

SECTION 905 -- PROPOSAL (CONTINUED)

I (We) further propose to execute the attached contract agreement (Section 902) as soon as the work is awarded to me (us), and to begin and complete the work within the time limit(s) provided for in the Specifications and Advertisement. I (We) also propose to execute the attached contract bond (Section 903) in an amount not less than one hundred (100) percent of the total of my (our) part, but also to guarantee the excellence of both workmanship and materials until the work is finally accepted.

I (We) enclose a certified check, cashier's check or bid bond for **five percent (5%) of total bid** and hereby agree that in case of my (our) failure to execute the contract and furnish bond within Ten (10) days after notice of award, the amount of this check (bid bond) will be forfeited to the State of Mississippi as liquidated damages arising out of my (our) failure to execute the contract as proposed. It is understood that in case I am (we are) not awarded the work, the check will be returned as provided in the Specifications.

Bidder acknowledges receipt of and has added to and made a part of the proposal and contract documents the following addendum (addenda):

ADDENDUM NO. 1 DATED 11/10/2005 ADDENDUM NO. _____ DATED _____
 ADDENDUM NO. _____ DATED _____ ADDENDUM NO. _____ DATED _____

Number	Description
1	Replace Table Of Contents page 2 with same; delete NTB #973; replace NTB #1030M with same dated 11/09/2005; replace NTB #1034M with same dated 10/24/2005; replace NTB #1037M with same dated 10/13/2005; delete NTB #1038M; add NTB #1042M; add NTB #1043M; add NTB #1050M; add NTB #1051M; delete 907-109-12M; add 907-109-13M; delete 907-207-3M; replace bid sheets 2 - 3; revised plan sheets nos. 1-4, 13, 33, 34, 466, 467, 542, 550, 553, 566-568; revised project disk required.

TOTAL ADDENDA: 1
 (Must agree with total addenda issued prior to opening of bids)

Respectfully Submitted,

DATE _____

 Contractor

BY _____
 Signature

TITLE _____

ADDRESS _____

(To be filled in if a corporation)

Our corporation is chartered under the Laws of the State of _____ and the names, titles and business addresses of the executives are as follows:

_____ President	_____ Address
_____ Secretary	_____ Address
_____ Treasurer	_____ Address

The following is my (our) itemized proposal.

**PAGE 2 - PROJECT NO. ACBR-9205-00(005) / 100332 – Washington County, Mississippi
BRN-0009(26) / 020414 - Chicot County, Arkansas**

Specialty Items - # 1020M
Placement of Fill Material in Federally Regulated Areas - # 1021M
Project Number Change - # 1022M
DBE Participation - # 1023M
Applicable State Taxes - # 1024M
Cooperation Between Contractors - # 1025M
Temporary Electric Service - # 1026M
Suspension of Work - # 1027M
Pre-Bid Meeting - # 1028M
Additional Construction Requirements - # 1029M
Corps of Engineers Permit - # 1030M
Office Locations - # 1031M
Other Permits - # 1032M
Storm Water Discharge Associated with Construction
Activity - #1034M
Special Requirements for Storm Water Discharge Associated with Construction
Activity - #1035M
Releases in Excess of Reportable Quantities - # 1036M
Maintenance Road - #1037M
Arkansas Contractor License - # 1039M
DBE Participation and Payment - # 1040M
Petroleum Products Base Price - # 1042M
Restraining Conditions Outside Right-Of-Way - # 1043M
Concrete Spray Finish - # 1050M
Minutes of The Prebid Meeting - # 1051M

906: Req'd.Fed.Constr.Provisions -- FHWA-1273, W/Supplement
907-101-3M: Definitions
907-102-4M: Preparation of Proposal
907-103-3M: Execution & Approval of Contract
907-104-1M: Partnering Process
907-104-4M: Minor Alterations to the Contract, W/Supplement
907-104-5M: Differing Site Conditions
907-104-6M: Removal & Disposal of Materials
907-105-2M: Load & Speed Restrictions
907-105-3M: Claims
907-105-4M: Cooperation By Contractors
907-106-1M: Convict Produced Materials
907-106-3M: Contractor Pit & Quarry Sites
907-107-7M: Liability Insurance
907-107-10M: Environmental Protection
907-107-12M: Contractor's Responsibility for Work
907-107-13M: Contractor's Protection Plan
907-108-2M: Determination & Extension of Contract Time, W/Supplement
907-108-12M: Critical Path Method of Scheduling
907-108-17M: Liquidated Damages Table
907-108-18M: Notice To Proceed
907-109-7M: Measure & Payment for Changes in Cost of Construction. Materials, W/Supplement
907-109-11M: Partial Payment
907-109-13M: Advanced Payment for Structural Steel
907-203-1M: Excavation and Embankment
907-213-2M: Agricultural Limestone
907-217-1M: Ditch Liner
907-223-1M: Mowing

-CONTINUED ON NEXT PAGE-

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

SECTION 904 - NOTICE TO BIDDERS NO. 1030M

CODE: (SP)

DATE: 11/09/2005

SUBJECT: Corps of Engineers Permit

PROJECT: ACBR-9205-00(005) / 100332 - Washington County, Mississippi & Chicot County, Arkansas

Bidders are advised that this project requires a U. S. Army Corps of Engineers permits of which has been obtained by the Department. The Contractor will be required to comply with the requirements of the attached U. S. Army Corps of Engineers permit.

All embankment materials for the haul road(s) shall comply with applicable sections in the standard specification for the materials indicated in the attached revisions dated October 5, 2005 & November 4, 2005. Haul road materials shall be Contractor furnished and shall not be measured for payment. The amount of riding surface material used for constructing and maintaining a temporary riding surface shall be limited to 11 450 cubic meters. The material shall be placed on Type V geotextile fabric and removed upon completion of the project. The embankment material shall be disposed of outside the levee. If a temporary bridge/platform is built for the haul road, this structure will be remove upon completion of the project.

If the Contractor opens a new material pit, the Contractor will be responsible for obtaining all permits from the the appropriate state.

The permit issued by the Corps of Engineers allows a total of 13.75 hectares to be cleared on the MS or AR approaches. The amount to be cleared on the contract is 4.85 hectares.

The Contractor should also be aware of all the conditions specified by the Corps of Engineers on this project specificity:



DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS

4155 CLAY STREET

VICKSBURG, MISSISSIPPI 39183-3435

REPLY TO
ATTENTION OF:

November 4, 2005

Operations Division
Regulatory

SUBJECT: Request for Modification of Permit No.
CEMVK-OD-FE-LJ 970003010

Mr. John C. Taylor, P.E.
Mississippi Department
of Transportation
Post Office Box 1850
Jackson, Mississippi 39215-1850

Dear Mr. Taylor:

I refer to your recent request to modify your Department of the Army permit (subject above) to reflect the changes as described in your letter (enclosure 1).

The requested modification of the subject permit is hereby approved, subject to the limitations described below. The material required for the riding surface of the temporary haul road may consist of natural stone, slag, or gravel. No reclaimed material such as asphalt or concrete pavement will be allowed. A permit modification approved on October 5, 2005 authorized a maximum of 15,000 cubic yards of other material for the purpose of constructing and maintaining an embankment. In addition, your permit has been modified to include the following new special conditions:

1. The permittee is authorized to place an additional 15,000 cubic yards of material for the riding surface of a temporary haul road in previously authorized cleared right-of-way for the Arkansas approach to the new U.S. Highway 82 bridge.

2. If the material supplier obtains the material from a site other than a pollution-free ongoing commercial borrow area, the permittee (Mississippi Department of Transportation) must provide this office with a wetland delineation report (including data sheets) AND a letter of no objection from the appropriate state agency responsible for cultural resources at the borrow site.

-2-

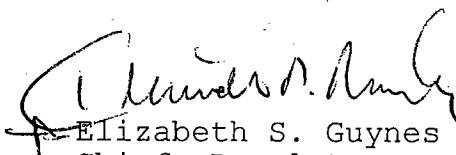
3. All material brought into the construction site shall be placed over a fabric and shall be removed and placed in non-wetlands, landside of the levee, upon completion of the bridge project. The natural ground shall be restored to the current elevations.

Please retain this letter and enclosure with your permit file, since it will become a part of the original authorization. Also, the General and Special Conditions of the Permit still apply to your modified project (enclosure 2).

Please be advised that any deviation from the plans or location of the modified work must be approved by this office prior to the commencement of any work. If you have any questions concerning this matter, please contact Ms. Susan Jarvis, telephone (601) 631-5146 or fax (601) 631-5459. In any future correspondence concerning this project, please refer to the identification No. 970003010 (MVK-1997-160).

I am forwarding a copy of this letter to Mr. Marion Butler, Division Head-Environmental, Arkansas State Highway and Transportation Department, Post Office Box 2261, Little Rock, Arkansas 72203.

Sincerely,



Elizabeth S. Guynes
Chief, Regulatory Branch

Enclosures



DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS

4155 CLAY STREET

VICKSBURG, MISSISSIPPI 39183-3435

REPLY TO
ATTENTION OF:

October 5, 2005

Operations Division
Regulatory

SUBJECT: Request for Modification of Permit No. CEMVK-OD-FE-LJ
970003010

Mr. John C. Taylor, P.E.
Mississippi Department
of Transportation
Post Office Box 1850
Jackson, Mississippi 39215-1850

Dear Mr. Taylor:

I refer to your recent request to modify your Department of the Army permit (subject above) to reflect the changes as described in your letter (enclosure 1).

The requested modification of the subject permit is hereby approved, subject to the limitations described below. The material required for the embankment of the temporary haul road may consist of natural stone, slag, or gravel. No reclaimed material such as asphalt or concrete pavement will be allowed. In addition, your permit has been modified to include the following new special conditions:

1. The permittee is authorized to place an additional 15,000 cubic yards of material for the construction of a temporary haul road in previously authorized cleared right-of-way for the Arkansas approach to the new U.S. Highway 82 bridge.

2. If the material supplier obtains the material from a site other than a pollution-free ongoing commercial borrow area, the permittee (Mississippi Department of Transportation) must provide this office with a wetland delineation report (including data sheets) AND a letter of no objection from the appropriate state agency responsible for cultural resources at the borrow site.

-2-

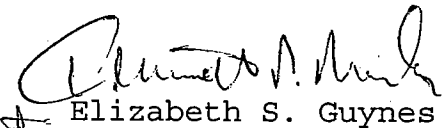
3. All material brought into the construction site shall be placed over a fabric and shall be removed and placed in non-wetlands, landside of the levee, upon completion of the bridge project. The natural ground shall be restored to the current elevations.

Please retain this letter and enclosure with your permit file, since it will become a part of the original authorization. Also, the General and Special Conditions of the Permit still apply to your modified project (enclosure 2).

Please be advised that any deviation from the plans or location of the modified work must be approved by this office prior to the commencement of any work. If you have any questions concerning this matter, please contact Ms. Susan Jarvis, telephone (601) 631-5146 or fax (601) 631-5459. In any future correspondence concerning this project, please refer to the identification No. 970003010 (MVK-1997-160).

I am forwarding a copy of this letter to Mr. Marion Butler, Division Head-Environmental, Arkansas State Highway and Transportation Department, Post Office Box 2261, Little Rock, Arkansas 72203.

Sincerely,

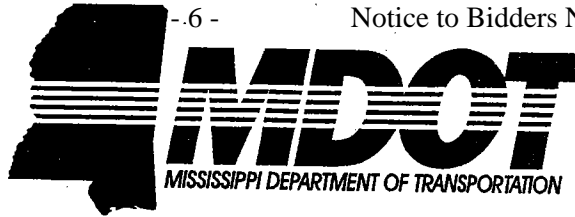

Elizabeth S. Guynes
Chief, Regulatory Branch

Enclosures

William R. "Bill" Minor
Northern District Commissioner

Dick Hall
Central District Commissioner

Wayne H. Brown
Southern District Commissioner



Notice to Bidders No. 1030M -- Gary L. "Butch" B
Executive Director

Harry Lee James
Deputy Executive Di
Chief Engineer

Brenda Znachko
Deputy Executive Di
Administration

P. O. Box 1850 / Jackson, Mississippi 39215-1850 / Telephone (601) 359-7001 / FAX (601) 359-7110 / www.goMDOT.com

September 21, 2005

U.S. Army Engineer District- Vicksburg
Attention: Ms. Elizabeth S. Guynes
Chief, Regulatory Branch, CELMK-OD-F
4155 Clay Street
Vicksburg, Mississippi 39180-5191

Re: Follow-up Letter of Wetlands Site Investigation
Project No. HDPS-9205-00(002) 100332/1000 PE
BRDP-9205-00(004) 100332/302000 Const.
US 82 MS River Bridge Approaches (MS Side)

HDPS-9205-00(002) 100332/1000 PE
BRDP-9205-00(005) 100332/303000 Const.
US 82 MS River Bridge Approaches (ARK Side)

As you recall in our September 1, 2004 letter to you we requested that we be allowed to bring in 15,000 cubic yards (CY) of materials for the haul road to construct this bridge.. At the time, we were concentrating efforts on the bridge approach on the Mississippi side. After gaining approval from your office, we gave the authority to the contractor on the Mississippi side to use the 15,000 CY temporary fill for the haul road. Now, as we prepare to let a contract to construct the approach on the Arkansas side, we are asking for approval to bring an additional 15,000 CY of materials for a necessary haul road on the Arkansas side.

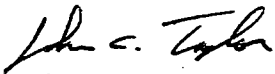
After discussing this project with several potential contractors, we feel that it will be a necessity to construct a temporary construction road within the clearing limits. In order to construct the embankment of the haul road, the contractor will be required to use material from within the authorized clearing limits. It is proposed to allow a maximum of 15,000 CY of other material (stone, slag, gravel or reclaimed asphalt pavement over a fabric) for the purpose of constructing and maintaining a riding surface. Upon completion, this material imported from outside the levees will be removed and returned to its origin outside the levees. The natural ground will be restored to the current elevations. Therefore it is requested that a modification to the existing permit be used to allow a temporary construction road within the clearing limits.



Page 2
Ms. Elizabeth Guynes
September 21, 2005

We hope this letter gives you all of the information that you need for written approval and closure of this matter. However if you need further information please do not hesitate to call me at (601)359-7275.

Sincerely,



John C. Taylor, PE, RPG
Roadway Design Division

Attachments

Copy To: District 3 (Magee 13-10)
Environmental (Barnwell 87-01)
Construction (Crisco 73-01)
Roadway Design (Reinike, Taylor, Purvis 83-01)

02-01



DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

Received
NOV 24 2004
Roadway Design

REPLY TO
ATTENTION OF:

November 24, 2004

Operations Division
Regulatory

SUBJECT: Request for Modification of Permit No. 970003010

BRIDGE DIVISION - LJ				
INFO	ROUTE	ACT	INIT	DATE
	CARR M		mkc	11/30
✓	CARR K			
	BAILEY			
	PIGOTT			
	BERRY			
	MILLER			
	MONTGOMERY			
	RAYBORN			
	SMITH			
	BARKSDALE			
	ALTORELLI			
	CRESAP			
	GRIFFIN			
	ROUTH			
✓	FILE			

RECEIVED

NOV 29 2004

BRIDGE DIVISION
MS. DEPT. OF TRANSPORTATION

Mr. C. Keith Purvis, P.E.
Mississippi Department
of Transportation
Post Office Box 1850
Jackson, Mississippi 39215-1850

Dear Mr. Purvis:

I refer to your recent request to modify your Department of the Army permit (subject above) to reflect the changes as described in your letter (enclosure 1).

The requested modification of the subject permit is hereby approved, subject to the limitations described below. The material required for the embankment of the temporary haul roads may come from an approved source landside the levee. The original permit authorized a maximum of 15,000 cubic yards of other material for the purpose of constructing and maintaining a temporary riding surface. In addition, your permit has been modified to include the following new special conditions:

1. The permittee must provide this office with a detailed report of the offsite location of the contractor selected source for the materials to be used for the embankment of the temporary haul roads. If the location has not been previously used as an ongoing commercial borrow material site, an approved wetland delineation and cultural resource report must be provided to this office by the permittee before commencing work at the borrow site.

2. All material brought into the construction site shall be placed over a fabric, and shall be removed and placed in non-wetlands landside of the levee upon completion of the bridge project. The natural ground shall be restored to the current elevations.

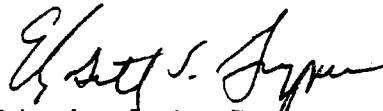
- 2 -

Please retain this letter and enclosure with your permit file, since it will become a part of the original authorization. Also, the General and Special Conditions of the Permit still apply to your modified project (enclosure 2).

Please be advised that any deviation from the plans or location of the modified work must be approved by this office prior to the commencement of any work. If you have any questions concerning this matter, please contact Ms. Susan Jarvis, telephone (601) 631-5164 or fax (601) 631-5459. In any future correspondence concerning this project, please refer to the identification No. 970003010 (MVK-1997-160).

I am forwarding a copy of this letter to Mr. Marion Butler, Division Head-Environmental, Arkansas State Highway and Transportation Department, Post Office Box 2261, Little Rock, Arkansas 72203.

Sincerely,



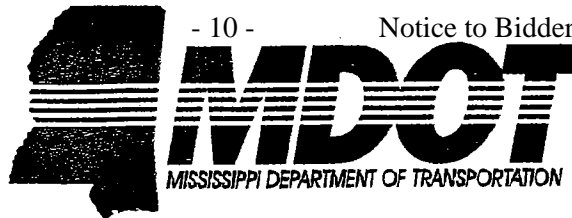
Elizabeth S. Guynes
Chief, Regulatory Branch

Enclosures

William R. "Bill" Minor
Northern District Commissioner

Dick Hall
Central District Commissioner

Wayne H. Brown
Southern District Commissioner



Notice to Bidders No. 1030M - ~~Confid~~
Larry L. "Butch" Brock
Executive Director

Harry Lee James
Deputy Executive Director
Chief Engineer

Brenda Znachko
Deputy Executive Director
Administration

P. O. Box 1850 / Jackson, Mississippi 39215-1850 / Telephone (601) 359-7001 / FAX (601) 359-7110 / www.goMDOT.com

November 2, 2004

U.S. Army Engineer District - Vicksburg
Attention: Ms. Elizabeth S. Guynes
Chief, Regulatory Branch, CELMK-OD-F
4155 Clay Street
Vicksburg Mississippi 39180-5191

Dear Sirs:

Re: Request for Modification to Individual Permit Number CEMVK-OD-FE LJ-970003010

Project No.	HDPS-9205-00(002)	100332/1000 PE
	BRDP-9205-00(004)	100332/302000 Const.
	US 82 MS River Bridge Approaches (MS Side)	
	HDPS-9205-00(002)	100332/1000 PE
	BRDP-9205-00(005)	100332/303000 Const.
	US 82 MS River Bridge Approaches (ARK Side)	

The above projects are for the construction of the remaining portions of the proposed US 82 Mississippi River Bridge near Greenville. The completion of these two projects, in conjunction with the project underway for the main span will complete this facility. Impacts on these projects were authorized under the above referenced permit.

It has previously been determined to be a necessity to construct a temporary haul road within the approved clearing limits. This modification was approved on October 8, 2004. The permit modification required the embankment of the haul road to be constructed from material within the authorized clearing limits. Also permitted was a maximum of 15,000 cubic yards of other material, for the purpose of constructing and maintaining a riding surface. Upon completion, material imported from outside the levees will be removed and returned outside the levees.

The purpose of this letter is to request a modification to allow material required for the embankment of the haul road to come from outside the levee. The reasons for the requested modification are due to the properties of the native material, as well as the anticipated heavy machinery required to construct the proposed bridge structure. MDOT firmly believes that it will be imperative to construct the haul road from a material which has greater structural value than the native material available on the site. All material brought in will be placed over a fabric, and will be removed and returned outside the levee at the completion of the bridge project. The natural ground will be restored to the current elevations.



Page Two
Ms. Elizabeth S. Guynes
November 2, 2004

The Arkansas DOT has been contacted about this change. They are in agreement with this request.

This modification will affect both projects listed above.

The contractor will be responsible for acquiring all necessary permits for the mining of the required material to be used on the haul road.

Please advise of your concurrence in the item listed above.

If you have any questions please advise.

Sincerely,



C. Keith Purvis
Roadway Design Division

pc: HNTB
Neel Schaffer
Corps of Engineers (Harold Lee, Susan Jarvis)
Bridge Division
Environmental Division
District Three (Middleton, Spencer, Magee, Fletcher)
Construction Division
Roadway Design (Pickering, Reinike, Purvis, Taylor, Project File)
Central Files (via 81-01)

DEPARTMENT OF THE ARMY PERMIT

Permittee: Mississippi Department of Transportation

Permit No.: CEMVK-OD-FE LJ-970003010

Issuing Office: CEMVK-OD-F

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: See maps and drawings (encl 1). To conduct land clearing, discharge 6,800 cubic yards of fill material to fill one acre of wetlands, and construct bridge approaches for a new four-lane highway sections 24 and 25, T16S-R1W, Chicot County, Arkansas and sections 6 and 7, T17N-R9W in Washington County, Mississippi.

Acres Impacted: 30 acres
Acres Mitigated: A total of 22.52 acres of credits shall be debited from mitigation banks in Arkansas and Mississippi. A total of 33.14 acres shall be allowed to revegetate after the existing bridge is removed.

Project Location: Sections 24 and 25, T16S-R1W, Chicot County, near Lake Village, Arkansas and sections 6 and 7, T17N-R9W Washington County, near Greenville, Mississippi

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on JUN 04 2001. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 1 month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions (encl 2).

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. As mitigation for the unavoidable wetland losses from clearing and filling, 22.52 acres of cleared wetlands shall be reforested to bottomland hardwoods species. A total of 4.64 acres shall be debited from the Dahomey Refuge Mitigation Bank in Mississippi. The remaining 17.88 acres shall be provided by the AHTD through a debit of the proposed Lower Delta Mitigation Bank.

2. The 33.14 acres of cleared wetlands in the existing right-of-way in both states shall be allowed to revegetate naturally after the bridge is removed.

3. No construction activity shall take place from May through July without a visual survey for the presence of the interior least terns. If any nesting terns are found within 1,000 feet of the proposed work area, the permittee shall contact the U. S. Fish and Wildlife Service prior to any construction. Dredging or filling the riverbed shall be done in August through April, if possible, to avoid impacts to the pallid sturgeon.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Kenneth W. Laney
(PERMITTEE)

5/27/98
(DATE)

MISSISSIPPI DEPARTMENT
OF TRANSPORTATION

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Robert Crear
(DISTRICT ENGINEER)
ROBERT CREAR
Colonel, Corps of Engineers

6-4-98
(DATE)

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

(TRANSFEREE)

(DATE)



DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS

4155 CLAY STREET

VICKSBURG, MISSISSIPPI 39183-3435

REPLY TO
ATTENTION OF:

October 8, 2004

Received
OCT 13 2004
Roadway Design

Operations Division
Regulatory

SUBJECT: Request for Modification of Permit No. CEMVK-OD-FE-LJ
970003010

Mr. C. Keith Purvis, P.E.
Mississippi Department
of Transportation
Post Office Box 1850
Jackson, Mississippi 39215-1850

Dear Mr. Purvis:

I refer to your recent request to modify your Department of the Army permit (subject above) to reflect the changes as described in your letter and as shown on the enclosed drawings (enclosure 1).

The requested modification of the subject permit is hereby approved subject to the limitations described below. The number of wetland acres which may be impacted is increased by ONLY four acres to 34 acres. The original permit authorized 30 acres of wetlands to be cleared. Clearing of the entire right-of-way is NOT authorized. In addition, your permit has been modified to include the following new special conditions:

1. As mitigation for the unavoidable wetland losses from mechanical clearing of an additional four acres of wetlands, an additional 6.49 acres shall be reforested in bottomland hardwoods species. A total of 6.49 acres of credits shall be provided by the AHTD from the Lower Delta Mitigation Bank in Arkansas.
2. Two temporary construction roads measuring 32.8 feet in width shall be allowed to be built within construction limits. Specifics of the construction of the haul roads is provided in the permittee's letter dated September 1, 2004 (Enclosure 1).
3. A temporary bridge/platform shall be allowed to be constructed in Cottonwood Chute (Station 13+850 - 14+050). There shall be no fill placed in Cottonwood Chute. The temporary bridge shall be removed upon completion of the project.

-2-

Your request for a time extension to the year 2009 is premature. You received an extension to September 26, 2007 on September 26, 2003. If additional time is needed, you should request an extension early in the year 2007.

Please retain this letter and enclosure with your permit file, since it will become a part of the original authorization. Also, the General and Special Conditions of the Permit still apply to your modified project (Enclosure 2).

Please be advised that any deviation from the plans or location of the modified work must be approved by this office prior to the commencement of any work. If you have any questions concerning this matter, please contact Ms. Susan Jarvis, telephone (601) 631-5164 or fax (601) 631-5459. In any future correspondence concerning this project, please refer to the identification No. 970003010 (MVK-1997-160). I am forwarding a copy of this letter to Mr. Marion Butler, Division Head-Environmental, Arkansas State Highway and Transportation Department, Post Office Box 2261, Little Rock, Arkansas 72203.

Sincerely,



Elizabeth S. Guynes
Chief, Regulatory Branch

Enclosures



DEPARTMENT OF THE ARMY
VICKSBURG DISTRICT, CORPS OF ENGINEERS
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

Received
OCT 01 2003
Roadway Design

REPLY TO
ATTENTION OF:

<http://www.mvk.usace.army.mil/>
September 26, 2003

Operations Division
Regulatory

SUBJECT: Time Extension of Permit No. SAJ-970003012

Mr. John C. Taylor, P.E.
Roadway Design Division
Mississippi Department
of Transportation
Post Office Box 1850
Jackson, Mississippi 39215-1850

Dear Mr. Taylor:

I refer to your recent letter of September 17, 2003, requesting an extension of time for the above-referenced permit (enclosure).

We are hereby granting a time extension for the subject permit. Please note, the time limit for completing the work authorized by this permit will expire on September 26, 2007. The General and Special Conditions (where applicable) of the original permit still apply to your proposed project. It is your responsibility to read and become familiar with the General and Special Conditions of the permit in order for you to ensure that the activity authorized herein complies with these conditions. Please retain this letter with your permit file, since it will become a part of the original permit document.

If we may be of any further assistance in this matter or if the work does not comply with the conditions of the permit, please contact Ms. Susan A. Jarvis, telephone (601) 631-5146 or fax (601) 631-5459. In any future correspondence concerning this project, please refer to the identification No. 970003012.

Sincerely,


Elizabeth S. Guynes
Chief, Regulatory Branch

Enclosure

Zack Stewart
Northern District Commissioner

Dick Hall
Central District Commissioner

Wayne H. Brown
Southern District Commissioner



Larry L. "Butch" Brown
Executive Director

Harry Lee James
Deputy Executive Director,
Chief Engineer

Kevin Upchurch
Deputy Executive Director,
Administration

P. O. Box 1850 / Jackson, Mississippi 39215-1850 / Telephone (601) 359-7001 / FAX (601) 359-7110 / www.goMDOT.com

September 17, 2003

U.S. Army Engineer District - Vicksburg
Attention: Ms. Elizabeth S. Guynes
Chief, Regulatory Branch
4155 Clay Street
Vicksburg, Mississippi 39180-5191

Dear Sirs:

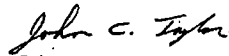
Re: Project Numbers: 19-9205-00-002-10 100332/1000 P.E.
Permit Number: CEMVK-OD-FE-LJ-970003010
Proposed U.S. 82 Bridge across the Mississippi River
Washington County, Mississippi/Chicot County, Arkansas

The proposed activity is in conjunction with the construction of a new bridge across the Mississippi River and roadway approaches on new alignment approximately 850 meters downstream of the existing US 82 bridge crossing. On June 4, 1998 the Corps of Engineers approved the temporary clearing of 30 acres (12.14 hectares) of wetlands (157-foot wide area under the proposed bridge); and the permanent filling of 1.00 acre of wetlands at station 10+600. This coverage is valid until January 22, 2004. Impacts for sites were mitigated from the Dahomey Refuge Mitigation Bank.

Please be advised it has come to our attention that the filling of the wetlands will not be completed prior to the expiration date. Expected completion for this project is September 30, 2005. It is requested that the expiration date for this coverage be extended an additional three years.

Should additional information be necessary please feel free to give me a call at (601)359-7275.

Sincerely yours,


John C. Taylor, PE
Roadway Design Division

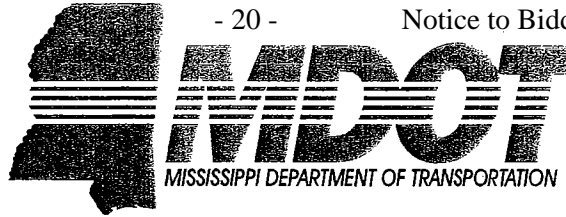
Attachment

pc: Construction Division (Crisco 73-01)
Roadway Design (Taylor, Fletcher, Project File)
Central Files

William R. "Bill" Minor
Northern District Commissioner

Dick Hall
Central District Commissioner

Wayne H. Brown
Southern District Commissioner



- 20 -

Notice to Bidders No. 1030M-Cont
Larry J. "Butch" Brown
Executive Director

Harry Lee James
Deputy Executive Director
Chief Engineer

Brenda Znachko
Deputy Executive Director
Administration

P. O. Box 1850 / Jackson, Mississippi 39215-1850 / Telephone (601) 359-7001 / FAX (601) 359-7110 / www.goMDOT.com

September 1, 2004

U.S. Army Engineer District - Vicksburg
Attention: Ms. Elizabeth S. Guynes
Chief, Regulatory Branch, CELMK-OD-F
4155 Clay Street
Vicksburg Mississippi 39180-5191

Dear Sirs:

Re: Request for Modification to Individual Permit Number CEMVK-OD-FE LJ-970003010

Project No. HDPS-9205-00(002) 100332/1000 PE
BRDP-9205-00(004) 100332/302000 Const.
US 82 MS River Bridge Approaches (MS Side)

HDPS-9205-00(002) 100332/1000 PE
BRDP-9205-00(005) 100332/303000 Const.
US 82 MS River Bridge Approaches (ARK Side)

The above projects are for the construction of the remaining portions of the proposed US 82 Mississippi River Bridge near Greenville. The completion of these two projects, in conjunction with the project underway for the main span will complete this facility. Impacts on these projects were authorized under the above referenced permit.

It is anticipated that the approaches on the Mississippi side will be let to contract in November 2004. A pre-bid meeting will be held on October 19, 2004 in the first floor auditorium of the MDOT building in Jackson. During the meeting, we will review the permit requirements and limitations with potential contractors. You and your staff are invited and encouraged to attend this meeting.

We anticipate the approaches on the Arkansas side will be let to contract in the spring of 2005.

MDOT originally requested authorization to clear the entire right-of-way (57 acres) between the levees. During the permit application process, we agreed to reduce the allowable clearing area to 10 meters on either side of the bridge structure (47.82-meters). After review, this appears to be a significant limitation placed on the contractor. Construction of a bridge of this magnitude will require larger-than-normal equipment and staging areas. Multiple crews will be required to work on both sides of the bridge at the same time. It has also come to our attention that the timber has been removed from the MDOT right-of-way by others, prior to acquisition. For these reasons, we respectfully request the COE to revisit the 30-acre clearing limitation, and modify the permit to allow the entire 57 acres of right-of-way to be cleared during construction. As a reminder, once construction is complete, the entire area will be allowed to naturally re-vegetate.



Page Two
Ms. Elizabeth S. Guynes
September 1, 2004

In the event that the above modification is not granted, we request the 30 acre limit be increased to 34 acres. Since the time the permit was approved, changes to the design of the bridge foundation were determined to be needed. It has been determined that a larger subsurface structure is required. This increased area of 34 acres will allow for the entire 90 meter width of right-of-way to be cleared between stations 12+884 (pier #39) and 13+202 (pier #43). Therefore, we request that the permit be modified to allow for at least 34 acres of clearing.

After discussing this project with several potential contractors, we feel that it will be a necessity to construct a temporary construction road within these clearing limits. In order to construct the embankment of the haul road, the contractor will be required to use material from within the authorized clearing limits. It is proposed to allow a maximum of 15,000 cubic yards of other material (stone, slag, gravel or reclaimed asphalt pavement, over a fabric), for the purpose of constructing and maintaining a riding surface. Upon completion, material imported from outside the levees will be removed and returned outside the levees. The natural ground will be restored to the current elevations. It is requested that the permit be modified to allow a temporary construction road within the clearing limits.

The permitted clearing will be split between the 2 projects listed above. On each project, we will require that the contractor submit in writing the area that he proposes to clear. This information will be forwarded to the COE.

We will not allow the contractor to place fill in Cottonwood Chute (Station 13+850 – 14+050). It is assumed that a temporary construction bridge/platform will be constructed within these limits. It is requested that the permit be modified to allow the construction of a temporary bridge/platform. This structure will be removed upon completion of this project.

Please note that it is a requirement that all material excavated from outside the limits of the channel be disposed of off the project right-of-way, outside the levees.

As we understand it, the current expiration date for this permit is September 26, 2007. Since construction will not be complete by this date, it is requested that the expiration date be extended to January 1, 2009.

Page Three
Ms. Elizabeth S. Guynes
September 1, 2004

Please advise of your concurrence in the item listed above.

If you have any questions please advise.

Sincerely,



C. Keith Purvis
Roadway Design Division

Attachment

pc: HNTB
Neel Schaffer
Corps of Engineers (Harold Lee, Susan Jarvis)
Bridge Division
Environmental Division
District Three (Middleton, Spencer, Magee, Fletcher)
Construction Division
Roadway Design (Pickering, Reinike, Purvis, Taylor, Project File)
Central Files (via 81-01)



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39180-3435

<http://www.mvk.usace.army.mil/>

July 2, 1998

Operations Division
Regulatory

SUBJECT: Issued Department of the Army Permit LJ-970003010

Mr. Keith Purvis
Roadway Design Division
Mississippi Department of Transportation
Post Office Box 1850
Jackson, Mississippi 39215-1850

Dear Mr. Purvis:

Reference your letter received June 17, 1998, regarding authorization to incrementally discharge approximately 60,500 cubic yards of excavated material into the Mississippi River as part of the construction of the U.S 82 bridge. Your request was evaluated and approved in the Department of the Army Permit CEMVK-OD-FE LJ-970003010.

I hope that I have adequately addressed your concerns. If we may be of further assistance, please contact Mr. Louis Johnson of this office, telephone (601) 631-5146, fax (601) 631-5459 or e-mail address: regulatory@mvk01.usace.army.mil.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth S. Guynes".

Elizabeth S. Guynes
Chief, Regulatory Branch

1997 14:52

NEEL-SCHAFFER 4-

Notice to Bidders No. 1020M

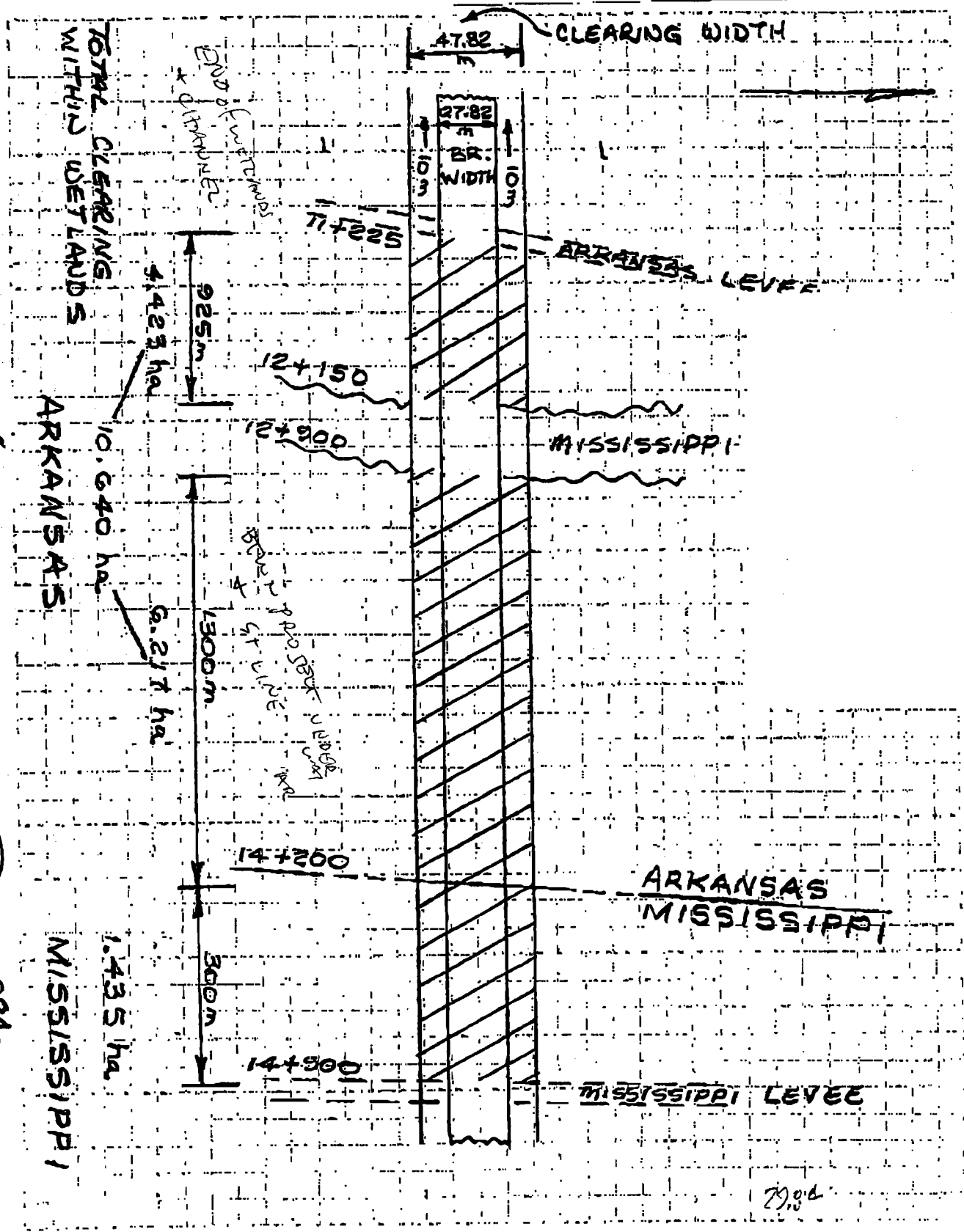
of pages 2

NEEL-SCHAFFER, INC.
ENGINEERS - PLANNERS

Post-It Fax Note 7671	Date 9/30/04
To SUSAN JARVIS	From KEITH PURVIS
Co./Dept. COE	Co. MDOT
Phone # 631-5146	Phone # 359-7256
Fax # 631-5459	Fax # 359-7063

COMPUTED BY A. Kopf DATE 14 MAY 97

CHECKED BY _____ DATE _____



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MISSISSIPPI DEPARTMENT OF TRANSPORTATION

SECTION 904 - NOTICE TO BIDDERS NO. 1034M

CODE: (SP)

DATE: 10/24/2005

SUBJECT: Storm Water Discharge Associated with Construction Activity

**PROJECT: ACBR-9205-00(005) / 100332 – Washington County, Mississippi &
BRN-0009(26) / 020414 - Chicot County, Arkansas**

A Construction Storm Water General NPDES Permit to discharge storm water associated with construction activity is required.

The Department has acquired from the Arkansas Department of Environmental Quality Permit No. ARR150000 granting permission to discharge storm water associated with construction activity into receiving waters. Copies of said permit, completed Notice of Intent (NOI), and Storm Water Pollution Prevention Plan (SWPPP) are on file with the Department. A copy of Permit No. ARR150000 will be provided to the contractor after award of the project. However, the Permit is available in electronic form from the MDOT Roadway Design Division.

Prior to the execution of the contract, the successful bidder shall execute and deliver to the Executive Director an original signed copy of the completed Mississippi Prime Contractor Certification (Form No. 1; sample attached) and Arkansas Prime Contractor Certification (sample attached).

Failure of the bidder to execute and file the completed Prime Contractor Certifications shall be just cause for the cancellation of the award.

The executed Prime Contractor Certifications shall be prima facie evidence that the bidder has examined the permit, is satisfied as to the terms and conditions contained therein, and that the bidder assumes the responsibility for meeting all permit terms and conditions and for performing permit requirements including, but not limited to, the inspection and reporting requirements. For this project, the Contractor shall furnish, set up and read, as needed, an on-site rain gauge.

The Contractor shall make weekly inspections* and shall furnish the Project Engineer with the results of each inspection as soon as possible following the date of inspection. A copy of the completed inspection form provided with the packet shall be sufficient. The weekly inspections* must be documented monthly on the Inspection and Certification Form. The Contractor's representative and the Project Engineer shall jointly review and discuss the results of the inspections so that corrective action can be taken. The Project Engineer shall be provided copies of all inspection reports. Based on the results of the inspection, the site description identified in the plan in accordance with Part II.A.4.a of the Permit and pollution prevention measures identified in the plan in accordance with Part II.A.4.b of the Permit shall be revised as appropriate, but in no case more than seven (7) calendar days following the inspection. Such

modifications shall provide for timely implementation of any changes to the plan within seven (7) calendar days following the inspection.

* An additional inspection is required within 24 hours of the end of every 0.5 inch rainfall event.

An amount equal to 25 percent (25%) of the total estimated value of the work performed during each period in which the Contractor fails to submit monthly the completed Inspection and Certification Form to the Project Engineer will be withheld from the Contractor's earned work. Thereafter, on subsequent successive estimate periods, the percentage withheld will be increased at the rate of 25 percent per estimate period in which the non-conformance with this specification continues. Monies withheld for this non-conformance will be released for payment on the next monthly estimate for partial payment following the date the monthly submittal of the completed Inspection and Certification Form is brought back into compliance with this specification.

Securing a permit (s) for storm water discharge associated with the Contractor's activity on any other regulated area the Contractor occupies, shall be the responsibility of the Contractor.

Form No. 1

PRIME CONTRACTOR CERTIFICATION

(file prior to the Issuance of Notice to Proceed)

WHEN THE PERSON WHO HAS COMPLETED PAGES 1 AND 2 IS NOT THE PRIME CONTRACTOR, PAGE 3 MUST BE COMPLETED AND SIGNED BY THE PRIME CONTRACTOR. HOWEVER, THIS IS UNNECESSARY WHEN THE PRIME CONTRACTOR HAS ALREADY COMPLETED, SIGNED AND SUBMITTED PAGES 1 AND 2.

PRIME CONTRACTOR'S MAILING ADDRESS AND TELEPHONE NUMBER:

NAME: _____

NUMBER AND STREET (P.O. BOX): _____

CITY: _____ STATE: _____ ZIP: _____

TELEPHONE NUMBER (INCLUDING AREA CODE): _____

NAME OF OWNER: _____

STORM WATER GENERAL NPDES PERMIT NUMBER: _____

PROJECT NAME: _____

PROJECT LOCATION: _____

PERMIT COVERAGE FOR BORROW AND TOPPING PITS MAY BE NEEDED AND MUST BE APPLIED FOR SEPARATELY.

I CERTIFY THAT I AM THE PRIME CONTRACTOR OF THIS PROJECT AND WILL COMPLY WITH ALL THE REQUIREMENTS IN THE ABOVE REFERENCED GENERAL NPDES PERMIT.

SIGNATURE

DATE SIGNED

PRINTED NAME

TITLE

THIS APPLICATION SHALL BE SIGNED ACCORDING TO THE GENERAL PERMIT, PART V.E., AS FOLLOWS:

- FOR A CORPORATION, BY A RESPONSIBLE CORPORATE OFFICER.
- FOR A PARTNERSHIP, BY A GENERAL PARTNER.
- FOR A SOLE PROPRIETORSHIP, BY THE PROPRIETOR.
- FOR A MUNICIPAL, STATE OR OTHER PUBLIC FACILITY, BY EITHER A PRINCIPAL EXECUTIVE OFFICER, THE MAYOR, OR RANKING ELECTED OFFICIAL.

INDUSTRIAL BRANCH
 OFFICE OF POLLUTION CONTROL
 P.O. BOX 10385
 JACKSON, MISSISSIPPI 39289-0385
 (601) 961-5171

**ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY
PRIME CONTRACTOR'S CERTIFICATION**

Prime Contractor's Certification Statement for the Arkansas Department of Environmental Quality's National Pollutant Discharge Elimination System (NPDES) Permit No. ARR150000, Owners or Operators of Facilities Discharging Storm Water Associated with Construction Activity Located in the State of Arkansas

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

Printed Name: _____ Title: _____

Signature: _____ Date: _____

Company Name _____ Telephone Number _____

Company Address _____ Project Number _____

Arkansas Sample Form



October 13, 2005

Marion Butler, Environmental Division Head
 AHTD
 P.O. Box 2261
 Little Rock, AR 72203-2261

RE: Storm Water Pollution Prevention Plan (SWPPP) Completeness Evaluation, AHTD Job No. 020414

Dear Mr. Butler:

The Storm Water Pollution Prevention Plan (SWPPP) for the above referenced construction project has been reviewed. The plan was found to be administratively complete. Enclosed please find the completeness checklist that was used in reviewing the SWPPP. Upon submittal of a Notice of Intent (NOI) for permit coverage, a construction permit can be issued for the referenced construction project.

Please be aware that the Department's evaluation of the SWPPP is to ensure the plan contains the minimum elements as required by Part II, Section A, paragraph 4 of the permit. ADEQ does not make a determination of the effectiveness of the SWPPP. The Permit requires you to evaluate the effectiveness of the SWPPP and make whatever changes are necessary to ensure the plan is effective (see Part II, Section A, paragraph 3 of the permit) and meets the goals contained in Part II, Section A, paragraph 4, b, ii, A. Please be sure that any changes made as a result of your evaluation of the effectiveness of the SWPPP are incorporated into the written SWPPP.

If you have any questions concerning this matter, please feel free to contact me at (501) 682-0621, or E-mail me at fuller@adeq.state.ar.us.

Sincerely,

Kimberly A. Fuller, E.I.
 Engineer II
 Storm Water Runoff Permits
 NPDES Branch

Post-It® Fax Note	7671	Date	10-31-05	# of pages	3
To	Keith Purvis	From	Brenda Price		
Co./Dept.	ADOT	Co.	AHTD-Env		
Phone #	601-359-7256	Phone #	501-569-2284		
Fax #	601-359-7063	Fax #			

Storm Water Pollution Prevention Plan (SWPPP) Completeness Checklist

Permittee: AHTD
Project Name: Job No. 020414, MDOT Hwy 82 Bridge
Project City: Chicot County

Tracking Number: ARR15 N/A

Yes No N/A

Notes

A. A site description, including:

X			1. The nature of the activity?
X			2. Intended sequence of major construction activities.
X			3. The total area of the site.
X			4. The area of the site that is expected to undergo excavation.
X			5. The runoff coefficient of the site after construction is complete.
X			6. Existing soil or storm water data.

B. Site Map showing:

X			1. Drainage patterns.
X			2. Approximate slopes after major grading.
X			3. Area of soil disturbance.
X			4. Outline of areas which will not be disturbed.
X			5. Location of major structural and non-structural controls.
X			6. Areas where stabilization practices are expected to occur.
		X	7. Surface waters.
X			8. Storm water discharge locations.
X			9. The name of the receiving water(s).

Grading contained on cross section drawings.

C. Description of Controls:

X			1. Erosion and sediment controls, including:
			a) Stabilization practices for all areas disturbed by construction.
X			b) Structural practices for all drainage/discharge locations.
		X	c) Description and placement of sedimentation basin if applicable.
X			2. Storm Water management controls, including:
			a) Measures used to control pollutants occurring in storm water discharges after construction activities are complete.
X			b) Velocity dissipation devices to provide non-erosive flow conditions from the discharge point along the length of any outfall channel.
X			3. Other controls including:
			a) Waste disposal practices which prevent discharge of solid materials to waters of the U. S.?
X			b) Measures to minimize offsite tracking of sediments by construction vehicles.
X			c) Measures to ensure compliance with State or local waste disposal, sanitary sewer, or septic system regulations.
X			4. Description of the timing during the construction when measures will be implemented.

Practices described in reference document.

Practices described in reference document.

Practices described in reference document.

Practices described in reference document.

Practices described in reference document.

Practices described in reference document.

X Are State or local requirements incorporated into the plans?

X Are maintenance procedures for control measures identified in the plan?

Storm Water Pollution Prevention Plan (SWPPP) Completeness Checklist

Permittee: AHTD
 Project Name: Job No. 020414, MDOT Hwy 82 Bridge
 Project City: Chicot County

Tracking Number: ARR15 N/A

F. Are inspection procedures identified in the plan?

G. Documentation of permit eligibility related to Total Maximum Daily Loads (TMDL).

H. Documentation of attainment of Water Quality Standards after authorization.

I. Identification of allowable non-storm water measures identified in the plan?

J. Contractor certification.

K. Plan certification.

Practices described in reference document.

Permit No. ARR150000

**AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM AND THE ARKANSAS WATER AND AIR POLLUTION CONTROL
ACT**

In accordance with the provisions of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et seq.), and the Clean Water Act (33 U.S.C. 1251 et seq.),

**Owners or operators of Facilities Discharging Storm Water Associated With
Construction Activity Located in the State of Arkansas**

are authorized to discharge

to all receiving waters

in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I and II herein.

This permit shall become effective on November 1, 2003.

This permit and the authorization to discharge shall expire at midnight, October 31, 2008.

Signed this 30th day of September, 2003.

Martin Maner, P.E.
Chief, Water Division
Arkansas Department of Environmental Quality

TABLE OF CONTENTS

Part	Section	Title	Page Number
I		Permit Requirements	1
	A	Permit Requirements Summary Flowchart	2
	B	Coverage Under This Permit	5
		Permit Area	5
		Eligibility	5
		Limitations on Coverage	7
		Requiring an Individual NPDES Permit	9
		Waivers from Permit Coverage	9
		Authorization	10
		Notice of Intent Requirements	12
		Notice of Termination Requirements	15
	C	Other Requirements	16
		Prohibition of Non-Storm Water Discharges	16
		Releases in Excess of Reportable Quantities	16
		Responsibilities of Operators	17
II		Standard Conditions	18
	A	Storm Water Pollution Prevention Plans	19
		Deadlines for Plan Preparation and Compliance	19
		Signature and Plan Review	19
		Keeping Plans Current	20
		Contents of Plan	20
		Non-Storm Water Discharges	26
		Contractors	26
	B	Standard Permit Conditions	27
		Retention of Records	27
		Duty to Comply	27

TABLE OF CONTENTS

Part	Section	Title	Page Number
		Penalties for Violations of Permit Conditions	27
		Continuance of Expired General Permit	27
		Need to Halt or Reduce Activity Not a Defense	27
		Duty to Mitigate	28
		Duty to Provide Information	28
		Other Information	28
		Signatory Requirements	28
		Certification	29
		Penalties for Falsification of Reports	29
		Penalties for Tampering	29
		Oil and Hazardous Substance Liability	30
		Property Rights	30
		Severability	30
		Transfers	30
		Proper Operation and Maintenance	30
		Inspection and Entry	30
		Permit Actions	31
		Re-Opener Clause	31
	C	Definitions	32
Attachment	A	Construction Site Notice	38

PART I
PERMIT REQUIREMENTS

Information in **Part I** is organized as follows:

Section A: Permit Requirements Summary Flowchart

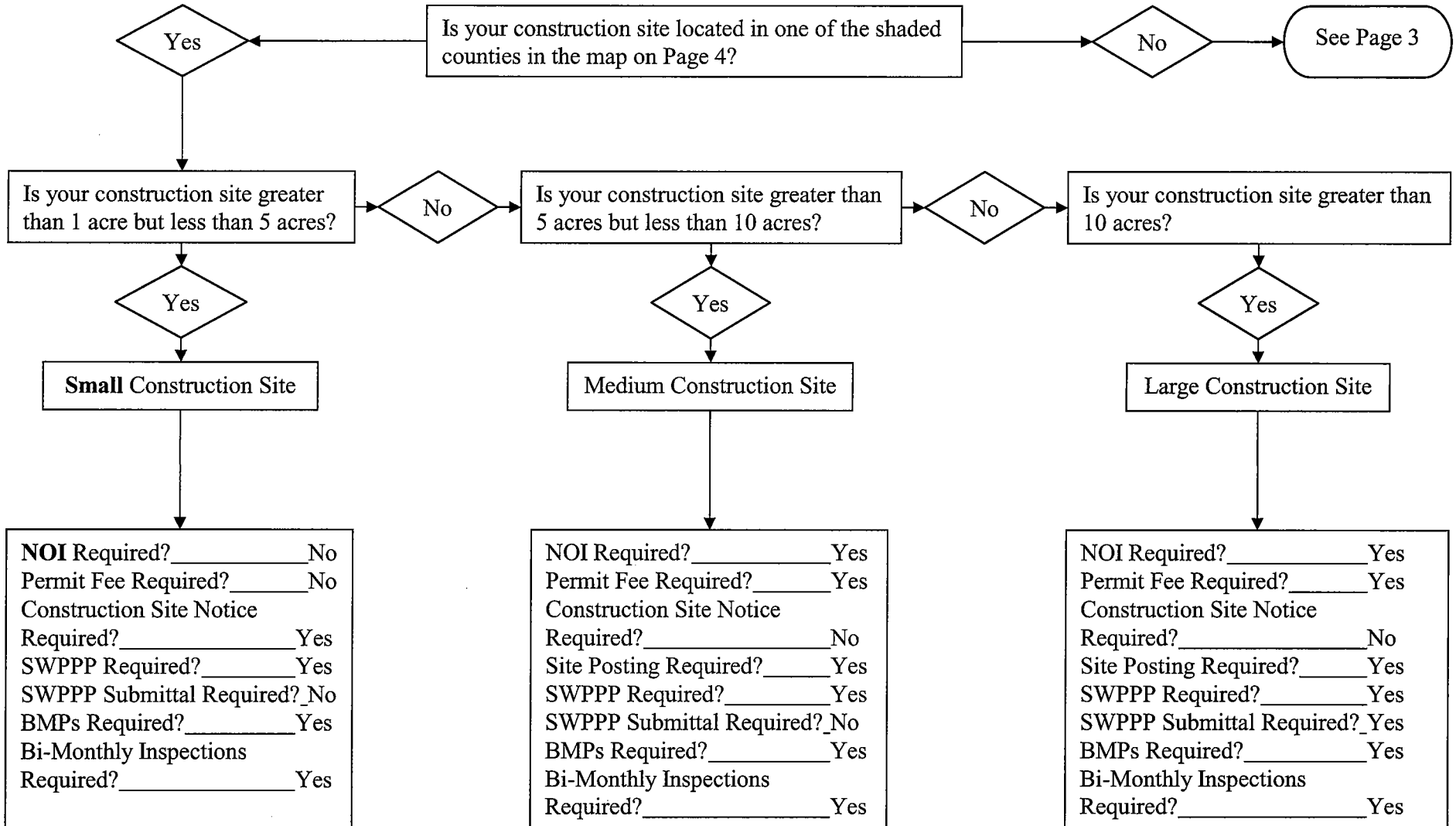
Section B: Coverage Under this Permit:

1. Permit Area
2. Eligibility
3. Limitations on Coverage
4. Requiring an Individual NPDES Permit or an Alternative General Permit
5. Waivers from Permit Coverage
6. Authorization
7. Notice of Intent Requirements
8. Notice of Termination Requirements

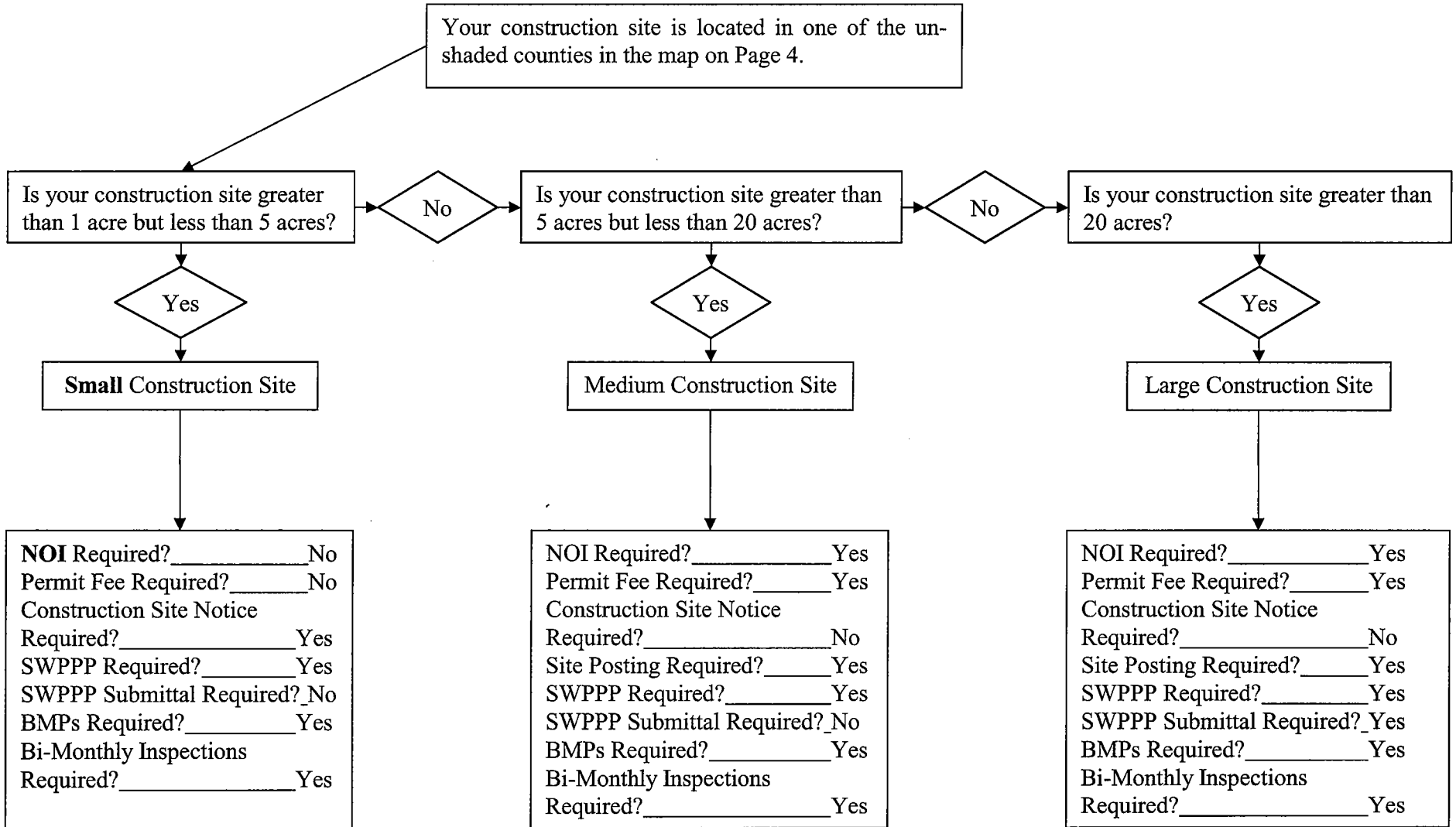
Section C: Other Requirements:

1. Prohibition of Non-Storm Water Discharges
2. Releases in Excess of Reportable Quantities
3. Responsibilities of Operators

SECTION A: PERMIT REQUIREMENTS SUMMARY FLOWCHART



SECTION A: PERMIT REQUIREMENTS SUMMARY FLOWCHART (CONT.)



SECTION A: PERMIT REQUIREMENTS SUMMARY FLOWCHART (CONT.)



Map Created by Water Division Planning Section, 2003

SECTION B: COVERAGE UNDER THIS PERMIT

1. **Permit Area.** This general permit includes all areas within the State of Arkansas.

2. **Eligibility.**

a. Except for storm water discharges identified under Part I.B.3 below, this permit shall authorize all discharges of storm water from the following construction sites (henceforth referred to as storm water discharges from construction activities) occurring after the effective date of this permit (including discharges occurring after the effective date where the construction activity commenced before the effective date):

i. **Large Construction Sites:** any construction activity that meets one of the following two definitions:

A. Construction sites that will result in the disturbance (e.g., clearing, grading, excavating, etc.) of **ten (10)** or more acres of total land area or less than **ten (10)** acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb **ten (10)** acres or more located in the following counties:

Baxter	Garland	Newton	Sharp
Benton	Hot Spring	Perry	Stone
Boone	Howard	Pike	Van Buren
Carroll	Independence	Polk	Washington
Clark	Izard	Pope	White
Cleburne	Johnson	Pulaski	Yell
Conway	Lawrence	Randolph	
Crawford	Logan	Saline	
Faulkner	Madison	Scott	
Franklin	Marion	Searcy	
Fulton	Montgomery	Sebastian	

B. Construction sites that will result in the disturbance (e.g., clearing, grading, excavating, etc.) of **twenty (20)** or more acres of total land area or less than **twenty (20)** acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb **twenty (20)** acres or more located in the following counties:

Arkansas	Crittenden	Jefferson	Nevada
Ashley	Cross	Lafayette	Ouachita
Bradley	Dallas	Lee	Phillips
Calhoun	Desha	Lincoln	Poinsett
Chicot	Drew	Little River	Prairie
Clay	Grant	Lonoke	Sevier
Cleveland	Greene	Miller	St. Francis
Columbia	Hempstead	Mississippi	Union
Craighead	Jackson	Monroe	Woodruff

ii. **Medium Construction Sites:** any construction activity that meets one of the following two definitions:

- A. Construction sites that will result in the disturbance (e.g., clearing, grading, excavating, etc.) of greater than **five (5)** acres and less than **ten (10)** acres of total land area or less than **five (5)** acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb **five (5)** acres or more, but less than ten (10) acres, located in one of the counties identified in Part I.B.2.a.i.A above.
- B. Construction sites that will result in the disturbance (e.g., clearing, grading, excavating, etc.) of greater than **five (5)** acres and less than **twenty (20)** acres of total land area or less than **five (5)** acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb **five (5)** acres or more, but less than twenty (20) acres, located in one of the counties identified in Part I.B.2.a.i.B above.

iii. **Small Construction Sites:** any construction activity that meets the following definition:

- A. Construction sites that will result in the disturbance (e.g., clearing, grading, excavating, etc.) of greater than or equal to **one (1)** acre and less than **five (5)** acres of total land area or less than **one (1)** 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 **one (1)** acre or more, but less than five (5) acres.

- (1) Road, pipeline, and utility maintenance activities are not regulated under this permit unless one or more acres of underlying and/or surrounding soil are cleared, graded, or excavated as part of the operation.

b. This permit also authorizes storm water discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, borrow areas) provided:

- i. The support activity is directly related to a construction site that is required to have NPDES permit coverage for discharges of storm water associated with the construction activity;
- ii. 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
- iii. Appropriate controls and measures are identified in a storm water pollution prevention plan covering the discharges from the support activity areas.

3. **Limitations on Coverage.** The following storm water discharges associated with construction activity are not covered by this permit:



- a. Storm water discharges associated with construction activity that originate from the site after construction activities have been completed and the site has undergone final stabilization.
- b. Discharges that are **mixed with** sources of **non-storm** water. (See Part I.C.1.a on page 16)
- c. Storm water discharges from facilities with an existing NPDES individual or general permit for storm water discharges or which are issued a permit in accordance with Part I.B.4 of this permit. Such discharges may be authorized by this permit after an existing permit expires provided the expired permit did not establish numeric effluent limitations for such discharges.
- d. Storm water discharges from construction sites that the Director has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard.
- e. Discharges to waters for which there is a total maximum daily load (TMDL) allocation are not eligible for coverage under this permit unless you develop and certify a storm water pollution prevention plan (SWPPP) that is consistent with the assumptions and requirements in the approved TMDL. To be eligible for coverage under this general permit, operators must incorporate into their SWPPP any conditions applicable to their discharges necessary for consistency with the assumptions and requirements of the TMDL within any timeframes established in the TMDL. If a specific numeric wasteload allocation has been established that would apply to the project's discharges, the operator must incorporate that allocation into its SWPPP and implement necessary steps to meet that allocation.
- f. Discharges that the Department, prior to authorization under this permit, determines will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. Where such a determination is made prior to authorization, the Department may notify you that an individual permit application is necessary in accordance with Part I.B.4. However, the Department may authorize coverage under this permit after inclusion of appropriate controls and implementation procedures in the SWPPP designed to bring the discharge into compliance with water quality standards.

- g. Storm water discharges from construction sites if the discharge or clearing activities are likely to adversely affect a **listed endangered or threatened species or its critical habitat***

*For a **list of endangered or threatened species**, contact the Arkansas Natural Heritage Commission at (501) 324-9619 or www.naturalheritage.com or the U.S. Fish and Wildlife Service at (501) 324-5643 www.fws.gov.

- h. Discharges which are not in compliance with the Endangered Species Act (ESA). In order to obtain coverage, the applicant must certify to meeting one of the following criteria.



The criteria are as follows:

- i. The storm water discharge(s), and the construction and implementation of Best Management Practices (BMPs) to control storm water runoff, are not likely to adversely affect species or critical habitat for a listed species; or
- ii. The applicant's activity has received previous authorization under section 7 or section 10 of the Endangered Species Act and that authorization addressed storm water discharges and/or BMPs to control storm water runoff (e.g. developer included impact of the entire project in consultation over a wetlands dredge and fill permit under Section 7 of the Endangered Species Act); or
- iii. The applicant's activity was considered as part of a larger, more comprehensive assessment of impacts on endangered and threatened species under section 7 or section 10 of The Endangers Species Act that which accounts for storm water discharges and BMPs to control storm water runoff (e.g., where an area wide habitat conservation plan and section 10 permit is issued which addresses impacts from construction activities including those from storm water, or a National Environmental Policy Act (NEPA) review is conducted which incorporates ESA section 7 procedures); or
- iv. Consultation under section 7 of the Endangered Species Act is conducted for the applicant's activity which results in either a no jeopardy opinion or a written concurrence on a finding of a no likelihood of adverse effects: or
- v. The applicant's activity was considered as part of a larger, more comprehensive site-specific assessment of impacts on endangered and threatened species by the owner or other operator of the site and that owner or operator certified eligibility under item (1), (2), (3), or (4) above (e.g., owner was able to certify no adverse impacts for the project as a whole under item (1), so the contractor can the certify under item (5)).

The State of Arkansas notes that it is **requiring all** applicants to follow directions to ensure protection of the **listed species and critical habitat** when applying for permit coverage. Those directions require that applicants assess the impacts of their "storm water discharges" and "BMPs to control storm water run off" on listed species and critical habitat that are located in "proximity" to

those discharges and BMPs are planned or are to be constructed. This definition reflects the purpose of this permit which regulates storm water discharges and measures (i.e., BMPs) to control those discharges.

4. **Requiring an Individual NPDES Permit.**

- a. The Director may require any person authorized by this permit to apply for and obtain an individual NPDES permit. Any interested person may petition the Director to take action under this paragraph.
- b. The Director may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required.
 - i. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit as it applies to the individual owner or operator, coverage under this general permit shall automatically terminate.
 - ii. The Director may grant additional time to submit the application upon request of the applicant.
 - iii. Coverage under this permit will be terminated if an owner or operator fails to submit the Individual NPDES permit application in a timely manner as required by the Director.
- c. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request to the Director. The request may be granted by issuance of any individual permit if the reasons cited by the owner or operator are adequate to support the request. However, the permittee **must comply with this permit until** an individual permit is issued.
- d. When an individual NPDES permit is issued to a discharger otherwise subject to this permit, the applicability of this permit to the individual NPDES owner or operator is automatically terminated on the effective date of the individual permit. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, the applicability of this permit to the individual NPDES owner or operator remains in effect, unless otherwise specified by the Director.

5. **Waivers from Permit Coverage.** The Director may waive the otherwise applicable requirements of this general permit for storm water discharges from some small construction activities (e.g., sites disturbing between one and five acres of total land area) under the terms and conditions described in this section.

- a. **Waiver Applicability and Coverage.** Operators of small construction activities may apply for and receive a waiver from the requirements to obtain authorization under this general permit where:

- i. The calculated **rainfall erosivity (R) factor** for the entire period of the construction project is less than five (5);
 - ii. The operator submits a signed waiver certification form, supplied by the Director, certifying that the construction activity will commence and be completed within a period when the value of the calculated rainfall erosivity (R) factor is less than five (5); and
 - iii. The waiver certification form is submitted to the Department **at least 48 hours before** construction activity begins.
- b. Activities Extending Beyond the Waiver Period. If a construction activity extends beyond the approved waiver period due to circumstances beyond the control of the operator, the operator **must either:**
- i. Recalculate the rainfall erosivity (R) factor using the original start date and the new projected ending date, and if the R factor is still under five (5), **submit a new** waiver certification form at least 48 hours before the end of the original waiver period; or
 - ii. **Develop and implement** a storm water pollution prevention plan in accordance with the requirements of **Part II** of this permit **at least 48 hours before** the end of the approved waiver period.

6. Authorization.

a. Large Construction Sites

- i. An owner or operator of a large construction site must submit a Notice of Intent (NOI) and a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirements of Part I.B.7 of this permit in order for storm water discharges from large construction sites to be authorized to discharge under this general permit. **An initial permit fee of \$200.00 must accompany the NOI under the provisions of ADEQ Regulation No.9. Subsequent annual fees of \$200.00 per year will be billed by the Department.** Failure to remit the required permit fee may be grounds for the Director to deny coverage under this general permit.
- ii. Where a new operator is selected after the submittal of an NOI under Part I.B.7, a new Notice of Intent **must** be submitted by the operator in accordance with Part I.B.7.a.iv.

iii. Unless notified by the Director to the contrary, dischargers who submit a Notice of Intent in accordance with the requirements of this permit are authorized to discharge storm water from construction sites under the terms and conditions of this permit **two weeks after** the date the NOI is postmarked. Upon review of the NOI and other available information, the Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit.

b. Medium Construction Sites

i. An owner or operator of a medium construction site must submit a Notice of Intent (NOI) in accordance with the requirements of Part I.B.7 of this permit in order for storm water discharges from medium construction sites to be authorized to discharge under this general permit. **An initial permit fee of \$200.00 must accompany the NOI under the provisions of ADEQ Regulation No.9. Subsequent annual fees of \$200.00 per year will be billed by the Department.** Failure to remit the required permit fee may be grounds for the Director to deny coverage under this general permit.

ii. Where a new operator is selected after the submittal of an NOI under Part I.B.7, a new Notice of Intent **must** be submitted by the operator in accordance with Part I.B.7.a.iv.

iii. Unless notified by the Director to the contrary, dischargers who submit a Notice of Intent in accordance with the requirements of this permit are authorized to discharge storm water from construction sites under the terms and conditions of this permit **two weeks after** the date the NOI is postmarked. Upon review of the NOI and other available information, the Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit.

c. Small Construction Sites

i. In accordance with 40 CFR 122.28(b)(2)(v), the owner or operator of a small construction site, that meets the eligibility criteria set forth in this general permit and in 40 CFR 122.28 (a) and (b), may discharge under this general permit without submitting a NOI.

ii. An owner or operator of a small construction site, as described in Part I.B.6.C.i above, is automatically authorized to discharge storm water related to construction activities under this general permit. **Submittal of an NOI or general permit fee is not required for coverage under this general permit.**

7. **Notice of Intent Requirements**

a. **Deadlines for Notification.**

i. Except as provided in Part I.B.7.a.iv and Part I.B.7.a.v individuals who intend to obtain coverage for storm water discharges from medium and large construction sites under this general permit, shall submit a Notice of Intent (NOI) in accordance with the requirements of this Part **at least two weeks prior** to the commencement of construction at any site that will result in the disturbance of **five (5)** or more acres of total land area.

ii. Large Construction

A. **Ongoing Projects:** Operators of ongoing large construction projects as of the effective date of this permit that received authorization to discharge for these projects under the 1998 construction general permit (ARR10A000 issued July 1, 1998) **must:**

- (1) **For the first 90 days** from the effective date of this permit (i.e., grace period), comply with the terms and conditions of the **previous** construction general permit they were previously authorized under; and
- (2) **Update** their storm water pollution prevention plan (SWPPP), **as necessary**, to **comply with** the requirements of Part II.A **within 90 days** of the effective date of this permit. (Submittal is not required.)

B. **New Projects:** Operators of large construction projects that commence construction after the effective date of this permit **must:**

- (1) **Submit an NOI and a SWPPP to comply with the requirements of Part II.A at least two weeks prior to commencement of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities). The SWPPP may be submitted for “pre-approval” two weeks prior to submittal of the NOI.**

iii. Medium Construction

A. **Ongoing Projects:** Operators of ongoing medium construction projects as of the effective date of this permit that received authorization to discharge for these projects under the 1998 construction general permit (ARR10A000 issued July 1, 1998) **must:**

- (1) **For the first 90 days** from the effective date of this permit (i.e., grace period), comply with the terms and conditions of the **previous** construction general permit they were previously authorized under; and

- (2) **Update** their storm water pollution prevention plan (SWPPP), **as necessary**, to **comply with** the requirements of Part II.A **within 90 days** of the effective date of this permit.
- B. **New Projects:** Operators of medium construction projects that commence construction after the effective date of this permit must:
- (1) Submit an NOI **two weeks prior to** commencement of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities); and
 - (2) Develop a SWPPP to comply with the requirements of Part II.A **prior to commencement** of construction activities.
- iv. Small Construction
- A. **Ongoing Projects:** Operators of ongoing small construction projects as of March 10, 2003 are automatically authorized to discharge storm water related to construction activities under this general permit and **must:**
- (1) Develop and implement a SWPPP to comply with the requirements of Part II.A within 90 days after the effective date of this permit (i.e., grace period). If the construction is completed and final stabilization achieved before the 90th day, development of a SWPPP is not required.
 - (2) Complete a Construction Site Notice, located in Attachment A to this permit, within 90 days after the effective date of this permit. **The signed Construction Site Notice shall be posted at the construction site in a prominent place for public viewing (such as alongside a building permit).**
- B. **New Projects:** Operators of small construction projects that commence construction after the effective date of this permit are automatically authorized to discharge storm water related to construction activities under this general permit and **must:**
- (1) **Develop and implement** a SWPPP to comply with the requirements of Part II.A **prior to commencement** of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities).
 - (2) Complete a Construction Site Notice, located in Attachment A to this permit, prior to commencement of construction activities. **The signed Construction Site Notice shall be posted at the construction site in a prominent place for public viewing (such as alongside a building permit).**

- v. **Change in Operator:** For storm water discharges from **large** and **medium** construction sites where the owner/operator changes, (including projects where an operator is selected after an NOI has been submitted under Part I.B.7.a above), a new NOI shall be submitted **at least two weeks prior to the operator beginning work at the site;** and
 - vi. **Late Notifications:** A discharger is not precluded from submitting an NOI in accordance with the requirements of this part after the dates provided in Part I.B.7.a of this permit. In such instances, the Director **may bring an enforcement action** for failure to submit an NOI **in a timely manner** or for any unauthorized discharges of storm water associated with industrial activity that have occurred on or after the dates specified in Part I.B.7.a.
- b. Failure to Notify. Owners or operators of **large** or **medium** construction sites who fail to notify the Director of their intent to be covered under this permit, and who discharge pollutants to waters of the State without an NPDES permit, **are in violation** of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended)
- c. Contents of the Notice of Intent.
- i. The Notice of Intent form must be the form obtained from the ADEQ (www.adeq.state.ar.us) unless written approval is received for an optional form.
 - ii. All Notices of Intent for coverage under this general permit must be signed in accordance with the provisions of 40 CFR 122.22, as adopted by reference in ADEQ Regulation No. 6, and Part II.B.9 of this permit, and submitted to the Department by **certified mail**.
 - iii. Owners and operators shall notify the Director upon permanent termination of discharge from their facilities. (See Part I.B.8)
- d. Where to Submit.
- i. Facilities which discharge storm water from **medium** and **large** construction sites must submit a complete signed original of the Notice of Intent to the Department at the following address. In addition, facilities which discharge storm water from a **large** construction site must also submit a complete SWPPP to the Department at the following address:

NPDES Permits/Storm Water
Department of Environmental Quality
P.O. Box 8913
Little Rock, AR 72219-8913
- e. Construction Site Posting for Medium and Large Construction Sites. **The Storm Water Construction General Permit Certificate, a copy of the NOI confirmation letter, or other indication that storm water discharges from the site are covered under an NPDES permit, and a brief description (shall include permit number) of the project shall be posted at the**

construction site in a prominent place for public viewing (such as alongside a building permit).

- f. **Additional Notification.** Facilities which are operating under approved State or local sediment and erosion plans, grading plans, local storm water permits, or storm water management plans, **in addition to** filing copies of the Notice of Intent in accordance with Part I.B.7, **shall submit** signed copies of the Notice of Intent to the State or local agency approving such plans in accordance with the deadlines in Part I.B.7 of this permit (or sooner if required by State or local rules).
 - g. **Reaffirmation of Permit Coverage.** Upon re-issuance of a new general permit, the owner or operator must notify the Director of his/her intent to be covered by the new general permit in the following manner.
 - i. Submit an NOI consistent with the new general permit requirements **no later than 90 days** following the effective date of the new general permit.
8. **Notice of Termination (NOT).** Where a site has been finally stabilized and all storm water discharges from construction activities authorized by this permit are eliminated, the operator of the facility must submit a Notice of Termination to the Director at the address in Part I.B.7.d that is signed in accordance with Part II.B.9 of this permit. Final stabilization is not required if the land is returned to its pre-construction agriculture use. **If a Notice of Termination is not submitted when the project is completed, owners and contractors will be responsible for annual fees due.**

SECTION C: OTHER REQUIREMENTS

1. Prohibition of Non-storm Water Discharges.

- a. All discharges covered by this permit shall be composed entirely of storm water except the following non-storm water discharges that are combined with storm water may be authorized by this permit:
 - i. Discharges from fire fighting activities; fire hydrant flushings; water used to wash vehicles (where detergents are not used) or control dust in accordance with Part II.A.4.b.iii.B; potable water sources including uncontaminated waterline flushings; irrigation drainage; routine external building wash down which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled materials have been removed) and where detergents are not used; uncontaminated air conditioning or compressor condensate; uncontaminated springs; uncontaminated ground water; foundation or footing drains where flows are not contaminated with process materials such as solvents; and uncontaminated excavation dewatering.
- b. Except as provided in Part I.C.1.a above, discharges of material other than storm water must be in compliance with an individual NPDES permit issued for the discharge.



2. Releases in Excess of Reportable Quantities.

- a. The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. This permit does not relieve the owner or operator of the reporting requirements of 40 CFR Parts 110, 117 and 302. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reporting quantity established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302, occurs during a 24-hour period, the following action shall be taken:
 - i. Any person in charge of the facility is **required** to notify the National Response Center (NRC) (800-424-8802) in accordance with the requirements of 40 CFR 110, 40 CFR 117, or 40 CFR 302 **as soon as he/she has knowledge** of the discharge;
 - ii. The Owner or operator **shall submit** within **5** calendar days of knowledge of the release a **written** description of the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and steps to be taken in accordance with Part I.C.10.a.iii of this permit to the ADEQ at the address provided in Part I.B.7.d of this permit.
 - iii. The storm water pollution prevention plan described in Part II.A of this permit **must** be modified **within 14 calendar days** of knowledge of the release to:
 - A. Provide a description of the release and the circumstances leading to the release; and



all

- B. The date of the release;
 - iv. Additionally, the plan must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate. The modified plan **must be sent to this Department** for review.
 - b. Spills. This permit does **not** authorize the discharge of hazardous substances or oil resulting from an on-site spill.
3. **Responsibilities of operators.**
- a. **Permittees with operational control are responsible for compliance with all applicable terms and conditions of this permit as it relates to their activities on the construction site, including protection of endangered species and implementation of BMPs and other controls required by the SWPPP.**

PART II
STANDARD CONDITIONS

Information in **Part II** is organized as follows:

Section A: Storm Water Pollution Prevention Plans:

1. Deadlines for Plan Preparation and Compliance
2. Signature and Plan Review
3. Keeping Plans Current
4. Contents of Plan
5. Non-storm water discharges
6. Contractors

Section B: Standard Permit Conditions:

1. Retention of Records
2. Duty to Comply
3. Penalties for Violations of Permit Conditions
4. Continuance of Expired General Permit
5. Need to Halt or Reduce Activity Not a Defense
6. Duty to Mitigate
7. Duty to Provide Information
8. Other Information
9. Signatory Requirements
10. Certification
11. Penalties for Falsification of Reports
12. Penalties for Tampering
13. Oil and Hazardous Substance Liability
14. Property Rights
15. Severability
16. Transfers
17. Proper Operation and Maintenance
18. Inspection and Entry
19. Permit Actions
20. Re-Opener Clause

Section C: Definitions

SECTION A: STORM WATER POLLUTION PREVENTION PLANS (SWPPP).

A storm water pollution prevention plan (the plan) shall be developed for each construction site covered by this permit. The plan shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the plan required under this part as a condition of this permit.

1. Deadlines for Plan Preparation and Compliance.

a. Large Construction Sites

- i. The plan shall be completed and submitted for review along with an NOI to be covered under this permit and updated as appropriate. The plan may be submitted for “pre-approval” prior to submittal of an NOI. Submittals of updates to the plan during the construction process are required only if requested by the Director.

b. Medium Construction Sites

- i. The plan shall be completed prior to the submittal of an NOI to be covered under this permit and updated as appropriate.

c. Small Construction Sites

- i. The plan shall be completed prior to the commencement of construction activities and updated as appropriate.

2. Signature and Plan Review.

- a. The plan shall be signed in accordance with Part II.B.9, and be retained on-site at the facility which generates the storm water discharge in accordance with Part II.B.7 (Retention of Records) of this permit.

- b. The owner or operator shall make plans available, upon request, to the Director, the EPA, or a State or local agency approving sediment and erosion plans, grading plans, or storm water management plans, or, in the case of a storm water discharge associated with construction activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system.

- c. The Director, or authorized representative, may notify the owner or operator at any time that the plan does not meet one or more of the minimum requirements of this Part. Within 7 days of such

notification from the Director, (or as otherwise provided by the Director), or authorized representative, the owner or operator shall make the required changes to the plan and submit to the Director a written certification that the requested changes have been made.

3. **Keeping Plans Current.** The owner or operator shall amend the plan whenever there is a change in design, construction, operation, or maintenance which has a significant affect on the potential for the discharge of pollutants to the waters of the State and which has not otherwise been addressed in the plan or if the plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part II.A.4.b of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity. Amendments to the plan may be reviewed by ADEQ in the same manner as Part II.A.2 above.
4. **Contents of Plan.** The storm water pollution prevention plan shall include the following items:
 - a. **Site Description.** Each plan shall provide a description of the following:
 - i. A description of the nature of the construction activity;
 - ii. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading);
 - iii. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading or other activities;
 - iv. An estimate of the runoff coefficient of the site after construction activities are completed and existing data describing the soil or the quality of any discharge from the site;
 - v. A site map indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, the location of major structural and nonstructural controls identified in the plan, the location where stabilization practices are expected to occur, surface waters (including wetlands), and locations where storm water is discharged to a surface water;
 - vi. The name of the receiving water(s), or if the discharge is to a municipal separate storm sewer, the name of the operator of the municipal system, the ultimate receiving water(s), and the extent of wetland acreage at the site.
 - vii. **Endangered Species:** Information on endangered and threatened species including whether any endangered species are in proximity of the storm water discharge and BMPs to be constructed to control storm water runoff.
 - b. **Controls.** Each plan shall include a description of appropriate controls and measures that will be implemented at the construction site. The plan will clearly describe for each major activity identified in Part II.A.4.a.ii appropriate control measures and the timing during the construction process that

the measures will be implemented. (For example, perimeter controls for one portion of the site **will be installed** after the clearing and grubbing necessary for installation of the measure, but **before the** clearing and grubbing for the remaining portions of the site. Perimeter controls will be **actively maintained** until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed after final stabilization). The description and implementation of controls shall address the following minimum components:

i. Erosion and Sediment Controls.

A. Stabilization practices. A description of interim and permanent stabilization practices, **including site-specific** scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed areas are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, and preservation of mature vegetation and other appropriate measures. A **record of the dates** when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the plan. Except as provided in Parts II.A.4.b.i.A.(1) and (2) below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but **in no case more than 14 days** after the construction activity in that portion of the site has temporarily or permanently ceased.

- (1) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceases is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.
- (2) Where construction activity will **resume on a portion** of the site within 21 days from when activities ceased, (e.g. the total time period that construction activity is temporarily ceased is less than 21 days) then stabilization measures do not have to be initiated **on that portion** of the site by the 14th day after construction activity temporarily ceased.
- (3) In arid regions (areas with an average annual rainfall of 0-10 inches) and semi-arid regions (areas with an average annual rainfall of 10-20 inches), where the initiation of stabilization measures by the 14th day after construction activity has been temporarily or permanently ceased is precluded by seasonal arid conditions, stabilization measures shall be initiated as soon as practicable thereafter.

B. Structural practices.

- (1) A description of structural practices to divert flows from exposed soils, store

flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include:

- silt fences (installed **and maintained**)
- earth dikes
- drainage swales
- check dams
- subsurface drains
- pipe slope drains
- level spreaders
- storm drain inlet protection
- rock outlet protection
- sediment traps
- reinforced soil retaining systems
- gabions
- temporary or permanent sediment basins.

Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the Clean Water Act.

- (2) For **common drainage locations** that serve an area with **10 or more disturbed acres** at one time, a **temporary or permanent** detention basin based on either the smaller of **3600 cubic feet per acre**, or a size based on the runoff volume of a **10 year, 24 hour storm**, shall be provided where attainable until stabilization of the site. This does not apply to flows from offsite areas and flows from onsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around the sediment basin. For drainage **locations** which serve **10 or more disturbed acres** at one time and where a temporary sediment basin based on either the smaller of 3600 cubic feet per acres, or a size based on the runoff volume of a 10 year storm, **is not attainable**, sediment traps, silt fences, or equivalent sediment controls **are required for all side slope and down** slope boundaries of the construction area.
- (3) For drainage locations serving **less than 10 acres**, sediment traps, silt fences, or equivalent sediment controls are **required for all side slope and down** slope boundaries of the construction area **unless** a sediment basin providing storage based on either the smaller of 3600 cubic feet per acre, or a size based on the run off volume of a 10 year, 24 hour storm is provided.

- ii. **Storm Water Management.** A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Structural measures should be placed on

upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the Clean Water Act. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Owners or operators are only **responsible for the installation and maintenance** of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with industrial activity have been eliminated from the site.

A. Such practices may include:

- infiltration of runoff onsite
- flow attenuation by use of open vegetated swales and natural depressions
- storm water retention structures
- storm water detention structures (including wet ponds)
- sequential systems, which combine several practices

A goal of 80 percent removal of total suspended solids from these flows which exceed predevelopment levels should be used in designing and installing storm water management controls (where practicable). Where this goal is not met, the owner or operator shall provide justification for rejecting each practice listed above based on site conditions.

B. Velocity dissipation devices (e.g., rock check dam, hay bales, etc.) shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

iii. Other Controls.

- A. Waste disposal. No solid materials, including building materials, shall be discharged to waters of the United States, except as authorized by a Section 404 permit.
- B. Off-site vehicle tracking of sediments and the generation of dust shall be minimized.
- C. The plan shall ensure and demonstrate compliance with applicable State or local waste disposal, sanitary sewer or septic system regulations.

c. Approved State or Local Plans.

- i. Facilities which discharge storm water associated with industrial activity from construction activities must include in their storm water pollution prevention plan procedures and requirements specified in applicable sediment and erosion site plans, site permits or storm



water management plans approved by State or local officials. Requirements specified in sediment and erosion plans, site permits or storm water management plans approved by State or local officials that are applicable to protecting surface water are, upon submittal of an NOI for coverage under this permit, incorporated by reference and are enforceable under this permit even if they are not specifically included in a storm water pollution prevention plan required under this permit. This provision does not apply to provisions of master plans, comprehensive plans, non-enforceable guidelines or technical guidance documents that are not identified in a specific plan or permit that is issued for the construction site.

- ii. Dischargers seeking alternative permit requirements shall submit an individual permit application in accordance with Part I.B.4 of this permit to the Director, along with a description of why requirements in approved State or local plans or permits should not be applicable as a condition of an NPDES permit.

- d. Maintenance. A description of procedures to maintain in good and effective operating condition vegetation, erosion and sediment control measures and other protective measures identified in the site plan.

- e. Inspections. Qualified personnel (**provided by the discharger**) shall inspect disturbed areas of the construction site, areas used for storage of materials that are exposed to precipitation that have not been finally stabilized, and structural control measures and locations where vehicles enter or exit the site at least **once every fourteen (14) calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater.** Where sites have been finally stabilized or during seasonal arid periods in arid areas (areas with an average rainfall of 0-10 inches) and semi-arid areas (areas with an average rainfall of 10-20 inches) such inspection shall be conducted at least once every month.
 - i. Disturbed areas and areas used for material storage that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.

 - ii. Based on the results of the inspection, the site description identified in the plan in accordance with Part II.A.4.a of this permit and pollution prevention measures identified in the plan in accordance with Part II.A.4.b of this permit shall be revised as appropriate, but in no case more than 7 calendar days following the inspection. Such modifications shall provide for timely implementation of any changes to the plan within 7 calendar days following the inspection.

 - iii. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance

with paragraph II.A.4.e.ii of the permit shall be made and retained as part of the storm water pollution prevention plan for at least three (3) years from the date the site is finally stabilized. The report shall be signed in accordance with Part II.B.9 of this permit.

f. Documentation of Permit Eligibility Related to Total Maximum Daily Loads (TMDL). The SWPPP must include documentation supporting a determination of permit eligibility with regard to waters that have an established TMDL, including either:

i. Information on whether storm water discharges from the site enter a water body with an approved TMDL;

And

ii. A statement that the construction site's discharge is not identified in a TMDL applicable to that water body;

Or

iii. Information on whether storm water discharges from the site enter a water body with an approved TMDL;

iv. Identification of the pollutants that the TMDL addresses, specifically whether the TMDL addresses sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation);

v. Identification of whether the operator's discharge is identified, either specifically or generally, in the TMDL and any associated assumptions and allocations identified for the discharge; and

vi. Measures taken by the operator to ensure that its discharge of pollutants from the site is consistent with the assumptions and allocations of the TMDL.

g. Attainment of Water Quality Standards After Authorization.

i. The permittee must select, install, implement and maintain BMPs at the construction site that minimize pollutants in the discharge as necessary to meet applicable water quality standards. In general, except in situations explained in Part II.A.4.g.ii below, the SWPPP developed, implemented, and updated consistent with Part II.A.4 is considered as stringent as necessary to ensure that the discharges do not cause or contribute to an excursion above any applicable water quality standard.

ii. At any time after authorization, the Department may determine that the storm water discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. If such a determination is made, the Department will

require the permittee to:

- A. Develop a supplemental BMP action plan describing SWPPP modifications to address adequately the identified water quality concerns;
 - B. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
 - C. Cease discharges of pollutants from construction activity and submit an individual permit application according to Part I.B.4.
- iii. All written responses required under this part must include a signed certification consistent with Part II.B.9.
5. **Non-storm water discharges.** Except for flows from fire fighting activities, sources of non-storm water listed in Part I.C.1.a of this permit that are combined with storm water discharges associated with construction activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.
6. **Contractors.**
- a. The storm water pollution prevention plan **must clearly identify** for each measure identified in the plan, **the contractor(s) that will implement** the measure. **All contractors identified in the plan must sign a copy** of the certification statement required by Part II.A.6.b below in accordance with Part II.B.9 of this permit. All certifications must be included in the storm water pollution prevention plan.
 - b. **Certification statement.** All contractors identified in the storm water pollution prevention plan in accordance with Part II.A.6 of this permit shall sign a copy of the following certification statement before conducting any professional service at the site identified in the storm water pollution prevention plan:

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

The certification **must include** the name and title of the person providing the signature in accordance with Part II.B.9 of this permit; the **name, address, and telephone number** of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

SECTION B: STANDARD PERMIT CONDITIONS

1. Retention of Records.

- a. The owner or operator shall retain records of all storm water pollution prevention plans and all reports required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit, for a period of at least three years from the date the site is finally stabilized. This period may be extended by request of the Director at any time.
- b. The owner or operator shall retain a copy of the storm water pollution prevention plan required by this permit at the construction site from the date of project initiation to the date of final stabilization.

2. Duty to Comply. The owner or operator **must** comply with **all** conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Water Act and the Arkansas Water and Air Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

3. Penalties for Violations of Permit Conditions. The Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended) provides that any person who violates any provisions of a permit issued under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year, or a **fine of not more than twenty five thousand dollars (\$25,000) or by both such fine and imprisonment for each day of such violation.** Any person who violates any provision of a permit issued under the Act may **also** be subject to **civil penalty** in such amount as the court shall find appropriate, not to exceed **ten thousand dollars (\$10,000) for each day of such violation.** The fact that any such violation may constitute a misdemeanor shall not be a bar to the maintenance of such civil action.

4. Continuance of the Expired General Permit. An expired general permit continues in force and effect until a new general permit is issued. If this permit is not re-issued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedure Act and remain in force and effect. If you were granted permit coverage prior to the expiration date, you will automatically remain covered by the continued permit until the earliest of:

- a. Re-issuance or replacement of this permit, at which time you must comply with the conditions of the new permit to maintain authorization to discharge; or
- b. Your submittal of a Notice of Termination; or
- c. Issuance of an individual permit for the project's discharges; or
- d. A formal permit decision by the ADEQ to not re-issue this general permit, at which time you must seek coverage under an individual permit.

5. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for a owner or operator in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to

maintain compliance with the conditions of this permit.

6. **Duty to Mitigate.** The owner or operator shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has reasonable likelihood of adversely affecting human health or the environment.
7. **Duty to Provide Information.** The owner or operator shall furnish to the Director, an authorized representative of the Director, the EPA, a State or local agency approving sediment and erosion plans, grading plans, or storm water management plans, or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system, within a reasonable time, any information which is requested to determine compliance with this permit.
8. **Other Information.** When the owner or operator becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Director, he or she shall promptly submit such facts or information.
9. **Signatory Requirements.** All Notices of Intent, reports, or information submitted to the Director or the operator of a regulated small, medium, or large municipal separate storm sewer system shall be signed and certified.
 - a. All Notices of Intent shall be signed as follows:
 - i. For a corporation: by a responsible corporate officer. For purposes of this section, a responsible corporate officer means:
 - A. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - B. The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - ii. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - iii. For a municipality, State, Federal or other public agency: By either a principal executive or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - A. The chief executive officer of the agency; or

- B. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- b. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- i. The authorization is made in writing by a person described above and submitted to the Director;
 - ii. The authorization specifies either an individual or a person having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility, or position of equivalent responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 - iii. Changes to authorization. If an authorization under this Part is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the above requirements must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
10. **Certification.** Any person signing a document under this section shall make the following certification:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
11. **Penalties for Falsification of Reports.** The Arkansas Water and Air Pollution Control Act provides that 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 under this permit shall be subject to civil penalties specified in Part II.B.9 of this permit and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).
12. **Penalties for Tampering.** The Arkansas Water and Air Pollution Control act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year or a fine of not more than twenty five thousand dollars (\$25,000) or by both such fine and imprisonment.

13. **Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the owner or operator from any responsibilities, liabilities, or penalties to which the owner or operator is or may be subject under Section 311 of the Clean Water Act or Section 106 of CERCLA.
14. **Property Rights.** The issuance of this permit does not convey any property rights of any sort, 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.
15. **Severability.** The provisions of this permit are severable. If any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provisions to other circumstances, and the remainder of this permit, shall not be affected thereby.
16. **Transfers.** This permit is not transferable to any person except after notice to the Director. A new NOI must be submitted to the ADEQ as required in Part I.6.a.ii and Part I.6.b.ii of this permit.
17. **Proper Operation and Maintenance.** The owner or operator shall at all times:
 - a. Properly operate **and maintain all facilities and systems** of treatment and control (and related appurtenances) which are installed or used by the owner or operator to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a owner or operator only when the operation is necessary to achieve compliance with the conditions of the permit.
 - b. Provide an adequate operating staff which is duly qualified to carry out operation, maintenance and testing functions required to insure compliance with the conditions of this permit.
18. **Inspection and Entry.** The owner or operator shall allow the Director, the EPA, or an authorized representative, or, in the case of a construction site which discharges to a municipal separate storm sewer, an authorized representative of the municipal operator of the separate sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the owner or operator's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment);

19. **Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following;
- a. Violation of any terms or conditions of this permit; or
 - b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
 - c. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
 - d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or
 - e. Failure of the owner or operator to comply with the provisions of ADEQ Regulation No. 9 (Permit Fees). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to terminate this permit under the provisions of 40 CFR 122.64 and 124.5(d), as adopted by reference in ADEQ Regulation No. 6, and the provisions of ADEQ Regulation No. 8.
20. **Re-Opener Clause.**
- a. If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with industrial activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or an alternative general permit in accordance with Part I.B.4 of this permit or the permit may be modified to include different limitations and/or requirements.
 - b. Permit modification or revocation will be conducted in accordance with the provisions of 40 CFR 122.62, 122.63, 122.64 and 124.5, as adopted by reference in ADEQ Regulation No. 6.

SECTION C: DEFINITIONS

"Arid Areas" means areas with an average rainfall of 0 to 10 inches.

"Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

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

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

"CWA" means the Clean Water Act or the Federal Water Pollution Control Act.

"Dedicated Portable Asphalt Plant" means a portable asphalt plant that is located on or contiguous to a construction site that provides asphalt only to the construction site on which the plant is located or adjacent to. The term does not include facilities that are subject to the asphalt emulsion effluent guideline limitations at 40 CFR Part 443.

"Dedicated Portable Concrete Plant" means a portable concrete plant that is located on or contiguous to a construction site and that provides concrete only to the construction site on which the plant is located on or adjacent to.

"Director" means the Director, Arkansas Department of Environmental Quality, or a designated representative.

"Discharge" when used without qualification means the "discharge of a pollutant".

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

"Discharge-Related Activities" as used in this permit, include: activities that cause, contribute to, or result in storm water point source pollutant discharges, including but not limited to: excavation, site development, grading and other surface disturbance activities; and measures to control storm water including the siting, construction and operation of BMPs to control, reduce or prevent storm water pollution.

"Eligible" means qualified for authorization to discharge storm water under this general permit.

“Facility” or “Activity” means any NPDES “point source” or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

“Final Stabilization” means that:

- (i) All soil disturbing activities at the site have been completed and either of the two following criteria are met:
 - (1) A uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or
 - (2) Equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- (ii) When background native vegetation will cover less than 100% of the ground (e.g., arid areas, beaches), the 70% coverage criteria is adjusted as follows: if the native vegetation covers 50% of the ground, 70% of 50% ($0.70 \times 0.50 = 0.35$) would require 35% total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.
- (iii) In arid and semi-arid areas only, all soil disturbing activities at the site have been completed and both the following criteria have been met:
 - (1) Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance,
 - (2) The temporary erosion control measures are selected, designed, and installed to achieve 70% vegetative coverage within three years.
- (iv) For individual lots in residential construction, final stabilization means that either:
 - (1) The homebuilder has completed final stabilization as specified above, or
 - (2) The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.
- (v) For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction, etc.), final stabilization may be accomplished by returning the disturbed land to its pre-construction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to “water of the United States”, and areas which are not being returned to their pre-construction agricultural use must meet the final stabilization criteria in (i), (ii), or (iii) above.

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

"Large and Medium Municipal Separate Storm Sewer System" means all municipal separate storm sewer systems that are either:

- (i) Located in an incorporated place with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census: or
- (ii) Located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal, separate storm sewers that are located in the incorporated places, townships or towns within such counties; or
- (iii) Owned or operated by a municipality other than those described in paragraphs (i) or (ii) and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

"Large Construction Sites" mean any construction activity that meets one of the following two definitions:

- (i) Construction sites that will result in the disturbance of **ten (10)** or more acres of total land area or less than **ten (10)** acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb **ten (10)** acres or more located in the following counties:

Baxter	Garland	Newton	Sharp
Benton	Hot Spring	Perry	Stone
Boone	Howard	Pike	Van Buren
Carroll	Independence	Polk	Washington
Clark	Izard	Pope	White
Cleburne	Johnson	Pulaski	Yell
Conway	Lawrence	Randolph	
Crawford	Logan	Saline	
Faulkner	Madison	Scott	
Franklin	Marion	Searcy	
Fulton	Montgomery	Sebastian	

- (ii) Construction sites that will result in the disturbance of **twenty (20)** or more acres of total land area or less than **twenty (20)** acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb **twenty (20)** acres or more located in the following counties:

Arkansas	Crittenden	Jefferson	Nevada
Ashley	Cross	Lafayette	Ouachita
Bradley	Dallas	Lee	Phillips

Calhoun	Desha	Lincoln	Poinsett
Chicot	Drew	Little River	Prairie
Clay	Grant	Lonoke	Sevier
Cleveland	Greene	Miller	St. Francis
Columbia	Hempstead	Mississippi	Union
Craighead	Jackson	Monroe	Woodruff

“Medium Construction Sites” mean any construction activity that meets one of the following two definitions:

- (i) Construction sites that will result in the disturbance of greater than **five (5)** acres and less than **ten (10)** acres of total land area or less than **five (5)** acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb **five (5)** acres or more located in one of the counties identified in Part (i) of the Large Construction Site definition above.
- (ii) Construction sites that will result in the disturbance of greater than **five (5)** acres and less than **twenty (20)** acres of total land area or less than **five (5)** acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb **five (5)** acres or more located in one of the counties identified in Part (ii) of the Large Construction Site definition above.

“NOI” means Notice of Intent to be covered by this permit.

“NOT” means Notice of Termination.

“Operator” for the purpose of this permit and in the context of storm water associated with construction activity, means any party associated with a construction project that meets either of the following two criteria:

- (i) The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
- (ii) The party has day-to-day operational control of those activities at the project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions).

“Owner or Operator” means the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

“Physically Interconnected” means that one municipal separate storm sewer system is connected to a second municipal separate storm sewer system in such a way that it allows for direct discharges into the second system.

"Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

"Regulated Small Municipal Separate Storm Sewer System" means all municipal separate storm sewer systems that are either:

- (i) Located within the boundaries of an "urbanized area" with a population of 50,000 or more as determined by the latest Decennial Census by the Bureau of Census; or
- (ii) Owned or operated by a municipality other than those described in paragraph (i) and that serve a jurisdiction with a population of at least 10,000 and a population density of at least 1,000 people per square mile; or
- (iii) Owned or operated by a municipality other than those described in paragraphs (i) and (ii) and that contributes substantially to the pollutant loadings of a "physically interconnected" municipal separate storm sewer system.

"Runoff Coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"Semi-Arid Areas" means areas with an average rainfall of 10 to 20 inches.

"Small Construction Sites" mean any construction activity that meets the following definition:

- (i) Construction sites that will result in the disturbance of greater than **one (1)** acre and less than **five (5)** acres of total land area or less than **one (1)** 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 **one (1)** acre or more.

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

"Storm Water Associated with Construction Activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to construction activity. Discharges of storm water from large construction sites, medium construction sites, and small construction sites, as defined in Part I.B.2, (henceforth referred to as storm water discharges from construction activities).

"Storm Water Pollution Prevention Plan" or "SWPPP" means a plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the storm water, and a description of measures or practices to control these pollutants.

“Total Maximum Daily Load” or “TMDL” means the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for non-point sources and natural background. If a receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any non-point sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

“Urbanized Area” means the areas of urban population density delineated by the Bureau of the Census for statistical purposes and generally consisting of the land area comprising one or more central place(s) and the adjacent densely settled surrounding area that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile as determined by the latest Decennial Census by the Bureau of Census.

ATTACHMENT A

Permit No. ARR150000

CONSTRUCTION SITE NOTICE

FOR THE

Arkansas Department of Environmental Quality (ADEQ)
Storm Water Program

NPDES GENERAL PERMIT NO. ARR150000

The following information is posted in compliance with **Part I.B.7.a.iii** of the ADEQ General Permit Number **ARR150000** for discharges of storm water runoff from construction sites. Additional information regarding the ADEQ storm water program may be found on the internet at:

www.adeg.state.ar.us/water/branch_npdes/stormwater

Permit Number	ARR150000
Contact Name and Phone Number:	
Project Description: (Including estimated start date and projected end date, or date that disturbed soils will be stabilized.)	
Location of Storm Water Pollution Prevention Plan:	

For Construction Sites Authorized under **Part I.B.6.b** (Small Construction Sites Authorization) the following certification must be completed:

I _____ (Typed or Printed Name of Person Completing this Certification) certify under penalty of law that I have read and understand the eligibility requirements for claiming an authorization under Part I.B.2.a.iii of the ADEQ General Permit Number ARR150000. A storm water pollution prevention plan has been developed and implemented according to the requirements contained in Part I.B.7.a.iii of the permit. A copy of this signed notice is supplied to the operator of the MS4 if discharges enter a regulated small, medium, or large MS4 system as defined in Part II.C of the ADEQ General Permit Number ARR150000. I am aware there are significant penalties for providing false information or for conducted unauthorized discharges, including the possibility of fine and imprisonment for knowing violations.

Signature and Title

Date

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

SECTION 904 - NOTICE TO BIDDERS NO. 1037M

CODE: (SP)

DATE: 10/13/2005

SUBJECT: Southeast Arkansas Levee Board Requirements For Maintenance Road

**PROJECT: ACBR-9205-00(005) / 100332 – Washington County, Mississippi &
BRN-0009(26) / 020414 - Chicot County, Arkansas**

The following are requirements by the Southeast Arkansas Levee Board to construct a maintenance road on the levee:

1. MDOT Contractor must build cross-fence along both North and South MDOT right-of-way and connect to existing landside & riverside fences, if cattle or horses are grazing area covered by MDOT right of way that crosses levee board right of way. A cattle gap shall be placed at the North and South lines of MDOT right of way on levee maintenance road if cattle or horses are grazing area. (See Attached Exhibit 1) Application must be made by Contractor for both fence and cattle gap to levee district.
2. MDOT Contractor to maintain grass within new bridge MDOT right-of-way and Southeast Arkansas Levee Board right of way. Must cut at least once a month during the growing season and not allow grass to get over 12" tall.
3. No construction traffic on Levee Maintenance Road on top of levee at any time.
4. Contractor may elect to build a Temporary Haul Road up and over to levee to access the site. This ramp will allow the contractor to move all equipment, supplies, etc. from the landside to the riverside and vice versa. Temporary Haul Road specifications:
 - a. 3" minimum fill over existing levee,
 - b. 6" minimum crushed limestone surface,
 - c. Side slope to be a minimum of 1:20 to tie into existing Levee Maintenance Road. Surface to be 6" crushed limestone,
 - d. Side slopes shall be seeded with Bermuda turf,
 - e. Typical ramp crossing attached (See Attached Exhibit 2)
 - f. the new ramp must be built in a timely fashion as to not impeded Levee Board crews and authorized people from traveling the top of the levee,
 - g. Submit (3) copies of Temporary Haul Road plan to Levee Board for approval & Permit.
5. If MDOT Contractor must temporarily block Levee Maintenance Road on top of levee, prior permission from the Levee Board must be obtained.

6. No borrow within Levee Board right-of-way .
7. No borrow within 2,500' of the centerline of the levee without Levee Board approval.
8. No stockpiling of material within Levee Board right-of-way.
9. Utility crossings will be issued under a separate permit: electrical, pipeline, etc. Typical pipeline crossing detail available.(See Attached Exhibit 3); Aerial utility crossings: No Power poles, guy wires or other appendages shall be placed on the levee right of way or within six feet of the landside levee toe, or within forty feet of the riverside levee toe. The berm is considered part of the levee proper.

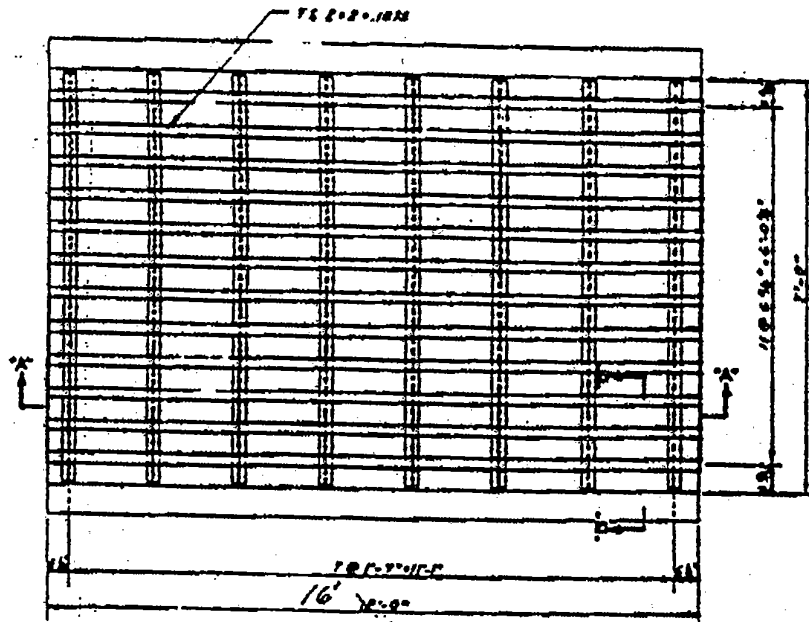
Submit (3) copies of utility crossing plan to Southeast Arkansas Levee Board for approval & Permit for Facilities on Levee Board right-of-way.

10. Levee Board reserves the right to shut down any subsurface landside and riverside activities once the Mississippi River gets to flood stage (Greenville gage 48 or higher).

You can contact the Southeast Arkansas Levee Board Attorney, David F. Gillison, Jr., by phone (870) 265-2235 or fax (870) 265-5668 or Wesley Wyckoff, Maintenance Supervisor, (870) 877-1073.

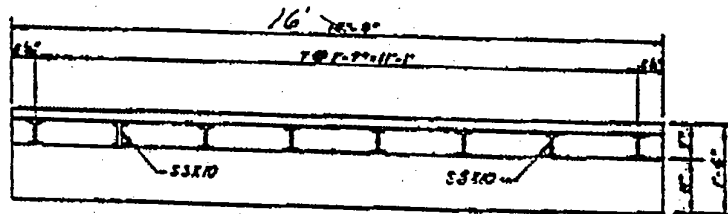
Mailing address is : Southeast Arkansas Levee Board
Attn: David F. Gillison, Jr.
P O Box 669
Lake Village, AR 71653

The cost, maintenance, and removal of the maintenance road(s) will be the responsibility of the Contractor.



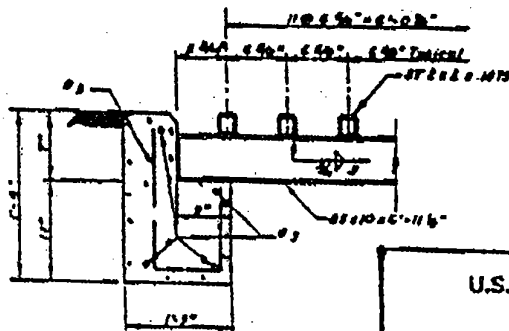
PLAN

SCALE: 3/8 IN. = 1 FT.



SECTION "A-A"

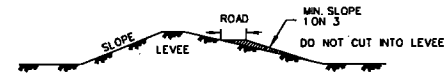
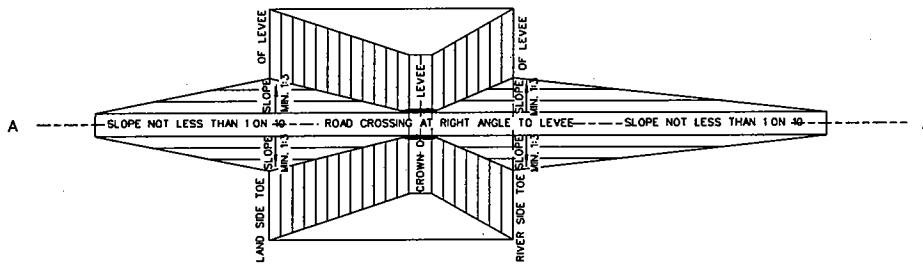
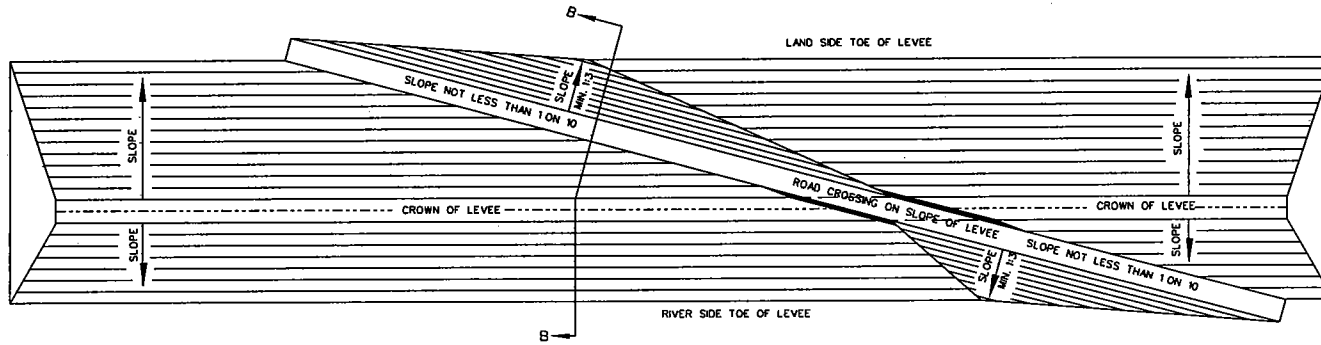
SCALE: 3/8 IN. = 1 FT.



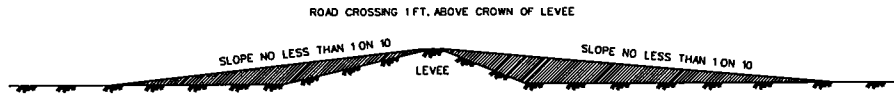
U.S. ARMY, CORPS OF ENGINEERS
VICKSBURG DISTRICT
TYPICAL CATTLE GAP CONSTRUCTION

EXHIBIT 1

F.A.P.	STATE PROJECT	PARISH	SHEET NO.



SECTION B - B
SHOWING ROAD CROSSING



SECTION THROUGH A - A

GENERAL NOTES

- SOD SHALL BE REMOVED AND LEVEE SURFACE SCARIFIED IN AREA TO RECEIVE FILL.
- FILL FOR ROAD CROSSING SHALL RECEIVE 95% COMPACTION
- FINISHED SLOPES OF ROADWAY FILL SHALL BE SODDED WITH A MINIMUM 6" LAYER OF MULCH SOD.
- MULCH SOD SHALL BE WATERED TO INSURE GROWTH WHERE NECESSARY.
- MATERIAL USED IN CONSTRUCTING RAMP SHALL BE SIMILAR IN KIND TO MATERIAL IN EXISTING LEVEE.

STANDARD
ROAD CROSSINGS
OVER LEVEES

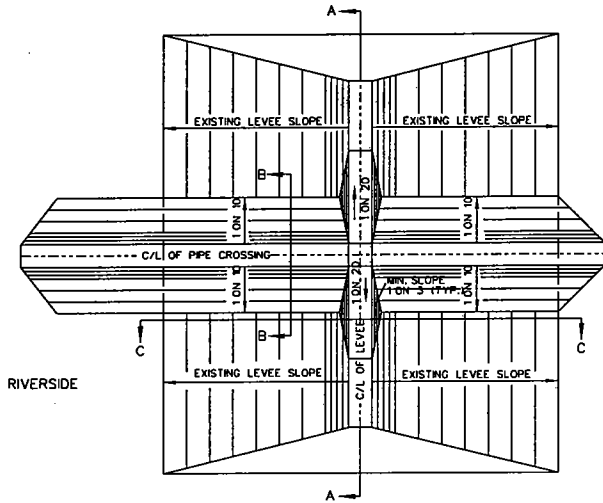
DAVID BECKWITH, 1988

STATE OF LOUISIANA					
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT					
DESIGNED	CHECKED	DATE	REVISIONS	DATE	BY

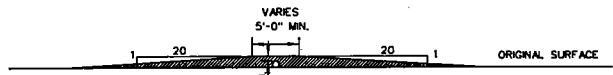
STANDARD PLAN

File No. M-720-2

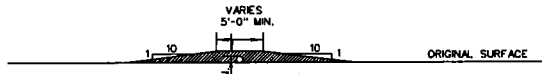
F.A.P.	STATE PROJECT	PARISH	SHEET NO.



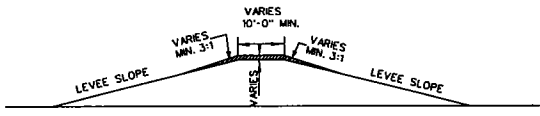
PLAN



SECTION A - A



SECTION B - B



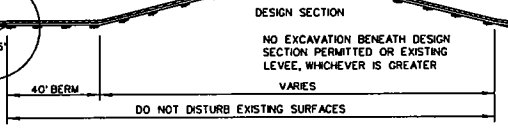
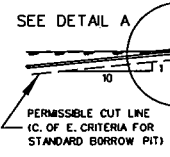
SECTION C - C

EXHIBIT 3

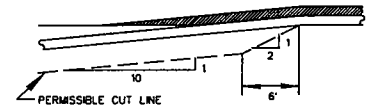
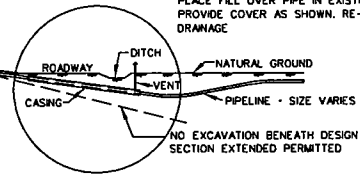
WHERE EXISTING LEVEE SECTION IS DEFICIENT, IT SHALL BE BUILT TO THE DESIGN SECTION, OTHERWISE, USE EXISTING LEVEE SECTION

CROWN WIDTH ON FILL SECTION - ORIGINAL CROWN WIDTH (10' MIN.)

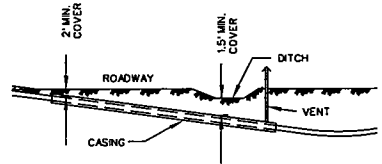
PLACE FILL OVER PIPE IN EXISTING DITCH TO PROVIDE COVER AS SHOWN, RE-ROUTE ROAD DRAINAGE



SECTION ALONG CROSSING C/L



DETAIL A



DETAIL B

ALL FRESH FILLS SHALL BE SODDED OR SEEDDED TO THE SATISFACTION OF THE LEVEE DISTRICT AND THE DEPT. OF TRANS. & DEVELOPMENT

THE CROWN RAMP OVER THE PIPELINE CROSSING SHALL BE SURFACED WITH ROADWAY WASHED GRAVEL SIX (6) INCHES IN THICKNESS OR SHELL NINE (9) INCHES IN THICKNESS FOR FULL WIDTH (10' MIN.) & LENGTH OF RAMP

FILL MATERIAL USED IN CONSTRUCTION OF RAMPS AND PIPE COVER SHALL BE SIMILAR TO MATERIAL IN EXISTING LEVEE SECTION.

PIPELINE MARKERS TO BE PLACED AND MAINTAINED AT EACH TOE OF LEVEE IN LINE WITH PIPE CROSSING AND INDICATING OWNER, SIZE AND NUMBER OF LINES, PRODUCT AND ADDRESS FOR CONTACTING OWNER.

TYPICAL PIPELINE LEVEE CROSSING

DAVID DECKER, 1988			
STATE OF LOUISIANA			
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT			
DESIGNED	BY	CHECKED	DATE
REVISIONS	DESCRIPTION	BY	DATE

STANDARD PLAN

File No. M-2159-1

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

SECTION 904 – NOTICE TO BIDDERS NO. 1042M

CODE: (SP)

DATE: 10/10/2005

SUBJECT: Petroleum Products Base Prices For Contracts Let in November, 2005

REFERENCE: Subsection 907-109.07

The following base prices are to be used for adjustment in compensation due to changes in costs of petroleum products:

FUELS

	<u>Per Gallon</u>	<u>Per Liter</u>
Gasoline	\$2.4093	\$0.6365
Diesel	\$2.8945	\$0.7646

MATERIALS OF CONSTRUCTION

<u>ASPHALT CEMENT</u>	<u>Per Gallon</u>	<u>Per Ton</u>	<u>Per Liter</u>	<u>Per Metric Ton</u>
Viscosity Grade AC-5	\$0.9729	\$230.83	\$0.2570	\$254.44
Viscosity Grade AC-10	\$0.9845	\$233.57	\$0.2601	\$257.46
Viscosity Grade AC-20	\$0.9574	\$227.14	\$0.2529	\$250.37
Viscosity Grade AC-30	\$0.9729	\$230.83	\$0.2570	\$254.44
Grade PG 64-22	\$0.9845	\$233.57	\$0.2601	\$257.46
Grade PG 67-22	\$0.9574	\$227.14	\$0.2529	\$250.37
Grade PG 76-22	\$1.3404	\$318.00	\$0.3541	\$350.53
Grade PG 82-22	\$1.5090	\$358.00	\$0.3986	\$394.62

EMULSIFIED ASPHALTS

Grade EA-4 (SS-1)	\$0.8592	\$0.2270
Grade RS-2C (CRS-2)	\$0.8389	\$0.2216
Grade CRS-2P	\$1.0174	\$0.2688

PRIMES

Grade EA-1 & MC-70	\$1.0676	\$0.2820
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MISSISSIPPI DEPARTMENT OF TRANSPORTATION

SECTION 904 - NOTICE TO BIDDERS NO. 1043M

CODE: (SP)

DATE: 10/13/2005

SUBJECT: Restraining Conditions Outside Right-Of-Way

PROJECT: ACBR-9205-00(005) / 100332 – Washington County, Mississippi &
BRN-0009(26) / 020414 - Chicot County, Arkansas

The following are conditions apply when the Contractor proposes to get materials from pits or quarries in Arkansas.

A. Restraining Conditions. General. A "restraining condition" is defined as a condition and/or material that is, or can reasonably be suspected of being:

- Archeologically or historically significant.
- Environmentally sensitive.
- Hazardous substances or waste.

(1) Archeologically or historically significant sites may contain artifacts or the remains of prehistoric/historic people's dwelling sites. The determination of archeological or historical significance will be made by the Department in coordination with the appropriate authorities.

(2) Environmentally sensitive conditions include, but are not limited to, wetlands, caves, underground streams, and habitats of threatened or endangered species.

(3) Hazardous substances or waste are defined as: any chemical or biological element, compound, mixture, solution, or substance that, when released to the environment, may present substantial danger to public health or welfare or to the environment.

Potentially hazardous substance or waste sites may include, but are not limited to: tanks, drums, containers, and packages (with or without hazardous materials labels), plus any liquids or solids not typical in color, odor, or texture to the native soils or strata of the site. Any indication that the area was a dump site or landfill shall constitute a reason to stop work in that area until a determination can be made as to whether hazardous materials exist.

B. Restraining Conditions Outside of the Arkansas Right-of-Way.

(1) **Commercially Operated Site.** The term "commercially operated site" is defined as a pit or quarry from which material is obtained that has served the general public for purposes other than Department projects for more than one year and has furnished materials to the general public for purposes other than Department projects during the twelve month period immediately preceding the execution of the Contract.

The Contractor is advised that the owner/operator of the site has the responsibility to obtain clearances and ensure compliance with all Federal and State laws regarding the above restraining conditions.

(2) Non-commercially Operated Site. The Contractor shall notify the Engineer of the location of all proposed off-site locations, including borrow pits, waste areas, haul roads, equipment and materials storage areas, field offices, etc., prior to starting any site preparation in these areas. This notification shall include detailed information which will enable Department personnel to locate the site on the ground, and include a 7.5 minute topographic quadrangle or equivalent map showing the location and limits of the proposed off-site location. The limits of the off-site location shall be clearly and visibly flagged for easy recognition. Within 10 business days after notification by the Contractor, the Department will:

- Investigate for the presence of archeologically or historically significant sites. If no evidence is found of archeological/historical materials during the initial visual survey, the site will be conditionally approved, and Investigate for the presence of environmentally sensitive conditions. If no evidence is found the site will be conditionally approved.
- After Restraining Condition conditional approval has been given to the Contractor, the Department will provide the Contractor with an Endangered Species Clearance. This clearance may be used by the Contractor to obtain his NPDES Permit for the off right-of-way site.

The Contractor is responsible to carefully investigate off right-of-way sites to ensure the absence of hazardous materials or wastes.

If the site is determined to involve a restraining condition, no work in that area will be permitted. Any site preparation prior to conditional approval will cause the site to be rejected. The Contractor will not be reimbursed for work done prior to conditional approval.

If a restraining condition is discovered the Contractor may, at no cost to the Department, acquire approval for use of the site from the appropriate authorities. All sites that have been rejected because of prior site preparation are ineligible for clearance. All clearances or permits obtained by the Contractor regarding the dismissal of the restraining conditions shall be submitted to the Engineer for approval before site preparation begins.

If a restraining condition is discovered after operations have begun, work in the area of the restraining condition shall stop and the Engineer shall be notified immediately. Work in that area shall not resume until the condition has been investigated, a determination made as to the disposition of the condition, and clearance to continue has been obtained. If no further work is permitted at the site due to the restraining condition, the site shall be closed and the area dressed and restored under Sections AR106.02 and AR110.04, below, to the extent practicable without interfering with the disposition of the condition.

C. Contract Adjustments.

Outside of the Right-of-Way. No additional compensation or extension of time will be given for delays or extra work required resulting from the discovery of restraining conditions at commercially operated sites.

In the event the Contractor has begun using a conditionally approved non-commercially operated site and is prevented from fully utilizing this site due to the discovery of a restraining condition, such conditions will be deemed a differing site condition and Contract adjustments will be made according to Subsection 104.02.2 of the Mississippi Standard Specifications for Road and Bridge Construction.

Protection of Sensitive Areas. Any area identified by the Department as containing a restraining condition which is adjacent to or within an approved site must be clearly marked and protected by the Contractor from any vehicle or equipment encroachment. Department personnel will establish the limits of the restraining condition area. The Contractor, at Contractor expense, will mark and maintain the limits of the restraining condition area using flagging, stakes, or other appropriate devices to clearly indicate that the area is to be protected. The Contractor will be responsible for any damages to the area containing the restraining condition as provided in subparagraph D., below.

D. Protection and Restoration of Property and Landscape. When or where any direct or indirect damage or injury is done to public or private property by or as a result of any act, omission, neglect, or misconduct in the execution of the work, or in consequence of the nonexecution thereof, the Contractor shall restore, or bear the expense of restoring, such property to a condition similar or equal to that existing before such damage or injury was done, by repairing, rebuilding, or otherwise restoring as may be directed, or shall make good such damage or injury in an acceptable manner. Failure to do so within a reasonable period of time will constitute noncompliance, and the Engineer may cause the entire cost of the restoration to be deducted from moneys due or to become due the Contractor on the Contract.

E. Arkansas Contact. When the Contractor obtains off site borrow pits or waste areas, e.g., the Contractor will contact the Arkansas State Highway and Transportation Department Environmental Division (NPDES) to inspect the site and follow their guide lines to have the site approved.

NPDES
10324 Interstate 30
P.O. Box 2261
Little Rock, Arkansas 72203-2261
Phone: 501-569-2284 FAX: 501-569-2009
E-mail: brenda.price@ahtd.state.ar.us

Section AR106.02 - Furnishing Materials from Borrow Areas, Pits, or Quarries. The required materials shall be obtained from local or commercial sources.

When obtained from local sources, applicable severance taxes shall be paid by the Contractor.

Borrow areas, material pits, and quarry sites shall comply with the following requirements:

- 1) All Areas, Pits, or Quarries. In general, the nearest edge of an area, pit, or quarry shall be no closer than 100 m (300') from the nearest right-of-way line of a State Highway, except as provided in 3) or 4) below. All slopes shall be 2:1 or flatter, except that faces of rock quarries shall be cut to a neat appearance with the overburden sloped to 2: 1 or flatter.
- 2) Water Retaining Pits or Quarries. Water retaining pits or quarries will not be permitted within 100 m (300') of the nearest right-of-way line of a State Highway.
- 3) Drained Areas, Pits, or Quarries. Areas, pits, or quarries shall comply with 1) above but with the following exceptions: a) if the material is being obtained from a site that is being excavated and contoured to conform to the terrain of the adjacent surroundings, or b) if the site is to be used as a commercial or residential building location as defined in the agreement with the property owner.
- 4) In the event that an area, pit, or quarry is closer than 100 m (300') from the right-of-way line of a County Road or City Street, the written approval of the governing authority shall be furnished the Engineer prior to any excavation.
- 5) When sites are closer than 100 m (300') from the right-of-way line, the slope in the area, pit, or quarry adjacent to the right-of-way shall not be steeper than that of the backslope or foreslope of the existing or planned roadway in the area of the site. All other slopes in the site shall not be steeper than 2:1, except that faces of rock quarries shall be cut to a neat appearance with the overburden sloped to 2:1 or flatter. In addition, if the floor of the site is sloped away from the right-of-way line, the slope shall not be steeper than 6:1 for a distance of 30 m (100') from the right-of-way line.

The final quantity of material removed from each pit will be verified by the Engineer and furnished the Contractor as soon as possible after the final measurements have been made, except that no measurement will be made by the Department when Compacted Embankment is a pay item or when Borrow is specified to be paid as Plan Quantity. In such cases, the determination of the quantity of material removed from each pit shall be the responsibility of the Contractor.

The Contractor shall be responsible for resolving disputes or claims arising from the pit operations.

Natural tree screens shall be preserved during the course of construction. Haul roads will not be allowed to pass through tree screens except where absolutely necessary for access to the construction site. A temporary haul road through a tree screen shall be normal to the roadway and

he cleared width shall be no more than is necessary to accomplish the work. In general, temporary haul roads will not be approved through natural tree screens at intervals closer than 120 m (500').

All applicable work involved in furnishing borrow, pit, or quarried materials, including:

- Clearing, grubbing, stripping, and disposal of overburdens or other unsatisfactory material;
- Stockpiling and replacing topsoil;
- Loosening, excavating, and hauling;
- Screening, furnishing right-of-way, and constructing and maintaining haul roads;
- Fence moving and reconstructing;
- Confining livestock;
- Seeding and restoration, as required; and
- Complying with Section AR110.04 and this specification.

will not be paid for separately, but full compensation therefor will be considered included in the contract unit prices bid for the various items of work.

Section AR110.04 - NPDES Permit for Contractor Facilities Off the Right-of-Way. The National Pollutant Discharge Elimination System (NPDES) requires a permit to discharge storm water associated with industrial activity or construction sites into the waters of the United States. The Arkansas Department of Pollution Control and Ecology (ADPCE) issues these permits.

Contractor's operations on lands located off the right-of-way, such as borrow pits, plant sites, waste sites, or other facilities, may require an NPDES permit. If so, the Contractor shall be responsible for submitting the Notice of Intent, developing a Storm Water Pollution Prevention Plan, implementing the plan, stabilizing the land, submitting the Notice of Termination, and complying with all requirements in the permit and any revisions or additions to it.

When the Contractor obtains off site borrow pits or waste areas, e.g., the Contractor will contact the Arkansas State Highway and Transportation Department Environmental Division (NPDES) to inspect the site and follow their guide lines to have the site approved.

NPDES
10324 Interstate 30
P.O. Box 2261
Little Rock, Arkansas 72203-2261
Phone: 501-569-2284 FAX: 501-569-2009
E-mail: brenda.price@ahtd.state.ar.us

Job Number _____

Off site Location No. _____

Resident Engineer _____

Governing Specification: 107.10 of Std. Spec, 2003 Ed.

**ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
RESTRAINING CONDITION CLEARANCE REQUEST**

CONTRACTOR USE ONLY

CONTRACTOR: Use a separate form for each location and submit to Resident Engineer

Date _____ Contractor _____

Proposed Use of Location (i.e., Borrow Pit, Haul Road, Waste Area, etc.) _____

I. Description of Off-Site Location. A map clearly showing location and limits of area **MUST** be attached to this form. It must be detailed enough for Department personnel to locate the site on the ground. Information on this map should include: Job #, General vicinity (including applicable reference to Project Stationing), proposed limits of location, including dimensions, Section, Township, and Range. For inspection purposes, the area should be clearly flagged. (7.5 minute quadrangle or equivalent map is **required** for jobs under the 2003 Standard Specifications)

II. Relevant Permits/Clearances Applied for or Obtained. Attach all information concerning these. _____

Submitted by: _____ Title: _____

Comments by Resident Engineer _____

The Resident Engineer shall fax and mail this form directly to Environmental Division for further action.. FAX No. (501) 569-2009

ENVIRONMENTAL DIVISION USE ONLY

	INSPECTED BY	DATE INSPECTED
Archeological/Historical		
Wetlands/Section 404		
Other		

CONDITIONALLY APPROVED BY:

DATE APPROVED:

DENIED BY:

DATE DENIED:

Comments:

NOTE: Areas approved as noted above also must meet all other Specification requirements.

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

SECTION 904 - NOTICE TO BIDDERS NO. 1050M

CODE: (SP)

DATE: 11/07/2005

SUBJECT: Concrete Spray Finish

**PROJECT: ACBR-9205-00(005) / 100332 - Washington County, Mississippi &
Chicot County, Arkansas**

Bidders are advised that this project requires certain concrete surfaces of the bridge to have a Class 2 spray finish. The bridge(s) on this project will be considered Group A bridges and the concrete surfaces finished accordingly. Contractor should review the notes on the plans regarding concrete finish of bridge surfaces.

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

SECTION 904 - NOTICE TO BIDDERS NO. 1051M

CODE: (SP)

DATE: 11/09/2005

SUBJECT: Minutes of the Prebid Meeting

**PROJECT: ACBR-9205-00(005) / 100332 - Washington County, Mississippi &
Chicot County, Arkansas**

Attached is the minutes of the November 7, 2005 Pre-Bid Meeting for this project.

MEETING MINUTES PRE-BID CONFERENCE FOR ARKANSAS APPROACH SPANS

NOVEMBER 7, 2005 AT 9:00AM
IN MISSISSIPPI DEPARTMENT OF TRANSPORTATION'S AUDITORIUM

ATTENDEES:

John Sones	Neel-Schaffer, Inc.	Keith Anderson	A. H. Beck Foundation Co. Inc.
Billy Cobb	Neel-Schaffer, Inc.	Jimmy H. Isonhood	Attorney General's Office
Cindy Rich	Neel-Schaffer, Inc.	John C. Taylor	MDOT/RWD
David Trevantham	Key LLC	Carl Middleton	MDOT/District 3
Sterling Akers	Hill Brothers Construction & Engineering Co., Inc.	Jim Kidd	MDOT-Construction
David Horton	Hill Brothers Construction & Engineering Co., Inc.	Durwood P. Graham	MDOT-23-01
Gerald Hill	Hill Brothers Construction & Engineering Co., Inc.	A. L. Quarin	Shelby Electric
Paul L. Leonards	Hill Brothers Construction & Engineering Co., Inc.	James E. Conn	Knowles Material Co.
Steve Wingert	MMC	Ernie Spader	Beeche Sys. – Quick Deck
Gene Spitz	Jensen Construction Co.	Joe Rizzo	Beeche Systems
Jeff Rashussen	Jensen Construction Co.	Eddie Rogers	Tanner Construction Co.
Renford Lucas	Ferguson P/P	Tony Stehling	Dustin Bridge and Road
Keith Purvis	MDOT-RWD	Oley White	SMI
Mitch Carr	MDOT-Bridge	Mark Gernhart	CMC – Lofland
Robert N. Webster	FHWA	Leroy Crisco	MDOT
Steele Davis	MDOT - Leland Project Office	Steve Kenley	PSI
Keith Carr	MDOT	Steve Adams	Davis Rebar
Steve Abbott	Gerda Ameristeel	Steve Abbott	Georgia Ameristeel
Brad Lewis	MDOT	Clair Stewart	Massman Construction Co..
Mike Caulfield	HNTB Corp.	Clair Stewart	Taylor Bros.
B. B. House	MDOT-Contract Admin	Greg Hutchins	CMC – Lofland
Deane Wallace	AFCO Steel	Brad Fletcher	MDOT
Durwood Graham	MDOT 23-01	Paul Colquette	LaDOT
*Valarie Gaston	Neel-Schaffer	Jack Shortess	HNTB
*Harold Lee	Corp of Engineers		
*Susan Jarvis	Corp of Engineers		
* Not Shown on Sign-In Sheet			

Brad Lewis - MDOT:

We're going to go ahead and get started. Welcome everybody this morning. We've got a couple more chairs coming. This is the Mandatory Pre-Bid Meeting for the Arkansas Approach to the Greenville Bridge Project. One of three that will be going on. This will be a very informal meeting so if you've got any questions, just stop where ever we are at. Raise your hand or clearly identify yourself for the court reporter so that we will know who is making comments or asking questions.

I'm going to go through some of the Notice to Bidders that are a little different than what we typically use.

Before I do that can I just get a show of hands for the contractors? Okay, suppliers.

Okay, I guess the rest are...

Mitch Carr – MDOT:

Let me introduces a few folks here. We've got representatives from HNTB. We've got Jack Shortess and Mike Caulfield. We have John Sones from Neel-Schaffer and I think Cindy Rich from Neel-Schaffer. And a couple of MDOT folks that I think we will probably call on later on to answer questions. We also have Paul Colquette. He's from Louisiana DOT which we happen to have a strange relationship going on there with the Southeast Arkansas Levee Board or Levee District. I think we should say. Paul is the representative here today that can address those district problems. Bob Webster is from FHWA. Anybody from Corp of Engineers here?

Would you introduce yourselves?

(Harold Lee and Susan Jarvis)

Alright, appreciate you coming. Is everybody else either a supplier or contractor? Anybody that I missed except for the MDOT folk?

Okay.

Brad Lewis - MDOT:

One other quick thing before I get started. Please make sure that you sign in. This is a Mandatory Meeting. If you don't get signed in, you will have some problems down the road.

First order of business is the right-of-way certificate. This Project is entirely within Arkansas state boundaries. They have acquired all right-a-ways and all utilities have been relocated.

Notice to Bidders No. 724M is the DBE Goal. This job does have a 4% goal on it.

Notice to Bidders No. 812M basically is the requirement of the OCR 485 form. This form **must** be turned in with your bids. If it is left out, it will be considered irregular.

Notice to Bidders No. 991 which is the submission of a W-9 form. If you are not currently doing business with MDOT, this form is required to be filled out. If you are doing business with us now or in the past have done so then you don't have to worry about this form. This'll be for any new contractors working with us.

Notice to Bidders No. 1023M, this is again the DBE Contractor. Either Arkansas or Mississippi certified contractors are eligible for this Project.

Notice to Bidders No. 1025 which is just the cooperation between contractors for this Project that is going to Main Span at Pier 36.

So the Main Span will still be under contract when this Project starts. There is also the finger joints, expansion joints, at Pier 36. The joint materials were furnished or purchased under the Main Span. Whoever the contractor is under this job will actually install those. That will be provided to you.

Notice to Bidders No. 1027 deals with the temporary suspension of

work with two conditions. In this Notice to Bidders, it deals with the river stages getting above a certain elevation and also the saturation of materials between the levee and the river.

Notice to Bidders No. 1029 Additional Construction Requirement. In the Mississippi Approach, we have a Lease Tern or the possibility of one. This is an endangered species. MDOT will be conducting a survey. I believe in April or right before May to inspect for this bird.

In the event that we do find one there are conditions. We basically will have to shut down an area. I think it's a 300 meter radius where the bird is located. In the event that we do have to shut down, the appropriate time will be returned.

Notice to Bidders No. 1030M is the Corp of Engineers Permit. We will have an Addendum coming out on it. We are getting the permit modified right now to allow any off-site borrow material to be brought in; basically to cross over the levee, itself. There is also a clarification on the 15,000 cubic meters.

Keith Purvis - MDOT:

We've gotten approval for the 15,000 yards, for the riding surface stone or slag or gravel. And we're getting another modification to allow 15,000 yards of borrow material to build the actual embankment for the haul roads.

Brad Lewis – MDOT:

That will be coming out. Also, included in this permit... The Corp permit was obtained under one Project. This thing has been broken up into three projects. The entire Corp permit is included in this document. Some of it applies to the Main Span only, some of it applies to the Mississippi Approach, and some of it will apply to the Arkansas Approach side.

Gene Spitz – Jensen:

Quick question on the Corp Permit. The way that I am reading it; it show a number of different nuances as you go through all of the different pages. Are you holding solid on just the riding surface and we can bring in as much embankment inside the levee as we want just as long as it is removed at the end of the Project? Because it looks like you are limiting riding surface, not embankment that would be beneath the road.

Keith Purvis – MDOT:

When we got the first revision to the permit for this job, we asked for 15,000 yards of material for the riding surface. That was approved.

At that time we realized that we needed some material to build the actual embankment. At that time we requested 15,000 additional for the embankment, and the Corp has approved that last week. We haven't gotten the documents.

Gene Spitzza – Jensen: Are you talking about the embankment to get you over the levee itself?

Keith Purvis – MDOT: Right.
The actual embankment for the haul road. You will have 15,000 yards for the embankment of the haul road and 15,000 yards of gravel or whatever for a riding surface and all of it has to come out.

Gene Spitzza – Jensen: The way that it reads. The only embankment that we can put into the water is the chute.

Mitch Carr – MDOT: That's wrong. That's for the other side.

Gene Spitzza – Jensen: Right. But now are we able to put embankment to. Looks like no borrow site that's just inside of the levee on this side of the project? This 15,000 area that you talk about?

Mitch Carr – MDOT: We have approval from the engineers to fill and clear 11 acres within the levee. And the 11 acres came from ten meters on either side of the bridge. So, within that 11 acres we can do whatever we want to but we've just got to take it out when the job is finished.

Gene Spitzza – Jensen: But when you say that. So I can put as much fill in there as I want or am I going to be limited?

Mitch Carr – MDOT: From within the levee. The amount that you can bring in from outside the levee is 15,000 borrow and 15,000 gravel.

Gene Spitzza – Jensen: Okay.
But you can move as much material inside the levee to where you'd like it inside of the levee.

Kieth Purvis - MDOT: You can move as much within that 11 acre area to be cleared within ten meters on each side of the bridge.

- Mitch Carr – MDOT:** Within that 2500 feet of the levee itself.
Did some with the Corp of Engineers got some discussion about that?
Did you have any comments that you want to make on that?
- Harold Lee – Corp of Engineers:** Within the right-of-way, you can use the material. It's our understanding, Keith, that some of this material may not be available. So you would need to get your material from outside of the levee. But it must be a total of 30,000 feet on the outside of the levee. It will be put on filter cloth, it will be removed, and the ground will be restored to existing grades.
- Brad Lewis – MDOT:** One other thing, the 11 acres is really four hectares on this side. Is that right?
- Keith Purvis – MDOT:** No. We have 34 total. We have 23 for the Mississippi side which left 11 for this side.
- Mitch Carr – MDOT:** 4.85 Hectares.
- Mike Caulfield – HNTB:** That 15,000 cubic yards. Is that by permit from the Corp for the whole Project or that just the Arkansas?
- Brad Lewis – MDOT:** Just the Arkansas.
One other thing, that material. You've got to get that from a pit that has been authorized or cleared. How. Do you want to talk about that Harold?
- Harold Lee – Corp of Engineers:** Yeah, it has to come from and we're looking at MDOT to be sure that this happens. You have to open a new pit. And you have to coordinate the opening and make sure that it's not any wetlands, etc. Depending what state you get it in whether it's Arkansas or Mississippi, you also have to coordinate with the Cultural Regional ordinances that is in the area and be sure that there are no cultural resources or regional ordinances within the new pit area.
If you're hauling from an old pit that has been used in the past and it's on going, you don't have to do this whole thing. But if it's a new pit to be opened then you will have to coordinate both from an ethical standpoint and cultural resource standpoint.

Mitch Carr – MDOT:

Any other questions about the Corp Permit?

Gerald Hill – Hills Brothers:

I don't have any about the Corp Permit. But we do know that this topic about the tax thing is like a hot potato.

1024 is pretty vague and pretty broad on there. The one question that I've got is the Arkansas based work. Being in Mississippi you have to put your tax 3 ½ percent on there. Will we be double taxed on this? The entire project 3 ½ percent here plus what we pay taxes there for the State of Arkansas. With all of the work being in the State of Arkansas, would we pay the entire part for material? Or how would we?

Brad Lewis – MDOT:

You just pay out the taxes in however state that they are. I'm not a tax expert. Somebody from Legal was suppose to have been here to kind of help us address this.

Gerald Hill – Hills Brothers:

I guess my number one question is. Is gross receipts from this entire project does this apply?

Mitch Carr – MDOT:

We'll see if we can get somebody.

Brad Lewis – MDOT:

We'll see when he gets here.

Gene Spitz – Jensen:

From the other approach, what you ended up doing since half of it was in Mississippi and half was in Arkansas. Half of the Project had gross receipts and half of the material got an Arkansas tax. If you carry it on further, it looks like because this is all in Arkansas you wouldn't pay the gross receipt tax, only Arkansas tax on materials. But somebody's got to pick their voice up.

Brad Lewis – MDOT:

I don't know we'll get an expert.

Notice to Bidders No. 1034 is the Arkansas Storm Water Permit. This project is in Arkansas. We have obtained an Arkansas Storm Water Permit. Normally, they do things a little differently then we do. The actual permit; without issue asks do we have an acceptable contractor on board. They have to complete the NOI and then we'll submit that to Arkansas. Their job requirements are the same forms that we fill out on our project. We also have a form that the Arkansas DOT uses. You will have to submit both of those. We have provided a copy of the Storm Water Permit or a generic one that is in there. Notice to Bidder No. 1035 modifies their generic permit somewhat.

Notice to Bidders No. 1037. This is the haul road over the levee

itself. There are requirements within it. One of being I think that the pit. You cannot have an active pit or dig up a bunch of material within that 2500 feet of the levee, itself. Have a three foot minimum cover plus requirements on it.

Notice to Bidders No. 1039 which is the Arkansas Contractor's License. Actually this states that if you don't already have a contractor's license then they will require you to obtain one. It is not required to bid the job.

Gerald Hill – Hills Brothers:

Do you have to have it to bid?

Brad Lewis – MDOT:

You do not have to have it to bid. So therefore I do not think that you have to have it on the onset. You will have to obtain it and I'm not sure of what the time frame is on that.

Special Provision 907-108-17 which is the Liquidated Damage Rates. This Notice to Bidders is in error. It will be corrected by the Addendum.

Mitch has just informed me that the additional State Board Requirement will also be coming out in the Addendum.

That is all that I had unless anybody has got any questions. Specifically Special Provisions or Notice to Bidders.

Keith Purvis – MDOT

One other thing about the Storm Water Permit. After the NOI came in, the contractor will have to submit to MDOT and then to Arkansas DEQ, an erosion control plan before we can let you start working.

Mitch Carr – MDOT

I just briefly would like to talk about a few things that may be different on these plans from a normal Mississippi job.

Generally speaking, the approach spans consist of welded plate girders and precast prestressed concrete beams with a cast in place concrete deck supported by piers on drilled shaft footings and precast prestressed concrete pile footings. There are a few items that may be different from most of our other bridge projects that I would like to bring to your attention:

- a. The bridge deck will be approximately 28 meters from edge to edge. No longitudinal construction joints in the deck will be allowed. There will be a Median Barrier Railing in the center of the deck. The anchor bars for the Barrier Rail will require special installation after the deck concrete has set up including using adhesive capsules for each anchor dowel. There are special details in the contract plans for this installation. The Contractor may choose to drill or form each hole required for the anchor bars.

- b. The Contractor will be required to install the expansion finger joint, steel rail and median rail expansion components at pier 36. The structural steel components required for this installation will be furnished to the Contractor. Details for this installation are included in the contract plans along with a pay item for the installation.
- c. After the expansion finger joint is installed, the Contractor will be required to pour some length of concrete bridge railing and median barrier remaining on the main cable stayed span near the expansion joint. This gap will be left by the Main Span Contractor to enable the Approach Span Contractor to have enough room to install the expansion joint. Details are included in the contract plans.
- d. All Intermediate Bents have a required closure pour portion in the center of the cap. There is a required waiting period as well as concrete strength requirements before the closure pour can be made. Details are included in the contract plans.
- e. There will be roadway lighting (poles, fixtures, wiring, etc.) on the bridge spans. The power will come from the Main Cable Stayed Span in conduit in the railing near Pier 36. Conduit, wiring and pull boxes will be required inside the railing on this contract. These details are in the contract plans.
- f. We have available to you today, copies of CD's which contain the following geotechnical information:
 - i. Geotechnical Investigation (Final Report) Phase B – U.S. 82 Over Mississippi River, Volumes 1 and 2.
 - ii. Supplemental Geotechnical Investigation Report – Drilled Shaft Load Test Program, Approach Spans For U.S.82 Over Mississippi River, Volumes 1 and 2.

Those are available for you to pick up after the meeting.

All of this information is contained on 1 CD. We urge each prospective bidder to take one copy.

- g. The plans include details of optional splices in the steel girders. These optional splices were added for constructability as well as for handling during fabrication and shipping purposes. Please note that if you choose to utilize the optional splices, there may be different structural steel grades and plate thicknesses, so review the plans closely. The estimated quantity amounts are shown as if the optional splices are used.

The pay items include the quantity for the optional field splices. If the contractor decides not to use the allowed field splicing the quantities shown in the plans and proposal

may be under run. Final Quantities will be based on approved shop drawing. This is according to Notice to Bidders 989M.

- h. The plans include a table of allowable "English" size substitutions for structural steel plate. If you choose to substitute one of these plate sizes, the table lists the dimensions which should be shown on the shop drawings. Payment will be based on the plate sizes approved and shown on the shop drawings.
- i. I would like to bring to your attention a note on Sheet No. 468 (Drilled Shaft Notes, last paragraph) which states that all spoil from the drilled shafts and footings shall be removed and disposed off the MDOT right-of-way and shall not be placed between the levees of the Mississippi River.
- j. I would also like to bring your attention to the lengthy Structural Steel Notes on Sheet No. 558 as well as the Notes and Details on Bolts on Sheet No. 555.
- k. I would like to bring to your attention the requirements concerning the deflections for both Prestressed Concrete Beam and Steel Girder spans described in the Notes on Sheets No. 532, and 556.

We also have some revisions that need to be sent out.

Keith Carr – MDOT:

Don't those need to go Brad?

Mitch Carr – MDOT

These will go out with the addendums, so if you guys want to pick up some of these today, you're welcome to. What else do we need to talk about?

There's the special provision for advancement of structural steel. Special provision 973M is going to change and SP 907-109-12M will change. Basically we are going to allow payment for both structural plates and for advancement of fabricated steel. And we will be coming out with that language.

Any questions or comments?

Gene Spitz – Jensen:

Quick question on page 468 you mention the soil removed concerning drill shaft and you also mentioned footings. Are you saying all excavation of the footing has to be removed and disposed off-site or just the excess? That would get into your structure extra or were you just talking excess material?

Mitch Carr – MDOT

You can put it back in the hole.

Any excess. Just the excess has to be removed off-site.

- Gene Spitzza – Jensen:** Would we be able to use that excess for embankment inside before we haul it off?
- Mitch Carr – MDOT** You mean like a haul road?
- Gene Spitzza – Jensen:** Right
- Mitch Carr – MDOT** That would be fine. We just want to make sure that the excess excavation is removed from within the levee.
- Deane Wallace - AFCO Steele:** You were talking about steel quantities earlier. I think your point was that you're going to have the highest quantity possible, in your engineer's estimate, but you will pay for the net quantity on the drawing?
- That's correct – on the shop drawing.
- Deane Wallace - AFCO Steele:** On the shop drawing.
- Mike Caulfield - HNTB Corp:** What about coating structures for finish and all? What specifically. We've got to coat the Main Span. At least portions of it and I believe that's a discussion for the Mississippi approach to match structures. Just whatever is done on those two structures is going to be done on the Arkansas?
- Mitch Carr – MDOT** Are you're talking about the spray finish on the concrete?
- Mike Caulfield - HNTB Corp:** The concrete.
- Mitch Carr – MDOT** There is a spray finish. Have we got that specified in the plan? Do you know?
- I believe it's in the plan. We'll look for that. 456? We would like for the spray finish to match between the Arkansas side and the Mississippi side.
- Steele Davis - MDOT** I think what Mike was saying was take out option for rubbed finish.
- Mitch Carr – MDOT:** HNTB kindly brought an interesting aerial shot here this is showing the existing cable stayed construction project from the Arkansas side.

That kind of gives you an interesting view of the US 82. You might curve back and go to the old structure which is just off of the picture and to the left and lining up in this curve with the new bridge. You're welcome to look at that.

If you haven't been out to the site. We're not having a mandatory site visit but if you want to see the site I would suggest that you get in touch with Kevin or Steele or who ever. Who's here back there? Is that Durwood? Mike Caulfield, you can contact Mike Caulfield, if you want to and he can kind of be the point man to get things organized for the site visit if you care to do that.

Gene Spitz - Jensen:

Question on the Main Span. When does that project complete? I guess I'm concern or would like to know what timeframe where we can use that road on that the Joint Venture for the Main Span is currently using to get access to the site?

Mike Caulfield - HNTB Corp:

That'd be still occupied spring/summer. I wouldn't count on using the road before the middle of summer.

Mitch Carr - MDOT:

What portion doesn't _____ and what portion does.

Mike Caulfield - HNTB Corp:

This public _____ boat ramp is to the grain elevator _____ privately owned. The Main Span present contractors have rights

Jack Shortess - HNTB Corp:

He just rented that property from the grain elevator back to the bridge site. He's also rented property from the cattle gap - if you will - enter into the stationary_____. Pretty close to the existing bridge - back to the new bridge. There's access to the project from the levy - that we can just keep the grain operator - grain terminal there. We can access from there if we have to for business.

Mitch Carr - MDOT:

I think the property owner is _____

Mike Caulfield - HNTB Corp:

I believe so, just_____

Gene Spitz - Jensen:

So, basically the access for this project - until approximately mid-summer will be over the top of the levy. We won't be able to come at it from the other side.

Mike Caulfield - HNTB Corp:

I think that's safe to say.

- Gene Spitzza – Jensen:** OK.
- Mitch Carr – MDOT:** Do you know if that's included in the lease – that prohibits anyone else?
- Mike Caulfield - HNTB Corp:** I do not know.
- Mitch Carr – MDOT:** You may want to contact the owner of the grain elevator and see what other arrangements they have.
- Gene Spitzza – Jensen:** As far as river access in same mid-summer time frame?
- Mike Caulfield - HNTB Corp:** Whatever your relationship is on the MS side of the river is probably gonna hold.
- Gene Spitzza – Jensen:** Basically, everything is driven off of a department. As soon as that project is complete, then access becomes available.
What is the completion date? Or do they go well past that?
- Mitch Carr – MDOT:** When is the main completion date?
- Mike Caulfield - HNTB Corp:** Can't give you a date.
I believe by mid summer any way to be safe.
- Mitch Carr – MDOT:** Anyone, I see Carl Middleton. Anyone, from the District. Carl, do you have any comments that you want to make?
- Carl Middleton – MDOT:** No.
- Mitch Carr – MDOT:** HNTB will be doing the CE&I for MDOT on this project.
Mississippi approach, MDOT personnel are doing the CE&I and on the Main Span contract HNTB is also doing the CE&I with different personnel. HNTB will be our eyes in the field on this job.
- Brad Lewis – MDOT:** Mr. Gerald Hill, come on back to the tax issues we got Jimmy from legal here. We can't give you an answer today, but I wanted him to hear the question itself so we don't get any miss interpretations or anything. If you would go back over you all's questions.

Gerald Hill – Hills Brothers: Yes my question pertains to the gross receipts tax being that this project is entirely in Arkansas. Does the gross receipt tax rule...

Jimmy H. Isonhood – Attorney General's Office: I am having a real problem hearing you. Could you stand up please?

Gerald Hill – Hills Brothers: Sorry.

My question was: This project is entirely in Arkansas. Even though it is governed by MDOT. MDOT has a gross receipt tax. Does the tax cover this Project in its entirety? In other words, you bid \$10 million dollars then you get 3 ½ % of that has to be paid even though all of the Project is in Arkansas?

you have to pay so that's your only tax you got a issue about, the gross receipt tax? no, then what Arkansas tax applies.

All those in Arkansas. The sales tax in Arkansas, the normal contractors tax in Arkansas.

Jimmy H. Isonhood – Attorney General's Office: Your only tax you got a issue about is gross receipt tax?

Gerald Hill – Hills Brothers: No. What Arkansas tax applies since all of it is in Arkansas? Is it the sales tax in Arkansas, the normal contractor's tax in Arkansas?

Jimmy H. Isonhood – Attorney General's Office: Well, I'm going to have to do some research on this. Well I tell you, I don't know off the top of my head I am surprise to know as long as I have been here that I have never heard of us, specifically taxing anyone. I always thought that the tax commission did that and I would bet that's probably what is going on here. And that's going to be their call.

Gerald Hill – Hills Brothers: I am trying to bid in Mississippi and I never had a 3.5%. Now I am trying to bid in Mississippi and Arkansas.

Jimmy H. Isonhood – Attorney General's Office: Right.

We will try and get you an answer on this; well actually, we will get an answer one way or another. Let me tell you, each of these businesses bidding on this thing are large enough to have their own CPA. I will certainly...

Dean Wallace – AFCO Steele: That not going to help, the CPAs are going to refer us back to you. This was a huge confusion on the first phase, which was split 50% Arkansas, 50% Mississippi. And the more specific you can be in your

answer you know will this tax be different on the main contract? How will it affect supplies that come from Mississippi to the Arkansas side? How will it affect supplies coming from any other state into the job site? Will it be different on rentals verses equipment?

Gene Spitz-Jensen:

I guess the other thing we are looking at is if you already got this experience the Main Span is 100% in Arkansas. On the Main Span, has the State of Mississippi required 3.5% gross receipt tax or not? Because I can guarantee Arkansas isn't going to waive their sales tax on anything that lands in their state.

Dean Wallace – AFCO Steele:

But they did waive it on everything that was in Mississippi.

Gene Spitz-Jensen:

Correct. That was just a 50/50% split but now the Main Span was 100% in Arkansas. I don't know how you're dealing with that.

**Jimmy H. Isonhood –
Attorney General's Office:**

Using the WAG method I would say that that is probably it's all in Arkansas.

I think that probably, my guess would be that with it all being in Arkansas; I wouldn't think that we would not require something like that. But I can not tell you that.

Brad Lewis – MDOT:

Some of them we didn't.

Mitch Carr – MDOT:

Did anybody here bid on the Main Span?

Clair Stewart – Massman Construction

I believe that materials are tax exempt for the Main Span. Don't quote me on that.

Arkansas has a 6 percent state tax. It has a county tax and it also has a city tax. So if we are doing the 3 percent verses what Arkansas want then you would need to be very specific as to what we would need to do.

**Jimmy H. Isonhood –
Attorney General's Office:**

I'll check on it then I get word to Brad.

Gerald Hill – Hills Brothers:

Brad I've got one other question, on the employee individual state tax, with our Project split between Arkansas and Mississippi. Would we paying Mississippi state tax or Arkansas state tax?

**Jimmy H. Isonhood –
Attorney General's Office:**

Arkansas tax.

Brad Lewis – MDOT: I would certainly lean the same way but I don't know. We'll find out.

**Jimmy H. Isonhood –
Attorney General's Office:** If it's important to the individual then we've got to do our part.

Deane Wallace – AFCO Steele: Isn't that kind of tied into their residence?
Where they are living besides where they are earning it?

Gene Spitz-Jensen: We ran into the same problem on the current approach because we had a group of folks that were coming in from Tennessee and I just wanted to make sure that they weren't going to stop the Arkansas because Tennessee get the zero state tax.
It would be great if it were just a residency thing. Then we could simplify things.

Brad Lewis – MDOT: Is that all of the tax questions?

Mitch Carr – MDOT: We will have a number of revisions to the Proposal Addendum and also revisions Plans that you will get with that Addendum.

Brad Lewis – MDOT: We'll get copies made of the sign in sheets today, if anybody wants them.

Gerald Hill – Hills Brothers: One other question, my understanding is when the Project is completed then it will be over?

Brad Lewis – MDOT: No. There will be a fourth project that will include the riding surface.

Mitch Carr – MDOT: It will have a riding surface to be placed on the Main Span which will include all of the striping and designing and closing of the old bridge. The demolition of the old bridge and then opening the new one up to traffic.
All of that will be one project.

Ernie Spader – Beeche Systems: Do you see any need for like accessing platforms or shoulder platforms to be placed on this project? Or working platforms on the

Main Span?

Mitch Carr – MDOT:

Just leave that up to the contractors I guess. If you want talk to some these guys about it, how they are going to handle it. There are no specific requirements listed in the plans.

The Main Span of course is already underway.

Harold Lee – Corp of Engineers:

MDOT had asked for the use of reclaimed asphalt for the use of the riding surface. That will not be allowed. Reclaim asphalt or concrete will not be allowed to be brought in.

Brad Lewis – MDOT:

If there are no more questions, the meeting is adjourned.

STATE TAX QUESTIONS
MISSISSIPPI RIVER BRIDGE APPROACHES
WEST SIDE
MISSISSIPPI HIGHWAY 82

This is submitted as a response to questions posed regarding the Mississippi tax liability on the above-referenced project, after conferring with the Mississippi State Tax Commission. Taxes to be levied by Arkansas would need to be addressed separately.

1. Will Mississippi's three-and-one-half percent (3.5 %) contractor tax be collected on the amount of the project?

Answer: No. The work is to be performed entirely within the State of Arkansas, and Mississippi's contractor tax will not be assessed.

2. Will a Gross Receipts Tax be collected on the project?

Answer: That is the contractor tax, and it will not be assessed on the project.

3. Will taxes be collected on supplies, materials, etc. used in the project?

Answer: Mississippi will assess no tax on supplies, materials, etc. purchased in Arkansas or other states. However, any items purchased in Mississippi will not be exempt from Mississippi's sales tax, and the contractor will be responsible for paying this.

4. Will Mississippi require payment of Employer's Tax or Employment Security Tax?

Answer: The Employment Security agencies of both states should be contacted to verify this. Mississippi cannot speak for Arkansas.

5. Will the State of Mississippi require state income tax withholdings?

Answer: The contractor will need to contact Arkansas to determine their requirements for withholding. If the employee is working in Arkansas, Arkansas tax should be withheld and the employee is required to file an Arkansas tax return. If the employee is a Mississippi resident, the Mississippi Tax Commission will tax the income but allow credit for any taxes paid to Arkansas. If Arkansas does not require withholding on any employee who is a Mississippi resident, the Mississippi Tax Commission would require Mississippi withholding tax to be withheld from the employee's income.

The State of Mississippi may assess a use tax in the event that any equipment is actually used within the boundaries of Mississippi.

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

SPECIAL PROVISION NO. 907-109-13M

CODE: (SP)

DATE: 11/10/2005

SUBJECT: Advanced Payment for Structural Steel

PROJECT: ACBR-9205-00(005) / 100332303 -- Washington County

Section 109, Measurement and Payment, of the 1996 Metric Edition of the Mississippi Standard Specifications for Road and Bridge Construction is hereby amended as follows:

907-109.06.2--Advancement on Materials. At the end of Subsection 109.06.2 on page 109-7, add the following:

907-109.06.2.1--Advancement on Structural Steel. Advance payment for fully fabricated steel members or stockpiled structural steel plate will not relieve the Contractor of responsibility for loss or damage to the material. The amounts paid for advance payment shall reduce the amount of other partial or final payments due the Contractor for the work performed as the materials are fabricated or incorporated in the completed work. The Contractor shall provide a document signed by the Fabricator establishing that the Department has vested interest in, and the right of access to and possession of the structural steel. Prior to submission of the first invoice for advanced payment, the Contractor shall submit a document stating the total dollar amount and unit price that the Contractor has agreed to pay the Fabricator for providing structural steel for the project. An amount equal to 100% of the invoiced cost of both raw materials and completely fabricated members, excluding any surcharges, will be allowed provided the cost does not exceed 85% of the total contract price for structural steel. The mass of the structural steel plate considered for advance payment allowance shall not exceed the contract quantity. Advanced payment for stockpiled structural steel plate and for fully fabricated structural steel members shall be made as follows:

907-109.06.2.1.1--Advancement for Stockpiled Structural Steel Plate. Advance payment may be requested for stockpiled structural steel plate which is to be utilized in the fabrication of the main girders (webs, flanges and splice plates only), hereinafter referred to as raw materials. An amount equal to 100% of the invoiced cost of the raw materials plus freight charges to the Fabricator, excluding any surcharges, will be allowed provided the cost does not exceed 60% of the total contract price for structural steel. The mass of the structural steel plate considered for advance payment allowance shall not exceed the contract quantity.

To qualify for advance payment, the raw materials must be stored or stockpiled at a commercial fabricator's yard in-state; or in the case of out-of-state fabrication, at the location of the commercial fabricator's yard provided it is located within the continental United States. In addition, the raw material shall be verified by the Bridge Engineer or the designated representative, clearly identified for exclusive use on the project, and found to have conformed to the Plans and Specifications.

Requests for advancements on raw materials stored out-of-state will be denied when the Department does not have an available designated representative to verify the raw materials.

Requests for payment shall be supported by receipted mill invoices, billing, title or assignment documents or other documents furnished by the Contractor and shall include certified mill test reports as described in Section 810 of the Standard Specifications, containing complete material description, identification, masses, dimensions, heat and unit numbers, and cost data.

The raw materials shall be stored separately and used only for the fabricated structural steel members in this contract.

No additional advancement for raw materials will be accepted once any advancement for fully fabricated structural steel has been requested.

907-109.06.2.1.2--Advancement for Fully Fabricated Structural Steel Members. Advance payment may be requested for structural steel members which have been completely fabricated and stored in a ready-to-be-shipped condition at an approved location. A structural steel member is considered to be completely fabricated when all welding, testing, blasting, coating, painting, repair, fit up and shop assembly, including the drilling of members and splice plates, has been completed and verified by the Bridge Engineer or the designated representative. Structural steel members fabricated from raw materials, which advance payment has been paid in accordance with Subsection 907-109.06.2.1.1, shall be eligible for advancement of fabrication costs only.

To qualify for advance payment, completely fabricated structural steel members must be stored on or near the project or at other locations approved by the Engineer; or in the case of structural steel members that may require fabrication at an out-of-state location, the completely fabricated structural steel members may be stored at an approved location on the premises of the commercial fabricator's yard provided it is located within the continental United States.

Requests for advancements on fabricated structural steel members stored out-of-state will be denied when the Department does not have available a designated representative to issue a Certificate of Storage.

The Contractor shall make suitable arrangements to the satisfaction of the Engineer for storage and protection at approved sites or, in the case of materials stored at the commercial producer's yard located in Mississippi or, in the case of fabricated structural steel members stored at the commercial fabricator's yard located within the continental United States, the Contractor shall make arrangements with the producer/fabricator for suitable storage and protection to the satisfaction of the Engineer.

Unless specifically provided for in the contract, advance payment will not be made on materials, except for completely fabricated structural steel members, stored outside of the State of Mississippi.

SECTION 905
 PROPOSAL (Sheet No. 2- 3)

ACBR-9205-00(005) / 100332 &
 BRN-0009(26) / 020414
 Washington & Chicot County

REF. NO.	PAY ITEM NO.	ADJ. CODE	APPROX. QUANTITY	UNIT	DESCRIPTION	UNIT PRICE		ITEM TOTAL	
						DOLLAR	CENT	DOLLAR	CENT
(120)	206-A	(S)	77 cubic meter		Structure Excavation				
(130)	206-B	(E)	31 cubic meter		Select Material for Undercuts (Contractor Furnished) (FM)				
DELETED 11/10/2005 REFERENCE NUMBER (140) HAS BEEN DELETED						XX	XX	XX	XX
(150)	907-209-A		3877 square meter		Geotextile Fabric Stabilization (Type V)				
(160)	907-209-A		3877 square meter		Geotextile Fabric Stabilization (Type VI)				
(170)	212-A		44 550 square meter		Light Ground Preparation				
(180)	212-B		102 200 square meter		Standard Ground Preparation				