28 @ 100°C:		
Dynamic Shear, $G^* \sin \delta$, Test Temp 22°C @ 10 rad/s, kPa	AASHTO T 315	5000 Max.
Creep Stiffness, S, Test Temp -18°C @ 60 sec, MPa	AASHTO T 313 ⁽²⁾	300 Max.
Creep Stiffness, m-value, Test Temp -18°C @ 60 sec	AASHTO T 313 ⁽²⁾	0.300 Min.

Section 703. — AGGREGATE

Add the following:

All aggregate material used within the NDOT right of way shall conform to the NDOT Standard Specifications: Section 207 for granular backfill and Section 302 for aggregate base. Materials shall be from a NDOT source-accepted pit. Submittals for materials, certified by NDOT Headquarters Lab, dated within one year of construction, shall be submitted to the CO for approval prior to use.

703.01 Add the following:

703.01 Fine Aggregate for Concrete.

- (c) Sand equivalent value, AASHTO T 176, Alternate Method No. 2 75 min.

703.05 Subbase, Base, and Surface Course Aggregate.

(a) **General.** Delete the following:

- (3) Durability index (coarse), AASHTO T 210 35 min.
- (4) Durability index (fine), AASHTO T 210 35 min.

(b) **Subgrade or Base aggregate.** Delete line (2) and substitute the following:

- (2) Liquid limit, AASHTO R 58 and T 89 25 max

(c) **Surface Course Aggregate.** Add the following:

- (4) Dust ratio: $\frac{\% \text{ passing \#200}}{\% \text{ passing \#40}}$ 2/3 max.

Do not use material that breaks up when alternately frozen and thawed or wetted and dried.

Obtain the aggregate gradation by crushing, screening, and blending processes as necessary. Fine aggregate, material passing the No. 4 sieve, will consist of natural or crushed sand and fine mineral particles.

Delete Table 703-3 and substitute the following:

**Table 703-3
Target Value Ranges for
Surface Course Gradation and Plasticity Index**

Sieve Size	Percent by Mass Passing Designated Sieve (AASHTO T 27 and T 11)
¾ inch (19 mm)	100 ⁽¹⁾
No. 4 (4.75 mm)	41-71 (6)
No. 40 (425 µm)	12-28 (4)
No. 200 (75 µm)	9-16 (3)
Plasticity Index (PI)	8 (4)

⁽¹⁾ Statistical procedures do not apply.

() Allowable deviations (+/-) from the target values.

Section 704. — SOIL

704.04 Structural Backfill. Delete line (c) and add the following:

- (c) Plastic index, AASHTO R 58 and T 90 6 max.
 (d) Liquid limit, AASHTO R 58 and T 89 30 max.

704.07 Select Borrow. Delete line (b) and add the following:

- (b) Liquid limit, AASHTO R 58 and T 89 30 max.
 (c) Plastic index, AASHTO R 58 and T 90 6 max.

704.08 Select Granular Backfill.

(a) **Quality requirements.** Delete lines (2) and (4) and substitute the following:

(2) Peak shear maximum angle of internal friction 34° min.
 on the portion passing the No. 4 sieve, AASHTO T 236

(4) Plastic index, AASHTO R 58 and T 90 6 max.

(a) **Quality requirements.** Add line (6):

(6) Liquid limit, AASHTO R 58 and T 89 30 max.

(b) **Electrochemical requirements for MSE walls with metallic reinforcements.** Delete the Note and substitute the following:

Note: Tests for sulfate and chloride content are not required when the pH is between 6.0 and 8.0 and resistivity is greater than 5000 ohm centimeters.

Add the following Subsection:

704.09 Slope Fill. Furnish sound, durable, granular soil free from organic matter or other deleterious material (such as shale or other soft particles with poor durability). Conform to the following:

(a) Quality requirements.

(1) Gradation	Table 704-3
(2) Sodium sulfate soundness loss (5 cycles)	15% max.
(3) Liquid limit, AASHTO R 58 and T 89	40 max.
(4) Plastic index, AASHTO R 58 and T 90	20 max.

**Table 704-3
Slope Fill Gradation**

Sieve Size	Percent by Mass Passing Designated Sieve (AASHTO T 27 and T 11)
4 inch	100
No. 4	20–100
No. 40	0 – 60
No. 200	0 – 35

Section 705. — ROCK

705.02 Riprap. Add the following:

Submit rock color sample to CO for approval prior to purchase of riprap. All rock material (gravel, cobble, and boulders) shall be clean and thoroughly washed prior to arrival at the site to ensure that the rock is free of any silt or clay particles.

Section 710. — FENCE AND GUARDRAIL

710.06 Rail Elements.

(a) Metal beam rail. Delete the first sentence and substitute the following:

Furnish guardrail posts conforming to the Task Force 13 *Guide to Standardized Roadside Safety Hardware*.

710.07 Guardrail Posts. Delete the first sentence and substitute the following:

Furnish guardrail posts conforming to the Task Force 13 *Guide to Standardized Roadside Safety Hardware*.

710.09 Guardrail Nuts, Bolts, and Cables.

(b) Weathering nuts and bolts. Delete the second sentence and substitute the following:

Furnish bolts conforming to ASTM F3125, Type 3.

710.10 Guardrail Hardware. Delete the first sentence and substitute the following:

Furnish guardrail posts conforming to the Task Force 13 *Guide to Standardized Roadside Safety Hardware*.

Add the following:

Furnish a flexible hinged guardrail delineator which allows the reflector to fold down and spring back to an upright position after impact. Furnish retroreflective sheeting conforming to ASTM D4956, including supplementary requirements. Use type IV or XI retroreflective sheeting permanently adhered to 0.090-inch minimum thick body.

Section 713. — ROADSIDE IMPROVEMENT MATERIAL

713.03 Fertilizer. Delete the Subsection and substitute the following:

Do not use fertilizer.

713.04 Seed. Add the following:

Apply the following seed mix at 35lbs/acre. Alternate seed mixes must be approved by the CO.

Common Names	Botanical Name	PLS lb/acre
YARROW	ACHILLEA MILLEFOIUM	0.10
WESTERN NEEDLEGRASS	ACHNATHERUM OCCIDENTALIS	1.00
ANNUAL RYEGRASS	LOLIUM MULTIFLORUM	5.00
CALIFORNIA BROME	BROMUS CARINATUS	3.00
SQUIRRELTAIL	ELYMUS ELYMOIDES	5.50
INTERMEDIATE WHEATGRASS	ELYTRIGIA INTERMEDIA	3.00
WILD RYE BLUE	ELYMUS GLAUCUS	4.50
SILVERY LUPINE	LUPINUS ARGENTEUS	3.00
SANDBERG BLUEGRASS 'SHERMAN'	POA SECUNDA	1.00
SIERRA WILDFLOWER MIX		1.00

BLUE FLAX	LINUM LEWISII	0.10
	TOTAL	27.2

Section 718. — TRAFFIC SIGNING AND MARKING MATERIAL

718.01 Retroreflective Sheeting. Add the following:

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

Section 725. — MISCELLANEOUS MATERIAL

725.04 Pozzolans. Delete line (a) and substitute the following:

- (a) **Fly ash.** Conform to AASHTO M 295 Class C or Class F. 4.5 percent max
When used to mitigate alkali-silica reactivity, also available alkalies as equivalent Na₂O

Add the following:

725.19 Weathering agent. Furnish a weathering agent that colors rock, cementitious, and galvanized surfaces to a brownish earth tone, and contains no pigments. Furnish a material that contains chemical components that have no adverse reactions or effects on soils, plants, or animals. The material cannot contain corrosive by-products once the product has been applied.

Permeon™ and Natina® Rock are acceptable products for coloring rock surfaces; Permeon™ and Natina® Concrete are acceptable products for coloring cementitious surfaces; and Natina® Steel is an acceptable product for coloring galvanized surfaces. Identification by brand name is intended to be descriptive, not restrictive, and is intended to indicate the quality and characteristics of products that will be satisfactory. Submit “or equal” products meeting the following salient characteristics to the CO for approval.

- (a) A soluble solution that contains organic acids and natural oxidizers.
- (b) All coloring developed through a reactionary process that etches surfaces, producing a finish that’s resistant to fading from exposure to sunlight, with an expected performance life exceeding 10 years in nonaggressive climates.
- (c) A product that causes negligible zinc coating losses when applied to galvanized surfaces.

Acceptable products include:

E-54

NV FLAP US50(1)
Round Hill Pines Access

Permeon™
manufactured by Soil-Tech
6420 South Cameron, Suite 207
Las Vegas, NV 89118
702-873-2023
www.soil-tech.com

Natina® Rock; Natina® Concrete; Natina® Steel
manufactured by Natina Products, LLC
1577 First Street
Coachella, CA 92236
877-762-8462
www.natinaproducts.com

APPENDIX A – FIRE PLAN

FIRE PLAN FOR CONSTRUCTION AND SERVICE CONTRACTS
08/02/2012

1. **SCOPE:**

The provisions set forth below outline the responsibility for fire prevention and suppression activities and establish a suppression plan for fires within the contract area. The contract area is delineated by map in the contract. The provisions set forth below also specify conditions under which contract activities will be curtailed or shut down.

2. **RESPONSIBILITIES:**

A. Contractor

- (1) Shall abide by the requirements of this Fire Plan.
- (2) Shall take all steps necessary to prevent his/her employees, subcontractors and their employees from setting fires not required in completion of the contract, shall be responsible for preventing the escape of fires set directly or indirectly as a result of contract operations, and shall extinguish all such fires which may escape.
- (3) Shall permit and assist in periodic testing and inspection of required fire equipment. Contractor shall certify compliance with specific fire precautionary measures in the fire plan, before beginning operations during Fire Precautionary Period and shall update such certification when operations change.
- (4) Shall designate in the Fire Plan and furnish on Contract Area, during operating hours, a qualified fire supervisor authorized to act on behalf of Contractor in fire prevention and suppression matters.

B. Forest Service

The Forest Service may conduct one or more inspections for compliance with the Fire Plan. The number, timing, and scope of such inspections will be at the discretion of agency employees responsible for contract administration. Such inspections do not relieve the Contractor of responsibility for correcting violations of the fire plan or for fire safety in general, as outlined in paragraph 2.A above.

3. **DEFINITIONS:**

The following definitions shall apply:

Active Landing: A location the contractor may be skidding logs into, or performing other operations such as delimiting, log manufacturing, and chipping logs. Except for EV and E days, loading logs or stockpiling chips only, on a cleared landing, does not constitute an Active Landing.

Hot Saw: A harvesting system that employs a high-speed (>1100 rpm) rotating felling head, i.e., full rotation lateral tilt head.

Mechanical Operations: The process of felling, skidding, chipping, shredding, masticating, piling, log processing and/or yarding which requires the use of motorized power which includes, chainsaws, chippers, motorized carriages, masticators, stroke delimiters, skidders, dozers etc.

4. **TOOLS AND EQUIPMENT:**

The Contractor shall comply with the following requirements during the fire precautionary period, as defined by unit administering contracts:

The Fire Precautionary Period is set by the State of California which is April 1 through December 1 of any year.

- This contract requires, does not require, a Fire Box and associated Fire Tools according to CPRC Section 4428.

A. Fire Tools and Equipment: Contractor shall meet minimum requirements of Section 4428 of the California Public Resources Code (C.P.R.C.). Fire tools kept at each operating landing shall be sufficient to equip all employees in the felling, yarding, loading, chipping, and material processing operations associated with each landing. Fire equipment shall include two tractor headlights for each tractor dozer used in Contractor's Operations. Tractor headlights shall be attachable to each tractor and served by an adequate power source. All required fire tools shall be maintained in suitable and serviceable condition for fire fighting purposes.

Trucks, tractors, skidders, pickups and other similar mobile equipment shall be equipped with and carry at all times a size 0 or larger shovel with an overall length of not less than 46 inches and a 2-1/2 pound axe or larger with an overall length of not less than 28 inches.

Where cable yarding is used, Contractor shall provide a size 0 or larger shovel with an overall length of not less than 46 inches and a filled backpack can (4 or 5 gallon) with hand pump within 25 feet of each tail and corner block.

B. Fire Extinguishers: Contractor shall equip each internal combustion yarder, fuel truck, and loader with a fire extinguisher for oil and grease fires (4-A:60-B:C).

Skidders and tractors shall be equipped with a minimum 5-BC fire extinguisher.

All Fire Extinguishers shall be mounted, readily accessible, properly maintained and fully charged.

Contractor shall equip each mechanized harvesting machine with hydraulic systems, powered by an internal combustion engine (chipper, feller/buncher, harvester, forwarder, hot saws, stroke delimeter, etc), except tractors and skidders, with at least two 4-A:60-B:C fire extinguishers or equivalent.

C. Spark Arresters and Mufflers: Contractor shall equip each operating tractor and any other internal combustion engine with a spark arrester, except for motor vehicles equipped with a maintained muffler as defined in C.P.R.C. Section 4442 or tractors with exhaust-operated turbochargers. Spark Arresters shall be a model tested and approved under Forest Service Standard 5100-1a as shown in the National Wildlife Coordinating Group Spark Arrester Guide, Volumes 1 and 2, and shall be maintained in good operating condition. Every motor vehicle subject to registration shall at all times be equipped with an adequate exhaust system meeting the requirements of the California Vehicle Code.

D. Power Saws: Each power saw shall be equipped with a spark arrester approved according to C.P.R.C. Section 4442 or 4443 and shall be maintained in effective working order. An Underwriters Laboratories (UL) approved fire extinguisher containing a minimum 14 ounces of fire retardant shall be kept with each operating power saw. In addition, a size 0 or larger shovel with an overall length of not less than 38 inches shall be kept with each gas can but not more than 300 feet from each power saw when used off cleared landing areas.

- This contract requires, does not require, Section 4E of the Fire Plan.

E. Tank Truck or Trailer: Contractor shall provide a water tank truck or trailer on or in proximity to Contract Area during Contractor's Operations hereunder during Fire Precautionary Period. When Project Activity Level B or higher is in effect, a tank truck or trailer shall be on or immediately adjacent to each active landing, unless otherwise excepted when Hot Saws or Masticators are being used. See Section 6 for specific contract requirements.

The tank shall contain at least 300 gallons of water available for fire suppression. Ample power and hitch shall be readily available for promptly and safely moving tank over roads serving Contract Area. Tank truck or trailer shall be equipped with the following:

- (1) Pump, which at sea level, can deliver 23 gallons per minute at 175 pounds per square inch measured at the pump outlet. Pumps shall be tested on Contract Area using a 5/16 inch orifice in the Forester One Inch In-Line Gauge test kit. Pump shall meet or exceed the pressure value in the following table for nearest temperature and elevation:

T e m p	Sea Level		1000 Feet		2000 Feet		3000 Feet		4000 Feet		5000 Feet		6000 Feet		7000 Feet		8000 Feet		9000 Feet		10000 Feet	
55	179	23	174	23	169	23	165	22	161	22	157	22	153	22	150	21	146	21	142	21	139	21
70	175	23	171	23	166	22	162	22	158	22	154	22	150	21	147	21	143	21	139	21	136	20
85	171	23	168	23	163	22	159	22	155	22	151	21	147	21	144	21	140	21	136	20	133	20
100	168	23	164	23	159	22	155	22	152	22	148	21	144	21	141	21	137	20	133	20	131	20
	P	G	P	G	P	G	P	G	P	G	P	G	P	G	P	G	P	G	P	G	P	G
	S	P	S	P	S	P	S	P	S	P	S	P	S	P	S	P	S	P	S	P	S	P
	I	M	I	M	I	M	I	M	I	M	I	M	I	M	I	M	I	M	I	M	I	M

The pump outlet shall be equipped with 1-1/2 inch National Standard Fire Hose thread. A bypass or pressure relief valve shall be provided for other than centrifugal pumps.

- (2) 300 feet of 3/4-inch inside diameter rubber-covered high-pressure hose mounted on live reel attached to pump with no segments longer than approximately 50 feet, when measured to the extreme ends of the couplings. Hose shall have reusable compression wedge type 1-inch brass or lightweight couplings (aluminum or plastic). One end of hose shall be equipped with a coupling female section and the other end with a coupling male section. The hose shall, with the nozzle closed, be capable of withstanding 200 PSI pump pressure without leaking, distortions, slipping of couplings, or other failures.
- (3) A shut-off combination nozzle that meets the following minimum performance standards when measured at 100 P.S.I. at the nozzle:

	G.P.M.	Horizontal Range
Straight Stream	10	38 feet
Fog Spray	6 - 20	N/A

- (4) Sufficient fuel to run the pump at least 2 hours and necessary service accessories to facilitate efficient operation of the pump.

When Contractor is using Hot Saws or Masticators, an additional 250 feet of light weight hose, approved by the Forest Service, shall be immediately available for use and be capable of connecting to the 300 feet of hose and appurtenances in (2) and (3) above.

This equipment and accessories shall be deliverable to a fire in the area of operations and is subject to the requirements for each specific activity level identified in Section 6.

F. Compressed Air Foam System: A Compressed Air Foam System (CAFS) is a fire suppression system where compressed air is added to water and a foaming agent. By agreement, Contractor may substitute a CAFS or functional equivalent in lieu of the tank truck, trailer or fire extinguishers, provided it meets or exceeds the following specifications and requirements:

1. Variable foam expansion ratio – 10:1 to 20:1.
2. Units shall be kept fully charged with air; water and foam concentrate as recommended by the manufacturer and have the appropriate tools to service the system.
3. The unit shall contain enough energy to empty tank and clear hose prior to exhausting propellant.
4. The unit shall be capable of being completely recharged within 10 minutes.
5. When used on cable yarding landings, the unit shall be outfitted for immediate attachment to carriage and transported without damage to the unit.

Fire extinguishers required for Hot Saws, Masticators and similar equipment identified in Section 4 B. above may be substituted with a 3 gallon CAFS.

Tank truck, trailer or equivalent may be substituted with a 30 Gallon CAFS with at least 550 feet of one inch hose and an adjustable nozzle with enough water, air and foam concentrate for at least one recharge.

This equipment and accessories shall also be deliverable to a fire in the area of operations and subject to the requirements for each specific activity level identified in Section 6.

5. **GENERAL**

- A. **State Law:** In addition to the requirements in this Fire Plan, the Contractor shall comply with all applicable laws of the State of California. In particular, see California Public Resource Code.
- B. **Permits Required:** The Contractor must secure a special written permit from the District Ranger or designated representative before burning, welding or cutting metal or starting any warming fires. If contract requires Blasting and Storing of Explosives and Detonators, an Explosives Permit may be required pursuant to the California Health and Safety Code, Section 12101.
- C. **Blasting:** Contractor shall use electric caps only unless otherwise agreed in writing. When blasting is necessary in slash areas, a Fire Patrolperson equipped with a size 0 or larger shovel with an overall length of not less than 46 inches and a filled backpack can (4 or 5 gallon) with hand pump shall remain in the immediate area for an hour after blasting has been completed.
- D. **Smoking:** Smoking shall not be permitted during fire season, except in a barren area or in an area cleared to mineral soil at least three feet in diameter. In areas closed to smoking, the CO may approve special areas to be used for smoking. The Contractor shall sign designated smoking areas. Contractor shall post signs regarding smoking and fire rules in conspicuous places for all employees to see. Contractor's supervisory personnel shall require compliance with these rules. Under no circumstances shall smoking be permitted during fire season while employees are operating light or heavy equipment, or walking or working in grass and woodlands.
- E. **Storage and Parking Areas.** Equipment service areas, parking areas, and gas and oil storage areas shall be cleared of all flammable material for a radius of at least 10 feet unless otherwise specified by local administrative unit. Small mobile or stationary internal combustion engine sites shall be cleared of flammable material for a slope distance of at least 10 feet from such engine. The COR shall approve such sites in writing.
- F. **Reporting Fires:** As soon as feasible but no later than 15 minutes after initial discovery, Contractor shall notify Forest Service of any fires on Contract Area or along roads used by Contractor. Contractor's employees shall report all fires as soon as possible to any of the following Forest Service facilities and/or personnel listed below, but not necessarily in the order shown:

	Name	Office Address	Office telephone
Dispatch Center	Camino Interagency ECC	2840 Mt. Danaher Road Camino, CA 95709	(530)642-5170
Nearest FS Station	Meyers Fire 41	2211 Keetak Street South Lake Tahoe, CA 96150	(530)543-2883
COR	Paul Potts	35 College Drive South Lake Tahoe, CA 96150	(530)543-2600
District Ranger	Bill Jackson	35 College Drive South Lake Tahoe, CA 96150	970-389-2460

When reporting a fire, provide the following information:

- Your Name
- Call back telephone number
- Project Name
- Location: Legal description (Township, Range, Section); and Descriptive location (Reference point)
- Fire Information: Including Acres, Rate of Spread and Wind Conditions.

▪ This contract requires, does not require, Section 5G of the Fire Plan.

G. **Communications:** Contractor shall furnish a serviceable telephone, radio-telephone or radio system connecting each operating side with Contractor's headquarters. When such headquarters is at a location which makes communication to it clearly impractical, Forest Service may accept a reasonable alternative location. The communication system shall provide prompt and reliable communications between Contractor's headquarters (or agreed to alternative) and Forest Service via commercial or Forest Service telephone.

▪ This contract requires, does not require, Section 5H of the Fire Plan.

H. **Fire Patrolperson:** Contractor shall furnish a qualified fire patrolperson each operating day when Project Activity Level C or higher is in effect. When on duty, sole responsibility of patrolperson shall be to patrol the operation for prevention and detection of fires, take suppression action where necessary and notify the Forest Service as required. This Fire patrol is required on foot, unless otherwise agreed. By agreement, one patrolperson may provide patrol on this and adjacent projects. No patrolperson shall be required on Specified Road construction jobs except during clearing operations unless otherwise specified.

The Contractor shall, prior to commencing work, furnish the following information relating to key personnel:

<u>Title</u>	<u>Name</u>	<u>Telephone Number</u>
Fire Supervisor		
Fire Patrolperson		

I. **Clearing of Fuels:** Contractor shall clear away, and keep clear, fuels and logging debris as follows:

Welding equipment and stationary log loaders, yarders and other equipment listed in California State Law:	10 feet slope radius
Tail or corner haulback blocks:	All running blocks shall be located in the center of an area cleared to mineral soil at least 15 feet in diameter.
Lines near, between or above blocks:	Sufficient clearing to prevent line from rubbing on snags, down logs and other dead woody material.

6. EMERGENCY PRECAUTIONS

Contractor's Operations shall conform to the limitations or requirements in the Project Activity Level (PAL) table below. Project Activity Levels applicable to this project shall be the predicted activity levels for the Fire Danger Rating Area(s), or fire weather station(s) stated in the Contract Area Map Legend on Integrated Resource Service Contracts (IRSC's), and other contracts where applicable.

Fire Danger Rating Area/Fire Weather Station for Project

The Forest Service, in its sole discretion, may change the predicted activity level if the current fire suppression situation, weather and vegetation conditions warrant an adjustment. If practicable, Forest Service will determine the following day's activity level by 6:00 PM. Contractor shall obtain the predicted Project Activity Level from the appropriate Ranger District Office before starting work each day.

Phone Number or Website to obtain Predicted Activity Levels: 530-295-5699

Forest Service may change the Project Activity Level Table to other values upon revision of the National Fire Danger Rating System. When Contractor is notified, the revised Project Activity Levels will supersede the levels in the Project Activity Level Table below.

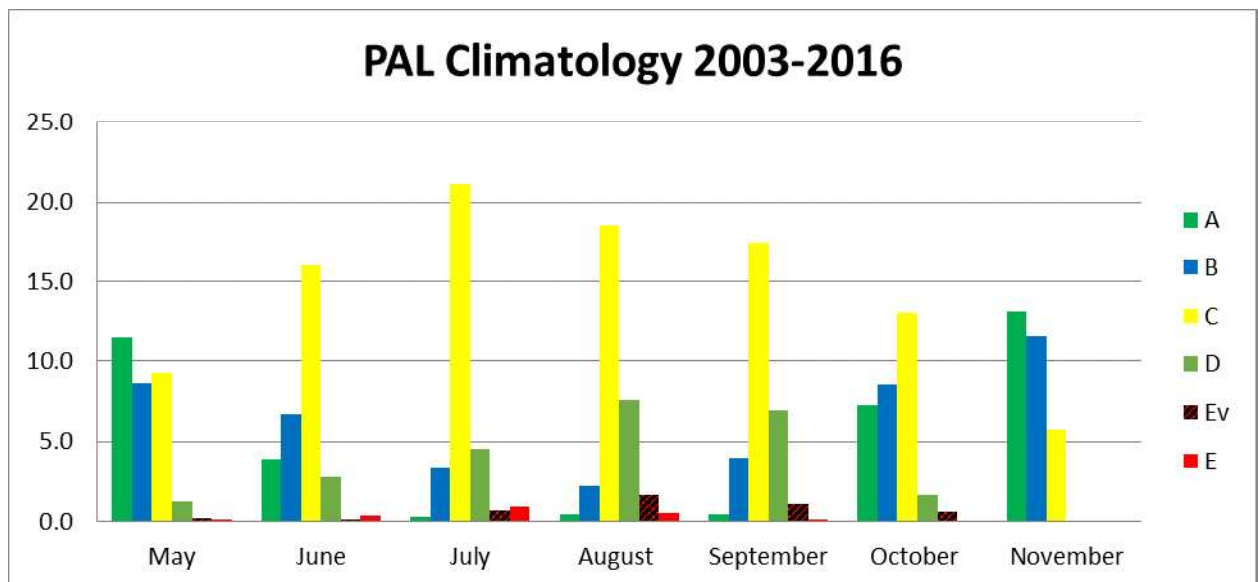
PROJECT ACTIVITY LEVELS – VARIATION PLAN

Level	Project Activity Requirements	Additional Precautions for Variance
A	None as long as standard precautions are taken.	
B	1. Furnish fire patrol person for 2 hours after cessation of hot work or sunset, whichever occurs first.	
C	<p style="text-align: center;">Fire Patrol – see “B”</p> <p>The following operations are prohibited from 1pm until 8pm local time:</p> <ol style="list-style-type: none"> 1. Dead tree felling, limbing, or bucking except recently dead trees 2. Operating high speed rotary head equipment 3. Blasting 	
D	<p style="text-align: center;">Fire Patrol – see “B”</p> <p>The following are prohibited between 1pm and 8pm:</p> <ol style="list-style-type: none"> 1. Loading of logs decked at landings 2. Welding or cutting of metal 3. Any other spark-emitting operation 4. Chainsaw operations including green or dead material <p>The following are prohibited at all times:</p> <ol style="list-style-type: none"> 1. Blasting 2. Felling dead material 3. Mechanized slash removal 	
Ev	<p style="text-align: center;">Fire Patrol – see “B”</p> <p>The following are prohibited at all times:</p> <ol style="list-style-type: none"> 1. Loading of logs decked at landings 2. Welding or cutting of metal 3. Any other spark-emitting operation 4. Chainsaw operations including dead material <p>The following are prohibited at all times:</p> <ol style="list-style-type: none"> 1. Blasting 2. Felling dead material 3. Mechanized slash removal 	
E		All Hot work operations are prohibited

This Project utilizes “The Project Activity Level” (PAL), an industrial operation’s fire precaution system. The following Climatology Chart indicates the Historic Activity Levels for the Project Fire Danger Rating Area or Fire Weather Station utilized on this Project. This

is only a historical average of the Activity Levels for the identified Fire Danger Rating Area or Weather Station.

Project Activity Level Climatology							
Station/SIG/Unit:	MEYERS/BARON			Years Analyzed	2003 - 2016		
	Expected Days per Month at each PAL Value						Days Analyzed
Month	A	B	C	D	Ev	E	
May	11.5	8.6	9.2	1.2	0.2	0.2	398
June	3.9	6.7	16.0	2.8	0.2	0.4	374
July	0.3	3.3	21.2	4.6	0.7	0.9	398
August	0.5	2.2	18.6	1.2	1.6	0.5	401
September	1.0	4.0	17.3	7.0	1.1	0.2	372
October	7.2	8.5	13.0	1.6	0.6	0.0	400
November	13.1	11.6	5.8	0.1	0.0	0.0	362
Total Per Season	37.5	45.1	101.1	18.5	4.4	2.2	



Project Activity Level Variance Check List

Project Name: _____

Contract Number: _____

Purchaser/Contractor Name: _____

Request # ____, for period: _____

Units/Subdivisions Affected: _____

Location of operation:	
Slope Aspect Elevation	
Fuels on site	
Fuels in surrounding area	
10 day Forecast	
Short range predictions (Red Flags)	
Fuel Moistures	
Response time of suppression resources	
Potential for ignition RAWS location	
Current Fire Situation:	
Draw down information	
National Readiness Level	
Contractual considerations:	
Operating Season	

Frequency of recent contract fires in area	
Type of operation	
Purchaser/Contractors past performance	
Other site specific mitigation or precaution (i.e. Purchaser/Contractors proposals)	
Social & Community Considerations:	
Proximity of high value resources	
Sensitivity of location	
Remarks:	

I have considered the above items and have determined the following actions must be implemented to continue operations in Project Activity Levels _____ through EV

-
-
-
-

Fire Management Consulted _____ Name

Line Officer Concurred _____ Name

Contracting Officer or Delegated Representative _____

Date: _____

Purchaser/Contractor Rep. _____ Date _____

**Instructions for Determining Variances for Continued Operations Within Specific Units
and With a Specific Time Frame**

1. Variances are in addition to the stated requirements for the Predicted Activity Level.
2. The Line Officer in consultation with the Forest Fire Management Officer or his/her representative will evaluate the items in the above check list as they relate to the existing and planned activities, add any mitigation measures as needed and the Line Officer will advise the Contracting Officer to execute the variance. The name of the Fire Management Representative and the Line Officer involved must be filled in but a signature is not required.
3. The delegated authority can be at the FSR/COR level since they would usually have more knowledge of the ground and access to the District Ranger.
4. The project area should be evaluated for differences in potential fire activity if a fire starts. This could necessitate the use of multiple forms. Examples of this would be units on a north slope near riparian areas vs. those on south slopes that would be dryer and expected to have more severe fire conditions or there is a significant difference from the predicted PAL and the actual conditions.
5. The Purchaser/Contractor or their representative should be consulted when determining types of variances that are being considered. They might be able to come up with other options.
6. Examples of written variances are:
 - A. Local assessment determines that existing precautions are adequate
 - B. Use of specialized detection equipment such as an infrared detection device for locating heat sources is required
 - C. Provide additional fire suppression resources (i.e. crews, equipment etc.) to achieve shorter response time.

Appendix C

Preliminary Stormwater Pollution Prevention Plan (SWPPP)

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Site / Owner / Operator

Provide site, owner, and operator information.

Site	
ID Number	CSW-
Name	Round Hill Pines Access NV FLAP US 50(1)
Address Line 1	300 US 50
Address Line 2	
City	Zephyr Cove
State	Nevada
Zip Code	89448
Contact Name	Mike Gabor, Staff Officer USFS LTBMU
Phone Number	530-543-2642
Email Address	michael.gabor@usda.gov

Owner	
Name	US Forest Service, Lake Tahoe Basin Management Unit
Address Line 1	35 College Drive
Address Line 2	
City	South Lake Tahoe
State	CA
Zip Code	96150
Contact Name	Mike Gabor, Staff Officer USFS LTBMU
Phone Number	530-543-2642
Email Address	michael.gabor@usda.gov

Operator 1	
Name	Federal Highway Administration Central Federal Lands Division
Address Line 1	12300 West Dakota Avenue
Address Line 2	
City	Lakewood
State	Colorado
Zip Code	80228
Contact Name	Ryan Mathis
Title	Project Manager
Phone Number	720-
Email Address	ryan.mathis@dot.gov
If there is more than one operator, identify the areas and phases over which Operator 1 has control.	

Operator 2	
Name	TBD
Address Line 1	
Address Line 2	
City	
State	
Zip Code	
Contact Name	
Title	
Phone Number	
Email Address	
Identify the areas and phases over which Operator 2 has control.	

Operator 3	
Name	
Address Line 1	
Address Line 2	
City	
State	
Zip Code	
Contact Name	
Title	
Phone Number	
Email Address	
Identify the areas and phases over which Operator 3 has control.	

Stormwater Team

List the name, title, and individual responsibilities for each member of the stormwater team. The stormwater team is responsible for overseeing the development of the SWPPP, any modifications to the SWPPP, and compliance with the requirements of the Construction Stormwater General Permit NVR100000 (hereinafter referred to as the "Permit"). The team may include members who are not employed by the operator (such as third party consultants).

Stormwater Team Member 1	
Name	Lindsay Edgar
Title	Environmental Protection Specialist, FHWA-CFLHD
Responsibilities	SWPPP Developer for Environment

Stormwater Team Member 2	
Name	Adrian Smith
Title	Roadway Designer, FHWA-CFLHD
Responsibilities	SWPPP Developer for Design

Stormwater Team Member 3	
Name	Curtis Scott
Title	Chief of Engineering, FHWA-CFLHD
Responsibilities	Confirm SWPPP is in compliance with FHWA standards

Stormwater Team Member 4	
Name	TBD
Title	Contractor
Responsibilities	Implement activities described in the SWPPP for the duration of construction.

Stormwater Team Member 5	
Name	
Title	
Responsibilities	

Nature of Construction Activities

Describe the nature of the construction activities, including the size of the property and the total area expected to be disturbed by construction activities, construction support activity areas covered by the Permit, and the maximum area expected to be disturbed at any one time.

Nature of Construction Activities		
What is the size of the property?	125	acres
What is the total area expected to be disturbed by construction activities?	4.0	acres
What is the maximum area expected to be disturbed at any one time?	4.0	acres
<p>Describe the construction support activity areas covered by the Permit. Construction support activities covered by the Permit are described in Permit section <u>1.2.1.2</u> and defined on page 40 of the Permit.</p> <p>Clearing and grubbing, grading, placement of roadway embankment fill material, excavation, saw cutting, asphalt paving, embankment stabilization, installation of culverts and extensions, inlet and manholes, removal of structures.</p>		

Emergency-Related Construction Activities

For earth-disturbing activities in response to a public emergency, document the cause of the public emergency, provide information substantiating its occurrence, and describe the construction necessary to reestablish affected public services.

Cause of the Public Emergency

Describe the cause of the public emergency (e.g., natural disaster, extreme flooding conditions, etc.).

NA

Substantiating Information

Provide information substantiating the occurrence of the public emergency (such as a state disaster declaration or similar state or local declaration). Attach supporting documentation to the end of the SWPPP.

NA

Necessary Construction

Describe the construction necessary to reestablish affected public services.

NA

Sequence and Estimated Dates of Construction Activities

Provide a schedule of the estimated start dates and the duration of the activity for installation of stormwater control measures, construction activities, cessation of construction activities, and stabilization of areas of exposed soil.

Installation of Stormwater Control Measures	
What is the estimated start date for the installation of stormwater control measures?	<u>05 / 16 / 22</u>
What is the estimated duration of the installation of stormwater control measures?	6 days
When will the stormwater control measures be made operational? At the completion of culvert installations	
Explain the sequence and schedule for installation of stormwater control measures. Initial control will be established prior to beginning of construction including but not limited to perimeter control and protection of existing drainage structures. These controls will be kept or replaced as needed during construction until final stabilization of any disturbed areas by reseeding.	

Construction Activities	
What is the estimated start date of construction activities?	<u>05 / 18 / 22</u>
What is the estimated duration of construction activities?	152 days
Describe the intended sequence of construction activities. Construction activities include clearing and grubbing, grading, site preparation (i.e., excavating, cutting, and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization. Clearing and grubbing, strip and stockpile topsoil, roadway excavation and embankment construction, grading, paving, pavement marking, signage, seeding and landscaping.	

Cessation of Construction Activities	
What is the estimated start date for the cessation of construction activities?	<u>10 / 18 / 22</u>
Will the cessation of construction activities be temporary or permanent?	<input type="radio"/> Temporary <input checked="" type="radio"/> Permanent
If the cessation of construction activities will be temporary, provide the estimated duration of the cessation of construction activities.	NA
Will the cessation of construction activities occur on the entire site (100%) or in designated portions of the site?	<input checked="" type="radio"/> 100% <input type="radio"/> Designated Portions
If the cessation of construction activities will occur in designated portions of the site, identify the designated portions of the site where the cessation of construction activities will occur. Cessation of construction activities will be site wide.	

Stabilization of Areas of Exposed Soil	
What is the estimated start date for the <i>temporary</i> stabilization of areas of exposed soil?	<u>5 / 18 / 22</u>
What is the estimated duration of the <i>temporary</i> stabilization of areas of exposed soil?	6 days
What is the estimated start date for the <i>final</i> stabilization of areas of exposed soil?	<u>10 / 6 / 22</u>
What is the estimated duration of the <i>final</i> stabilization of areas of exposed soil?	6 days
Note: The dates for stabilization shall reflect the applicable deadlines in Permit section <u>3.6 Site Stabilization Requirements, Schedules, and Deadlines</u> .	

Departures from Initial Projections
If departures from initial projections for any of the activities on pages 6 and 7 of this SWPPP are necessary, identify and describe such departures. Alternatively, documentation describing such departures may be attached to the end of the SWPPP.
SWPPP Departures will be documented and attached.

Site Description

Provide the following construction site information.

Site Description							
Project Name	Round Hill Pines Access Project NV FLAP US 50(1)						
Project Address	300 US 50						
Project City	Zephyr Cove						
Project County	Douglas						
Project APN							
<p>Describe the site and its intended use after the Notice of Termination is filed (e.g., low density residential, shopping mall, highway, etc.)</p> <p>Match existing use as the Round Hill Pines Resort with improved access along US 50 and relocated access road into the resort.</p>							
What is the total area of the site?	125 acres						
What is the estimated total area of the site expected to be disturbed by construction activities, including off-site supporting activities, borrow and fill areas, and staging and equipment storage areas?	4 acres						
What percentage of the site is impervious before and after construction?	<table style="margin-left: auto; margin-right: 0; border-collapse: collapse;"> <tr> <td style="padding: 0 10px;">Before:</td> <td style="padding: 0 10px;">4.8</td> <td style="padding: 0 10px;">%</td> </tr> <tr> <td style="padding: 0 10px;">After:</td> <td style="padding: 0 10px;">5.1</td> <td style="padding: 0 10px;">%</td> </tr> </table>	Before:	4.8	%	After:	5.1	%
Before:	4.8	%					
After:	5.1	%					
<p>Describe the soils at the site, including the potential for erosion.</p> <p>Soils range from rocky outcrop complex to gravelly loamy coarse sand with K factors ranging between 0.05 to 0.20 on a scale from 0.02 to 0.69.</p>							
<p>For areas where it is infeasible to maintain a 50-foot buffer in accordance with Permit section <u>3.5.1</u>, provide the reasons why the 50-foot buffer cannot be maintained, identify and describe the alternative additional erosion and sediment controls that were selected for the site, document the natural buffer width retained on the property, and attach any relevant documentation to the end of the SWPPP.</p> <p>NA</p>							
<p>Identify and describe all on-site and off-site material storage areas, including overburden, stockpiles of dirt, borrow areas, etc.</p> <p>Materials will be stored on-site at the existing parking lot located within the Round Hill Pines Resort area.</p>							
<p>Attach a general location map to the end of the SWPPP. The map should contain enough detail to identify the following items:</p> <ul style="list-style-type: none"> the location of the construction site and one-mile radius the waters of the State of Nevada, including tributaries, within a one-mile radius of the site 							

Site Map(s)

Attach a site map or series of maps to the end of the SWPPP.

Site Map(s)	
Attach, to the end of the SWPPP, a legible site map or series of maps completed to scale. The map(s) should show the entire site and identify all of the items listed below. Check the box next to each item to confirm that the item is identified on the map(s).	
<input checked="" type="checkbox"/>	Topography of the site, existing types of cover (e.g., forest, pasture, pavement, structures), and drainage pattern(s) of flow onto, over, and from the site both before and after major grading activities
<input checked="" type="checkbox"/>	Areas of soil disturbance and areas that will not be disturbed
<input checked="" type="checkbox"/>	Boundaries of the property
<input type="checkbox"/>	Locations where construction activities will occur, noting any phasing
<input type="checkbox"/>	Locations where sediment or soil will be stockpiled
<input type="checkbox"/>	Locations of any crossings of surface waters
<input checked="" type="checkbox"/>	Designated points on the site where vehicles will exit onto paved road
<input type="checkbox"/>	Locations of construction support activity areas covered by the Permit
<input checked="" type="checkbox"/>	Locations of temporary and permanent stormwater control measures identified in this SWPPP
<input checked="" type="checkbox"/>	Locations where stabilization control measures are expected to occur
<input type="checkbox"/>	Areas protected by buffers (i.e., either the 50-foot buffer or other buffer areas retained on site when within 50 feet of perennial water) consistent with Permit section <u>3.5.1</u> , as well as the boundary line of all such buffers
<input type="checkbox"/>	Locations of on-site material, waste, borrow areas or equipment storage areas, and other supporting activities (per Permit section 1.2.1.2)
<input type="checkbox"/>	Locations of all potential pollutant-generating activities identified on pages 14-15 of this SWPPP
<input type="checkbox"/>	Locations of all surface waters and any impaired waters within ¼ mile of the site
<input type="checkbox"/>	Stormwater discharge locations, using arrows to indicate discharge directions, including: <ul style="list-style-type: none"> • locations where stormwater and/or allowable non-stormwater discharges are discharged to a Water of the U.S. • locations of any discharges to municipal separate storm sewer systems (MS4s) from the construction site
<input type="checkbox"/>	Areas where final stabilization has been accomplished and no further construction permit requirements apply
<input checked="" type="checkbox"/>	Location of trees and boundaries of environmentally sensitive areas and buffer zones to be preserved

Receiving Waters

Identify the receiving waters.

Receiving Waters

Identify the name of the receiving water(s) and the areal extent and description of wetland or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the construction site.

The project is located within the McFaul Creek Watershed, which is a sub-watershed of the Lake Tahoe Hydrological Unit. McFaul Creek is located just outside the project area to the north and drains to Lake Tahoe. Stormwater discharge will sheet flow into the adjacent forest areas, where it will infiltrate into the excessively drained soils in the area.

Impaired Water

Is any discharge point from the construction site within ¼ mile of impaired water?

Yes

No

If any discharge point from the construction site is within ¼ mile of impaired water, identify any common construction-related pollutants, such as sediment, sediment-related parameters, and nutrients (including nitrogen and phosphorous), listed on the 303(d) list that may potentially be discharged from the construction site and describe additional or enhanced control measures to minimize discharges of these pollutants. The 303(d) list can be found on the Nevada Division of Environmental Protection (NDEP), Bureau of Water Quality Planning (BWQP) website (<http://ndep.nv.gov/bwqp/303dlist2012.htm>).

No discharge point within 1/4 of a mile to impaired water.

Stormwater Control Measures

Describe the stormwater control measures that will be used during construction activity.

Stormwater Control Measures

Identify and describe all control measures as required by Permit section 3.0 that will be implemented and maintained as part of the construction project to reduce and control pollutants in stormwater discharges from the construction site. Include control measures used at support activity areas.

Control Measure 1

Install measures will include placing fiber rolls at staked proposed toe of fill and around existing culvert entrances.

Control Measure 2

Interim measures will include placing stabilized construction exits where appropriate, fiber rolls at culvert replacements, surface roughening of disturbed slopes, fiber rolls along contours on long disturbed slopes, fiber rolls around soil stockpile areas, natural jute mats for new access road embankment protection, and dust control for the duration of construction.

Control Measure 3

Final erosion control measures include riprap, seeding and mulching, and soil stabilization mats to prevent further erosion.

Control Measure 4

Control Measure 5

Control Measure 6

Stormwater Control Measures for Major Construction Activities

For each major construction activity at the site, describe the appropriate control measures and the general timing (or sequence) during the construction process that the measure will be implemented and identify the operator responsible for implementation of the control measures. Fill out one table for each major construction activity.

Construction Activity 1

Identify the type of construction activity.

Clearing and grubbing

Describe the control measure(s) used for this activity.

Fiber rolls along staked proposed toe of fill limits and around existing culvert entrance and exits.

Describe the general timing/sequence during the construction process that the measure(s) will be implemented.

Prior to work commencing

Which operator is responsible for implementation of this control measure?

Contractor

Construction Activity 2

Identify the type of construction activity.

Earthwork

Describe the control measure(s) used for this activity.

Fiber rolls along staked proposed toe of fill limits, around existing culvert entrance and exits, along cut ditches as check dams. Natural jute mats placed on new access road embankment.

Describe the general timing/sequence during the construction process that the measure(s) will be implemented.

Placed at staking limits prior to placement of fill, placed on culvert extensions after placement, around inlet once inlet has been placed, placed in cut ditches when grading has been complete and or work has stopped for more than 7 days

Which operator is responsible for implementation of this control measure?

Contractor

Construction Activity 3

Identify the type of construction activity.

Grading

Describe the control measure(s) used for this activity.

Surface roughening and fiber roll along the contour on long slopes; for slopes between 4H:1V and 2H:1V 15 feet or less

Describe the general timing/sequence during the construction process that the measure(s) will be implemented.

Completion of grading or if work has stopped for more than 7 days

Which operator is responsible for implementation of this control measure?

Contractor

Construction Activity 4
Identify the type of construction activity. Earthwork
Describe the control measure(s) used for this activity. Watering for dust control
Describe the general timing/sequence during the construction process that the measure(s) will be implemented. During clearing and grubbing, placement of embankment and grading activity
Which operator is responsible for implementation of this control measure? Contractor

Construction Activity 5
Identify the type of construction activity.
Describe the control measure(s) used for this activity.
Describe the general timing/sequence during the construction process that the measure(s) will be implemented.
Which operator is responsible for implementation of this control measure?

Construction Activity 6
Identify the type of construction activity.
Describe the control measure(s) used for this activity.
Describe the general timing/sequence during the construction process that the measure(s) will be implemented.
Which operator is responsible for implementation of this control measure?

Potential Pollutant Sources

Identify and describe any pollutant sources expected to be associated with the project.

Potential Pollutant Sources

Identify all potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from the construction site. Also identify the location of and describe any pollutant sources, including any non-stormwater discharges expected to be associated with the project, from areas other than construction (i.e., support activities including stormwater discharges from dedicated asphalt or concrete plants and any other non-construction pollutant sources such as fueling and maintenance operations, materials stored on-site, waste piles, equipment staging yards, etc.).

Potential Pollutant Source 1

What is the location of the potential pollutant source?

Staging Area

Describe the potential pollutant source.

Fuel spills, equipment leaks, stockpiles.

Potential Pollutant Source 2

What is the location of the potential pollutant source?

Describe the potential pollutant source.

Potential Pollutant Source 3

What is the location of the potential pollutant source?

Describe the potential pollutant source.

Potential Pollutant Source 4

What is the location of the potential pollutant source?

Describe the potential pollutant source.

Potential Pollutant Source 5

What is the location of the potential pollutant source?

Describe the potential pollutant source.

Potential Pollutant Source 6

What is the location of the potential pollutant source?

Describe the potential pollutant source.

Potential Pollutant Source 7

What is the location of the potential pollutant source?

Describe the potential pollutant source.

Spill Prevention & Response

Describe procedures to prevent and respond to spills, leaks, and other releases. Other existing spill prevention plans, such as the Spill Prevention Control and Countermeasure (SPCC) plans developed for the construction activity under Part 311 of the Clean Water Act (CWA), or spill control programs otherwise required by NDEP permits for the construction activity, may be referenced provided that a copy of that other plan is kept onsite with the SWPPP. Attach a copy of any referenced plan(s) to the end of the SWPPP.

Container Labeling

Describe procedures for plainly labeling containers (e.g., "Used Oil", "Pesticides", etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response as spills or leaks occur.

Contractor will be responsible for labeling all containers with potential pollutants contained prior to being brought to work site.

Preventive Measures

Describe preventive measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling.

Any discharges in 24 hours equal to or in excess of the reportable quantities listed in 40 CFR 117, 40 CFR 110, and 40 CFR 302 will be reported to the National Response Center and the Division of Water Quality (DWQ) as soon as practical after knowledge of the spill is known to the permittees. 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 measures taken and/or planned to be taken to the Nevada Division of Environmental Protection 901 South Stewart Street, Suite 4001 Carson City NV 89701-5249. The Storm Water Pollution Prevention Plan 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 re-occurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

Spill/Leak Stoppage, Containment, and Cleaning
<p>Describe procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases.</p> <p>Adequate supplies shall be available at all times to handle spills, leaks and disposal or used liquids. Spills shall be cleaned up immediately and the source of the spill eliminated to prevent further damage.</p>
<p>Identify the name or position of the employee(s) responsible for detecting and responding to spills or leaks.</p> <p>Contractor will be responsible for detecting and responding to spills or leaks.</p>

Spill/Leak Notification
<p>Describe procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under 40 Code of Federal Regulations (CFR) Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period. Contact information shall be in locations that are readily accessible and available.</p>
Facility Personnel
<p>TBD</p>
Emergency Response Agencies
<p>The immediate notification of the community emergency coordinator and the State Emergency Response Commission (SERC) after a release. Typically this call would be made to the Office of Emergency Management or the Emergency Dispatch Center of the affected county (see the Emergency Response Phone Directory for specific numbers). The Nevada Division of Emergency Management (NDEM) serves as the contact point for the SERC. During normal working hours NDEM can be contacted at (775) 687-4240. After hours NDEM can be contacted via the Nevada Highway Patrol Dispatch at (775) 688-2830.</p>
Regulatory Agencies
<p>Nevada Division of Environmental Protection 901 South Stewart Street, Suite 4001 Carson City NV 89701-5249</p>

Waste Management

Describe procedures for handling and disposing of all wastes generated at the site.

Waste Management Procedures

Describe procedures for handling and disposing of all wastes generated at the site, including, but not limited to, clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.

TBD by contractor.

Documentation Requirements

Provide the following information.

Notice of Intent (NOI)

Attach, to the end of the SWPPP, a copy of the signed electronic NOI certification page submitted to the NDEP. NOI has been attached in Appendix D

Approval Letter

Attach, to the end of the SWPPP, a copy of the approval letter received from the NDEP. Approval letter has been attached in Appendix D

Permit

Attach a copy of the Permit to the end of the SWPPP. Permit has been attached in Appendix C

Significant Spills/Leaks/Releases

Describe any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants in stormwater to a regulated MS4 or waters of the State of Nevada that meet the definition of Waters of the U.S. Include the date of occurrence, the circumstances leading to the release, actions taken in response to the release, and measures taken to prevent recurrence of such releases.

TBD

Structural Control Measure Repairs

Attach, to the end of the SWPPP, documentation of repairs made to structural control measures. Such documentation shall include the date(s) of discovery of areas in need of repair/replacement, date(s) that the structural control measure(s) returned to full function, and the justification for any extended repair schedules. Permit has been attached in Appendix C.

Inspection Reports

Attach, to the end of the SWPPP, all inspection reports including post-storm event inspections. Inspection reports have been included in Appendix E.

Corrective Action

Describe any corrective action taken at the site. Include events and dates when problems were discovered and modification occurred.

Corrective action log included in Appendix F

Buffer Documentation

If the site's disturbance area is located within 50 feet of perennial water, attach buffer documentation to the end of the SWPPP.

Employee Training Records

Attach records of employee training to the end of the SWPPP. Records should include the date training was received. Training log has been attached in Appendix J

Plans Required By Other Agencies

The SWPPP may incorporate by reference the appropriate elements of plans required by other agencies. Attach, to the end of the SWPPP, a copy of the requirements incorporated by reference.

DeMinimis Discharges

For DeMinimis discharges, describe the discharge, provide the beginning and end dates of the discharge, and attach a copy of the sampling analysis report to the end of the SWPPP.

DeMinimis Discharge 1

Start Date ____ / ____ / ____	Description
End Date ____ / ____ / ____	

DeMinimis Discharge 2

Start Date ____ / ____ / ____	Description
End Date ____ / ____ / ____	

DeMinimis Discharge 3	
Start Date ____ / ____ / ____	Description
End Date ____ / ____ / ____	

Post-Construction Stormwater Management
Describe the stormwater management control measures that will be installed during the construction process to control pollutants in stormwater discharges after construction has been completed.
Riprap aprons will be installed at new culvert locations to dissipate energy and allow stormwater runoff to dissipate naturally into the well drained soils. The Forest Service will be responsible for post-construction management of these permanent BMPs.

Inspection, Maintenance, and Corrective Action

Describe the procedures operators will follow for maintaining their stormwater control measures, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Permit sections 3.0 Effluent Limitations Applicable to All Discharges from Construction Sites, 4.0 Effluent Limitations Applicable to Sites Using Constructed Stormwater Conveyance Channels or Sediment Basins, and 5.0 Inspections.

Inspection Procedures

Describe the procedures operators will follow for conducting site inspections.

Operator shall follow procedures for routine site inspection according to Section 5.2.1 of NVR100000 Stormwater Permit.

Identify the personnel responsible for conducting inspections.

TBD by contractor.

Provide the inspection schedule that will be followed based on whether the site is subject to Permit section 5.2 Routine Site Inspection Procedures, or whether the site qualifies for the reduced inspection frequency in Permit section 5.3 Reduced Inspection Schedule. If the site qualifies for a reduced inspection schedule in accordance with Permit section 5.3 Reduced Inspection Schedule, include the beginning and ending dates of the reduced inspection period.

The Permittee shall conduct, at a minimum, a routine site inspection once every 7 days and within 24 hours of the end of a 0.5 inch or greater storm event, that includes all areas of the site where construction materials and/or activities are exposed to stormwater discharges authorized by NVR100000 Stormwater Permit.

Routine Facility Inspection Documentation

Attach all documented findings of each routine site inspection to the end of the SWPPP. Routine facility inspection documentation requirements are outlined in Permit section 5.4 Routine Facility Inspection Documentation.

Inspection Results

Attach, to the end of the SWPPP, records of actions taken based on inspection results in accordance with Permit section 5.5 Inspection Results.

Inspection or Maintenance Checklists

Attach any inspection or maintenance checklists or other forms that will be used to the end of the SWPPP.

Maintenance Procedures

Describe the procedures operators will follow for maintaining their stormwater control measures.

Operator shall inspect all control measures in accordance with the inspection requirements in Part 5.0 NVR100000 Stormwater Permit. The operator shall document the findings in accordance with Part 5.4 of NVR100000 Stormwater Permit.

Corrective Action Procedures

Describe the procedures operators will follow for taking any necessary corrective actions.

Initiate work to correct the problem immediately after discovery, and complete such work by the close of the next work day, if feasible and the problem does not require significant maintenance, repair or replacement. Corrective action log has been included in Appendix F.

Additional Information

Provide the following additional information.

Discharges To Water Quality Impaired Waters

Does the facility discharge to a surface water contained in the current 303(d) *Impaired Water Body* listing issued by the NDEP BWQP that is impaired for (1) sediment or a sediment-related parameter, such as total suspended solids (TSS) or turbidity, and/or (2) nutrients, including impairments for nitrogen and/or phosphorous?

Yes

No

If yes, make one of the following demonstrations (check the appropriate box to indicate which one has been selected) and attach such data and technical information to the end of the SWPPP:

That the site will employ measures to prevent the discharge of stormwater pollutant(s) for which the waterbody is impaired; or

That the discharge from the site has no potential to contain the pollutants causing impairment; or

That the discharge is not expected to cause or contribute to an exceedance of an applicable water quality standard.

Control Measure Addition/Repair/Modification

If it is determined, based on an inspection of control measures performed in accordance with the inspection requirements of Permit section 5.0 Inspections, that installation of additional control measures, or significant repair or modification of existing control measures, is necessary, and implementation before the next storm event is impracticable, document the reason(s) for the delay in the area below.

SWPPP Amendment log has been included in Appendix G.

Identify and describe the modifications made to control measures.

NA

Permit Requirement Waiver

If the project is waived from complying with a specific requirement in Permit section 3.0 Effluent Limitations Applicable to All Discharges from Construction Sites in accordance with Permit section 3.1.1, document this fact in the area below.

Project is not waived from compliance.

Departures from Design Specifications

Explain any departures from design specifications for the installation of all stormwater control measures.

NA

Culvert Stabilization

If culverts are present on the site, describe the measures implemented to sufficiently minimize the threat of erosion at culvert locations to prevent the formation of rills and gullies during construction.

Fiber rolls will be placed upstream and downstream of existing culverts and extensions before and during construction.

Unique Construction Disturbances

If the project involves construction approved under a CWA Section 404 permit or construction of a water-dependent structure or water access area (e.g., pier, boat ramp, trail), document this fact in the area below and on the site map.

NA

Linear Construction Projects

For linear construction projects where it is infeasible to comply with the requirements of Permit section 3.5.1.2, document the rationale for why it is infeasible to do so, and describe any buffer width retained and/or supplemental erosion and sediment controls installed.

NA

For linear projects with rights-of-way that restrict or prevent the use of perimeter controls required by Permit section 3.5.2 Install Perimeter Controls, identify the areas where it is impracticable to maximize the use of perimeter controls and explain why it is impracticable to do so.

NA

Track-Out

If site conditions make it infeasible to install structural controls to prevent track-out (e.g., linear project along a paved right-of-way), explain why such controls cannot be installed and describe the alternative measures that will be used to prevent, monitor, and remove track-out sediment from paved roadways.

NA

Sediment or Soil Stockpiles

If it is infeasible to place sediment or soil stockpiles away from stormwater conveyances, such as curb and gutter systems, and streets leading to such conveyances, explain why it is infeasible to do so.

NA

Non-Vegetative Stabilization Methods

Describe all non-vegetative methods of stabilization employed at the site.

Natural jute mats will be used on new access road embankment to stabilize areas of potential erosion. Geotextiles will be used at culvert outfalls to help stabilize areas of current erosion.

Discharges to Impaired Waterbodies Without Established Total Maximum Daily Loads

If the site discharges to a water quality-impaired water (contained in the current 303(d) impaired water body listing) for which a Total Maximum Daily Load has not been established, describe the condition for which the water has been listed and include a demonstration that the Best Management Practices that are selected for implementation will be sufficient to ensure that the discharges will not cause or contribute to an exceedance of an applicable State water quality standard.

NA

Sediment Basin Discharges

If the use of outlet structures that withdraw water from the surface of the sediment basin in order to minimize the discharge of pollutants is determined to be infeasible, explain why it is infeasible and attach any supporting documentation to the end of the SWPPP.

NA

Additional Discharge Requirements

Where NDEP determines it is necessary to impose additional requirements on the discharge, attach a copy of any correspondence describing such requirements to the end of the SWPPP, and describe the stormwater control measures that will be used to meet such requirements.

NA

Signature Requirements

Print out the completed SWPPP and sign and date below in accordance with Permit section 7.23 Signature Requirements. All operators shall also sign and certify the SWPPP in accordance with the Permit signature requirements. Digital signatures are not accepted.

Adherence Statement	
"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering 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."	
Name (print)	Title
Signature	Date
	_____ / _____ / _____

Operator 1	
Name (print)	Title
Signature	Date
	_____ / _____ / _____

Operator 2	
Name (print)	Title
Signature	Date
	_____ / _____ / _____

Operator 3	
Name (print)	Title
Signature	Date
	____ / ____ / ____

NVR100000

STATE OF NEVADA
DIVISION OF ENVIRONMENTAL PROTECTION

PERMIT FOR
STORMWATER DISCHARGES ASSOCIATED WITH LARGE CONSTRUCTION ACTIVITY, SMALL
CONSTRUCTION ACTIVITY AND INDUSTRIAL ACTIVITY FROM TEMPORARY CONCRETE, ASPHALT AND
MATERIAL PLANTS OR OPERATIONS DEDICATED TO THE PERMITTED CONSTRUCTION PROJECT

AUTHORIZATION TO DISCHARGE

In compliance with the provisions of the federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq: the "Act") and Chapter 445A of the Nevada Revised Statutes (NRS), eligible dischargers have submitted: 1) a Notice of Intent and filing fee in accordance with Nevada Administrative Code (NAC) 445A.268.

In accordance with the terms and conditions set forth hereof;

Site Number: CSW- XXXXX

NOI Approval Date: mm/dd/yyyy

Facility Information	
Site Name	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
Site Address	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
Owner Name	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
Operator Name	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

This permit shall become effective on: **January 5, 2015**

This permit and the authorization to discharge shall expire at midnight **January 4, 2020**.

Signed this **18th** day of **December 2014**.

Michele R. Reid
Staff Engineer I
Bureau of Water Pollution Control

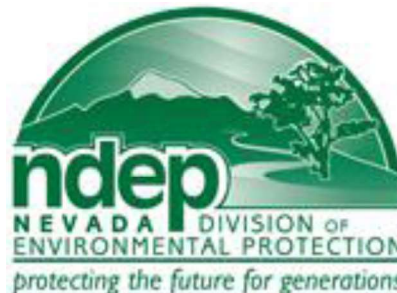


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1.0 Coverage under this General Permit

1.1 Eligibility

- 1.1.1 The objective of this permit is to control and reduce pollution to Waters of the State of Nevada that meet the definition of Waters of the United States from: Stormwater Discharges Associated with Construction Activity and Stormwater Discharges Associated with Industrial Activity from temporary plants or operations set up to produce concrete, asphalt or other materials exclusively for the permitted construction project, through the use of Best Management Practices (BMPs).
- 1.1.2 This General Permit authorizes stormwater discharges associated with large construction activity, small construction activity and associated industrial activity, provided the operator complies with all the requirements of this general permit and submits a Notice of Intent (NOI) in accordance with Part 2.3 of this general permit. A waiver from coverage under this permit is not offered.
- 1.1.3 This permit is not authorized for use by operators with stormwater discharges associated with construction activities on any Tribal Lands in Nevada. USEPA Region 9 is the permitting authority for Tribal Lands in Nevada.
- 1.1.4 Any discharges that do not comply with the eligibility conditions of this permit are not authorized by the permit. A person shall either apply for a separate National Pollutant Discharge Elimination System (NPDES) permit to cover the ineligible discharge(s), cease the discharge(s), or take necessary steps to make the discharge(s) eligible for coverage under this permit.

1.2 Authorized Discharges

- 1.2.1 Allowable Stormwater Discharges. Subject to compliance with the terms and conditions of this permit, the following is a list of discharges that are allowed under the permit provided that appropriate stormwater controls are designed, installed and maintained:
 - 1.2.1.1 Stormwater runoff associated with construction activities;
 - 1.2.1.2 Stormwater discharges from construction support activities (e.g. concrete or asphalt batch plants, equipment staging yards, material storage yards, excavated material disposal areas, borrow areas) provided:
 - 1.2.1.2.1 The support activity is directly related to a construction site that is required to have NPDES permit coverage for discharges of stormwater associated with construction activity;
 - 1.2.1.2.2 The support activity is not a commercial operation (serving multiple unrelated construction projects by different operators) and does not operate beyond the completion of the construction activity at the last construction project it supports; and
 - 1.2.1.2.3 Appropriate controls and measures covering the discharges from the support activity areas are identified in a stormwater pollution prevention plan (SWPPP).

1.2.2 Allowable Non-Stormwater Discharges. The operator shall reduce or eliminate discharges of non-stormwater from construction sites to the maximum extent practicable.

1.2.2.1 The following are non-stormwater discharges allowed under this permit, provided they are not a significant source of pollutants and appropriate control measures are in place to assure compliance with Parts 3.0 and 3.8 of this permit:

1.2.2.1.1 Discharges from emergency fire-fighting activities;

1.2.2.1.2 Water used to rinse/wash vehicles and equipment, provided that reclaimed water or other wastewater is not used and no soaps, solvents, detergents, oils, grease, or fuels are present in the rinse/wash water;

1.2.2.1.3 Water used to control dust, provided reclaimed water or other wastewaters are not used;

1.2.2.1.4 Routine external building wash-down where detergents are not used;

1.2.2.1.5 Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used. Directing pavement wash waters directly into any surface water, storm drain inlet, or stormwater conveyance without the appropriate pollution control measures in place is prohibited;

1.2.2.1.6 Uncontaminated air conditioning or compressor condensate;

1.2.2.1.7 Dewatering of accumulated stormwater where flows are not contaminated (see Part 3.8 Dewatering Practices); and

1.2.2.1.8 Water used for compacting soil, provided reclaimed water or other wastewaters are not used.

1.2.3 Allowable Non-Stormwater DeMinimus Discharges

1.2.3.1 The following are non-stormwater de minimis discharges allowed under this permit, provided they are not a significant source of pollutants and appropriate control measures are in place to assure compliance with Parts 3.0 and 3.8 of this permit:

1.2.3.1.1 Uncontaminated, non-turbid groundwater or spring water;

1.2.3.1.2 Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated groundwater;

1.2.3.1.3 Potable water sources including uncontaminated water line flushing; and

1.2.3.1.4 Uncontaminated, non-turbid potable water well flushing where the receiving waters are ephemeral.

1.2.3.2 DeMinimis Discharges are limited to one discharge outfall per permitted site. The discharge flow is limited to 250 gallons per minute (gpm) or less for 30 days or less. DeMinimis discharges that exceed these conditions must apply for permit coverage under the General Permit for DeMinimis Discharges NVG201000 at <http://ndep.nv.gov/bwpc/diminimis.htm>

1.3 Prohibited Discharges

- 1.3.1 The operator shall not allow any non-stormwater discharges from the site except as provided in Part 1.2.2, 1.2.3 or Part 3.8 Dewatering Practices. All other non-stormwater discharges shall be eliminated or authorized under a separate permit as determined by NDEP. The prohibited discharges include but are not limited to:
- 1.3.1.1 Wastewater from washout of concrete, unless managed by an appropriate control described in Part 3.7.2.2;
 - 1.3.1.2 Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials. See Part 3.7.2.3;
 - 1.3.1.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance. See Part 3.7.2.4;
 - 1.3.1.4 Soaps or solvents used in vehicle and equipment washing; and
 - 1.3.1.5 Toxic or hazardous substance from a spill or other release.
- 1.3.2 Stormwater discharges that are mixed with non-stormwater, other than the allowable non-stormwater discharges listed in Part 1.2.2, are not eligible for coverage under this permit.

1.4 Limitations of Coverage

- 1.4.1 Post Construction Discharges. This general permit does not authorize stormwater discharges that originate from the site after construction activities have been completed and the site, including any temporary support activity site, has achieved final stabilization and a Notice of Termination (NOT) has been filed. Post construction stormwater discharges from industrial sites may need to be covered by a separate NPDES permit.
- 1.4.2 Discharges Covered by Another NPDES Permit. This general permit does not authorize discharges associated with construction activities that have been covered under an individual permit or another applicable general permit. Construction discharges at mining operations are covered under the Mining General Permit NVR300000.
- 1.4.3 Discharges Threatening Water Quality. This general permit does not authorize discharges that will cause or contribute to non-attainment of water quality standards or the beneficial uses of receiving waters as defined in NAC 445A.121 and NAC 445A.122 respectively. The operator shall design and implement BMPs sufficient to meet these requirements.
- 1.4.4 Discharges to Water Quality Impaired Waters. A discharge to a surface water contained in the current 303(d) *Impaired Water Body* listing issued by NDEP Bureau of Water Quality Planning (BWQP), that is impaired for (1) sediment or a sediment-related parameter, such as total suspended solids (TSS) or turbidity, and/or (2) nutrients, including impairments for nitrogen and/or phosphorus shall make one of the following demonstrations and retain such data and technical information on site with the Stormwater Pollution Prevention Plan (SWPPP):
- 1.4.4.1 That the site will employ measures to prevent the discharge of stormwater pollutant(s) for which the waterbody is impaired; or

- 1.4.4.2 That the discharge from the site has no potential to contain the pollutants causing impairment; or
- 1.4.4.3 That the discharge is not expected to cause or contribute to an exceedence of an applicable water quality standard.
- 1.4.5 Discharges to Water Bodies with Established Total Maximum Daily Load (TMDL). The Permittee shall comply with all applicable TMDL requirements. TMDL information can be found on the NDEP website: <http://ndep.nv.gov/bwqp/303dlist2012.htm>
- 1.4.6 Exempt Discharges. Persons performing the following activities are not required to seek coverage under this permit:
 - 1.4.6.1 Construction projects that disturb less than 1 acre, unless part of a larger common plan of development or sale (e.g., subdivisions or commercial development areas) or unless required as a condition of Part 1.6.1;
 - 1.4.6.2 Routine maintenance that disturbs less than 5 acres that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility or structure; or
- 1.4.7 Use of Cationic Treatment Chemicals. The use of cationic treatment chemicals (as defined in Appendix A), are ineligible for coverage under this permit, unless the Permittee notifies NDEP in advance and the Administrator authorizes the coverage under this permit. The Permittee must include appropriate controls and implementation procedures designed to ensure that any approved use of cationic treatment chemicals will not lead to a violation of water quality standards.
- 1.4.8 Oil and Gas Operations. Construction activities associated with the oil and gas exploration, production, processing, or treatment operations or transmission facilities (e.g. drilling site preparation, crude oil pipelines, etc.) are addressed in NDEP's Stormwater General Permit NVR050000 for Stormwater Associated with Industrial Activity.

1.5 Requirement for Individual Permit

- 1.5.1 NDEP may require the holder of a general stormwater permit to apply for and obtain an individual permit in accordance with NAC 445A.269.

1.6 Requirement for a Stormwater Permit for Projects Less Than 1 Acre

- 1.6.1 If NDEP determines that a project less than 1 acre in size will impact receiving waters or their tributaries within a 1/4-mile radius of the project, the owner of the project may be required to obtain a stormwater permit and abide by the terms of this permit.

2.0 Authorization Under this General Permit

2.1 Owner/Operator Responsibility

- 2.1.1 All Operators. All operators are required to obtain coverage for stormwater discharges associated with construction activity under this permit. In some cases, an operator may be

the owner or the developer, in other cases the operator may be the general contractor. In the event of a default by the “Operator” submitted on the NOI, NDEP will consider the “Owner” submitted on the NOI as the responsible “Operator”. For the purpose of this permit, an “Operator” is any person associated with the construction project who meets the following criteria:

- 2.1.1.1 The person has operational control over the construction plans and specifications, including the ability to make modifications to those plans and specifications; or
- 2.1.1.2 The person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit).
- 2.1.2 ***Multiple Operators.*** Where there are multiple operators associated with the same project, each operator is required to file an NOI for permit coverage. The following applies in these situations:
 - 2.1.2.1 If one operator has control over plans and specifications and a different operator has control over activities at the project site, they may divide responsibility for compliance with the terms of this permit and jointly develop a common SWPPP, which documents which operator has responsibility for each requirement of the permit.
 - 2.1.2.2 If an operator only has operational control over a portion of a larger project (e.g. one of the four homebuilders in a subdivision), the operator is responsible for compliance with applicable effluent limits, terms and conditions of this permit as it relates to their activities on their portion of the construction site, and implementation of control measures described in the SWPPP in the areas under their control.
 - 2.1.2.3 Operators shall ensure, either directly or through coordination with other operators, that their activities do not render another operator’s pollutant discharge controls ineffective.

2.2 Application for Coverage

- 2.2.1 Prior to submission of a Notice of Intent (NOI), an applicant seeking authorization to discharge under this general permit shall:
 - 2.2.1.1 Ensure that the facility is not located on Tribal lands;
 - 2.2.1.2 Ensure the facility meets the eligibility requirements under Part 1.1; and
 - 2.2.1.3 Develop and implement a SWPPP that meets the requirements of Part 6.0 of this permit and that covers either the entire site or all portions of the site for which the Permittee is an operator.
 - 2.2.1.3.1 The SWPPP shall be prepared prior to submission of the NOI and shall be implemented prior to the start of construction.
 - 2.2.1.3.2 It is not necessary to submit a copy of the SWPPP to NDEP. The SWPPP, including any updates, shall be retained and made available in accordance with Part 6.7.1.

- 2.2.1.4 An operator shall submit separate NOIs to NDEP for each project that disturbs one or more acres of land. The operator of a common plan of development or sale that will ultimately disturb one or more acres shall also submit an NOI in accordance with Part 2.3.

2.3 NOI Electronic Application Requirements

- 2.3.1 NOIs must be submitted using NDEP's electronic NOI system. Submission of the NOI demonstrates the owner's/operator's intent to be covered by this permit; it is not a determination by NDEP that the owner/operator has met the eligibility requirements for the permit.
- 2.3.2 New Dischargers seeking authorization for stormwater discharges under this general permit shall submit a Notice of Intent (NOI) and filing fee with NDEP no later than 14 days prior to the start of the permitted activity. The NOI application may be accessed via the NDEP website at: <https://genpermits.ndep.nv.gov/>
- 2.3.3 Existing Dischargers seeking authorization for stormwater discharges under this general permit shall submit a **RENEWAL** Notice of Intent (NOI) within 60 days (**by March 6, 2015**) of the effective date of this permit. **NO FEE IS REQUIRED FOR A RENEWAL NOI**. The Renewal NOI application may be accessed via the NDEP website at: <https://genpermits.ndep.nv.gov/>
- 2.3.4 The minimum information required for an approved NOI consists of:
- 2.3.4.1 Project Owner and Operator (Applicant) Information – Name, Address, City, State, Zip Code, Phone Number(s) and Tax Identification Number for both the owner and operator;
- 2.3.4.2 Project/Site Information – Project Name, Project Address/Location, City, County, State, Zip Code, Latitude, Longitude, and at least one Assessor's Parcel Number (APN) associated with the project;
- 2.3.4.3 Name of the receiving water;
- 2.3.4.4 Whether any part of the site is located on Tribal lands;
- 2.3.4.5 Estimated start date;
- 2.3.4.6 Estimated completion date;
- 2.3.4.7 Estimate of area to be disturbed (to nearest acre);
- 2.3.4.8 Estimate for likelihood of discharge;
- 2.3.4.9 Address for location of SWPPP for viewing – City, State, Zip Code and Phone Number(s); and
- 2.3.4.10 NOI Certification page signed and dated by appropriate authority (see Part 7.23) and mailed with the application fee to NDEP at the address indicated on the form and in Part 7.26 of this permit.
- 2.3.5 If the contact information or addresses on the NOI filed for permit coverage change during

the permit coverage, the Permittee shall, within 15 days of the change, submit a letter on official letterhead indicating the updated information.

2.4 Effective Date of Permit Coverage

2.4.1 New Discharger – Following receipt of the NOI Certification Page and applicable Application Fee, NDEP will determine if the NOI is complete and confirm coverage by providing an Approval Letter with a site authorization number.

2.4.2 If NDEP determines the NOI is incomplete, coverage may not be “approved” until a completed NOI is submitted. NDEP will notify an applicant of an incomplete application within 7 days of receipt of the NOI Certification Page in the Bureau of Water Pollution Control.

2.4.2.1 In accordance with NAC 445A.268 (4), a discharger will not be covered under a general permit until the discharger has been notified by the Director.

2.4.3 Existing Discharger – For operators of construction projects ongoing as of the effective date of this permit who received authorization to discharge for these projects under the expired 2007 Construction General Permit (NVR100000), the Operator shall submit a Renewal NOI within 60 days of the effective date of this permit (**by March 6, 2015**). NDEP will determine if the NOI is complete and confirm coverage by providing a Renewal Approval Letter. Following receipt of the renewal approval letter the operator shall comply with the following terms:

2.4.3.1 Within 120 days of the effective date of this permit (**by May 5, 2015**), the Permittee shall update the SWPPP as necessary to comply with the requirements of Part 6.0 of this permit.

2.4.3.2 The Permittee shall continue to comply with the terms and conditions of the expired 2007 Construction General Permit NVR100000 until the SWPPP is updated.

2.4.4 Change of Owner/Operator – For construction projects where the owner/operator changes, including instances where an operator is added after an NOI has been submitted, the following shall apply:

2.4.4.1 **Current operator** shall notify the succeeding owner/operator of the existence of this permit by letter, a copy of which shall be forwarded to NDEP for file record;

2.4.4.2 **New operator** shall update SWPPP documents as needed or develop and implement a new SWPPP to comply with permit requirements in Part 6.0; and submit an NOI **within 14 calendar days** of taking over operational control of the site; and

2.4.4.3 **Current operator** shall submit a Notice of Termination (NOT) **within 30 calendar days** after the new owner/operator assumes responsibility for the site.

2.5 Authorization of Emergency-Related Construction Activities

2.5.1 Emergency-related construction activities are automatically authorized provided that;

2.5.1.1 An operator is conducting earth-disturbing activities in response to a public

emergency (e.g., natural disaster, widespread disruption in essential public services), and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services;

- 2.5.1.2 If the activity continues past 30 calendar days of commencing construction activities, the operator shall prepare a SWPPP and submit an NOI in accordance with Parts 2.2 and 2.3 of this permit;
 - 2.5.1.3 The operator provides documentation in the SWPPP to substantiate the occurrence of the public emergency; and
 - 2.5.1.4 The operator complies with all other applicable requirements in the permit regarding discharges associated with the construction activities.
- 2.5.2 Operators of emergency-related construction activities are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered within 14 calendar days after NDEP receives a complete NOI and application fee in accordance with Part 2.3 above.

2.6 Continuation of this Permit

- 2.6.1 If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued and remain in force and effect. If the operator is authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until:
- 2.6.1.1 The owner/operator submits an NOI requesting authorization to discharge under a renewal or revision of the permit and NDEP issues an Approval Letter; or
 - 2.6.1.2 The owner/operator submits a NOT; or
 - 2.6.1.3 A formal permit decision is made by NDEP not to reissue this general permit, at which time NDEP will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease at the end of this time period.

2.7 Requirement to Post a Notice of Permit Coverage

- 2.7.1 The Permittee shall post a sign or other notice conspicuously at a safe, publicly accessible location in close proximity to the project site. At a minimum, the notice shall include the Permit site ID (CSW-xxxxx) and a contact name and telephone number.
- 2.7.2 The notice shall be located so that it is visible from the public road that is nearest to the active part of the construction site, and it shall use a font large enough to be readily viewed from a public right-of-way. For linear projects, the site authorization number(s) shall be posted near the entrance where most of the construction activity is occurring.

2.8 Terminating Coverage

- 2.8.1 To terminate coverage, the Permittee shall submit a completed hard-copy Notice of

Termination (NOT) form, available at <http://ndep.nv.gov/bwpc/forms.htm>, to the address listed on the form and in Part 7.26 of this permit. The submitted form shall include a wet signature; copies will not be accepted. The facility's authorization to discharge will expire at midnight of the day that a complete NOT form is received by NDEP. The permittee is responsible for meeting the terms and conditions of this permit until the facility's authorization to discharge are terminated.

- 2.8.1.1 Should an electronic NOT version become available during the term of this permit a link for this electronic reporting requirement will be provided on the NDEP Stormwater page at http://ndep.nv.gov/bwpc/storm_cont03.htm
- 2.8.2 All Notice of Termination (NOT) forms shall be signed in accordance with the signatory requirements of Part 7.23.
- 2.8.3 The Permittee may submit an NOT form to NDEP after any of the following conditions have been met:
 - 2.8.3.1 The Permittee has established final stabilization on all portions of the site for which the operator is responsible, in accordance with Part 3.6.3; or
 - 2.8.3.2 Another operator, who has a valid NOI and site number under this general permit or an individual NPDES permit, has assumed control over all areas of the site that have not been finally stabilized; or
 - 2.8.3.3 For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner in accordance with Part 3.6.3.2 of this permit; or
 - 2.8.3.4 The planned construction activity identified on the original NOI was never initiated (i.e., no grading or earthwork was ever started and plans for construction have been permanently abandoned or indefinitely postponed); or
 - 2.8.3.5 The operator has obtained coverage for the site under another NPDES permit.
- 2.8.4 The minimum information required on a NOT consists of:
 - 2.8.4.1 Site specific identification number (i.e., CSW-xxxxx);
 - 2.8.4.2 Owner/Operator (Applicant) Information – name, address, city, state, Zip Code and phone number(s);
 - 2.8.4.3 Project/Site Information – project name, project address/location, city, county, state, Zip Code, latitude, longitude or APN, and phone number(s); and
 - 2.8.4.4 Certification signed and dated by the appropriate authority (see Parts 8.23 and 8.25).

3.0 Effluent Limitations Applicable to All Discharges from Construction Sites

3.1 Provisions for Existing Construction Projects

- 3.1.1 If a project is an “existing project” as defined in Appendix A, or if a person is a new operator of an existing project, and it is infeasible for the operator to comply with a specific requirement in Part 3.0 because (1) the requirement was not part of the permit the project was previously covered under (i.e. the 2007 CGP NVR100000) and (2) the operator is prevented from compliance due to the nature or location of earth disturbances at the site, or the operator is unable to comply with the requirement due to the manner in which the stormwater controls have already been installed or were already designed prior to **January 5, 2015**, the project is waived from complying with that requirement as long as the operator documents this fact in the SWPPP. This provision only applies to those portions of a project that have already commenced earth-disturbing activities or where stormwater controls implemented in compliance with the previous permit have already been installed.

3.2 Non-numeric Effluent Limitations and Associated Control Measures

- 3.2.1 The stormwater control requirements in this Part are technology-based, effluent limitations that, where applicable, apply to all discharges from construction sites eligible for coverage under this permit. These requirements apply the national effluent limitations guidelines and new source performance standards found at 40 CFR Part 450. The Permittee shall comply with the stormwater control requirements included in Part 3.0 through site planning and through designing, installing, and maintaining stormwater controls.
- 3.2.2 Whenever applicable, the operator shall design, install and maintain the following control measures at construction sites:
- 3.2.2.1 Erosion and sediment control (Part 3.4 and Part 3.5);
 - 3.2.2.2 Site Stabilization (Part 3.6); and
 - 3.2.2.3 Pollution Prevention (Part 3.7);

3.3 General Maintenance Requirements

- 3.3.1 The operator shall ensure that all control measures required in this Part remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.
- 3.3.2 The operator shall inspect all control measures in accordance with the inspection requirements in Part 5.0. The operator shall document the findings in accordance with Part 5.4. When controls need to be replaced, repaired or maintained, the operator shall make the necessary repairs or modifications in compliance with the following schedule:
- 3.3.2.1 Initiate work to correct the problem immediately after discovery, and complete such work by the close of the next work day, if feasible and the problem does not require significant maintenance, repair or replacement.
 - 3.3.2.2 If existing control measures need significant repair or modification, or if additional control measures are necessary, implementation shall be completed within 7 calendar days or before the next storm event (whichever is sooner). If implementation before the next storm event is impracticable, the reason(s) for the delay shall be documented in the SWPPP and alternative control measures shall be implemented as soon as possible. Additionally, the following maintenance activities

shall be implemented:

- 3.3.2.2.1 Remove accumulated sediment when it reaches a maximum of one-half the height of the silt fence or one-half the height of the fiber roll.
- 3.3.2.2.2 Sediment shall be removed from temporary and permanent sedimentation basins, ponds and traps when the depth of the sediment collected in the basin reaches 50% of the storage capacity.
- 3.2.2.2.3 Construction site egress location(s) shall be inspected for evidence of off-site tracking of sediment, debris, and other pollutants onto paved surfaces. Removal of sediment, debris, and other pollutants from all off-site paved areas shall be completed as soon as practicable, or as otherwise required by Federal, State, and local requirements.
- 3.2.2.2.4 Accumulations of sediment, debris, and other pollutants observed in off-site surface waters, drainage ways, catch basins, and other drainage features shall be removed in a manner and at a frequency sufficient to minimize impacts and to ensure no adverse effects on water quality.

3.4 Erosion and Sediment Controls

- 3.4.1 The Operator shall design, install, and maintain erosion and sediment controls that minimize the discharge of pollutants from earth-disturbing activities. The operator shall minimize the amount of soil exposed during construction activities and control stormwater volume and velocity to minimize soil erosion. The operator is also subject to the deadlines for temporarily and/or permanently stabilizing exposed portions of the site in accordance with Part 3.6.
- 3.4.2 Design Requirements – The operator shall account for the following factors in designing stormwater controls:
 - 3.4.2.1 The expected amount, frequency, intensity, and duration of a 2-year, 24-hour precipitation event;
 - 3.4.2.2 The nature of stormwater runoff and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. If any stormwater flow will be channelized at the site, stormwater control measures shall be designed to control both peak flow rates and total stormwater volume to minimize channel and stream bank erosion and scour in the immediate vicinity of discharge points:
 - 3.4.2.3 The range of soil particle sizes expected to be present on the site.
- 3.4.3 The operator shall direct discharges from stormwater controls to vegetated areas of the site to increase sediment removal and maximize stormwater infiltration, including any natural buffers established under Part 3.5.1, unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas.
- 3.4.4 Installation Requirements
 - 3.4.4.1 Complete installation of stormwater controls by the time each phase of the earth disturbance has begun. By the time construction activities in any given portion of the

site have begun, unless infeasible, the operator shall install and make operational any down-gradient sediment controls (e.g., buffers, or equivalent sediment controls, perimeter controls, exit point controls, storm drain inlet protection) that control discharges from the initial site clearing, grading, excavating, and other land-disturbing activities.

- 3.4.4.2 Following the installation of these initial controls, all other stormwater controls planned for this portion of the site and described in the SWPPP shall be installed and made operational as soon as site conditions allow. The requirement to install stormwater controls prior to earth disturbance for each phase of the project does not apply to the earth disturbance associated with the actual installation of these controls.
- 3.4.4.3 The operator shall install all stormwater controls in accordance with good engineering practices, including applicable design specifications. Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or local ordinances. Any departures from such specifications shall reflect good engineering practice and shall be explained in the SWPPP.
- 3.4.5 The operator shall control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize channel and stream bank erosion and scour in the immediate vicinity of the discharge points.
 - 3.4.5.1 Culvert Stabilization – If culverts are present on the site, the SWPPP shall include measures to sufficiently minimize the threat of erosion at culvert location to prevent the formation of rills and gullies during construction; and
 - 3.4.5.2 Velocity Dissipation Devices – The operator shall place velocity dissipation devices at locations where discharges leave the construction site as necessary to provide a non-erosive flow velocity.

3.5 Erosion and Sediment Controls Required by All Sites

- 3.5.1 **Maintain Natural Buffers** adjacent to surface waters of the State that meet the definition of Waters of the U.S., and direct stormwater to vegetated areas to maximize stormwater infiltration and reduce pollutant discharges, unless infeasible. The operator is not required to enhance the quality of the vegetation that already exists in the buffer, or provide vegetation if none exists. Areas not owned or that are otherwise outside the operational control of the Permittee may be considered areas of undisturbed natural buffer for purposes of compliance with this Part.
 - 3.5.1.1 Provide Natural Buffers or Equivalent Sediment Controls – these requirements only apply when surface water is located within 50 feet of the project’s earth disturbances.
 - 3.5.1.1.1 The operator shall ensure that any discharges to surface waters through the area between the disturbed portions of the property and any surface waters located within 50 feet of the site are treated by an area of undisturbed natural buffer and/or additional erosion and sediment controls in order to achieve a reduction in sediment load estimated to be equivalent to that achieved by a 50-foot natural buffer. Appendix G of EPA’s Construction General Permit may help in providing guidance in determine estimated equivalents.

http://water.epa.gov/polwaste/npdes/stormwater/upload/cgp2012_appendixg.pdf

- 3.5.1.2 *Alternatives to Natural Buffers* – In areas where it is infeasible to maintain the 50 foot buffer the operator shall:
- 3.5.1.2.1 Document in the SWPPP the reasons why the 50-foot buffer cannot be maintained, and identify the additional erosion and sediment controls selected;
- 3.5.1.2.2 Preserve as much buffer as possible and design, implement and maintain additional erosion and sediment controls (such as berms, diversion dikes, sediment basins, etc.);
- 3.5.1.2.3 Ensure that all discharges from the area of the earth disturbance to the natural buffer are first treated by the site’s erosion and sediment controls, and use velocity dissipation devices if necessary to prevent erosion caused by stormwater within the buffer;
- 3.5.1.2.4 Document in the SWPPP the natural buffer width retained on the property, and show the buffer boundary on the site plan;
- 3.5.1.2.5 Delineate, and clearly mark off with flags, tape or other similar marking device, all natural buffer areas; and
- 3.5.1.2.6 Follow the additional stabilization requirements described in Part 3.6.2.
- 3.5.1.3 *Exceptions* –
- 3.5.1.3.1 If there is no discharge of stormwater to perennial waters through the area between the site and any perennial waters located within 50 feet of the site, the operator is not required to comply with the requirements of this Part. This includes situations where control measures, such as a berm or other barrier that will prevent such discharges, have been implemented.
- 3.5.1.3.2 Where no natural buffer exists due to pre-existing development disturbances (e.g., structures, impervious surfaces) that occurred prior to the initiation of planning for the current development of the site, operators are not required to comply with the requirements in this Part, unless portions of the pre-existing development are removed.
- 3.5.1.3.3 Where some natural buffer exists but portions of the area within 50 feet of the perennial water are occupied by preexisting development disturbances, operators are required to comply with the requirements in this Part. For the purposes of calculating the sediment load reduction, an operator is not expected to compensate for the reduction in buffer function from the area covered by these pre-existing disturbances.
- 3.5.1.3.4 If any portion of a pre-existing area will be disturbed during the project, the area disturbed will be deducted from the area treated as natural buffer.
- 3.5.1.3.5 Linear construction projects are not required to comply with the requirements in this Part if site constraints (e.g., limited right-of-way) prevent the operator

from meeting any of the compliance alternatives in Part 3.5.1.2, provided that, to the extent practicable, the operator limits disturbances within 50 feet of the surface water and/or provides supplemental erosion and sediment controls to treat stormwater discharges from earth disturbances within 50 feet of the surface water. The operator shall also document in the SWPPP the rationale for why it is infeasible to comply with the requirements in Part 3.5.1.2, and describe any buffer width retained and/or supplemental erosion and sediment controls installed.

- 3.5.1.3.6 “Small residential lot” construction (i.e., a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre) is exempt from buffer requirements provided that the operator minimizes the discharge of pollutants and complies with the requirements of Part 3.4.
- 3.5.1.3.7 The following disturbances within 50 feet of surface water are exempt from the requirements in this Part but shall be documented in the SWPPP and on the site map:
- 3.5.1.3.7.1 Construction approved under a CWA Section 404 permit; or
- 3.5.1.3.7.2 Construction of a water-dependent structure or water access area (e.g., pier, boat ramp, trail).

3.5.2 **Install Perimeter Controls –**

- 3.5.2.1 The operator shall install appropriate control measures (e.g., fiber rolls, berms, silt fences, vegetative buffer strips, sediment traps, or equivalent approved sediment controls) along those perimeter areas of the site that will receive stormwater from earth-disturbing activities.
- 3.5.2.2 For linear projects with rights-of-way that restrict or prevent the use of such perimeter controls, the operator shall maximize the use of perimeter controls where practicable and document in the SWPPP why it is impracticable in other areas of the project.
- 3.5.3 **Minimize Sediment Track-Out –** The operator shall implement effective control measures (e.g., stone/rip rap pad, concrete or steel wash racks, or other NDEP approved systems) to minimize tracking of sediments, debris and other pollutants from vehicles and equipment leaving the site. To comply with this requirement the operator shall:
- 3.5.3.1 Restrict vehicle use to properly designated exit points;
- 3.5.3.2 Use appropriate stabilization techniques at all points that exit onto paved roads so that sediment removal occurs prior to vehicle exit;
- 3.5.3.3 Where necessary, use additional controls to remove sediment from vehicle tires prior to exit; and
- 3.5.3.4 Where sediment has been tracked-out from the site onto the surface of off-site streets, other paved areas, and sidewalks, the deposited sediment shall be removed by the end of the same work day in which the track-out occurs or by the end of the next work day if the track-out occurs on a non-work day. Track-out shall be removed by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly

effective means of sediment removal. Hosing or sweeping tracked-out sediment into any stormwater conveyance, without appropriate control measures in place, is strictly prohibited.

- 3.5.3.5 If site conditions make it infeasible to install structural controls to prevent track-out (e.g., linear project along a paved right-of-way), the operator shall explain in the SWPPP why such controls cannot be installed and what alternative measures will be used to prevent, monitor and remove track-out sediment from paved roadways.
- 3.5.4 **Control Discharges from Stockpiled Sediment or Soil** – As necessary, implement the following measures for any stockpiled or land clearing debris composed, in whole or in part, of sediment or soil:
 - 3.5.4.1 Place stockpiles away from stormwater conveyances, such as curb and gutter systems, and streets leading to such conveyances. If placement is infeasible, install appropriate sediment controls and document the reasons in the SWPPP;
 - 3.5.4.2 Locate the piles outside of any buffers implemented in accordance with Part 3.5.1;
 - 3.5.4.3 Protect piles from contact with stormwater (including run-on) using a temporary sediment barrier or other protective means;
 - 3.5.4.4 Do not hose down or sweep soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance, storm drain inlet, or surface water leading to a Water of the State Nevada that meets the definition of Waters of the United States; and
 - 3.5.4.5 Unless infeasible, contain and securely protect from wind.
- 3.5.5 **Discharge of Sediments during Dry Weather** – The operator shall implement effective control measures that minimize the discharge of sediment from construction activities to any water body, including dry washes, during dry weather.
- 3.5.6 **Minimize the Disturbance of Steep Slopes** – Where practicable, implement standard erosion and sediment control practices, such as phasing disturbances to these areas and using stabilization practices designed to be used on steep grades.
- 3.5.7 **Minimize Soil Compaction and Preserve Topsoil** – The operator shall minimize soil compaction and, unless infeasible, preserve topsoil for re-vegetation.
 - 3.5.7.1 In areas of the site where final vegetative stabilization will occur or where infiltration practices will be installed, the operator shall either:
 - 3.5.7.1.1 Restrict vehicle and equipment use in these locations to avoid soil compaction; or
 - 3.5.7.1.2 Prior to seeding or planting areas of exposed soils that have been compacted, use techniques that condition the soils to support vegetative growth, if necessary and feasible.
 - 3.5.7.2 Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.
 - 3.5.7.3 Preserving topsoil is not required where the intended function of a specific area of

the site dictates that the topsoil be disturbed or removed.

3.5.8 **Storm Drain Inlet Protection** – For discharge to any storm drain inlet that carries stormwater flow from the site directly to surface water (and it is not first directed to a sediment basin, sediment trap, or similarly effective control), **where the operator has authority to access the storm drain inlet**, the operator shall:

3.5.8.1 Install inlet protection measures that remove sediment from the discharge prior to entry into the storm drain inlet; and

3.5.8.2 Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised.

3.5.8.3 Public Safety – Inlet protection measures can be removed in the event of flooding conditions or to prevent erosion.

3.5.9 **Preserve Natural Vegetation** – Where practicable, existing vegetation should be preserved. If natural vegetation can be preserved, the operator shall clearly mark vegetation before clearing activities begin. Locations of trees and boundaries of environmentally sensitive areas and buffer zones to be preserved shall be identified on the SWPPP site map.

3.6 Site Stabilization Requirements, Schedules and Deadlines

3.6.1 The operator shall, at a minimum, initiate soil stabilization measures immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days.

3.6.2 *Temporary Stabilization* – The operator shall provide temporary stabilization, or initiate permanent stabilization, of disturbed areas within 14 calendar days of the most recent land disturbance in areas where construction or support activities have been temporarily suspended or have permanently ceased, except as follows:

3.6.2.1 Where stabilization by the 14th day is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable;

3.6.2.2 Where disturbed areas are awaiting vegetative stabilization for periods greater than 14 calendar days, non-vegetative methods of stabilization shall be employed. These methods shall be described in the SWPPP.

3.6.2.3 In arid areas (areas with an average annual precipitation of 0-10 inches), semi-arid areas (areas with an average annual precipitation of 10-20 inches), and areas experiencing drought, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures shall be employed and vegetative or final stabilization measures shall be initiated as soon as practicable.

3.6.3 *Final Stabilization* – Final stabilization means the operator has achieved one of the following conditions:

3.6.3.1 All soil disturbing activities at the site have been completed; all construction materials, waste and temporary erosion and sediment control measures (including any sediment that was being retained by temporary erosion and sediment control

measures) have been removed and properly disposed of; and

3.6.3.1.1 A uniform (i.e., evenly distributed, without large bare areas) annual and/or perennial vegetative cover with a density of 70% of the native background vegetative cover for the area is in place on all unpaved areas and areas not covered by permanent structure, or

3.6.3.1.2 Equivalent permanent stabilization measures (such as the use of riprap, gabions, gravel, geotextiles, or other NDEP approved methods) have been employed.

Note: When preconstruction native background vegetation covered less than 100% of the ground (i.e., arid areas, beaches), the 70% coverage criteria is adjusted as follows: if the native vegetation covered 50% of the ground, 70% of 50% (.70 x .50 = .35) or 35% cover density would be required.

3.6.3.2 For individual lots in residential construction, final stabilization means that the homebuilder:

3.6.3.2.1 Has completed final stabilization as specified in Part 3.6.3 above; or

3.6.3.2.2 Has established temporary stabilization, including perimeter controls, for an individual lot prior to occupation of the home by the homeowner and has informed the homeowner of the need for, and benefits of, final stabilization.

3.6.3.3 For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to waters of the U.S., and areas that are not being returned to their preconstruction agricultural use shall meet the final stabilization criteria in Part 3.6.3 above.

3.7 Pollution Prevention Requirements

3.7.1 These requirements apply to all areas of the construction site and any support activities covered by this permit. The operator shall design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. To meet this requirement, the operator shall comply with all of the following:

3.7.1.1 Eliminate certain pollutant discharges from the site (see Part 1.3 Prohibited Discharges);

3.7.1.2 Properly maintain all pollution prevention controls (see Part 3.3 General Maintenance Requirements); and

3.7.1.3 Comply with pollution prevention measures for pollutant generating activities that occur at the site (See Parts 3.7.2 and 3.7.3).

3.7.2 **Minimize the Discharge of Pollutants** – The operator shall minimize the discharge of pollutants from equipment and vehicle washing, wheel washing and other wash waters.

3.7.2.1 *Equipment/Vehicle Washing* – The operator shall minimize the discharge of

pollutants from equipment and vehicle washing and wheel wash water.

- 3.7.2.1.1 Wash waters shall be treated in a sediment basin or an alternative control that provides equivalent or better treatment prior to discharge.
- 3.7.2.2 *Concrete Washout* – The operator shall provide an effective means of eliminating the discharge of water from the washout of concrete.
 - 3.7.2.2.1 Where possible, concrete suppliers should conduct washout activities at their own plants or dispatch facilities.
 - 3.7.2.2.2 If washout is conducted at the construction site, the operator shall employ control measures (e.g., lined pits or portable washouts) to contain and manage on-site concrete washout to prevent discharge.
 - 3.7.2.2.3 The pit or container shall be designed so that no overflows can occur due to inadequate sizing or precipitation.
 - 3.7.2.2.4 Hardened concrete shall be removed and disposed of consistent with handling of other construction waste materials.
- 3.7.2.3 *Washing of Applicators and Containers used for paint or other materials* – The operator shall provide an effective means of eliminating the discharge of wash water from the washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials.
 - 3.7.2.3.1 All wash water shall be directed into a leak-proof container or leak-proof pit. The container or pit shall be designed so that no overflows can occur due to inadequate sizing or precipitation.
 - 3.7.2.3.2 Any washout or cleanout activities shall be located as far away as possible from surface water and stormwater inlets or conveyances, and, to the extent practicable, areas designated to be used for these activities.
 - 3.7.2.3.3 Liquid waste shall be disposed of in accordance with local and state regulations.
- 3.7.2.4 *Fueling and Maintenance of Equipment or Vehicles* – An operator that conducts fueling and/or maintenance of equipment or vehicles at the site shall provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuel, from the area where these activities take place.
 - 3.7.2.4.1 Adequate supplies shall be available at all times to handle spills, leaks and disposal of used liquids.
 - 3.7.2.4.2 Drip pans, absorbents or other approved methods shall be used under or around leaky vehicles and equipment.
 - 3.7.2.4.3 Oil and oily wastes shall be disposed of or recycled in accordance with other federal, state, or local requirements.
 - 3.7.2.4.4 Spills shall be cleaned up immediately and the source of the spill eliminated to prevent further discharge.

- 3.7.2.4.5 If applicable, the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR 112 and Section 311 of the CWA shall be complied with.
- 3.7.3 **Building Materials, Chemicals, Products and Waste** – The operator shall minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).
- 3.7.3.1 **Storage, Handling, and Disposal of Construction Products, Wastes and Material** – The operator shall minimize the exposure to stormwater of any of the products, materials, or wastes specified below in this Part. These requirements do not apply to those products or materials that are designed to be exposed to precipitation and stormwater.
- 3.7.3.1.1 Building product storage areas shall provide either (1) cover (e.g., plastic sheeting or temporary roofs) to prevent products from coming in contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas.
- 3.7.3.1.2 Pesticides, herbicides, insecticides, fertilizers, and landscape materials shall (1) be covered (i.e. plastic sheeting or temporary roofs) to prevent these chemicals from coming into contact with rainwater, or (2) be provided a similarly effective means to prevent discharge of pollutants from these areas. Application and disposal requirements shall be in accordance with the products registered label.
- 3.7.3.1.3 Diesel fuel, oil, hydraulic fluids and other petroleum products and chemicals shall be stored in water-tight containers and (1) provided cover (e.g. plastic sheeting or temporary roofs) to prevent containers from coming into contact with rainwater or (2) provide similarly effective means designed to prevent the discharge of pollutants from these areas (e.g. spill kits) or provide secondary containment (e.g., spill berms, decks, spill containment pallets).
- 3.7.3.1.4 Hazardous or toxic waste shall be kept separate from construction and domestic waste. Waste shall be stored in sealed containers constructed of suitable materials, and provided cover or secondary containment to prevent spills from being discharged. All containers shall be labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and other applicable federal, state and local requirements. Additionally, hazardous or toxic wastes shall be disposed of in accordance with the manufacturer's recommendations and federal, state and local requirements.
- 3.7.3.1.5 Waste containers (e.g. dumpsters or trash receptacles) of sufficient size and number shall be provided for construction and domestic waste.
- 3.7.3.1.6 Portable toilets for sanitary waste shall be positioned outside stormwater flow areas and secured to ensure they will not tip over.

3.8 Dewatering Practices

3.8.1 **Accumulated stormwater** to be removed from excavations, trenches, foundations, vaults or other similar spaces may be discharged if effectively managed by appropriate controls. Dewatering of accumulated stormwater shall meet the following requirements:

3.8.1.1 A flow of 250 gallons per minute (gpm) or less for no more than 30 days;

3.8.1.2 Only uncontaminated non-turbid waters may be discharged without being routed through a control;

3.8.1.3 An oil-water separator or other suitable filtration device that is designed to remove oil, grease or other products shall be used if dewatering water is found to contain these materials;

3.8.1.4 To the extent feasible, vegetated, upland areas of the site shall be utilized to infiltrate dewatering water before discharge. In no case will surface water be considered part of the treatment area; and

3.8.1.5 At all points where dewatering water is discharged, the velocity dissipation requirements of Part 3.4.5.2 shall be complied with.

3.8.2 **Allowable DeMinimis Discharges**, identified in Part 1.2.3, may be discharged if they are effectively managed by appropriate controls and meet the following requirements:

3.8.2.1 The discharge occurs only from a single outfall per permitted site;

3.8.2.2 A flow of 250 gallons per minute (gpm) or less for no more than 30 days;

3.8.2.3 Within 24 hours of commencement of the discharge a sample shall be taken, for the parameters listed in Appendix B of this permit, to ensure the discharge does not contribute to an exceedence of the discharge limits indicated in the table;

3.8.2.4.1 The sample shall be collected after any control measures, including BMPs, and prior to discharge into the receiving water or MS4.

3.8.2.4.1 If the sample analyses indicate an exceedence of the discharge limits indicated in the Appendix B table, the Permittee shall cease the discharge and contact NDEP for additional permitting options.

3.8.2.5 The following DeMinimis discharge information shall be recorded and maintained in the SWPPP to demonstrate compliance with this permit.

3.8.2.5.1 A description of the discharge;

3.8.2.5.2 The beginning and ending dates of the discharge, and

3.8.2.5.3 A copy of the sampling results,

3.9 Water Quality Standards

3.9.1 The Permittee shall control discharges to surface waters, impaired for common construction

related pollutants such as sediment, sediment-related parameters and nutrients (including nitrogen and phosphorus), from the facility as necessary to not cause or contribute to an exceedance of an applicable water quality standard. If at any time the Permittee becomes aware, or NDEP determines, that the facility's discharge causes or contributes to an exceedance of an applicable water quality standard, the Permittee shall take corrective action and report to NDEP as required.

- 3.9.1.1 When discharges are proposed to water quality-impaired waters that are contained in the current 303(d) Impaired Water Body listing issued by the NDEP Bureau of Water Quality Planning, the permittee shall investigate whether discharges from the Permittee's site will contribute to any 303(d) listing. Information for 303(d) listed waters can be found on the following NDEP website:
<http://ndep.nv.gov/bwqp/303dlist2012.htm>
- 3.9.1.2 If a site discharges into a waterbody with an established Total Maximum Daily Load (TMDL), the Permittee shall comply with all applicable TMDL requirements.
- 3.9.1.3 If a TMDL has not been established as described in Part 3.9.1.2 above, the Permittee shall include a section in the SWPPP describing the condition for which the water has been listed. The SWPPP shall also include a demonstration that the BMPs that are selected for implementation will be sufficient to ensure that the discharges will not cause or contribute to an exceedance of an applicable State water quality standard.

4.0 Effluent Limitations Applicable to Sites Using Constructed Stormwater Conveyance Channels or Sediment Basins.

4.1 Constructed Stormwater Conveyance Channels

- 4.1.1 Stormwater conveyance channels shall be designed to avoid un-stabilized areas on the site and to reduce erosion, unless infeasible. Operators shall minimize erosion of channels and their embankments, outlets, adjacent stream banks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices within and along the length of any constructed stormwater conveyance channel, and at any outlet to provide a non-erosive flow velocity.

4.2 Sediment Basins

- 4.2.1 If sediment basins are installed the operator shall comply with the following design and maintenance requirements:
 - 4.2.1.1 Provide storage for either the calculated volume of runoff from a 2-year, 24-hour storm event for each disturbed acre drained, or 3600 cubic feet per acre drained;
 - 4.2.1.2 When discharging from the sediment basin, utilize outlet structures that withdraw water from the surface in order to minimize the discharge of pollutants, unless infeasible. If it is determined to be infeasible, support documentation shall be provided in the SWPPP.
 - 4.2.1.3 Prevent erosion of (1) the sediment basin using stabilization controls (e.g., rip-rap or

erosion control blankets), and (2) the inlet and outlet using erosion controls and velocity dissipation devices;

- 4.2.1.4 Sediment basins shall be situated outside of surface waters and any natural buffers established under Part 3.5.1; and
- 4.2.1.5 Basins shall be maintained in effective operating condition and removal of accumulated sediment shall be conducted when design capacity has been reduced by 50%.

5.0 Inspections

5.1 Inspector Qualifications

- 5.1.1 The operator shall provide qualified personnel to perform inspections according to the schedules outlined below. "Qualified Personnel" means a person knowledgeable in the principles and practice of erosion and sediment controls and who possesses the skills to assess conditions at the site that could impact stormwater quality and effectiveness of the control measures selected to manage the quality of the stormwater discharges.

5.2 Routine Site Inspection Procedures

- 5.2.1 Implementation and functioning of the SWPPP shall be verified by inspections. If, during any routine site inspection or any other time, the facility's control measures are found to be inadequate or otherwise not properly operated and/or maintained, the Permittee shall review selection, design, installation, and implementation of the control measures to determine if maintenance and/or modifications are necessary. Modifications shall be documented in the SWPPP and implemented within 7 days following the inspection results or prior to the next storm event, whichever is sooner.
- 5.2.2 The Permittee shall conduct, at a minimum, a routine site inspection once every 7 days and within 24 hours of the end of a 0.5 inch or greater storm event, that includes all areas of the site where construction materials and/or activities are exposed to stormwater discharges authorized by this permit. Routine inspections shall incorporate the following:
 - 5.2.2.1 Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or potential for, pollutants entering the drainage system;
 - 5.2.2.2 Sediment and erosion control measures identified in the SWPPP shall be observed to ensure that they are operating correctly;
 - 5.2.2.3 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;
 - 5.2.2.4 Where discharge locations are inaccessible, nearby downstream locations shall be inspected to the extent that such inspections are practicable;
 - 5.2.2.5 Locations where vehicles enter or exit the site shall be inspected for evidence of

offsite sediment tracking;

- 5.2.2.6 The effectiveness of non-structural stormwater controls and practices (such as good housekeeping practices and pollution prevention measures) shall be evaluated;
- 5.2.2.7 Site conditions shall be inspected for evidence of, or the potential for, pollutants entering the municipal separate storm sewer; and
- 5.2.2.8 All locations where temporary stabilization measures have been implemented shall be inspected.

5.3 Reduced Inspection Schedule

- 5.3.1 The operator may reduce inspection frequency if the following conditions are met:
 - 5.3.1.1 Land disturbance activities have been suspended and discharges are unlikely based on seasonal rainfall patterns; and
 - 5.3.1.2 The disturbed areas of the site have been temporarily stabilized as described in Part 3.6.2; or
 - 5.3.1.3 Runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice; or frozen ground exists).
- 5.3.2 During a reduced inspection schedule, the operator shall inspect the site at least once every 30 days and within 24 hours of the end of each storm event of 0.5 inch or greater during a 24 hour period. The reduced schedule shall be documented in the SWPPP and the beginning and ending dates of the period noted.
- 5.3.3 For sites where snow cover or frozen ground exists, the site shall be waived from inspection requirements until one month before thawing conditions are expected to result in a discharge if all of the following requirements are met:
 - 5.3.3.1 The project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., greater than 30 days);
 - 5.3.3.2 Land disturbance activities have been suspended; and
 - 5.3.3.3 The beginning and ending dates of the reduced inspection schedule are documented in the SWPPP.

5.4 Routine Facility Inspection Documentation

- 5.4.1 The Permittee shall document the findings of each routine site inspection performed and maintain this documentation onsite with the SWPPP. At a minimum, the documentation for each routine facility inspection shall include:
 - 5.4.1.1 The inspection date and time;
 - 5.4.1.2 The name(s) and signatures(s) of the inspector(s);
 - 5.4.1.3 Weather information for the period since the last inspection and a description of any

- discharges occurring at the time of the inspection;
- 5.4.1.4 Location(s) of discharges of sediment or other pollutants from the site;
- 5.4.1.5 Any control measures needing maintenance or repairs;
- 5.4.1.6 Any control measures that failed to operate as designed or proved inadequate for a particular location;
- 5.4.1.7 Discussion describing the reason(s) for any failed control measure;
- 5.4.1.8 Any observations of deviations from the permit or SWPPP; and
- 5.4.1.9 Locations where additional control measures are needed to comply with the permit requirements;

5.5 Inspection Results

- 5.5.1 Actions taken based on inspection results shall be recorded and retained as part of the SWPPP. Such reports shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP. The report shall be signed in accordance with Part 7.23 of this permit.
- 5.5.2 Inspection reports shall be retained as part of the SWPPP for at least three years from the date that permit coverage is terminated or the site is finally stabilized.

5.6 Inspection Follow-up

- 5.6.1 Based on the findings and observations of the inspection, including the visual assessment, the operator shall implement the changes necessary to comply with the conditions of this permit. The SWPPP shall be updated and modified as needed in accordance with Part 6.4. The changes shall be implemented in accordance with the schedule described in Part 3.3 "General Maintenance Requirements".
- 5.6.2 Based on the scope of the inspection conducted in accordance with 5.0, the operator shall determine and implement appropriate corrective actions, and meet the applicable deadlines and in accordance with the permit.

6.0 Stormwater Pollution Prevention Plan (SWPPP)

6.1 General SWPPP Information

- 6.1.1 The Permittee shall prepare a SWPPP for the site before submitting a Notice of Intent (NOI) for permit coverage. If the Permittee prepared a SWPPP for coverage under the previous NPDES permit, they shall review and update the SWPPP to implement all provisions of this permit within 120 days of the General Permit NVR100000 issuance date. The SWPPP documentation requirements are intended to guide the identification of stormwater pollution sources and the reduction of their impacts, and otherwise lead to compliance with the

conditions of this permit.

- 6.1.2 The SWPPP shall be prepared and implemented in accordance with good engineering practices and shall:
 - 6.1.2.1 Identify all potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from the construction site;
 - 6.1.2.2 Identify, describe, and ensure implementation of control measures that will be used to reduce pollutants in stormwater discharges from the construction site;
 - 6.1.2.3 Ensure compliance with the terms and conditions of this permit; and
 - 6.1.2.4 Be consistent with applicable State and/or local waste disposal, sanitary sewer, or septic system regulations to the extent these are located within the permitted area.
- 6.1.3 All operator(s) shall sign and certify the SWPPP in accordance with the signatory requirements Part 7.23.
- 6.1.4 The operator shall implement the SWPPP from initial commencement of the construction activity until final stabilization is complete and a Notice of Termination (NOT) is filed, or an NOT transferring the site to a new operator is received by NDEP.
- 6.1.5 SWPPPs that do not meet all the provisions of this permit are considered incomplete. Operating under an incomplete or inadequate SWPPP is a violation of this permit.

6.2 SWPPP Contents

- 6.2.1 *Identification of Operator(s)* – The SWPPP shall identify (by name, title, and contact number) the operator(s) for the project site. If there is more than one operator the SWPPP shall identify the areas and phases over which each operator has control.
- 6.2.2 *Stormwater Team* – Each operator or group of operators shall assemble a “stormwater team”, which is responsible for overseeing the development of the SWPPP, any modifications to the SWPPP, and compliance with the requirements of this permit. The SWPPP shall identify the team members by name, title and individual responsibilities. The team may include members who are not employed by the operator (i.e., third party consultants)
- 6.2.3 *Nature of Construction Activities* – The SWPPP shall describe the nature of the construction activities, including the size of the property (in acres) and the total area expected to be disturbed by the construction activities (in acres), construction support activity areas covered by this permit (see Part 1.2.1.3), and the maximum area expected to be disturbed at any one time.
 - 6.2.3.1 *Emergency Related Construction Activities* – For earth-disturbing activities in response to a public emergency (see Part 2.5), the Permittee must document the cause of the public emergency (e.g., natural disaster, extreme flooding conditions, etc.), information substantiating its occurrence (e.g., state disaster declaration or similar state or local declaration), and a description of the construction necessary to reestablish effected public services.
- 6.2.4 *Sequence and Estimated Dates of Construction Activities* – The SWPPP shall include a

description of the intended sequence of construction activities, including a schedule of the estimated start dates and the duration of the activity for the following activities:

- 6.2.4.1 Installation of stormwater control measures, and when they will be made operational, including an explanation of sequence and schedule for installation of stormwater control measures;
- 6.2.4.2 Commencement and duration of construction activities, including clearing and grubbing, grading, site preparation (i.e., excavating, cutting, and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;
- 6.2.4.3 Cessation, temporarily or permanently, of construction activities on the site, or in designated portions of the site;
- 6.2.4.4 Final or temporary stabilization of areas of exposed soil. The dates for stabilization shall reflect the applicable deadlines in Part 3.6; and
- 6.2.4.6 When departures from initial projections are necessary, this shall be documented in the SWPPP itself or in associated records, as appropriate.
- 6.2.5 *Site Description* – The SWPPP shall describe the construction site, including:
 - 6.2.5.1 The project name and location including address, city, county and at least one APN associated with the project;
 - 6.2.5.2 A description of the site and its intended use after the NOT is filed (e.g., low density residential, shopping mall, highway, etc.);
 - 6.2.5.3 The total area of the site, and estimate of the total area of the site expected to be disturbed by construction activities, including off-site supporting activities, borrow and fill areas, staging and equipment storage areas;
 - 6.2.5.4 The percentage of the site that is impervious before and after construction;
 - 6.2.5.5 A description of soils at the site including the potential for erosion;
 - 6.2.5.6 For areas where it is infeasible to maintain a 50-foot buffer in accordance with Part 3.5.1, a description of which alternative was selected for the site, and any additional required documentation;
 - 6.2.5.7 Identification and description of all material storage areas (on-site and off-site) including overburden, stockpiles of dirt, borrow areas, etc.; and
 - 6.2.5.8 A general location map (e.g., USGS quadrangle map, a portion of a city or county map or other map) with enough detail to identify the following:
 - 6.2.5.8.1 The location of the construction site and one-mile radius; and
 - 6.2.5.8.2 The waters of the State of Nevada including tributaries within a one-mile radius of the site.
- 6.2.6 *Site Map(s)* – The SWPPP shall contain a legible site map or series of maps completed to scale showing the entire site that identifies all of the following:

- 6.2.6.1 Topography of the site, existing types of cover (e.g., forest, pasture, pavement, structures), and drainage pattern(s) of flow onto, over, and from the site both before and after major grading activities;
- 6.2.6.2 Areas of soil disturbance and areas that will not be disturbed. Boundaries of the property and locations where construction activities will occur, including:
 - 6.2.6.2.1 Locations where construction activities will occur, noting any phasing;
 - 6.2.6.2.2 Locations where sediment or soil will be stockpiled;
 - 6.2.6.2.3 Locations of any crossings of surface waters;
 - 6.2.6.2.4 Designated points on the site where vehicles will exit onto paved road; and
 - 6.2.6.2.5 Locations of construction support activity areas covered by this permit;
- 6.2.6.3 Locations of temporary and permanent stormwater control measures identified in the SWPPP;
- 6.2.6.4 Locations where stabilization control measures are expected to occur;
- 6.2.6.5 Areas protected by buffers (i.e., either the 50-foot buffer or other buffer areas retained on site when within 50 feet of perennial water) consistent with Part 3.5.1. The site map shall show the boundary line of all such buffers;
- 6.2.6.6 Locations of on-site material, waste, borrow areas or equipment storage areas, and other supporting activities (per Part 1.2.1.3);
- 6.2.6.7 Locations of all potential pollutant-generating activities identified in Part 6.2.9;
- 6.2.6.8 Locations of all surface waters and any impaired waters within ¼ mile of the site;
- 6.2.6.9 Stormwater discharge location(s), using arrows to indicate discharge direction(s) that include the following:
 - 6.2.6.9.1 Location(s) where stormwater and/or allowable non-stormwater discharges are discharged to a Water of the U.S.; and
 - 6.2.6.9.2 Location(s) of any discharges to municipal separate storm sewer systems (MS4s) from the construction site.
 - 6.2.6.9.3 Areas where final stabilization has been accomplished and no further construction permit requirements apply; and
 - 6.2.6.9.4 Location of trees and boundaries of environmentally sensitive areas and buffer zones to be preserved.
- 6.2.7 *Receiving Waters* – the SWPPP shall identify the name of the receiving water(s) and the areal extent and description of wetland or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the construction site.
 - 6.2.7.1 If any discharge point from the construction site is within ¼ mile of impaired water,

the SWPPP shall identify any common construction related pollutants such as sediment, sediment-related parameters and nutrients (including nitrogen and phosphorus) listed on the 303(d) list that may potentially be discharged from the construction site and describe additional or enhanced control measures to minimize discharges of these pollutants.

- 6.2.8 *Stormwater Control Measures to be used During Construction Activity* – The SWPPP shall describe all control measures as required in Part 3.0 that will be implemented and maintained as part of the construction project to control pollutants in discharges. The SWPPP shall clearly describe for each major activity identified:
- 6.2.8.1 The appropriate control measures and the general timing (or sequence) during the construction process that the measure will be implemented; and
 - 6.2.8.2 Which operator is responsible for implementation of the control measures.
- 6.2.9 *Summary of Potential Pollutant Sources* – The SWPPP shall identify the location of and describe any pollutant sources, including any non-stormwater discharges expected to be associated with the project, from areas other than construction (i.e., support activities including stormwater discharges from dedicated asphalt or concrete plants and any other non-construction pollutant sources such as fueling and maintenance operations, materials stored on-site, waste piles, equipment staging yards, etc.)
- 6.2.10 *Spill Prevention and Response Procedures* – The SWPPP shall describe procedures to prevent and respond to spills, leaks, and other releases including:
- 6.2.10.1 Procedures for plainly labeling containers (e.g., “Used Oil”, “Pesticides”, etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response as spills or leaks occur;
 - 6.2.10.2 Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
 - 6.2.10.3 Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for detection and response of spills or leaks; and
 - 6.2.10.4 Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period. Contact information shall be in locations that are readily accessible and available;
 - 6.2.10.5 The operator may reference the existence of other plans, such as the Spill Prevention Control and Countermeasure (SPCC) plans developed for the construction activity under Part 311 of the CWA, or spill control programs otherwise required by NDEP permits for the construction activity, provided that a copy of that other plan is kept with the SWPPP onsite. If an SPCC or other spill prevention plan already exists, the operator may use such plans and incorporate them by reference in the SWPPP.
- 6.2.11 *Waste Management Procedures* – The SWPPP shall describe procedures for handling and

disposing of all wastes generated at the site, including, but not limited to, clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.

6.3 Documentation Requirements including Permit Related Records

6.3.1 The Permittee shall keep the following inspection, monitoring, and certification records complete and up-to-date. Retaining these records with the SWPPP (unless otherwise specified below) is necessary to demonstrate compliance with the conditions of this permit.

6.3.1.1 A copy of the signed electronic NOI certification page submitted to NDEP;

6.3.1.2 A copy of the approval letter received from NDEP;

6.3.1.3 A copy of this permit;

6.3.1.4 Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants in stormwater to a regulated MS4 or waters of the State of Nevada that meet the definition of Waters of the U.S., the circumstances leading to the release and actions taken in response to the release and measures taken to prevent recurrence of such releases;

6.3.1.5 Documentation of repairs of structural control measures, including the date(s) of discovery of areas in need of repair/replacement, date(s) that the structural control measure(s) returned to full function, and the justification for any extended repair schedules;

6.3.1.6 All inspection reports including post storm event inspections;

6.3.1.7 Description of any corrective action taken at the site, including events and dates when problems were discovered and modification occurred;

6.3.1.8 Buffer documentation if the sites disturbance area is located within 50 feet of perennial water;

6.3.1.9 Records of employee training, including the date training was received; and

6.3.1.10 The SWPPP may incorporate by reference the appropriate elements of plans required by other agencies. A copy of the requirements incorporated by reference shall be included as an attachment to the SWPPP.

6.3.1.11 For DeMinimis discharges, a description of the discharge, the beginning and end dates of the discharge, and a copy of the sampling analyses report.

6.3.2 *Post Construction Stormwater Management* – The SWPPP shall include the following documentation:

6.3.2.1 A description of stormwater management control measures that will be installed during the construction process to control pollutants in stormwater discharges after construction has been completed.

6.4 SWPPP Updates and Modification Requirements

- 6.4.1 *Maintaining an Updated SWPPP* – The SWPPP shall be revised as necessary during permit coverage to reflect current conditions and to maintain accuracy. The operator shall make any required amendments to the SWPPP within 7 calendar days whenever:
- 6.4.1.1 There is a change in design, construction, operations, or maintenance at the construction site that may have a significant effect on the discharge of pollutants to the waters of the state of Nevada that meet the definition of waters of the U.S. that has not been previously addressed in the SWPPP; or
 - 6.4.1.2 During inspections, monitoring if required, or investigations by the operator or by local, state, MS4 or federal officials, it is determined the discharges are causing or contributing to water quality exceedences or the SWPPP is ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the construction site; or
 - 6.4.1.3 There is a change to the stormwater team.
- 6.4.2 *Conditions Requiring SWPPP Modification* – The operator shall complete required revisions to the SWPPP within 7 calendar days following the occurrence of any of the conditions listed below. The operator shall modify the SWPPP, including the site map(s), in response to any of the following conditions:
- 6.4.2.1 Whenever new operators become active in construction activities on the site, or changes are made to construction plans, stormwater control measures, pollution prevention measures, or other activities at the site that are no longer accurately reflected in the SWPPP. This includes changes made in response to corrective actions;
 - 6.4.2.2 To reflect areas on the site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;
 - 6.4.2.3 If inspections or investigation by site staff, or by local, state or federal officials, determine that SWPPP modifications are necessary for compliance with this permit;
 - 6.4.2.4 Where NDEP determines it is necessary to impose additional requirements on the discharge, the following shall be included in the SWPPP:
 - 6.4.2.4.1 A copy of any correspondence describing such requirements; and
 - 6.4.2.4.2 A description of the stormwater control measures that will be used to meet such requirements.
 - 6.4.2.5 To reflect any revisions to applicable federal, state, tribal, or local requirements that affect the stormwater control measures implemented at the site.

6.5 Deficiencies in the SWPPP

- 6.5.1 NDEP may notify the permittee at any time that the SWPPP does not meet one or more requirements of this section. The notification shall identify the parts of this permit that are not being met and parts of the SWPPP that require modification. Within fifteen (15) calendar days of receipt of the written notification from NDEP, the operator shall make the

required changes to the SWPPP and submit to NDEP a written certification that the requested changes have been made. NDEP may request a copy of the SWPPP to confirm that all deficiencies have been adequately addressed. NDEP may also take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet minimum requirements of this permit.

6.6 Procedures for Inspection, Maintenance, and Corrective Action

6.6.1 The SWPPP shall describe the procedures operators will follow for maintaining their stormwater control measures, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Parts 3.0, 4.0, and 5.0, of this permit. The following information shall also be included in the SWPPP:

6.6.1.1 Personnel responsible for conducting inspections;

6.6.1.2 The inspection schedule that will be followed based on whether the site is subject to Part 5.2 or whether the site qualifies for the reduced inspection frequency in Part 5.3;

6.6.1.3 If reducing the inspection frequency in accordance with Part 5.3, the beginning and ending dates of the reduced inspection period; and

6.6.1.4 Any inspection or maintenance checklists or other forms that will be used.

6.6.1.5 The operator shall ensure that all qualified personnel (see Appendix A) review the requirements of this permit. Qualified personnel are responsible for:

6.6.1.5.1 The design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention measures); and

6.6.1.5.2 Conducting inspections as required in Part 5.0.

6.7 SWPPP Review and Making SWPPPS Available

6.7.1 The operator shall retain a copy of the current SWPPP at the site or at an easily accessible location so that it can be made available to NDEP, EPA, or another Federal, State or local agency having stormwater program authority, or the operator of a regulated MS4 receiving discharges from the facility (where applicable), at the time of an onsite inspection or upon request.

7.0 General Permit Conditions

7.1 Annual Fee

7.1.1 In accordance with NAC 445A.268, a discharger who is covered under a general permit shall pay to the Director the applicable nonrefundable annual fee not later than July 1 of each year that the discharger is covered under that permit.

7.1.2 If application/fee for the permit occurs prior to July 1, the permittee shall also submit the

annual renewal fee due on or before July 1 of the same year.

7.2 General Permit Re-issuance for Ongoing Projects

- 7.2.1 The Permittee will be included in the reissued general permit after this general permit expires, or will be informed of other permitting requirements. The Permittee will receive public notice if NDEP determines to reissue the general permit.

7.3 Facilities Operation

- 7.3.1 The Permittee shall at all times maintain in good working order and operate as efficiently as possible all equipment and ancillary BMPs used by the Permittee to achieve compliance with the terms and conditions of this general permit.

7.4 Need to Halt or Reduce Activity Not a Defense

- 7.4.1 It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity, under the Permittee's control, in order to maintain compliance with the conditions of this permit.

7.5 Noncompliance, Unauthorized Discharge, Bypass, and Upset

- 7.5.1 Any diversion, bypass, spill, overflow, upset or discharge of treated or untreated stormwater from stormwater treatment or conveyance facilities under the control of the Permittee is prohibited except as authorized by this permit. In the event the Permittee has knowledge that a diversion, bypass, spill, overflow, upset or discharge not authorized by this permit is imminent, the permittee shall notify NDEP immediately.

- 7.5.1.1 **Bypass**: means the intentional diversion of stormwater from any portion of a control measure.

- 7.5.1.1.1 Bypass is prohibited, and NDEP may take enforcement action against the Permittee for bypass, unless:

- 7.5.1.1.1.1 Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

- 7.5.1.1.1.2 There were no feasible alternatives to the bypass. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

- 7.5.1.1.1.3 The Permittee submitted prior notice at least 10 days before the date of the bypass.

- 7.5.1.1.2 NDEP may approve an anticipated bypass, after considering its adverse effects, if NDEP determines that it will meet the three conditions listed in Part 7.5.1.1.1 above.

- 7.5.1.2 **Upset:** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed control measures, inadequate control measures, lack of preventive maintenance, or careless or improper operation.
- 7.5.1.2.1 An upset constitutes an affirmative defense to an action brought for non-compliance with such technology-based permit effluent limitations if the requirements of Part 7.5.1.2.2 below are met.
- 7.5.1.2.2 A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:
- 7.5.1.2.2.1 An upset occurred and that the Permittee can identify the cause(s) of the upset;
- 7.5.1.2.2.2 The permitted site was at the time being properly operated;
- 7.5.1.2.2.3 The Permittee submitted notice of the upset as required under this section; and
- 7.5.1.2.2.4 The Permittee complied with any remedial measures required under Part 7.0.
- 7.5.1.2.3 In selecting the appropriate enforcement option, NDEP shall consider whether or not the noncompliance was the result of an upset. The burden of proof is on the Permittee to establish that an upset occurred.
- 7.5.1.3 There shall be no discharge of substances to Waters of the State that would cause a violation of water quality standards of the State of Nevada.

7.6 Sampling and Analysis

If any samples or measurements are taken pursuant to this permit they shall be representative of the volume and nature of the discharge. Laboratory analyses shall be performed by a State of Nevada certified lab. Results from this lab shall be provided to NDEP.

7.7 Test Procedures

Test procedures for analyses of pollutants shall conform to regulations (40 CFR § 136) published pursuant to Section 304(h) of the Act, under which such procedures may be required, unless other procedures are approved by NDEP.

7.8 Recording the Results

If any measurement or sample is taken pursuant to this permit, the permittee shall record the following information:

- 7.8.1 The exact place, date, and time of sampling;
- 7.8.2 The dates the analyses were performed;

- 7.8.3 The person(s) who performed the analyses;
- 7.8.4 The analytical techniques or methods used; and
- 7.8.5 The results of all required analyses.

7.9 Odors

- 7.9.1 There shall be no objectionable odors resulting from activities authorized by this general permit.

7.10 Removed Substances

- 7.10.1 Solids or other pollutants removed in the course of treatment or control of stormwater shall be disposed of in a manner such as to prevent pollution from such materials from entering any surface water.

7.11 Changes in Discharge

- 7.11.1 All discharges authorized herein shall be consistent with the terms and conditions of this general permit. Any anticipated new discharges at the site which will result in new, different, or increased discharges of pollutants shall be reported to NDEP. Pursuant to NAC 445A.263, the general permit may be modified to specify and limit any pollutants not previously limited.

7.12 Adverse Impact

- 7.12.1 The Permittee shall take all reasonable steps to minimize, to the extent practicable, any adverse impact to receiving waters resulting from noncompliance with this general permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge. The Permittee shall carry out such measures, as reasonable, to prevent significant adverse impacts on human health or the environment.

7.13 Right of Entry

- 7.13.1 The Permittee shall allow the Administrator and/or his authorized representatives, upon the presentation of credentials:
 - 7.13.1.1 To enter upon the Permittee's premises where a discharge is or could be located or in which any records are required to be kept under the terms and conditions of the general permit; and
 - 7.13.1.2 At reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this general permit; to inspect any monitoring equipment or monitoring method required in this general permit; and to perform any necessary sampling to determine compliance with the general permit or to sample any discharge.

7.14 Transfer of Ownership or Control

7.14.1 In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the Permittee shall notify the succeeding owner/operator of the existence of this permit by letter, a copy of which shall be forwarded to NDEP. Completion of transfer requires the following actions:

7.14.1.1 Transfer of coverage from one owner/operator to a different owner/operator (e.g., facility sold to a new company): the new owner/operator shall complete and file a Notice of Intent in accordance with Part 2.3, at least 14 days prior to taking over operational control of the facility. The current owner/operator shall file a Notice of Termination within thirty (30) days after the new owner/operator has assumed responsibility for the facility.

7.14.1.2 Name changes for the Permittee (e.g., Company "A" changes name to "BCD, Inc.") may be done by submitting to NDEP a request letter on company letterhead, indicating the facility's assigned permit number and requesting the name change.

7.15 Availability of Reports

7.15.1 Except for data determined to be confidential under NRS 445A.665, all reports prepared in accordance with the terms of this general permit shall be available for public inspection at the office of NDEP. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.

7.16 Furnishing False Information and Tampering with Monitoring Devices

7.16.1 Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any general permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730 inclusive, or by any general permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment. This penalty is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730 inclusive.

7.17 Penalty for Violation of General Permit Conditions

7.17.1 The Permittee shall comply with all conditions of this permit. Any permit non-compliance constitutes a violation of the CWA and is grounds for enforcement action, permit termination, revocation and re-issuance, modification, or denial of a permit renewal application. NRS 445A.675 provides that any person who violates a general permit condition is subject to administrative and judicial sanctions as outlined in NRS 445A.690 through 445A.705.

7.18 General Permit Modification, Suspension or Revocation

7.18.1 After notice and opportunity for a hearing, this general permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

7.18.1.1 Violation of any terms or conditions of this general permit;

7.18.1.2 Obtaining this general permit by misrepresentation or failure to disclose fully all relevant facts; or

7.18.1.3 A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

7.19 Liability

7.19.1 Nothing in this general permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal, State or local laws, regulations, or ordinances.

7.20 Property Rights

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

7.21 Records Retention

7.21.1 All records and information resulting from activities performed pursuant to this permit shall be retained for a minimum of three years, or longer if required by NDEP.

7.22 Severability

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

7.23 Signature Requirements

7.23.1 All Notices of Intent, Notices of Termination, SWPPPs, reporting forms and document submissions shall be signed by one of the following:

7.23.1.1 A principal executive officer of the corporation (of at least the level of vice president) or his authorized representative who is responsible for the overall operation of the facility for which the discharge described in the application or reporting form originates; or

7.23.1.2 A general partner of the partnership; or

- 7.23.1.3 The proprietor of the sole proprietorship; or
- 7.23.1.4 A principal executive officer, ranking elected official or other authorized employee of the municipal, state or other public facility.
- 7.23.1.5 A duly authorized representative only if:
 - 7.23.1.5.1 The authorization is made in writing by a person described above in Part 7.23.1.1;
 - 7.23.1.5.2 The authorization specifies either an individual or a position within the organization; and
 - 7.23.1.5.3 The written authorization is submitted to the Director.

7.24 Changes to Authorization

- 7.24.1 If an authorization under Part 7.23 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part 7.23 shall be submitted to NDEP prior to or together with any reports, information, or application to be signed by an authorized representative.

7.25 Certification Requirements

- 7.25.1 Signatures, Certification Required on Application and Reporting Forms: All applications, reports, or information submitted to the Administrator shall be signed and certified by making 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 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."

7.26 Address for Fee Payment, NOI Certification Page, and Notice of Termination Form

- 7.26.1 NOI Certification pages and NOT applications shall be signed and dated in accordance with Parts 2.3.3.10, 2.8.2, and 8.23 and submitted to NDEP at the address below. Application fees, Annual Fees, and any required reporting documentation shall likewise be sent to the address in Part 7.26.2.
- 7.26.2 **Nevada Division of Environmental Protection
Bureau of Water Pollution Control
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701**

Appendix A
Definitions, Abbreviations and Acronyms

A.1 Definitions

24-hour period – any consecutive 24-hour period

Administrator – means the executive head of the Division (NRS 445A.315).

Anticipated Storm Event – for the purpose of this permit, means any storm event with at least a 30% chance of precipitation as predicted by the National Weather Service for the area local to the construction site.

Best Management Practices (BMPs) – schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to Waters of the State of Nevada that meet the definition of Waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. See 40 CFR 122.2. In addition, the term shall include erosion and sediment controls, conveyance, stormwater diversion and treatment structures, and any procedure or facility used to minimize, to the extent practicable, the exposure of pollutants to stormwater or remove pollutants from stormwater.

Borrow Areas – the areas where materials are dug or stored for use as fill, either onsite or off-site.

Cationic Treatment Chemical – polymers, flocculants, or other chemicals that contain an overall positive charge. Among other things they are used to reduce turbidity in stormwater discharges by chemically bonding to the overall negative charge of suspended silts and other soil materials and causing them to bind together and settle out. Common examples of cationic treatment chemicals are chitosan and cationic PAM.

Clean Water Act (CWA) – Formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 92-217, Public Law 95-576, Public Law 96-483 and Public Law 97-117, 33 U.S.C.1251 et seq. CWA and regulations means the Clean Water Act (CWA) and applicable regulation promulgated thereunder. In the case of an approved State program, it includes State program requirements.

Commencement of construction activities – the initial disturbance of soils (or “breaking ground”) associated with clearing, grading, excavating, or stockpiling of fill material activities or other construction related activities.

Common Plan of Development – a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one plan. A ‘plan’ is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land disturbing activities may occur.

Construction Activity – includes clearing, grading excavating, stockpiling of fill material and other similar activities. This definition encompasses both large construction activities defined in 40 CFR 122.26(b)(14)(x) and small construction activities in 40 CFR 122.26(b)(15)(i) and include construction support activities.

Construction and Development Effluent Limitations and New Source Performance

Standards (C&D Rule) – as published in 40 CFR § 450 is the regulation requiring effluent limitations guidelines (ELGs) and new source performance standards (NSPS) for controlling the discharge of pollutants from construction sites.

Construction Site (or site) – means the land or water area where construction activities will occur, including construction support activities, and where stormwater controls will be installed and maintained. The construction support activities may be located at a different part of the property from where the primary construction activity will take place, or on a different piece of property altogether.

Construction Support Activity – means a construction related activity that exclusively supports the construction activity and involves earth disturbance or pollutant-generating activities of its own, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, and borrow areas.

Construction Waste – refers to discarded material (such as packaging materials, scrap construction materials, masonry products, timber, steel, pipe, and electrical cuttings, plastics and Styrofoam).

Control Measure – refers to any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to Waters of the State of Nevada that meet the definition of Waters of the United States.

Conveyance Channel – means a temporary or permanent waterway designed and installed to safely convey stormwater flow within and out of a construction site.

Corrective Action – for the purpose of this permit, any action taken to (1) modify or replace any stormwater control used at the site; (2) clean up and dispose of spills, releases, or other deposits found on the site; or (3) remedy a permit violation.

Department - means the State Department of Conservation and Natural Resources (NRS 445A.330).

Director – means the Director of the Nevada Division of Environmental Protection or an authorized representative (NRS 445A.340).

Discharge – means any addition of a pollutant or pollutants to Waters of the State of Nevada that meet the definition of Waters of the United States or to a MS4 from any point source.

Discharge of a pollutant – any addition of any “pollutant” or combination of pollutants to “waters of the United States” from any “point source,” or any addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from surface runoff which is collected or channeled by man. See 40 CFR 122.2.

Discharge Point – is, for the purpose of this permit, the location where stormwater flows exit the construction site.

Discharge to an Impaired Water – for the purposes of this permit, a discharge to an impaired water occurs if the first water of the U.S. to which you discharge is identified by NDEP, pursuant to section 303(d) of the Clean Water Act, as not meeting an applicable water quality standard. For

discharges that enter a storm drain system prior to discharge, the first surface water to which you discharge is the water body that receives the stormwater discharge from the storm drain system.

Division – means the Division of Environmental Protection of the Department (NRS 445A.350)

Domestic Waste – for the purpose of this permit means typical household trash, garbage or rubbish items generated by construction activities.

Emergency-related Construction Activity – means an activity initiated in response to an emergency (e.g., natural disaster, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services.

Ephemeral Water – means a surface water that has a channel that is at all times above the water table, and that flows only in direct response to precipitation.

Erosion Control – means temporary or permanent measures to prevent soil particles from detaching and being transported in stormwater.

Existing Discharger – an operator applying for coverage under this permit for discharges authorized previously under an NPDES general or individual permit.

Existing Project – means a construction project that commenced construction activities prior to ADD DATE PERMIT BECOMES EFFECTIVE

Exit points – are any points of egress from the construction site to be used by vehicles and equipment during construction activities.

General Permit – means a permit issued by the Department pursuant to NRS 445A.475 (NRS445A.360).

Impaired Water – waters that have been assessed by NDEP, under the CWA, Section 303(d), as not attaining a water quality standard for at least one designated use, and are listed in Nevada's 2006 303(d) Impaired Waters List. <http://ndep.nv.gov/bwqp/303dlist2012.htm>

Industrial Activity – means temporary concrete, asphalt and material plants which are dedicated exclusively to the permitted construction activity.

Infeasible – means not technologically possible, or not economically practicable and achievable in light of best industry practices.

Large Construction Activity – includes clearing, grading and excavation that results in the disturbance of five acres or more of total land area.

Linear Project – includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area.

Minimize – to reduce and/or eliminate to the extent achievable using stormwater controls that are technologically available and economically practicable and achievable in light of best industry practices.

Municipal Separate Storm Sewer (MS4) – a conveyance or system of conveyances (including

roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains);

1. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
2. Designed or used for the collecting or conveying stormwater;
3. Which is not a combined sewer; and
4. Is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2. See 40 CFR 122.26(b)(4) and (b)(7).

Notice of Intent (NOI) – the application to operate under this general permit.

Notice of Termination (NOT) – the application to terminate coverage under this general permit.

Operator – any entity with a stormwater discharge associated with construction activity that meets either of the following two criteria:

1. The person has operational control over the construction plans and specifications, including the ability to make modifications to those plans and specifications; or
2. The person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit).

Person – “Person” includes the United States, to the extent authorized by federal law, the State or any agency or institution thereof, any municipality or other political subdivision of this State or any interstate body (NRS 445A.390)

Pollutant – (NRS 445A.400)

1. Means dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
2. Does not mean water, gas or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well is used either for facilitating production or for disposal purposes and if the Department determines that such injection or disposal will not result in the degradation of ground or surface water resources.
3. Does not mean water, gas or other material injected into a well or used to stimulate a reservoir of geothermal resources if the Department determines that the injection or stimulation will not result in the degradation of ground or surface water resources.

Pollution Prevention Measures – refers to stormwater controls designed to reduce or eliminate the addition of pollutants to construction site discharges through analysis of pollutant sources, implementation of proper handling/disposal practices, employee education, and other actions.

Qualified Person or Qualified Personnel – Qualified personnel are those (either the Operator’s employees or outside consultants) who are knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possess the skills to assess conditions at the

construction site that could impact stormwater quality, and the skills to assess the effectiveness of any stormwater controls selected to control the quality of stormwater discharges from the construction activity.

Point Source – means any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollution Prevention Measures – means stormwater controls designed to reduce or eliminate the addition of pollutants to construction site discharges through analysis of pollutant sources, implementation of proper handling/disposal practices, employee education, and other actions.

Run-on – means stormwater that drains from land located upslope or upstream from the regulated site in question.

Sediment Control – refers to measures designed to intercept and settle out soil particles that have become detached and transported by water.

Small Construction Activity – includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

Stabilization – means covering or maintaining an existing cover over soil that reduces and minimizes erosion. The use of vegetative and/or non-vegetative cover to prevent erosion and sediment loss in areas exposed through the construction process.

Storm Event – as used in this permit is defined as a precipitation event that results in a measureable amount of precipitation.

Stormwater – means stormwater runoff, snow melt runoff, and surface runoff and drainage. See 40 CFR 122.26(b)(13).

Stormwater Discharges Associated with Construction Activity – refers to a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating), construction materials or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located. See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

Stormwater Pollution Prevention Plan (SWPPP) – a site-specific, written document that, among other things: (1) identifies potential sources of stormwater pollution at the construction site; (2) describes stormwater control measures to reduce or eliminate pollutants in stormwater discharges from the construction site; and (3) identifies procedures the operator will implement to comply with the terms and conditions of the general permit.

Stormwater Team – refers to an individual or group of individuals responsible for oversight of the development and modification of the SWPPP, and oversight of compliance with the permit requirements.

Temporary Stabilization – means a condition where exposed soils or disturbed areas are provided a temporary vegetative and/or non-vegetative protective cover to prevent erosion and sediment loss. Temporary stabilization may include temporary seeding, geotextiles, palliatives, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place to re-disturb the area. The application of water alone to control dust is not considered a form of temporary stabilization.

Waters of the United States or waters of the U.S. – is defined at 40 CFR §122.2. Discharges to storm drain systems that in turn discharge to Waters of the United States are considered to be discharges to Waters of the United States.

Water Quality Standards – A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. States and EPA adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act.

A.2 Abbreviations and Acronyms

BMP – Best Management Practice

BWPC – Bureau of Water Pollution Control

CFR – Code of Federal Regulations

CWA – Clean Water Act (or Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq)

EPA – Federal Environmental Protection Agency

MS4 – Municipal Separate Storm Sewer System

NDEP – Nevada Division of Environmental Protection

NOI – Notice of Intent

NOT – Notice of Termination

NPDES – National Pollutant Discharge Elimination System

SWPPP – Stormwater Pollution Prevention Plan

USGS – United States Geological Survey

WOUS – Waters of the United States

Appendix B
DeMinimis Discharge Sampling and Limitations

B.1 DeMinimis Discharge Sampling and Limitations Table

Parameters	Discharge Limit - Daily Max	Sample Type
Flow - gallons per minute (gpm)	250	Meter
Total Residual Chlorine - mg/L	0.10	Discrete
Total Dissolved Solids (TDS) - mg/L	Monitor & Record in SWPPP	Discrete
Total Suspended Solids (TSS) - mg/L	Monitor & Record in SWPPP	Discrete
Total Petroleum Hydrocarbon (TPH) (C6 - C40) mg/L ¹	1.0	Discrete
Methyl tert-Butyl Ether (MTBE) - µg/L	20.0	Discrete
Total Nitrogen as N - mg/L	10.0	Discrete
Total Phosphorus as P	Monitor & Record in SWPPP	Discrete
Trichloroethylene (TCE) - µg/L	5.0	Discrete
Tetrachloroethylene (PCE) - µg/L	5.0	Discrete
Benzene - µg/L	5.0	Discrete
Ethyl Benzene - µg/L	100.0	Discrete
Toluene - µg/L	100.0	Discrete
Xylene - µg/L	200.0	Discrete
pH - SU	6.5 - 9.0	Discrete
Turbidity - NTU ²	Monitor & Record in SWPPP	Discrete
Barium - mg/L	2.0	Discrete
Fluoride - mg/L	Monitor & Record in SWPPP	Discrete
Iron - mg/L	1.0	Discrete
Sulfate - mg/L	Monitor & Record in SWPPP	Discrete
Dissolved Oxygen	Monitor & Record in SWPPP	Discrete
Molybdenum - mg/L	6.16	Discrete
Antimony	Monitor & Record in SWPPP	Discrete
Arsenic	Monitor & Record in SWPPP	Discrete
Beryllium	Monitor & Record in SWPPP	Discrete
Boron	Monitor & Record in SWPPP	Discrete
Cadmium	Monitor & Record in SWPPP	Discrete
Calcium	Monitor & Record in SWPPP	Discrete
Copper	Monitor & Record in SWPPP	Discrete
Lead	Monitor & Record in SWPPP	Discrete
Magnesium	Monitor & Record in SWPPP	Discrete
Manganese	Monitor & Record in SWPPP	Discrete
Mercury	Monitor & Record in SWPPP	Discrete
Nickel	Monitor & Record in SWPPP	Discrete
Selenium	Monitor & Record in SWPPP	Discrete

Silver	Monitor & Record in SWPPP	Discrete
Sulfur	Monitor & Record in SWPPP	Discrete
Thallium	Monitor & Record in SWPPP	Discrete
Zinc – total recoverable	Monitor & Record in SWPPP	Discrete
Fecal Coliform - MPN/100 mL	Monitor & Record in SWPPP	Discrete
E Coli - MPN/100 mL	Monitor & Record in SWPPP	Discrete
Hardness (expressed as CaCO ₃) – mg/L	Monitor & Record in SWPPP	Discrete

1. EPA Method 8015B and EPA Method 8260B, extractable and purgeable, C6-C40. Summation must meet permit limit.
2. Turbidity shall be less than or equal to 10 Nephelometric Turbidity Units (NTUs) over the background value of the receiving water.

Appendix D

Tahoe Regional Planning Agency (TRPA) Permit



Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.org



FINAL PERMIT

PROJECT DESCRIPTION: Round Hill Pines Resort Intersection Improvement Project

EIP NUMBER: 03.01.02.0070

PERMITTEE(S): Federal Highway Administration, Central Federal Lands Highway Division

FILE #: EIPC2021- 0012

COUNTY/LOCATION: Douglas County/Round Hill Pines

Having made the findings required by Agency ordinances and rules, the TRPA approved the project on October 27, 2021, subject to the Standard Conditions of Approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on October 27, 2024, unless project is diligently pursued every year. Diligent pursuit shall be defined by the condition of approval relating to completion of the project. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.



TRPA Executive Director/Designee

10/27/2021

Date

PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) RYAN DANIEL MATHIS Digitally signed by RYAN DANIEL MATHIS
Date: 2022.02.07 08:31:52 -07'00' Date 02/07/2022

EIP NUMBER: 03.01.02.0070
TRPA FILE NO. EIPC2021-0012

Water Quality Mitigation Fee (1) Amount \$ _____ Paid _____ Receipt No. _____

Notes: (1) See Special Condition 3.C, below

Required plans determined to be in conformance with approval: Date: 2/11/22

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date:
Shannon Friedman
Friedman
DN: cn=Shannon Friedman, o=Tahoe
Regional Planning Agency, ou,
email=sfriedman@trpa.gov, c=US
TRPA Executive Director Date: 2022.03.14 10:44:15 -07'00'

SPECIAL CONDITIONS

1. This permit specifically authorizes the construction of the Round Hill Pines Resort Intersection Improvement Project. The Project will relocate the existing entrance 0.2 miles north of the existing entrance and will include a left turn lane into the resort and a northbound acceleration lane along US 50. The relocated intersection will tie into a new entrance road and parking lots being constructed by the USDA Forest Service Lake Tahoe Basin Management Unit (LTBMU) in 2021. The project is within the Nevada Department of Transportation right of way and LTBMU property. It is planned for construction in 2022.
2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied:
 - A. Submit one set of final construction plans electronically with the following changes:
 - I. Remove the roadway obliteration reference on sheet C01.
 - II. Include the new sign for the Round Hill Pines Resort Entrance.
 - III. Revise sheet C01 to show restoration/minimization of the existing entrance.
 - IV. Include the trees that will be removed on the plan sheets
 - V. Include revegetation on the plan sheets.
 - VI. Show restoration of section of shared use trail that is proposed to be removed. It should be restored so that it is de-compacted and allows water to naturally infiltrate and supports native vegetation.
 - B. The applicant shall mitigate the 5,314 square feet of coverage in Land Capability District 2 by proposing and implementing a restoration project(s) onsite or offsite. The restoration project shall restore land in Land Capability Districts, 1a, 1b, 1c, or 2 at 1.5 times the area of land covered for the project beyond that permitted by the coefficients in Table 30.4.1.1. The project shall be identified prior to acknowledgement of this permit.

- C. The required water quality offset for the 13,547 square feet of coverage in Land Capability Districts 4 may be mitigated one of two ways, or a combination of both per TRPA Code of Ordinances, Section 60.2.3 (Required offsets). The application may propose a water quality mitigation project or pay a water quality mitigation fee at a rate of \$1.86/sq. ft. of coverage, or a combination of the two. The mitigation plan or water quality fees shall be submitted prior to acknowledgement of this permit.
4. Prior to the pre-grade inspection, the following conditions of approval shall be satisfied:
 - A. The permittee shall submit an updated construction schedule to TRPA prior to commencement of construction. This schedule shall identify dates for the following:
 - When installation of temporary erosion control structures will occur;
 - When each stage of construction will start;
 - When construction spoils and debris will be removed;
 - When installation of all permanent erosion control structures will occur;
 - When construction will be completed;
 - The estimated date for when the final inspection by TRPA Environmental Compliance staff will take place to ensure that all conditions of project approval have been satisfied.
 - B. An EIP project sign shall be approved, fabricated and installed at approved location(s) within the project area. Applicant shall work with the TRPA graphic designer on the design and layout of the sign.
 - C. NDOT, TRPA, Forest Service Lake Tahoe Basin Management Unit, and Central Federal Lands Highway Division shall meet with Sierra Sunset Lane representatives to discuss their public safety concerns as part of the US 50 Corridor planning study.
 5. Complete traffic and safety monitoring to identify any adverse impacts to Sierra Sunset Lane. One-year post project report the findings of the traffic and safety monitoring to the TRPA board.
 6. An onsite inspection by TRPA staff is required prior to any construction or grading activity. TRPA staff shall determine if the onsite improvements required by Attachment Q (Standard Conditions of Approval) have been properly installed. No grading or construction shall commence until TRPA pre-grade conditions of approval are met.
 7. All new galvanized or reflective metal surfaces including but not limited to guardrails, traffic signal posts, light posts, utility boxes, backs of signs, and exposed culverts shall be treated so they are not shiny or be non-galvanized.
 8. Any normal construction activities creating noise in excess to the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M. Regular construction work outside of these hours may require noise monitoring to ensure the project will not be in violation of TRPA noise standards.
 9. The color of rock, articulated block or concrete shall blend in with the native environment and be approved by TRPA prior to placement.

10. All above ground facilities, new or currently existing, such as sign posts, the back of signs, electrical boxes, etc. shall be colored the approved TRPA color, Brown Fed. Standard 595 FS 30059 or another approved color by TRPA.
11. Grading is prohibited any time of the year during periods of precipitation and for the resulting period when the site is covered with snow, or is in a saturated, muddy, or instable conditions (pursuant to Subsection 64.2.C of the TRPA Code of Ordinances).
12. The adequacy of all required temporary BMPs, as shown on the final construction plans, shall be confirmed at the time of the TRPA pre-grading or pre-construction inspection. Any required modifications, as determined by TRPA, shall be incorporated into the project permit at that time. Adequate BMPs must be installed prior to construction, regardless of the amount or type of BMPs shown on final construction plans.
13. All material obtained from any excavation work that is not contained within foundations, retaining walls, or by other methods approved by TRPA shall be removed from the subject parcel and disposed of at a site approved by TRPA.
14. If artifacts, archaeological soils, or unusual amounts of bone or shell are uncovered during the construction activities, all work in the area will be stopped and a qualified archeologist will be immediately contacted for on-site consultation.
15. The roots of trees (adjacent to the pathway) over four inches in diameter shall not be severed, if avoidable, pursuant to Subsection 65.2F of the TRPA Code of Ordinances.
16. No trees shall be removed (other than those shown on the approved site plan) without prior TRPA written approval as per the Landscape and Revegetation Plan. During the project design refinement all opportunities shall be explored to reduce the number of trees to be cut that are greater than 14 inches diameter at breast height (dbh), especially those greater than 24" dbh in east side forest types and 30" dbh in west side forest types.
17. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.
18. Any modifications to the TRPA approved plans shall be submitted to TRPA for review and approval.
19. The permittee is responsible for ensuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.
20. This site shall be winterized in accordance with the provisions of Attachment Q by October 15th of each construction season. All disturbed areas shall be stabilized with a 3-inch layer of mulch or covered with an erosion control blanket.

21. All permanent BMPs shall be maintained per an approved BMP inspection and maintenance plan.
22. Permittee shall contact TRPA for a final inspection at the conclusion of the project to verify that all conditions of the permit have been met and the project was implemented per the TRPA approved Plans.
23. All rock material (gravel, cobble, and boulders) shall be clean and thoroughly washed prior to arrival at the site to ensure that the rock is free of any silt or clay particles.
24. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Region is prohibited. All surplus construction waste materials shall be removed from the project site and disposed of at approved points of disposal.
25. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter. Discharge of waste material to surface drainage features is prohibited and constitutes a violation of this permit.
26. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

END OF PERMIT



OFFICE
128 Market St.
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trpa@trpa.org
www.trpa.org

HOURS
Mon. Wed. Thurs. Fri
9 am-12 pm/1 pm-4 pm
Closed Tuesday

New Applications Until 3:00
pm

ATTACHMENT Q

STANDARD CONDITIONS OF APPROVAL FOR GRADING PROJECTS

This handout on the standard conditions that must be met in all projects involving grading is divided into the following three sections:

- I. Pre-Grading Conditions (Pre-activity, where applicable)
- II. Construction/Grading Conditions
- III. General Conditions/Design Standards

Please read all of the conditions carefully to avoid any delays in construction of your project.

NOTE: Your plans have been reviewed and approved as required under Tahoe Regional Planning Agency (TRPA) Rules, Regulations and Ordinances only. TRPA has not reviewed and shall not be responsible for any elements contained in your plans, i.e., structural, electrical, mechanical, etc., which are not required for review under said Rules, Regulations and Ordinances.

I. PRE-GRADING/PRE-ACTIVITY CONDITIONS:

The following conditions must be completely complied with prior to any site disturbance or commencement of activity.

A. Final Construction Plans:

Final construction plans must be submitted to and reviewed by TRPA to determine conformance with the approval. Said plans shall clearly depict the following:

1. Slope stabilization methods to stabilize all existing and proposed cut and fill slopes.
2. Areas to be revegetated, including complete specifications for such revegetation.
3. Fencing for vegetation protection.
4. Temporary and permanent erosion control devices.
5. Utility trenches.
6. Dust control measures.
7. All water quality improvements (BMPs) required in the conditional approval. Drainage facilities shall be designed to be capable of retaining runoff water for a two (2) year, six (6) hour storm.
8. The final plans shall contain equipment specifications necessary to establish compliance with Standard Conditions III. A-F.

B. Securities:

A security shall be posted with the TRPA to insure compliance with all permit conditions. The security shall include an amount equal to 110 percent of the cost of the BMPs and other erosion control and water quality improvements required. For further information on the acceptable types of securities, see Attachment J.

C. Mitigation Fees:

All required air quality, water quality, and excess coverage and offsite coverage mitigation fees shall be paid to TRPA.

D. Temporary BMPs:

The following temporary BMPs are required to be installed onsite prior to any grading activity occurring:

1. Installation of temporary erosion controls.
2. Installation of vegetation protection measures.
3. Installation of construction site boundary fencing.

E. Required Inspection:

An onsite inspection by TRPA staff is required prior to any construction or grading activity occurring. TRPA staff shall determine if the onsite improvements required by Condition II (1), above, have been properly installed. No grading or construction shall be undertaken by the permittee until receipt of TRPA notification that the pre-grading/pre-activity conditions of approval have been satisfied.

F. Required Notices:

The following notices to the TRPA are required prior to any grading or construction occurring on the project site:

1. Notice for Pre-Grading Inspection: The permittee shall notify the TRPA when all onsite improvements required under Condition II(1), above, have been installed so that the required pre-grading inspection may be scheduled.
2. Notice of Commencement of Construction: The permittee shall notify the TRPA at least 48 hours prior to commencement of construction or grading on the project site. Said notice shall include the date when construction will commence.

II. CONSTRUCTION/GRADING CONDITIONS:

The following conditions shall be complied with during the grading and construction phase of the project.

- A. All construction shall be accomplished in strict compliance with the plans approved by TRPA.
- B. The TRPA permit and the final construction drawings bearing the TRPA stamp of approval shall be present on the construction site from the time construction commences to final TRPA site inspection. The permit and plans shall be available for inspection upon request by any TRPA employee. Failure to present the TRPA permit and approved plans may result in the issuance of a Cease and Desist Order by the TRPA.
- C. Whenever possible, utilities shall occupy common trenches to minimize site disturbance.
- D. There shall be no grading or land disturbance performed with respect to the project between October 15 and May 1, except as follows:
 1. The grading or land disturbance is for excavation and backfilling for a volume not in excess of three cubic yards.
 2. The activity is completed within a 48-hour period.
 3. The excavation site is stabilized to prevent erosion.
 4. The pregrade inspection is performed by TRPA staff, and the activity passes the inspection.

5. The grading/project does not represent or involve a series of excavations, which, when viewed as a whole, would exceed the provisions of this Standard Condition of Approval, and Subsection 2.3 of the TRPA Code of Ordinances.

Grading is prohibited any time of the year during periods of precipitation and for the resulting period of time when the site is covered with snow, or is in a saturated, muddy, or unstable condition (pursuant to Subsection 33.3.1.A of the TRPA Code of Ordinances.)

- E. All material obtained from any excavation work that is not contained within foundations, retaining walls, or by other methods approved by TRPA shall be removed from the subject parcel and disposed of at a site approved by TRPA.
- F. Replanting of all exposed surfaces, in accordance with the revegetation and slope stabilization plan, shall be accomplished within the first growing season following disturbance, unless an approved construction/inspection schedule establishes otherwise.
- G. All trees and natural vegetation to remain on the site shall be fenced for protection. Scarring of trees shall be avoided and, if scarred, damaged areas shall be repaired with tree seal.
 1. Fencing specified shall be at least 48 inches high and shall be constructed of metal posts and either orange construction fencing or metal mesh fencing also at least 48 inches high (Section 33.6.1). Job sites with violations of the fencing standards will be required to re-fence the job site with a high gauge metal fencing.
 2. No material or equipment shall enter or be placed in the areas protected by fencing or outside the construction areas without prior approval from TRPA. Fences shall not be moved without prior approval (Section 33.6).
 3. To reduce soil disturbance and damage to vegetation, the area of disturbance during the construction of a structure shall be limited to the area between the footprint of the building and the public road. For the remainder of the site the disturbance areas shall not exceed 12 feet from the footprint of the structure, parking area or cut/fill slope. The approved plans should show the fencing and approved exceptions (Section 36.2).
- H. Soil and construction material shall not be tracked off the construction site. Grading operations shall cease in the event that a danger of violating this condition exists. The site shall be cleaned up and road right-of-way swept clean when necessary.
- I. During grading and construction, environmental protection devices such as erosion control devices, dust control, and vegetation protection barriers shall be maintained.
- J. Loose soil mounds or surfaces shall be protected from wind or water erosion by being appropriately covered when construction is not in active progress or when required by TRPA.
- K. Excavated material shall be stored up grade from the excavated areas to the extent possible. No material shall be stored in any stream zone or wet areas.
- L. Only equipment of a size and type that, under prevailing site conditions, and considering the nature of the work to be performed, will do the least amount of damage to the environment shall be used.
- M. Limit idling time for diesel powered vehicles exceeding 10,000 GVW and self-propelled equipment exceeding 25 hp to no more than 15 minutes in Nevada and 5 minutes in California, or as otherwise required by state or local permits.
- N. Utilize existing power sources (e.g. power poles) or clean-fuel generators rather than temporary diesel power generators wherever feasible.
- O. No washing of vehicles or construction equipment, including cement mixers, shall be permitted anywhere on the subject property unless authorized by TRPA in writing.

- P. No vehicles or heavy equipment shall be allowed in any stream environment zone or wet areas, except as authorized by TRPA.
- Q. Locate construction staging areas as far as feasible from sensitive air pollution receptors (e.g. schools or hospitals).
- R. All construction sites shall be winterized by October 15 to reduce the water quality impacts associated with winter weather as follows:
 - 1. For the sites that will be inactive between October 15 and May 1:
 - (a) Temporary erosion controls shall be installed;
 - (b) Temporary vegetation protection fencing shall be installed;
 - (c) Disturbed areas shall be stabilized;
 - (d) Onsite construction slash and debris shall be cleaned up and removed;
 - (e) Where feasible, mechanical stabilization and drainage improvements shall be installed; and
 - (f) Spoil piles shall be removed from the site.
 - 2. For sites that will be active between October 15 and May 1, in addition to the above requirements:
 - (a) Permanent mechanical erosion control devices shall be installed, including paving of driveway and parking areas; and
 - (b) Parking of vehicles and storage of building materials shall be restricted to paved areas.

III. GENERAL CONDITIONS/DESIGN STANDARDS:

- A. Projects approved by TRPA shall be subject to inspections by TRPA at any reasonable time. The permittee shall be responsible for making the project area accessible for inspection purposes. TRPA shall not be liable for any expense incurred by the permittee as a result of TRPA inspections.
- B. Construction shall be completed in accordance with an approved construction schedule. An extension of a completion schedule for a project may be granted provided the request is made in writing prior to the expiration of the completion schedule, a security is posted to ensure completion or abatement of the project, and TRPA makes either of the following findings:
 - 1. The project was diligently pursued, as defined in Subparagraph 2.2.4.C of the Code of Ordinances, during each building season (May 1 - October 15) since commencement of construction.
 - 2. That events beyond the control of the permittee, which may include engineering problems, labor disputes, natural disasters, or weather problems, have prevented diligent pursuit of the project.
- C. Water conservation appliances and fixtures shall be installed in all new facilities or, when replaced, in existing facilities: low flow flush toilets; low flow showerheads (3 gpm rated maximum flow); faucet aerators; and water-efficient appliances (e.g., washing machines and dishwashers).
- D. Water heaters shall not emit nitrogen oxides greater than 40 nanograms of nitrogen oxide (NO₂) per joule of heat output.
- E. Space heaters shall not emit greater than 40 nanograms of nitrogen oxides (as NO₂) per joule of useful heat delivered to the heated space.

- F. Wood heaters to be installed in the Region shall meet the safety regulations established by applicable city, county, and state codes. Coal shall not be used as a fuel source.
1. Emission Standards: Wood heaters installed in the Region shall not cause emissions of more than 7.5 grams of particulates per hour for noncatalytic wood heaters or 4.1 grams per hour for catalytically equipped wood heaters.
 2. Limitations: Wood heaters shall be sized appropriately for the space they are designed to serve. Multi-residential projects of five or more units, tourist accommodations, commercial, recreation and public service projects shall be limited to one wood heater per project area.
 3. List of Approved Heaters: TRPA shall maintain a list of wood heaters which may be installed in the Region. The list shall include the brand names, model number, description of the model and the name and address of the manufacturer. Wood heaters certified for use in either Colorado or Oregon shall be considered in compliance with 6(a), above.
- G. Construction materials shall be secured to prevent them from rolling, washing, or blowing off the project site. Rehabilitation and clean-up of the site following construction must include removal of all construction waste and debris.
- H. Plant species on the TRPA Recommended Native and Adapted Plant List shall be used for lawns and landscaping.
- I. The following sizes and spacing shall be required for woody plant materials at time of planting:
1. Trees shall be a minimum six feet tall or 1-1/2 inch caliper size or diameter at breast height;
 2. Shrubs shall be a minimum three gallon pot size where upright shrubs have a minimum height of 18 inches and a minimum spread of 18 inches; and spreading shrubs have a minimum spread of 18-24 inches.
 3. Groundcovers shall be a minimum four inch pot size or one gallon container and shall be maximum 24 inches on center spacing.
- J. Plant species not found on the TRPA Recommended Native and Adapted Plant List may be used for landscaping as accent plantings but shall be limited to borders, entryways, flower-beds, and other similar locations to provide accent to the overall native or adapted landscape design.
- K. The following exterior lighting standards shall apply:
1. Exterior lights shall not blink, flash or change intensity. String lights, building or roofline tube lighting, reflective or luminescent wall surfaces are prohibited.
 2. Exterior lighting shall not be attached to trees except for Christmas season.
 3. Parking lot, walkway, and building lights shall be directed downward.
 4. Fixture mounting height shall be appropriate to the purpose. The height shall not exceed the limitations set forth in Chapter 37 of the Code.
 5. Outdoor lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited.
 6. The commercial operation of searchlights for advertising or any other purpose is prohibited. Seasonal lighting displays and lighting for special events which conflict with other provisions of this section may be permitted on a temporary basis.

- L. Any normal construction activities creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 a.m. and 6:30 p.m.
- M. Engine doors shall remain closed during periods of operation except during necessary engine maintenance.
- N. Stationary equipment (e.g. generators or pumps) shall be located as far as feasible from noise-sensitive receptors and residential areas. Stationary equipment near sensitive noise receptors or residential areas shall be equipped with temporary sound barriers.
- O. Sonic pile driving shall be utilized instead of impact pile driving, wherever feasible. Pile driving holes shall be predrilled to the extent feasible subject to design engineer's approval.
- P. Fertilizer use on this property shall be managed to include the appropriate type of fertilizer, rate, and frequency of application to avoid release of excess nutrients and minimize use of fertilizer.
- Q. No trees shall be removed or trimmed without prior TRPA written approval unless otherwise specifically exempted under Chapter 2 of the Code of Ordinances.
- R. The architectural design of this project shall include elements that screen from public view all external mechanical equipment, including refuse enclosures, satellite receiving disks, communication equipment, and utility hardware on roofs, buildings or the ground. Roofs, including mechanical equipment and skylights, shall be constructed of nonglare finishes that minimize reflectivity.
- S. The permittee is responsible for insuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.
- T. The adequacy of all required BMPs as shown on the final construction plans shall be confirmed at the time of the TRPA pre-grading inspection. Any required modifications, as determined by TPRA, shall be incorporated into the project permit at that time.
- U. It is the permittee's obligation to locate all subsurface facilities and/or utilities prior to any grading, dredging or other subsurface activity. The permittee is responsible for contacting the Northern Underground Service Alert (USA, usually known as USA DIGS 1-800-227-2600) prior to commencement of any activity on the site.
- V. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval or take other appropriate action.

Appendix F

NDOT Encroachment Permit

Fee:	\$Waived	Permit No.	214695
Milepost:	US 50 (DO 2.43 to 2.73)	District:	II
District No.:	214695-22		
Applicant:	FHWA		
Type of Work:	Relocation of Round Hill Pines Resort Access on US 50		
Work Order No.:	20151241		
Reviewed By:	Jay Smith		

REVOCABLE PERMIT FOR OCCUPANCY OF
NEVADA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY
(Under the provisions of NRS 408.423, 408.210 and NAC 408)

1. Location where excavation, construction, installation and/or occupancy is proposed

US 50	Round Hill Pines Resort
Location name of highway	Street address or nearest cross street

2. Type, scope of work, and any additional information:

On US 50 from HES "P1" 16+34, 28' Lt. (DO 2.43/2.43) to HES "P1" 32+18, 89' Lt. (DO 2.73/2.73), reconstruct existing access to a NDOT Type 2A approach, remove existing AC curb and guardrail and widen westbound lane with new pavement, striping, concrete curb-gutter and guardrail. Install two 2'x3' NDOT modified Type 3A drop inlets with new 18-inch RCP outlet and 15-inch CMP outlet. Construct new modified approach access and gate with acceleration and deceleration lanes and new striping and signage.

3. **SPECIFIC TERMS AND CONDITIONS APPURTENANT TO THIS PERMIT ARE LISTED ON PAGE 2.**

4. Permit Contact Information:

Federal Highway Administration
Ryan Daniel Mathis
 Name of PERMITTEE

12300 West Dakota Ave.
 Address

Lakewood, CO 80228
 City, State, Zip

(720) 963-3728	ryan.mathis@dot.gov
Phone No.	Email

PERMITTEE: Federal Highway AdministrationDISTRICT NO. 214695-22Permittee's I.D. No. or Parcel No.**SECTION I: ENCROACHMENT PROVISIONS****Encroachment Provisions: Description and Location**

1) On US 50 from HES "P1" 16+34, 28' Lt. (DO 2.43/2.43) to HES "P1" 32+18, 89' Lt. (DO 2.73/2.73), reconstruct existing access to a NDOT Type 2A approach, remove existing AC curb and guardrail and widen westbound lane with new pavement, striping, concrete curb-gutter and guardrail. Install two 2'x3' NDOT modified Type 3A drop inlets with new 18-inch RCP outlet and 15-inch CMP outlet. Construct new modified approach access and gate with acceleration and deceleration lanes and new striping and signage.

All work shall be in accordance with attached plans by Federal Highway Administration dated 02/03/2022 (Federal Highway Administration – NV FLAP US 50 Round Hill Pines Access). Any conflicts between the attached plans and NDOT Standards and Specifications shall be documented in writing and submitted to the District II Permit Office for acceptance prior to implementation. Written requests to deviate from NDOT Standards and Specifications must identify the standard, identify the proposed deviation, identify any proposed mitigation, suggest how proposed deviation and mitigation meets the intent of NDOT Standards and Specifications and suggest why the deviation is reasonable and safe. Deviation letters must be signed and stamped by an engineer registered in the State of Nevada.

Encroachment Provisions: Standards and Specifications

2) All work performed under this permit and under routine and emergency maintenance will be in accordance with the current editions of the State of Nevada, Terms and Conditions Relating to Right-of-Way Occupancy Permits (2018) <https://www.nevadadot.com/Home/ShowDocument?id=8440>, the State of Nevada, Standard Specifications for Road and Bridge Construction (2014) <https://www.nevadadot.com/home/showdocument?id=6916>, the State of Nevada, Standard Plans for Road and Bridge Construction (2020) <https://www.nevadadot.com/home/showpublisheddocument?id=17276>, Access Management System and Standards (2017) <https://www.nevadadot.com/home/showpublisheddocument?id=11581>, the National Electrical Safety Code, the American Association of State Highway and Transportation Officials (AASHTO) publications, "A Guide for Accommodating Utilities within Highway Right-of-Way" (2005) and "A Policy on the Accommodations and Installation of Utilities on State and Federal-Aid Highways, within the State of Nevada" and will be accomplished to the satisfaction of the District Engineer. All construction will be in conformance with the requirements, rules, and regulations of the State of Nevada Public Utilities Commission, the State of Nevada Industrial Insurance System and the State of Nevada Labor Commission. NDOT's Standard Plans and Specifications are available for purchase at the District II Permit Office.

Encroachment Provisions: General

3) All work authorized by this permit will be completed within one year from date of issuance thereof, or this permit will be revoked; except upon written request, the PERMITTEE may be given, at the discretion of NDOT, an extension.

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- 4) NDOT right-of-way permits are issued with the understanding that any particular action will not be considered as establishing any precedent on the question of the expediency of permitting any kind of right-of-way occupancy to be erected within the right-of-way of state highways, or as to any utility or acceptability of any such permits as to any other or future situations.
- 5) In the event the NDOT right-of-way, encumbered by this permitted encroachment, is needed for future highway purposes, PERMITTEE agrees to modify, adjust, remove or relocate the facility authorized herein, at no cost to the State of Nevada.
- 6) All new facilities shall be placed a minimum of three feet (3') clear distance from new or existing NDOT facilities, except in areas where special protection methods have been planned, reviewed and approved by NDOT.
- 7) Advertising within the NDOT right-of-way is restricted per NRS 405.110. It is the PERMITTEE's responsibility to understand and comply with all applicable local, state and federal requirements regarding advertising within the right-of-way.
- 8) PERMITTEE agrees to indemnify, defend and save harmless the State of Nevada and its officers, agents, and employees against any and all liability, loss, damage, cost and expense which it or they may incur, suffer, or be required to pay by reason of death, disease, or bodily injury to any person or persons, or injury to, destruction of, or loss of use of any property, including property belonging to the State of Nevada, arising out of or incident to activities contemplated by this permit, and proximately caused, in whole or in part, by any act or omission of the PERMITTEE, or its contractors, agents, or the employees of any one or all of them, or by the officers, agents, or employees of the State of Nevada, unless it is established by the PERMITTEE that the proximate cause was the willful misconduct or gross negligence of the officers, agents, or employees of the State of Nevada. Costs and expenses will include but are not limited to, the amount of the judgment, court costs, litigation expenses, expert witness fees, and reasonable attorney fees.
- 9) Gate access will be authorized for current land use. Should the land use change or be modified this permit may be revoked and new Standard Encroachment Permit will be required. This permit will be authorized for five years from date of issuance, at which time this permits terms, conditions and access will be reassessed and evaluated.

Encroachment Provisions: Amendments, Transfers, and Time Extensions

- 10) An Amendment may add, take away or change the terms and conditions of this permit. When initiated by the PERMITTEE, a formal request shall be made to NDOT. Upon completion of the construction and NDOT's acceptance of the work, all construction shall be considered complete and no Amendments may be issued. Any future improvements shall require a new encroachment permit.
- 11) All formal requests shall be processed through the District II Permit Office. This includes, but not limited to:
- i. Amending the accepted Additional Terms and Conditions
 - ii. Time extension for permitted construction activities
 - iii. Construction hour of operations
 - iv. Allowance to work one working day before, during, and the working day after scheduled holiday or special event

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12) PERMITTEE may not transfer, convey, or assign this permit, or any privilege or responsibility contained here in pertaining to actual work to be accomplished without written approval from NDOT.

13) A formal request letter, addressed to the District Engineer, shall be signed and submitted by the PERMITTEE to the District II Permit Office. During permitted construction, coordinate any formal requests through the District Inspector. NDOT will not be responsible for any administration delay as a result of the PERMITTEE or a representative of the PERMITTEE not submitting the formal request to the District II Permit Office for processing.

Encroachment: Additional Permits and Surveys

14) Prior to commencement of any work within the NDOT right-of-way, PERMITTEE must:

- i. Obtain any and all other permits required by Federal and State law or local ordinances.
- ii. Obtain and abide by any and all environmental permits applicable under, but not limited to, the “Clean Air Act” the “Clean Water Act” and “Endangered Species Act.”

SECTION II: CONSTRUCTION

Construction: General

15) A complete permit package, including but not limited to, Terms and Conditions, temporary traffic control plans, and engineering plans, shall be available at the work site at all times during construction. At all times, all contractors and subcontractors connected with this permitted activity shall have a complete copy of this permit package at the work site. The construction activity may be ordered to cease by NDOT if a copy of the complete permit package is not available on-site.

16) PERMITTEE shall submit “As-built” plans to the District II Permit Office showing the exact locations and depths, on both plan and profile, within thirty (30) days of completion of construction.

17) Trees that are deemed to interfere with the proposed project, shall be identified as to the species, size and location. No removal of any trees will be allowed without prior written approval given by NDOT. To obtain approval, submit formal written request to the District II Permit Office. The request letter shall be addressed to the District Engineer, signed by the PERMITTEE, and submitted at least five (5) working days prior to the day requested.

18) PERMITTEE shall not remove or replace storm drain pipe, beyond that work shown in Permittee’s permitted plans, during construction. If field constraints exist requiring the removal of the pipe, the storm drain pipe shall to be replaced with like pipe in material (class IV RCP, CMP, HDPE) and size. The pipe joints shall be per NDOT Standard Detail R-2.1.1. PERMITTEE shall not encase the storm drain, except at joints as per standard.

Construction: Hours of Operation

19) PERMITTEE’s contractor shall contact the District II Permit Office at (775) 834-8330, to have a pre-construction meeting on-site, with the District Inspector, prior to construction.

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20) PERMITTEE shall contact the District II Permit Inspector at (775) 834-8330, a minimum of five (5) working days prior to the anticipated beginning of construction and five (5) working days prior to any lane closure (NDOT accepted temporary traffic control plans).

21) Maintain 2 lanes of traffic in each direction during non-working hours unless otherwise stated. The hours of work shall be from 8:00 AM – 6:30 PM, daily, Monday through Friday unless otherwise stated or unless prior written approval has been given by NDOT. To obtain approval, submit a formal written request to the District II Permit Office. The request letter shall be addressed to the District Engineer, signed by the PERMITTEE, and submitted at least five (5) working days prior to the day you wish to work adjusted hours.

During single lane each direction traffic control operations utilizing portable precast concrete barrier rail to protect the work zone during roadway widening, the hours of work shall be from 8:00 AM to 6:30 PM, daily.

22) No work and no lane restrictions shall be allowed in the NDOT right-of-way the working day before a holiday through the working day after a holiday, unless otherwise stated or unless prior written approval has been given by NDOT. To obtain approval, submit a formal written request to the District II Permit Office. The request letter shall be addressed to the District Engineer, signed by the PERMITTEE and submitted at least five (5) working days prior to the day requested.

During single lane each direction traffic control operations utilizing portable precast concrete barrier rail to protect the work zone during roadway widening, work will be allowed the working day before, during, and the working day after a holiday.

23) No work shall be allowed the working day before, during, and the working day after scheduled special events, unless otherwise stated or unless prior written approval has been given by NDOT. It is the PERMITTEE’s responsibility to become aware of local or special events scheduled in the area of construction. To obtain approval, submit a formal written request to the District II Permit Office. The request letter shall be addressed to the District Engineer, signed by the PERMITTEE and submitted at least five (5) working days prior to the day requested.

During single lane each direction traffic control operations utilizing portable precast concrete barrier rail to protect the work zone during roadway widening, work will be allowed the working day before and the working day after a scheduled special event.

Construction: Standards and Practices

24) Contact “UNDERGROUND SERVICE ALERT” not less than two (2) working days, but not more than fourteen (14) days, before starting any excavation. Contact by telephone and comply with all instructions so received. The toll-free number is 1-800-227-2600.

25) PERMITTEE shall submit an email to D2DigAlert@dot.nv.gov for all NDOT locates. Supply the permit number, route with mile post, plan sheets, location sketch and work schedule. Email submittal must be done not less than five (5) working days before starting any excavation.

26) All existing facilities to be replaced or designated abandoned shall be completely removed from the NDOT right-of-way.

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27) PERMITTEE shall supply a certified testing technician for compaction tests of aggregate base and asphaltic concrete, at the direction of the District Inspector.

28) Concrete mix designs for Standard Occupancy Permits will be previously approved NDOT mix designs (approved within the last 12 months), for each designated application.

29) Dense-grade asphaltic concrete mix designs for Standard Occupancy Permits shall be previously approved NDOT mix designs (approved within the last 12 months).

30) Open-grade asphaltic concrete mix designs for Standard Occupancy Permits shall be previously approved NDOT mix designs (approved within the last 12 months).

31) The open-grade hot asphaltic concrete shall be placed only when atmospheric temperature in the shade and the pavement surface temperature are above sixty degrees Fahrenheit (60° F). In the event that the ambient or surface temperature specifications cannot be achieved during the placement of the permanent patch, the dense grade shall be paved flush with the existing surface. The permanent patch shall be mechanically milled one inch (1”) deep and open-graded at the earliest time when both the ambient and surface temperature specifications can be achieved. The open-grade shall be placed within 48 hours of the completion of the milling operation. The limits of the pavement milling and replacement shall be adjusted in the field by the District Inspector.

32) PERMITTEE’s contractor shall construct longitudinal joints between the existing paved section and new paved approaches or roadway using a “keyed-in” method.

33) All permanent patches shall meet the specifications set forth in Sections 402.03.05 and 403.03.04 - Surface Tolerances, of the State of Nevada Department of Transportation Standard Specifications for Road and Bridge Construction, current edition.

34) The limits of the permanent patch shall be adjusted in the field by the District Inspector.

35) All conflicting pavement markings (striping and pavement legends) shall be completely removed. The method of removal shall be by milling one inch (1”) of the existing pavement to the full roadway width. Open-grade from an approved NDOT mix design shall be placed at a depth of one inch (1”) at the earliest time. The limits of the pavement milling and replacement shall be adjusted in the field by the District Inspector.

36) All backfill material shall conform to the NDOT Standard Specifications: Section 207 for granular backfill and Section 302 for aggregate base. Material shall be from a NDOT source-accepted pit. Submittals for materials, certified by the NDOT Headquarters lab, dated within one year of construction, are due prior to the beginning of construction.

37) Steel plate shall not be used on any paved surface maintained by NDOT. All temporary patches open to traffic shall be paved with hot plant mix asphaltic concrete. Cold mix asphalt shall not be used on roadways maintained by the NDOT.

38) PERMITTEE may allow traffic on a mechanically milled pavement surface, for a period not to exceed five (5) calendar days.

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- 39) PERMITTEE shall mechanically mill only the quantity of pavement that can be paved within the same shift.
- 40) All roadway widening in the NDOT right-of-way shall match the existing roadway structural section, both by the material types and depths.
- 41) PERMITTEE’s contractor shall submit material test results, performed or certified by the NDOT Materials Division, dated within one year of the submission, prior to the beginning of construction.
- 42) All work within the NDOT right-of-way shall be in compliance with the Americans with Disabilities Act.
- 43) PERMITTEE shall be responsible for maintaining the integrity of the roadway surface during construction. Dust, dirt, mud, gravel, etc. carried onto the roadway surface shall be removed on a regular basis (at least once a day or as requested by NDOT personnel). Failure to comply may result in NDOT having the roadway cleaned and the cost for the clean-up billed to the PERMITTEE.
- 44) PERMITTEE shall maintain an ongoing dust control program, including watering of open areas, conforming to the latest Federal, State, and County air pollution regulations. PERMITTEE shall submit a dust control plan for approval to the appropriate air pollution control division and the approved plan shall be available at the job site, prior to commencement of any work within the right-of-way.
- 45) PERMITTEE shall comply with State and Federal regulation, all areas disturbed and left undeveloped for longer than twenty (20) days shall be stabilized by the application of an approved dust palliative.
- 46) PERMITTEE shall ensure that contractors and subcontractors, that are moving equipment and materials from the project site into the right-of-way, where noxious weeds are present, shall wash and clean equipment prior to being moved.
- 47) PERMITTEE shall remove large rocks four inches (4”) or larger unearthed during construction from the surface of the right-of-way area. The rocks shall be disposed of by burying in approved locations or used as riprap in approved drainage locations.
- 48) PERMITTEE shall re-install signs, object markers, milepost panels, marker posts and guideposts disturbed during construction by the end of the working day.
- 49) PERMITTEE shall not store equipment, materials or spoils in right-of-way outside of normal working hours.

Construction: Traffic Operations and Safety

- 50) In the event of forecasted inclement weather conditions, PERMITTEE shall ensure that permit activities are ceased and that the right-of-way has been prepared and is safe for weather related maintenance activities and motorists.
- 51) PERMITTEE shall not use the NDOT right-of-way for construction truck staging or deliveries. All truck staging and deliveries shall be accomplished outside of the NDOT right-of-way.

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- 52) PERMITTEE shall maintain two-way traffic at all times during construction.
- 53) PERMITTEE shall set up traffic control to accommodate for the needs of pedestrians and bicyclists.
- 54) The work of setting up and tearing down traffic control devices as required shall be completed each day within the hours specified on the permit and/or on the approved traffic control plan. All traffic control devices shall be completely removed from the roadway and sidewalk at the end of the work period.
- 55) All traffic control shall conform to the Manual on Uniform Traffic Control Devices, "Chapter 6," and the State of Nevada, Standard Plans for Road and Bridge Construction, 2020 Edition.

Regardless of traffic control operations, do not stop public traffic for more than a 20-minute duration and do not delay it for more than 30 minutes total, regardless of the number of work zones. Any proposed traffic control plan must meet the duration of delay restrictions (20 minutes stopped, 30 minutes total delay). Should these delay restrictions be exceeded, work will be immediately suspended. If work is suspended, submit a written revised construction plan which addresses the delay problem. Upon approval of the plan the construction operations may resume.

- 56) All Category 1 & 2 Traffic Control Devices used on NDOT roadways shall be National Cooperative Highway Research Program (NCHRP) Report 350 compliant. PERMITTEE and/or contractor shall have manufacturer's certificates of compliance available at the project site.
- 57) All traffic control devices are subject to being rated by the District Inspector for serviceability condition to the current American Traffic Safety Services Association (ATSSA) publication "Quality Standards for Work Zone Traffic Control Devices" which is available from the American Safety Services Association, 15 Riverside Parkway, Fredericksburg, VA 22406, Phone: (540) 368-1701. Any device determined by the Inspector to not meet these quality standards shall be replaced with an acceptable device.
- 58) Any appurtenance installed that represents a hazard to the travelling public shall be protected in accordance with the AASHTO Roadside Design Guide, current edition, and approved by NDOT prior to installation.
- 59) All vertical drop-offs three inches (3") or greater, that are within the roadway clear zone, shall be protected by an NDOT approved method.
- 60) PERMITTEE shall submit a temporary traffic control plan for acceptance by District II Permit Office prior to the permit being issued and commencement of any work in the NDOT right-of-way. This traffic control plan shall be available at the job site at all times during construction.
- 61) Any temporary speed reductions in work zones must be approved by NDOT. Submit requests to the District Permit Inspector and allow up to 4 weeks for processing.
- 62) Any deviation from the accepted temporary traffic control plans shall require prior approval by District II Permit Office. PERMITTEE shall contact the District Inspector for direction.

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63) If an incident (accident/crash) occurs within the placed temporary traffic control, the PERMITTEE shall not modify or tamper with the existing traffic control devices. All traffic control devices shall remain for the incident investigation team. Temporary incident signage (pink color) may be placed to alert motorists of an incident event. The PERMITTEE shall receive verbal or written approval prior to modifying or removing temporary traffic control devices after the incident.

64) All pavement markings damaged by construction activities shall be replaced. Striping limits shall be adjusted in the field by the District Inspector.

65) All permanent pavement markings shall be either hot applied or preformed thermoplastic and shall conform to the NDOT Standard Specifications Section 634 for pavement marking film.

Construction: Utilities

66) All existing utilities to be replaced or designated to be abandoned, shall be completely removed from the NDOT right-of-way.

67) PERMITTEE shall include "UTILITY WORK AHEAD" signs as a part of their traffic control plan.

68) The minimum utility installation depth of cover shall be forty-two inches (42") in the NDOT right-of-way.

69) In the event of interruption to water or utility services as a result of accidental breakage, PERMITTEE shall notify the District Inspector immediately, and cooperate with the District Inspector in the restoration of service as promptly as possible.

70) Utility installations shown on the plans are located according to best information provided to NDOT, however, consider it normal and expected that elevations and alignment of said utilities may vary from that shown on the plans, and that utilities may be encountered that are not shown on the plans. The PERMITTEE'S contractor is solely responsible for ascertaining the actual location of all utility installations prior to beginning any excavation or other construction activity, which may affect any utility installation. Consider it normal and expected that utilities will prove to be an impediment to the operations and that use of other than usual equipment and construction methods in accomplishing the necessary work over, around, or under such utility installations may be necessary.

71) Locate and properly protect all utility installations. Repair all utility installations that are damaged by or due to operations or negligence.

Construction: Water Quality

72) PERMITTEE shall conform to Section "XI ENVIRONMENTAL" of the State of Nevada, Terms and Conditions Relating to Right-of-Way Occupancy Permits, 2018 Edition, in its entirety.

73) SWPPP implementation shall occur until all permitted work is complete and NDOT acceptance is granted.

Construction: Restoration

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DATE _____

PERMITTEE: Federal Highway AdministrationDISTRICT NO. 214695-22

74) PERMITTEE shall return all highway appurtenances, disturbed or destroyed, to a condition equal to or better than the original condition, and in accordance with NDOT Standard Plans and Specifications.

SECTION III: ENVIRONMENTAL

Environmental: Standards and Practices

75) If any species are listed by either the US Fish and Wildlife (USFWS) or by the State, the PERMITTEE must have a qualified biologist complete a field assessment and determine species presence or absence and contact the appropriate agencies to determine what mitigation methods are required if found. PERMITTEE must submit copies of any reports and documentation of any required agency consultations to NDOT.

76) The PERMITTEE must follow all BMPs to avoid impacts to all federal or state listed species.

77) BATS: If bats are identified roosting within the permitted area contact the Nevada Department of Wildlife (NDOW) for proper guidance. An avoidance area with one hundred-foot (100') radius must be maintained until formal guidance is received. For information on how to contact NDOW, go to:

http://www.ndow.org/Our_Agency/Contact_Us/

78) MIGRATORY BIRD TREATY ACT (MBTA): Vegetation/structure removal shall be conducted to conform with the MBTA to avoid impacts to listed migratory birds (50 CFR 10.13) that may be actively utilizing vegetation or structures for nesting. When possible, vegetation and structure removal should not occur during avian breeding season (generally March 1 through July 31), but raptors and owls may begin nesting as early as January. As these dates are a general guideline, active nests may be observed outside this range. If vegetation/structure removal must occur during avian breeding season, nesting surveys must be conducted by a qualified biologist. If nesting sites are found within the project limits, US Fish and Wildlife must be consulted to determine a suitable buffer area around the nest site. Buffer areas around the nest site should be flagged as an avoidance area and no disturbance should occur within the avoidance area while the nest is occupied with eggs and/or young. Once young have left the nest, the avoidance area can be removed, and work can resume. For more information on the Migratory Bird Treaty Act go to:

<http://www.fws.gov/migratorybirds/regulationspolicies/mbta/mbtintro.html>

79) LIVESTOCK OR WILDLIFE FENCING: If livestock (Nevada 4-wire Type C-NV-4B) or wildlife (96") fencing is to be breached by the PERMITTEE, maintain the functionality of the fence to prevent livestock or wildlife from entering the Department's right-of-way and becoming a safety hazard. All staging areas must be at least one hundred feet (100') away from the terminus of a livestock or wildlife fence as well as any escape features such as 1-way gates or escape ramps.

80) NOXIOUS WEEDS: The PERMITTEE shall complete the Noxious Weed Management Checklist/Plan (<https://www.nevadadot.com/doing-business/about-ndot/ndot-divisions/engineering/environmental-services/environmental-documents-and-projects>), describing how they will prevent the introduction and spread of noxious weeds. The PERMITTEE must keep a copy of the completed Noxious Weed Management Checklist/Plan on site while working within the Department's right-of-way. At Department's request, the PERMITTEE shall provide a copy of the Noxious Weed Management Checklist/Plan to NDOT Environmental Services for review and approval. For more information Nevada noxious weeds, go to:

<http://agri.nv.gov/NoxiousWeeds/>

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81) The permit area has been screened by NDOT for the potential to contain naturally occurring asbestos (NOA) and erionite. Based on NDOT screening there is potential these minerals may be present at the site. The PERMITTEE shall evaluate the soil and rock that may be disturbed for the potential of containing NOA or erionite. This can be done by looking at the geology and/or sampling and analyzing the earthen material. Once the potential for NOA and erionite are determined the PERMITTEE is responsible for determining the procedures necessary to reduce exposure to their employees and the general public to NOA or erionite fibers. At a minimum dust control measures should include no visual dust evident on, or leaving the project site. Based upon the length of the project and the concentration of the NOA and erionite detected in soil or rock the PERMITTEE may employ other procedures to protect workers and the general public. These could include, but not be limited to the following: control of access, cleaning of equipment before it leaves the site, use of personal protective equipment, monitoring of personnel for exposure, and monitoring ambient air. The PERMITTEE is responsible for the health and safety of their employees as it relates to NOA and erionite.

SECTION IV: MAINTENANCE

Maintenance: General

82) PERMITTEE shall be responsible for maintaining the integrity of the roadway surface. Dust, dirt, mud, gravel, etc. carried onto the roadway surface shall be removed on a regular basis (at least once a day or as requested by NDOT personnel). Failure to comply may result in NDOT having the roadway cleaned and the cost for the clean-up billed to the PERMITTEE.

83) PERMITTEE shall not disturb signs, object markers, milepost panels, marker posts and guideposts.

84) PERMITTEE shall not use the NDOT right-of-way for truck staging or deliveries. All truck staging and deliveries shall be accomplished outside of the NDOT right-of-way.

Maintenance: Utilities

85) Utility Maintenance is defined as actions performed on a regularly scheduled basis to preserve the intended working condition of the facility, or minor actions to correct a reoccurring problem.

- i) For underground maintenance, this consists of opening existing manholes to repair underground facilities and uncovering no more than fifty (50) feet of cables or lines buried in earth portions of highway right-of-way.

86) Utility Design Modification is defined as a change in the approved facility, or major actions to correct a reoccurring problem.

87) PERMITTEE shall submit a temporary occupancy permit application for any utility maintenance activities within the NDOT right-of-way. All other modification or maintenance work not identified in Utility Maintenance shall require a new encroachment permit.

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SECTION V: EMERGENCY WORK**Emergency Work: General**

88) Emergency is defined as a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate the loss of, or damage to, life, health, property, or essential public services.

89) For emergencies, the PERMITTEE shall submit a NDOT Utility Emergency Work Notification Form to the NDOT District II Permit Office. The Emergency Notification Form may be hand delivered, faxed or sent electronic mail. Scheduled maintenance is not considered emergency work and may be denied. For more information, please contact the NDOT District II Permit Office at (775) 834-8330 during business hours.

90) During business hours, emergency work on permitted facilities must be authorized by the NDOT District II Permit Inspector, unless identified in an issued temporary occupancy permit. The Emergency Notification Form may be hand delivered, faxed or sent electronic mail.

91) During non-business hours, notify the NDOT District II Utilities 24/7 Hotline at (775) 834-8488. Provide the NDOT Road Operations Dispatch the following information:

- i. PERMITTEE's contact information for the emergency. NDOT Road Operations Dispatch may need to call back to follow up.
- ii. Location of the emergency.
- iii. Description of the emergency.
- iv. Description of the traffic impact (shoulder closure, lane closure, etc.).
- v. Give an estimated time duration to mitigate the incident.

92) During emergency work, the PERMITTEE should minimize the disturbance to traffic at all times.

93) For emergencies, on the first business day thereafter, the PERMITTEE shall contact the NDOT District II Permit Office to initiate a new permit (if needed). This may be a temporary occupancy permit or a standard encroachment permit. Failure to notify NDOT for an emergency work situation and obtain a permit within the stated time period is considered a violation and may result in this permit revocation.

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PERMITTEE hereby acknowledges that he or she has read the *Terms and Conditions Relating to Right-of-Way Occupancy Permits* booklet (2018 ed.) and the Additional Terms and Conditions of this permit. By signing this permit, he or she agrees to all terms and conditions appurtenant to this permit.

Dated _____

By _____

Permittee – Ryan Daniel Mathis, Project Manager, Federal Highway Administration

STATE OF NEVADA, DEPARTMENT OF TRANSPORTATION

This Right-of-Way Occupancy Permit is granted to the PERMITTEE in accordance with the provisions of Chapter 408 N.R.S. and subject to the TERMS AND CONDITIONS stipulated to perform the work described.

Dated _____

By _____

Director or District Engineer