



TRANSPORTATION CABINET

Frankfort, Kentucky 40622
www.kentucky.gov

Ernie Fletcher
Governor

Bill Nighbert
Secretary

Marc Williams
Commissioner of Highways

CONSTRUCTION AND DESIGN JOINT MEMORANDUM

DESIGN MEMORANDUM No. 02-06

CONSTRUCTION MEMORANDUM No. 05-06

TO: Chief District Engineers
 Director, Division of Maintenance
 Construction TEBMs
 Design TEBMs
 Resident Engineers
 Active Consultants

FROM: Greta Smith, P.E.; Acting Director, Division of Construction
 David E. Kratt, P.E.; Director, Division of Highway Design

DATE: August 11, 2006

SUBJECT: Policy for KPDES Permit Documentation

GS
DK

In order to comply with the Kentucky Division of Water (DOW) requirements for KPDES permits for contracts which disturb one acre or more, the following changes for submitting KPDES notice of intent (NOI), preparing the appropriate Best Management Practices (BMP) plan, and filing the notice of termination (NOT) will be effective beginning with the October 27, 2006 letting.

- The Division of Design will place forms (with instructions/examples) for the NOI and BMP in Project Wise and the Division of Contract Procurement will place forms in Transport systems, as appropriate. The project manager and/or the design engineer will be responsible for putting information on these documents (as detailed by the instructions) and assuring they are included with the Bid Documents.
- After the project is awarded, the district Construction Branch manager will complete the NOI by adding the required dates and obtaining the Chief District engineers' (CDE) signature. The completed form is to be mailed to the DOW at least 48 hours before the subject operations begin on the contract.
- CDEs will sign a letter addressed to the DOW designating the individual responsible for signing reports on behalf of the Transportation Cabinet for the contract. BMP plans and related documents are considered reports.
- After the contract is awarded, the Resident Engineer and the responsible contractor will complete the initial BMP plan according the Standard Specifications, Section 213.03.01. They will also be responsible for revising the BMP plan to current status as the contract progresses. The BMP plans prepared using this procedure replaces Form TC 63-60.
- When the contract is complete the Construction Branch Manager will complete the NOT, obtain the signature of the CDE and forward the document DOW.

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- Districts are responsible for maintaining all KPDES related documents. The regulation requires document retention for three years or one year following submission of the NOT. A copy of the signed NOI, the CDEs letter delegating signature authority, the BMP plan, all inspection reports, all memos and correspondence and the NOT are to be placed in a contract folder on the district file server (see attached guidance on file management). Additionally, hard copies of these documents are to be mailed to the Division of Construction for retention with the contract files. The file names are to be as follows:

BMP Plans	(PCN) + BMP Plan
Notice of Intent	(PCN) + NOI
Inspection	(PCN) + INSP + (Date as yyyyymmdd)
Notice of Termination	(PCN) + NOT
CDE Letter of Delegation	(PCN) + LTR of Delegation
Memos	(PCN) + Memo + (Date as yyyyymmdd)
Letters	(PCN) + Letter + (Date as yyyyymmdd)
Five Day Letters	(PCN) + 5 day Letter + (Date as yyyyymmdd)

The folders on the district file server are to be in folders as follows:

DOTD##FS1_SYS/DATA/CONST/ErosionControlReports/Crew###/PCN06####/*.*

There should be a separate folder for each project. The number 06 in the file name will change with each years letting.

This file naming convention applies to projects let October 27, 2006 and later.

Attached to this memorandum are:

KPDES Permit BMP Plan Template
KPDES Permit BMP Plan Template instructions
KPDES Permit Notice of Intent
KPDES Permit Notice of Termination

GM:DEK:DJ:SJ

Attachment



Kentucky Transportation Cabinet

Highway District __ (1)

And

_____ (2), Construction

**Kentucky Pollutant Discharge Elimination System
Permit KYR10
Best Management Practices (BMP) plan**

Groundwater protection plan

For Highway Construction Activities

For

[Project Description](1)

Project: PCN ## - ####

Project information

Note – (1) = Design (2) = Construction (3) = Contractor

1. Owner – Kentucky Transportation Cabinet, District __ (1)
2. Resident Engineer: (2)
3. Contractor name: (2)
Address: (2)

Phone number: (2)
Contact: (2)
Contractors agent responsible for compliance with the KPDES permit requirements (3):
4. Project Control Number (2)
5. Route (Address) (1)
6. Latitude/Longitude (project mid-point) dd/mm/ss, dd/mm/ss (1)
7. County (project mid-point) (1)
8. Project start date (date work will begin): (2)
9. Projected completion date: (2)

A. Site description:

1. Nature of Construction Activity (from letting project description) (1)
2. Order of major soil disturbing activities (2) and (3)
3. Projected volume of material to be moved (1)
4. Estimate of total project area (acres) (1)
5. Estimate of area to be disturbed (acres) (1)
6. Post construction runoff coefficient will be included in the project drainage folder. Persons needing information pertaining to the runoff coefficient will contact the resident engineer to request this information.(1)
7. Data describing existing soil condition (1) & (2)
8. Data describing existing discharge water quality (if any) (1) & (2)
9. Receiving water name (1)
10. TMDLs and Pollutants of Concern in Receiving Waters: (1 DEA)
11. Site map – Project layout sheet plus the erosion control sheets in the project plans that depict Disturbed Drainage Areas (DDAs) and related information. These sheets depict the existing project conditions with areas delineated by DDA (drainage area bounded by watershed breaks and right of way limits), the storm water discharge locations (either as a point discharge or as overland flow) and the areas that drain to each discharge point. These plans define the limits of areas to be disturbed and the location of control measures. Controls will be either site specific as designated by the designer or will be annotated by the contractor and resident engineer before disturbance commences. The project layout sheet shows the surface waters and wetlands.
12. Potential sources of pollutants:

The primary source of pollutants is solids that are mobilized during storm events. Other sources of pollutants include oil/fuel/grease from servicing and operating construction equipment, concrete washout water, sanitary wastes and trash/debris. (3)

B. Sediment and Erosion Control Measures:

1. Plans for highway construction projects will include erosion control sheets that depict Disturbed Drainage Areas (DDAs) and related information. These plan sheets will show the existing project conditions with areas delineated by DDA within the right of way limits, the discharge points and the areas that drain to each discharge point. Project managers and designers will analyze the DDAs and identify Best Management Practices (BMPs) that are site specific. The balance of the BMPs for the project will be listed in the bid documents for selection and use by the contractor on the project with approval by the resident engineer.

Projects that do not have DDAs annotated on the erosion control sheets will employ the same concepts for development and managing BMP plans.

2. Following award of the contract, the contractor and resident engineer will annotate the erosion control sheets showing location and type of BMPs for each of the DDAs that will be disturbed at the outset of the project. This annotation will be accompanied by an order of work that reflects the order or sequence of major soil moving activities. The remaining DDAs are to be designated as "Do Not Disturb" until the contractor and resident engineer prepare the plan for BMPs to be employed. The initial BMP's shall be for the first phase (generally Clearing and Grubbing) and shall be modified as needed as the project changes phases. The BMP Plan will be modified to reflect disturbance in additional DDA's as the work progresses. All DDA's will have adequate BMP's in place before being disturbed.
3. As DDAs are prepared for construction, the following will be addressed for the project as a whole or for each DDA as appropriate:
 - Construction Access – This is the first land-disturbing activity. As soon as construction begins, bare areas will be stabilized with gravel and temporary mulch and/or vegetation.
 - At the beginning of the project, all DDAs for the project will be inspected for areas that are a source of storm water pollutants. Areas that are a source of pollutants will receive appropriate cover or BMPs to arrest the introduction of pollutants into storm water. Areas that have not been opened by the contractor will be inspected periodically (once per month) to determine if there is a need to employ BMPs to keep pollutants from entering storm water.

KyTC BMP Plan for Project PCN ## -

- Clearing and Grubbing – The following BMP's will be considered and used where appropriate.
 - Leaving areas undisturbed when possible.
 - Silt basins to provide silt volume for large areas.
 - Silt Traps Type A for small areas.
 - Silt Traps Type C in front of existing and drop inlets which are to be saved
 - Diversion ditches to catch sheet runoff and carry it to basins or traps or to divert it around areas to be disturbed.
 - Brush and/or other barriers to slow and/or divert runoff.
 - Silt fences to catch sheet runoff on short slopes. For longer slopes, multiple rows of silt fence may be considered.
 - Temporary Mulch for areas which are not feasible for the fore mentioned types of protections.
 - Non-standard or innovative methods.
- Cut & Fill and placement of drainage structures - The BMP Plan will be modified to show additional BMP's such as:
 - Silt Traps Type B in ditches and/or drainways as they are completed
 - Silt Traps Type C in front of pipes after they are placed
 - Channel Lining
 - Erosion Control Blanket
 - Temporary mulch and/or seeding for areas where construction activities will be ceased for 21 days or more.
 - Non-standard or innovative methods
- Profile and X-Section in place – The BMP Plan will be modified to show elimination of BMP's which had to be removed and the addition of new BMP's as the roadway was shaped. Probably changes include:
 - Silt Trap Type A, Brush and/or other barriers, Temporary Mulch, and any other BMP which had to be removed for final grading to take place.
 - Additional Silt Traps Type B and Type C to be placed as final drainage patterns are put in place.
 - Additional Channel Lining and/or Erosion Control Blanket.
 - Temporary Mulch for areas where Permanent Seeding and Protection cannot be done within 21 days.
 - Special BMP's such as Karst Policy
- Finish Work (Paving, Seeding, Protect, etc.) – A final BMP Plan will result from modifications during this phase of construction. Probably changes include:
 - Removal of Silt Traps Type B from ditches and drainways if they are protected with other BMP's which are sufficient to control erosion, i.e. Erosion Control Blanket or Permanent Seeding and Protection on moderate grades.

- Permanent Seeding and Protection
 - Placing Sod
 - Planting trees and/or shrubs where they are included in the project
- BMP's including Storm Water Management Devices such as velocity dissipation devices and Karst policy BMP's to be installed during construction to control the pollutants in storm water discharges that will occur after construction has been completed are : (1)

C. Other Control Measures

1. No solid materials, including building materials, shall be discharged to waters of the commonwealth, except as authorized by a Section 404 permit.
2. Waste Materials

All waste materials that may leach pollutants (paint and paint containers, caulk tubes, oil/grease containers, liquids of any kind, soluble materials, etc.) will be collected and stored in appropriate covered waste containers. Waste containers shall be removed from the project site on a sufficiently frequent basis as to not allow wastes to become a source of pollution. All personnel will be instructed regarding the correct procedure for waste disposal. Wastes will be disposed in accordance with appropriate regulations. Notices stating these practices will be posted in the office.

3. Hazardous Waste

All hazardous waste materials will be managed and disposed of in the manner specified by local or state regulation. The contractor shall notify the Resident Engineer if there any hazardous wastes being generated at the project site and how these wastes are being managed. Site personnel will be instructed with regard to proper storage and handling of hazardous wastes when required. The Transportation Cabinet will file for generator, registration when appropriate, with the Division of Waste Management and advise the contractor regarding waste management requirements.

4. Spill Prevention

The following material management practices will be used to reduce the risk of spills or other exposure of materials and substances to the weather and/or runoff.

- **Good Housekeeping:**

The following good housekeeping practices will be followed onsite during the construction project.

- An effort will be made to store only enough product required to do the job
- All materials stored onsite will be stored in a neat, orderly manner in their appropriate containers and, if possible, under a roof or other enclosure
- Products will be kept in their original containers with the original manufacturer's label
- Substances will not be mixed with one another unless recommended by the manufacturer
- Whenever possible, all of the product will be used up before disposing of the container
- Manufacturers' recommendations for proper use and disposal will be followed
- The site contractor will inspect daily to ensure proper use and disposal of materials onsite

➤ **Hazardous Products:**

These practices will be used to reduce the risks associated with any and all hazardous materials.

- Products will be kept in original containers unless they are not resealable
- Original labels and material safety data sheets (MSDS) will be reviewed and retained
- Contractor will follow procedures recommended by the manufacturer when handling hazardous materials
- If surplus product must be disposed of, manufacturers' or state/local recommended methods for proper disposal will be followed

The following product-specific practices will be followed onsite:

➤ **Petroleum Products:**

Vehicles and equipment that are fueled and maintained on site will be monitored for leaks, and receive regular preventative maintenance to reduce the chance of leakage. Petroleum products onsite will be stored in tightly sealed containers, which are clearly labeled and will be protected from exposure to weather.

The contractor shall prepare an Oil Pollution Spill Prevention Control and Countermeasure plan when the project that involves the storage of petroleum products in 55 gallon or larger containers with a total combined storage capacity of 1,320 gallons. This is a requirement of 40 CFR 112.

This project (will / will not) (3) have over 1,320 gallons of petroleum products with a total capacity, sum of all containers 55 gallon capacity and larger.

➤ **Fertilizers:**

Fertilizers will be applied at rates prescribed by the contract, standard specifications or as directed by the resident engineer. Once applied, fertilizer will be covered with mulch or blankets or worked into the soil to limit exposure to storm water. Storage will be in a covered shed. The contents of any partially used bags of fertilizer will be transferred to a sealable plastic bin to avoid spills.

➤ **Paints:**

All containers will be tightly sealed and stored indoors or under roof when not being used. Excess paint or paint wash water will not be discharged to the drainage or storm sewer system but will be properly disposed of according to manufacturers' instructions or state and local regulations.

➤ **Concrete Truck Washout:**

Concrete truck mixers and chutes will not be washed on pavement, near storm drain inlets, or within 75 feet of any ditch, stream, wetland, lake, or sinkhole. Where possible, excess concrete and wash water will be discharged to areas prepared for pouring new concrete, flat areas to be paved that are away from ditches or drainage system features, or other locations that will not drain off site. Where this approach is not possible, a shallow earthen wash basin will be excavated away from ditches to receive the wash water

➤ **Spill Control Practices**

In addition to the good housekeeping and material management practices discussed in the previous sections of this plan, the following practices will be followed for spill prevention and cleanup:

- Manufacturers' recommended methods for spill cleanup will be clearly posted. All personnel will be made aware of procedures and the location of the information and cleanup supplies.
- Materials and equipment necessary for spill cleanup will be kept in the material storage area. Equipment and materials will include as appropriate, brooms, dust pans, mops, rags, gloves, oil absorbents, sand, sawdust, and plastic and metal trash containers.
- All spills will be cleaned up immediately after discovery.
- The spill area will be kept well ventilated and personnel will wear appropriate protective clothing to prevent injury from contact with a hazardous substance.

- Spills of toxic or hazardous material will be reported to the appropriate state/local agency as required by KRS 224 and applicable federal law.
- The spill prevention plan will be adjusted as needed to prevent spills from reoccurring and improve spill response and cleanup.
- Spills of products will be cleaned up promptly. Wastes from spill clean up will be disposed in accordance with appropriate regulations.

D. Other State and Local Plans

This BMP plan shall include any requirements specified in sediment and erosion control plans, storm water management plans or permits that have been approved by other state or local officials. Upon submittal of the NOI, other requirements for surface water protection are incorporated by reference into and are enforceable under this permit (even if they are not specifically included in this BMP plan). This provision does not apply to master or comprehensive plans, non-enforceable guidelines or technical guidance documents that are not identified in a specific plan or permit issued for the construction site by state or local officials. (1)

E. Maintenance

1. The BMP plan shall include a clear description of the maintenance procedures necessary to keep the control measures in good and effective operating condition.
- Maintenance of BMPs during construction shall be a result of weekly and post rain event inspections with action being taken by the contractor to correct deficiencies.
 - Post Construction maintenance will be a function of normal highway maintenance operations. Following final project acceptance by the cabinet, district highway crews will be responsible for identification and correction of deficiencies regarding ground cover and cleaning of storm water BMPs. The project manager shall identify any BMPs that will be for the purpose of post construction storm water management with specific guidance for any non-routine maintenance. (1)

F. Inspections

Inspection and maintenance practices that will be used to maintain erosion and sediment controls:

KyTC BMP Plan for Project PCN ## -

- All erosion prevention and sediment control measures will be inspected at least once each week and following any rain of one-half inch or more.
- Inspections will be conducted by individuals that have received KyTC Grade Level II training or other qualification as prescribed by the cabinet that includes instruction concerning sediment and erosion control.
- Inspection reports will be written, signed, dated, and kept on file.
- Areas at final grade will be seeded and mulched within 14 days.
- Areas that are not at final grade where construction has ceased for a period of 21 days or longer and soil stock piles shall receive temporary mulch no later than 14 days from the last construction activity in that area.
- All measures will be maintained in good working order; if a repair is necessary, it will be initiated within 24 hours of being reported.
- Built-up sediment will be removed from behind the silt fence before it has reached halfway up the height of the fence.
- Silt fences will be inspected for bypassing, overtopping, undercutting, depth of sediment, tears, and to ensure attachment to secure posts.
- Sediment basins will be inspected for depth of sediment, and built-up sediment will be removed when it reaches 70 percent of the design capacity and at the end of the job.
- Diversion dikes and berms will be inspected and any breaches promptly repaired. Areas that are eroding or scouring will be repaired and re-seeded / mulched as needed.
- Temporary and permanent seeding and mulching will be inspected for bare spots, washouts, and healthy growth. Bare or eroded areas will be repaired as needed.
- All material storage and equipment servicing areas that involve the management of bulk liquids, fuels, and bulk solids will be inspected weekly for conditions that represent a release or possible release of pollutants to the environment.

G. Non – Storm Water discharges

It is expected that non-storm water discharges may occur from the site during the construction period. Examples of non-storm water discharges include:

- Water from water line flushings.
- Water from cleaning concrete trucks and equipment.
- Pavement wash waters (where no spills or leaks of toxic or hazardous materials have occurred).

- Uncontaminated groundwater and rain water (from dewatering during excavation).

All non-storm water discharges will be directed to the sediment basin or to a filter fence enclosure in a flat vegetated infiltration area or be filtered via another approved commercial product.

H. Groundwater Protection Plan (3)

This plan serves as the groundwater protection plan as required by 401 KAR 5:037.

- Contractors statement: (3)

The following activities, as enumerated by 401 KAR 5:037 Section 2 that require the preparation and implementation of a groundwater protection plan, will or may be conducted as part of this construction project:

_____ 2. (e) land treatment or land disposal of a pollutant;

_____ 2. (f) Storing, ..., or related handling of hazardous waste, solid waste or special waste, ..., in tanks, drums, or other containers, or in piles, (This does not include wastes managed in a container placed for collection and removal of municipal solid waste for disposal off site);

_____ 2. (g) Handling of materials in bulk quantities (equal or greater than 55 gallons or 100 pounds net dry weight transported held in an individual container) that, if released to the environment, would be a pollutant;

_____ 2. (j) Storing or related handling of road oils, dust suppressants,, at a central location;

_____ 2. (k) Application or related handling of road oils, dust suppressants or deicing materials, (does not include use of chloride-based deicing materials applied to roads or parking lots);

_____ 2. (m) Installation, construction, operation, or abandonment of wells, bore holes, or core holes, (this does not include bore holes for the purpose of explosive demolition);

Or, check the following only if there are no qualifying activities

_____ There are no activities for this project as listed in 401 KAR 5:037 Section 2 that require the preparation and implementation of a groundwater protection plan.

KyTC BMP Plan for Project PCN ## - ####

The contractor is responsible for the preparation of a plan that addresses the

401 KAR 5:037 Section 3. (3) Elements of site specific groundwater protection plan:

- (a) General information about this project is covered in the Project information;
- (b) Activities that require a groundwater protection plan have been identified above;
- (c) Practices that will protect groundwater from pollution are addressed in section C. Other control measures.
- (d) Implementation schedule – all practices required to prevent pollution of groundwater are to be in place prior to conducting the activity;
- (e) Training is required as a part of the ground water protection plan. All employees of the contractor, sub-contractor and resident engineer personnel will be trained to understand the nature and requirements of this plan as they pertain to their job function(s). Training will be accomplished within one week of employment and annually thereafter. A record of training will be maintained by the contractor with a copy provide to the resident engineer.
- (f) Areas of the project and groundwater plan activities will be inspected as part of the weekly sediment and erosion control inspections
- (g) Certification (see signature page.)

Sub-Contractor Certification

The following sub-contractor shall be made aware of the BMP plan and responsible for implementation of BMPs identified in this plan as follows:

Subcontractor

Name:
Address:
Address:

Phone:

The part of BMP plan this subcontractor is responsible to implement is:

I certify under penalty of law that I understand the terms and conditions of the general Kentucky Pollutant Discharge Elimination System permit that authorizes the storm water discharges, the BMP plan that has been developed to manage the quality of water to be discharged as a result of storm events associated with the construction site activity and management of non-storm water pollutant sources identified as part of this certification.

Signed _____ title _____, _____
Typed or printed name¹ signature

1. Sub Contractor Note: to be signed by a person who is the owner, a responsible corporate officer, a general partner or the proprietor or a person designated to have the authority to sign reports by such a person in accordance with 401 KAR 5:060 Section 9. This delegation shall be in writing to: Manager, KPDES Branch, Division of Water, 14 Reilly Road, Frankfort Kentucky 40601. Reference the Project Control Number (PCN) and KPDES number when one has been issued.

Instructions for completing the KyTC KPDES BMP Plan

These are instructions for preparation of the KPDES BMP plans for highway construction projects.

1. A KPDES BMP plan and companion notice of intent form are the documents that are used to implement the requirements of the KPDES storm water general permit referenced as KYR10. The plans are required for any project that will disturb one acre or more of ground surface.
2. The Project Manager is to have a partial KPDES BMP plan prepared prior to project letting. This process brings information about the project together and places it in a template. This partial plan will be placed in the project documents that are available to the bidders. The items marked as (1) are to be completed by the project manager/design engineer. KPDES plans incorporate the Erosion Control sheets and bid items from the project documents. These documents are to be prepared using “good engineering practices”.
3. After project letting, the successful contractor and the District resident engineer are to collaborate on the completion of the initial plan. The TEBM for Construction is to ensure that the KPDES permit notice of intent (NOI) is completed and signed by the Chief District Engineer and a letter of transmittal includes delegation of which person will be that is responsible to sign reports (including the BMP plan) for the project. Items in the plan marked as (2) are to be completed by the district and items marked as (3) are for the contractor. In some instances, items are marked as (2) and (3) for both the resident and contractor.
4. The plan template has been developed to address the requirements of 401 KAR 5:037. This part of the plan is for the contractor to complete. The contractor and resident must be aware of the location where these activities covered by the groundwater protection plan will be conducted at the project site.. Also, there are requirements for training and inspection that must be included in the project management.
5. The KPDES BMP plan template also includes a reference to the Oil Pollution control Act requirement to have a Spill Prevention Control and Countermeasure plan. These plans are required when there will be storage of more than 1,320 gallons of fuel (and other petroleum products) as an aggregate in containers (mobile and static) that have a capacity of 55 gallons or more. This plan must be certified by a professional engineer. This plan is a separate document that is not included in the KyTC outline of the KPDES BMP plan. A copy of the SPCC plan is to be provided to the resident engineer.

Instructions for completing the KyTC KPDES BMP Plan

Specific guidance for completion of items marked with (1) to be provided prior to letting:

Cover Page The “[Project Description]” is intended to be a succinct, short reference that is a snapshot of the project type and location.

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Item 5. – Route (address) is to be the information used to complete the address field of the Notice of Intent form. We have been instructed to use the route number in this field.

Item 6. The mid point latitude/Longitude is to be reported to the nearest second.

Item 7. The County is to be the county where the mid-point of the project is located.

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Item A. 3. The projected volume of material to be moved is to be filled in on cut and fill projects. Projects that do not involve significant cut and fill may leave this item blank.

Item A. 4. The total project area is the area of land that is within the right of way limits.

Item A. 5. The area to be disturbed is to be the most likely area to be disturbed as tallied from the information in the DDAs.

Item A. 6. Since the coefficient of runoff is a factor that is specific to each DDA and drainage device, we are going to refer persons who seek this information to the resident engineer and the drainage folder. No additional information is to be included in this plan.

Item A. 7. During project development, information about soil cover (existing conditions) and soil erodability is to be included.

Item A. 8. If there is information available that describes the quality of run off from the site, it should be referenced here.

Item A. 9. The name(s) of the receiving water(s) is to be the name of the water body through which all of the storm water runoff will flow. This is the name of the most down stream water body into which all drainage flows. If the project traverses separate drainage basins, then multiple named streams are to be identified.

Instructions for completing the KyTC KPDES BMP Plan

Item A. 10. The KPDES program may include requirements that emerge from the Division of Water designation of the receiving water as impaired water. This leads to imposing Total Maximum Daily Loads (TMDLs). When a project is in a drainage basin of impaired water, the Division of Environmental Analysis should obtain information about pollutants of concern and include the information here. If there are no impaired waters, then state “No TMDLs were involved on this project.”

Page 6 of 14 B. 3. (Immediately before topic C. Other Control Measures) The information to be provided has to do with the design and construction of permanent features of the project that are intended to provide storm flow velocity dissipation and to provide some degree of treatment of storm water to remove pollutants. All controls that are included in the project are to be listed. If there are no controls, state that the project does not include storm water BMPs or flow controls.

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D. Other State and Local Plans As the project id developed, if there are other local (MS4) requirements that are being added to this project, they should be referenced here.

E. Maintenance – any features of the project that require post construction maintenance over and above normal maintenance procedures are to be enumerated in this part of the plan.

Specific guidance for completing items marked as (2) are to be completed by the District following letting:

On the title page, replace “_____ (2), Construction” with the name of the contractor that has the contract to do the work on the project.

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Item 2 is to be the resident engineer assigned to manage the project. Note, in addition to being designated by the district, a letter must be written to the Director of the Division of Water delegating the responsibility to sign documents and reports for the KPDES permit. This letter is to be signed by the Chief District Engineer at the time the NOI is signed.

Item 3 is to be the person designated by the contractor assigned to manage the project for purposes of compliance with the requirements of the KPDES permit. Note, in addition to being designated by the contractor, a letter must be written to the Director of the Division of Water delegating the responsibility to sign

Instructions for completing the KyTC KPDES BMP Plan

documents and reports for the KPDES permit. This letter is to be signed by an authorized representative of the contractor (see Section 9 of 401 KAR 5:060).

Item 8 is to be the date that the project officially starts or the date by which time earth disturbing activities will begin.

Item 9 is to be the project completion date based on the contract start days allowed to complete the project.

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Item 2 Order of major soil moving activities should be developed by the contractor and approved by the resident engineer.

Item 7 and 8 the contractor and resident engineer should perform a project inspection to identify conditions that are causing the discharge of pollutants. These conditions should be added to the BMP plan.

Specific guidance for completing items marked as (3) to be completed by the Contractor and Resident Engineer following letting:

Contractors are to review the entire BMP plan document and either accept the plan or request the Resident Engineer to change it. Any changes to the BMP plan must be approved by the Resident Engineer as the KPDES permit requires the plans be prepared using “good engineering practice”.

The BMP plan includes provisions for Good Housekeeping, Groundwater protection and Oil Pollution Prevention and Countermeasure (SPCC) plans. If the contractor elects to manage over 1,320 gallons of petroleum product, it is the responsibility of the contractor to engage the service of a professional engineer to prepare the SPCC plan. A copy of the SPCC plan is to be provided to the Resident Engineer.

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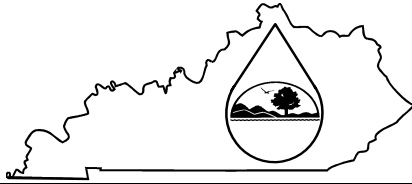
Item 2 Order of Major soil disturbing activities. In addition to this information, the Erosion and Sediment Control (ESC) plan sheets are to be reviewed. Annotation of BMPs to be applied to the DDAs is to be added to the ESC plans and the Resident Engineer is to approve the BMP array before construction begins in each area. Areas not to be opened for construction are to be designated “Do Not Disturb” until the BMPs are designated on the ESC plan sheets.

Instructions for completing the KyTC KPDES BMP Plan

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H. Groundwater Protection plan – the contractor must review the activities outlined in this section. Check any that apply to this project. If the contractor has a groundwater plan that has been prepared to address the activities, he may submit it to the resident engineer for consideration to be used on this project. If none of the activities enumerated in the regulation will be conducted, then this may be noted and a plan is not required. The contractor is to review the plan for adequacy and accept the provisions of the plan as part of the certification. The Contractor should develop an emergency data sheet that identifies the actions and places to be called, and resources that will be available to respond in the event of an accidental release.

KPDES FORM NOI-SW



**Kentucky Pollutant Discharge Elimination System
(KPDES)
Notice of Intent (NOI)
for Storm Water Discharges
Associated with Industrial Activity Under the
KPDES General Permit**

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form intends to be authorized by a KPDES permit issued for storm water discharges associated with industrial activity. Becoming a permittee obligates such discharger to comply with the terms and conditions of the permit.

ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM (See Instructions on back)

I. Facility Operator Information					
Name:	KyTC District		Phone:		
Address:			Status of Owner/Operator:	S	
City, State, Zip Code:					
II. Facility/Site Location Information					
Name:	KyTC PCN ##-####				
Address:					
City, State, Zip Code:					
County:					
Site Latitude: (degrees/minutes/seconds)			Site Longitude: (degrees/minutes/seconds)		
III. Site Activity Information					
MS4 Operator Name:					
Receiving Water Body:					
Are there existing quantitative data?	Yes <input type="checkbox"/>	If Yes, submit with this form.			
	No <input checked="" type="checkbox"/>				
SIC or Designated Activity Code Primary		2nd	3rd	4th	
If this facility is a member of a Group Application, enter Group Application Number:					
If you have other existing KPDES Permits, enter Permit Numbers:					
IV. Additional Information Required FOR CONSTRUCTION ACTIVITIES ONLY					
Project Start Date:			Completion Date:		
Estimated Area to be disturbed (in acres):					
Is the Storm Water Pollution Prevention Plan in Compliance with State and/or Local Sediment and Erosion Plans?					
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>					
V. 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.					
Printed or Typed Name:					
Signature:			Date:		

Comment [K1]: The Facility Operator for KyTC will be the District that is managing the project.

Comment [K2]: The name will be the project control number that is assigned at letting. It will be added to the NOI either by the Division of Construction or by the District. This number is to be returned from the Division of Water on the permit letter.

Comment [K3]: The address line will be the federal or state route number (s). This field is limited to 30 characters.

Comment [K4]: This information is to be the "Post Office" closest to the point chosen for the site location Latitude/Longitude. It must be in the county identified in the County field.

Comment [K5]: The site Latitude/Longitude establishes the county that is entered in this field.

Comment [K6]: Site Latitude/Longitude is to be the approximate center of the project to the nearest second.

Comment [K7]: Enter the name of the MS4 (s) when the project falls inside of an MS4 jurisdiction (s) and discharges storm water to the MS4 storm sewer system. (See instructions for section III).

Comment [K8]: There may be up to three named water bodies entered in this field. Use one name when the project is within one river basin. Use additional names when the project crosses river basin boundaries. The receiving water body name selected should be the name of the branch, fork, creek, river or lake that describes the watershed where the project is located. That is, it carries all of the storm water run off from that portion of the project, is within a r... [1]

Comment [K9]: The SIC code for linear highway projects is 1611. The code for a bridge is 1622. Projects that involve both linear work and bridg... [2]

Comment [K10]: This field will not be filled in unless there is more than one contract for the exact same project (or project segment) For example, if a... [3]

Comment [K11]: To be completed by the district. This will be the date by which work that involves preparation for or actual disturbance of soil will begin

Comment [K12]: To be completed by the District. This will be the projected completion date based on the project start date plus the contract duration.

Comment [K13]: This is to be the total of the project Disturbed Drainage Areas (DDAs).

Comment [K14]: The design project manager is to confirm compliance with local (city or, county storm water authority) requirements. Note: M... [4]

Comment [K15]: This is to be signed by a "Principal executive officer" For KyTC, this will be the Chief District Engineer. This signature authority... [5]

Kentucky Pollutant Discharge Elimination System (KPDES)
Instructions
Notice of Intent (NOI) for Storm Water Discharges Associated with Industrial Activity
To Be Covered Under The KPDES General Permit

WHO MUST FILE A NOTICE OF INTENT (NOI) FORM

Federal law at 40 CFR Part 122 prohibits point source discharges of stormwater associated with industrial activity to a water body of the Commonwealth of Kentucky without a Kentucky Pollutant Discharge Elimination System (KPDES) permit. The operator of an industrial activity that has such a storm water discharge must submit a NOI to obtain coverage under the KPDES Storm Water General Permit. If you have questions about whether you need a permit under the KPDES Storm Water program, or if you need information as to whether a particular program is administered by the state agency, call the **Storm Water Contact, Industrial Section, Kentucky Division of Water at (502) 564-3410**.

WHERE TO FILE NOI FORM

NOIs must be sent to the following address:

Section Supervisor
Inventory & Data Management Section
KPDES Branch, Division of Water
Frankfort Office Park
14 Reilly Road
Frankfort, KY 40601

COMPLETING THE FORM

Type or print legibly in the appropriate areas only. If you have any questions regarding the completion of this form call the **Storm Water Contact, Industrial Section, at (502) 564-3410**.

SECTION I - FACILITY OPERATOR INFORMATION

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

Enter the appropriate letter to indicate the legal status of the operator of the facility.

F = Federal M = Public (other than federal or state)
S = State P = Private

SECTION II - FACILITY/SITE LOCATION INFORMATION

Enter the facility's or site's official or legal name and complete street address, including city, state, and ZIP code.

SECTION III - SITE ACTIVITY INFORMATION

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

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

Indicate whether or not the owner or operator of the facility has existing quantitative data that represent the characteristics and concentration of pollutants in storm water discharges. If data is available submit with this form.

List, in descending order of significance, up to four 4-digit standard industrial classification (SIC) codes that best describe the principal products or services provided at the facility or site identified in Section II of this application.

If the facility listed in Section II has participated in Part 1 of an approved storm water group application and a group number has been assigned, enter the group application number in the space provided.

If there are other KPDES permits presently issued for the facility or site listed in Section II, list the permit numbers.

SECTION IV - ADDITIONAL INFORMATION REQUIRED FOR CONSTRUCTION ACTIVITIES ONLY

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

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

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

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

SECTION V - CERTIFICATION

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

For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

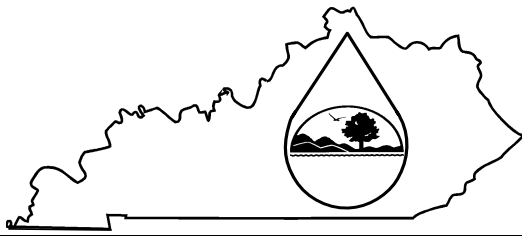
For a partnership or sole proprietorship: by a general partner or the proprietor; or

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

Revised June 1999

Page 1: [1] Comment [K8]	KYTC	4/10/2006 10:11:00 AM
<p>There may be up to three named water bodies entered in this field. Use one name when the project is within one river basin. Use additional names when the project crosses river basin boundaries. The receiving water body name selected should be the name of the branch, fork, creek, river or lake that describes the watershed where the project is located. That is, it carries all of the storm water run off from that portion of the project, is within a river basin and is the most upstream named water body that carries the storm water from the project within that riverbasin.</p>		
Page 1: [2] Comment [K9]	KYTC	4/6/2006 8:13:00 AM
<p>The SIC code for linear highway projects is 1611. The code for a bridge is 1622. Projects that involve both linear work and bridge work should use both codes.</p>		
Page 1: [3] Comment [K10]	KYTC	4/6/2006 8:17:00 AM
<p>This field will not be filled in unless there is more than one contract for the exact same project (or project segment) For example, if a contractor defaults and a new contract is let, then the previous KPDES number would be noted.</p>		
Page 1: [4] Comment [K14]	KYTC	4/10/2006 10:31:00 AM
<p>The design project manager is to confirm compliance with local (city or, county storm water authority) requirements. Note: MS4s have authority over KPDES BMP plans when the discharge of storm water flows through a storm water system operated by the MS4. They do not have authority over KPDES BMP plans if the storm water flows from a KyTC project directly to "Waters of the Commonwealth" (natural streams or water bodies).</p>		
Page 1: [5] Comment [K15]	KYTC	4/7/2006 8:57:00 AM
<p>This is to be signed by a "Principal executive officer" For KyTC, this will be the Chief District Engineer. This signature authority may not be delegated to anyone else in the District for KPDES permit applications.</p>		

KPDES FORM NOI-SW



Kentucky Pollutant Discharge Elimination System
(KPDES)
Notice of Intent (NOI)
for Storm Water Discharges
Associated with Industrial Activity Under the
KPDES General Permit

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form intends to be authorized by a KPDES permit issued for storm water discharges associated with industrial activity. Becoming a permittee obligates such discharger to comply with the terms and conditions of the permit.

ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM (See Instructions on back)

I. Facility Operator Information

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

II. Facility/Site Location Information

Name:			
Address:			
City, State, Zip Code:			
County:			
Site Latitude: (degrees/minutes/seconds)		Site Longitude: (degrees/minutes/seconds)	

III. Site Activity Information

MS4 Operator Name:				
Receiving Water Body:				
Are there existing quantitative data?	Yes <input type="checkbox"/>	If Yes, submit with this form.		
	No <input type="checkbox"/>			
SIC or Designated Activity Code Primary		2nd		3rd
				4th
If this facility is a member of a Group Application, enter Group Application Number:				
If you have other existing KPDES Permits, enter Permit Numbers:				

IV. Additional Information Required FOR CONSTRUCTION ACTIVITIES ONLY

Project Start Date:		Completion Date:	
Estimated Area to be disturbed (in acres):			
Is the Storm Water Pollution Prevention Plan in Compliance with State and/or Local Sediment and Erosion Plans?	Yes <input type="checkbox"/> No <input type="checkbox"/>		

V. 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.

Printed or Typed Name:			
Signature:		Date:	

**Kentucky Pollutant Discharge Elimination System (KPDES)
Instructions
Notice of Intent (NOI) for Storm Water Discharges Associated with Industrial Activity
To Be Covered Under The KPDES General Permit**

WHO MUST FILE A NOTICE OF INTENT (NOI) FORM

Federal law at 40 CFR Part 122 prohibits point source discharges of stormwater associated with industrial activity to a water body of the Commonwealth of Kentucky without a Kentucky Pollutant Discharge Elimination System (KPDES) permit. The operator of an industrial activity that has such a storm water discharge must submit a NOI to obtain coverage under the KPDES Storm Water General Permit. If you have questions about whether you need a permit under the KPDES Storm Water program, or if you need information as to whether a particular program is administered by the state agency, call the **Storm Water Contact, Industrial Section, Kentucky Division of Water at (502) 564-3410.**

WHERE TO FILE NOI FORM

NOIs must be sent to the following address:

**Section Supervisor
Inventory & Data Management Section
KPDES Branch, Division of Water
Frankfort Office Park
14 Reilly Road
Frankfort, KY 40601**

COMPLETING THE FORM

Type or print legibly in the appropriate areas only. If you have any questions regarding the completion of this form call the **Storm Water Contact, Industrial Section, at (502) 564-3410.**

SECTION I - FACILITY OPERATOR INFORMATION

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

Enter the appropriate letter to indicate the legal status of the operator of the facility.

F = Federal M = Public (other than federal or state)
S = State P = Private

SECTION II - FACILITY/SITE LOCATION INFORMATION

Enter the facility's or site's official or legal name and complete street address, including city, state, and ZIP code.

SECTION III - SITE ACTIVITY INFORMATION

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

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

Indicate whether or not the owner or operator of the facility has existing quantitative data that represent the characteristics and concentration of pollutants in storm water discharges. If data is available submit with this form.

List, in descending order of significance, up to four 4-digit standard industrial classification (SIC) codes that best describe the principal products or services provided at the facility or site identified in Section II of this application.

If the facility listed in Section II has participated in Part 1 of an approved storm water group application and a group number has been assigned, enter the group application number in the space provided.

If there are other KPDES permits presently issued for the facility or site listed in Section II, list the permit numbers.

SECTION IV - ADDITIONAL INFORMATION REQUIRED FOR CONSTRUCTION ACTIVITIES ONLY

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

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

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

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

SECTION V - CERTIFICATION

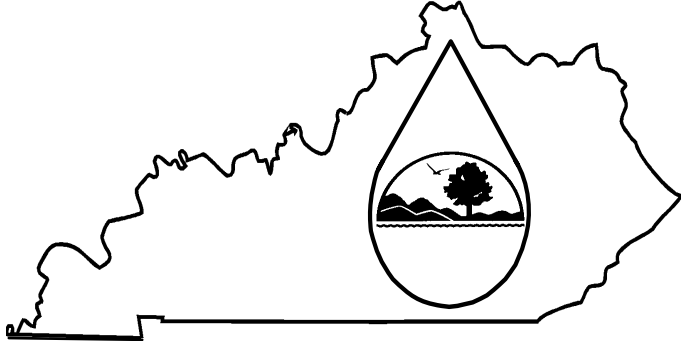
Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

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

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

KPDES FORM NOT-SW

	Kentucky Pollutant Discharge Elimination System (KPDES)
NOTICE OF TERMINATION (NOT) of Coverage Under the KPDES General Permit for Storm Water Discharges Associated with Industrial Activity	

Submission of this Notice of Termination constitutes notice that the party identified in Section II of this form is no longer authorized to discharge storm water associated with industrial activity under the KPDES program.

ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM.
(Please see instructions on back before completing this form.)

I. PERMIT INFORMATION

KPDES Storm Water General Permit Number:
Check here if you are no longer the Operator of the Facility: <input type="checkbox"/>
Check here if the Storm Water Discharge is Being Terminated: <input type="checkbox"/>

II. FACILITY OPERATOR INFORMATION
--

Name:
Address:
City/State/Zip Code:
Telephone Number:

III. FACILITY/SITE LOCATION INFORMATION
--

Name:
Address:
City/State/Zip Code:

Certification: I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by a KPDES general permit have been eliminated or that I am no longer the operator of the facility or construction site. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge storm water associated with industrial activity under this general permit, and that discharging pollutants in storm water associated with industrial activity of waters of the Commonwealth is unlawful under the Clean Water Act and Kentucky Regulations where the discharge is not authorized by a KPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the Kentucky Revised Statutes.

NAME (Print or Type)	TITLE
SIGNATURE	DATE

INSTRUCTIONS
NOTICE OF TERMINATION (NOT) OF COVERAGE UNDER THE KPDES GENERAL PERMIT
FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY

Who May File a Notice of Termination (NOT) Form

Permittees who are presently covered under the Kentucky Pollutant Discharge Elimination System (KPDES) General Permit for Storm Water Discharges Associated with Industrial Activity may submit a Notice of Termination (NOT) form when their facilities no longer have any storm water discharges associated with industrial activity as defined in the storm water regulations at 40 CFR 122.26 (b)(14), or when they are no longer the operator of the facilities.

For construction activities, elimination of all storm water discharges associated with industrial activity occurs when disturbed soils at the construction site have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time, or that all storm water discharges associated with industrial activity from the construction site that are authorized by a KPDES general permit have otherwise been eliminated. Final stabilization means that all soil-disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 70% of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles have been employed.

Where to File NOT Form

Send this form to the following address:

**Section Supervisor
Inventory & Data Management Section
KPDES Branch, Division of Water
14 Reilly Road, Frankfort Office Park
Frankfort, KY 40601**

Completing the Form

Type or print legibly in the appropriate areas and according to the instructions given for each section. If you have questions about this form, call the Storm Water Contact, Industrial Section, at (502) 564-3410.

Section I - Permit Information

Enter the existing KPDES Storm Water General Permit number assigned to the facility or site identified in Section III. If you do not know the permit number, **call the Storm Water Contact, Industrial Section at (502) 564-3410.**

Indicate your reason for submitting this Notice of Termination by checking the appropriate box:

If there has been a change of operator and you are no longer the operator of the facility or site identified in Section III, check the corresponding box.

If all storm water discharges at the facility or site identified in Section III have been terminated, check the corresponding box.

Section II - Facility Operator Information

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

Section III - Facility/Site Location Information

Enter the facility's or site's official or legal name and complete address, including city, state and ZIP code. If the facility lacks a street address, indicate the state, the latitude and longitude of the facility to the nearest 15 seconds, or the quarter, section, township, and range (to the nearest quarter section) of the approximate center of the site.

Section IV - Certification

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

For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

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

For a municipality, State, Federal, or other public facility: by either a principal executive