



COMMONWEALTH OF KENTUCKY  
TRANSPORTATION CABINET  
Frankfort, Kentucky 40622  
www.transportation.ky.gov/

Matthew G. Bevin  
Governor

Greg Thomas  
Secretary

CONSTRUCTION AND DESIGN MEMORANDUM

DESIGN MEMORANDUM No. 05-2017

CONSTRUCTION MEMORANDUM No. 02-2017

TO: Division Directors  
Chief District Engineers  
Project Delivery and Preservation TEBM's  
Project Development TEBM's  
Section Engineers  
Active Design Consultants

FROM: William S. Gulick, P.E., Director, Division of Highway Design  
Ryan C. Griffith, P.E., Director, Division of Construction

DATE: March 28, 2017

RE: eNOI System for KYTC Construction Stormwater Permits and  
Consistency in Proposal Content

For KYTC construction projects that will disturb more than one acre, coverage under a General Permit (KYR10) for storm water discharges issued by the Kentucky Division of Water (KDOW) is required. Coverage is secured by filing an electronic Notice of Intent (eNOI) with KDOW. On February 6, 2017, the KDOW migrated the eNOI system for KYR10 Construction Permits into the Kentucky One Stop Business Portal. This will require changes to KYTC's existing eNOI application process. **Projects that have already received eNOI approval will be unaffected by this change.** No delays should occur, nor should any work on existing draft eNOIs be lost during this transition. This is the first step, but the most significant of several changes that will occur over the next few months. As additional changes are implemented, the information will be disseminated.

There have been two approaches used regarding the permittee identified on the eNOI. In some cases this has been identified as KYTC while in others it has been the Contractor. For all future NOIs, KYTC shall be identified as the Facility Operator (Permittee) and be responsible for submitting the eNOI. The Contractor will be identified on page two, section III of the form as the "Building Contractor". Standard practice will be to provide bid items for sediment control. Lump



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Sum sediment control shall only be used for small projects that do not require KYR10 coverage. Lump sum bidding of erosion and sediment control must be approved by the Director of the Division of Construction. All Lump Sum proposals must include a Special Note

After consultation with the affected Divisions and several Districts, a process that should comply with the business rules of the new eNOI system and allow KYTC to consistently and effectively manage this modified requirement has been developed. This process may require some further revision as additional eNOI system requirements are implemented.

The process below will apply to all future projects.

- 1) All KYTC personnel involved in preparing or review of the eNOI must create a “personal” account in the One Stop Business Portal. This must only be done once to establish a User ID and password. An account can be created by following this link <https://sims.cot.ky.gov/Account/CreateAccount>
- 2) This change in the eNOI system does not affect who in the Cabinet prepares the eNOI but does require that they have a login and password to the system. The eNOI preparer in the District or CO will create the draft eNOI in the One Stop Business Portal and assign permission to the anyone else (DECs, Location Engineers, Area Engineers, District Design staff, etc.) who may need to access or review the document. Others who will need to be involved in review of the document must also have a “personal” account in the One Stop Business Portal before access permissions can be assigned. The person creating the document will need to know the User ID for anyone who they want to include in the document review. Persons receiving permission to a document will be notified on their dashboard for the One Stop Business Portal.
- 3) The Chief District Engineer’s name should be included in sections I and II on the form along with the district office address. Since the Contractor will not be known at the time that the Proposal is prepared, a pdf of the draft eNOI will need to be included in the contract documents. The proposal will also need to include the *Special Note - Filing of eNOI for KPDES Construction Stormwater Permit* (see Attachment 1).
- 4) Upon award of the project, the District Construction Office Manager will be responsible for providing the creator of the eNOI with the Contractor’s name, address and the CID # to be included in Section III of the NOI as the “Building Contractor”. The person who drafted the NOI shall be responsible for completing and submitting the document.
- 5) The person filing the NOI will monitor the submittal for approval, which will appear on the person’s dashboard in the One Stop Business Portal, and will notify the DCOM of the date of approval, which will be placed in Site Manager. As has always been the case, this will need to be accomplished prior to any on-site work.

The previously created eNOI documents will be accessible in the eNOI system but will not be retrievable through a document link as has previously been the case. KYTC personnel who created the draft eNOI will need to create their personal One Stop Business Portal ID and access the document using the “Transaction ID” generated for the draft document.

Please note that at some point later this year, an electronic signature requirement will be added to this process. Additional features such as the ability to assign read/write permissions may also be forthcoming. As these improvements are added to the system, these changes will be incorporated as seamlessly and effectively as possible into current processes.

#### **Proposal Content**

Along with the changes described above, there are also measures to be implemented, intended to improve consistency of content of our proposals regarding construction stormwater. For all projects that require stormwater coverage under the KYR10 permit (more than one acre of ground disturbance), a complete proposal shall include:

1. A copy of the *Special Note - Filing of eNOI for KPDES Construction Stormwater Permit* (see Attachment 1) with project information and KDOW Submittal ID.
2. Since the contractor will not be able to access the draft eNOI, a copy of the draft eNOI shall also be included in the proposal.
3. A copy of the current BMP template, found at <http://transportation.ky.gov/Highway-Design/Pages/Drainage-Resource-Materials.aspx> . At the discretion of the design project manager, a requirement for development of a BMP Plan may be included in a proposal regardless of whether KYR10 coverage is necessary. Such discretion might be used when disturbed acreage is expected to approach but not exceed one acre, receiving waters are proximate to the work and/or sensitive in nature, etc.
4. A map that identifies the project location, drainage areas, discharge points, etc. should be included.

If you have any questions, please contact either the Division of Highway Design or the Division of Construction.

WSG:RCG:aca

Attachments

## ***SPECIAL NOTE***

### **Filing of eNOI for KPDES Construction Stormwater Permit**

**County:**

**Route:**

**Item No.:**

**KDOW Submittal ID:**

**Project Description:**

**A Notice of Intent for obtaining coverage under the Kentucky Pollutant Discharge Elimination System (KPDES) General Permit for Stormwater Discharges Associated with Construction Activities (KYR10) has been drafted, copy of which is attached. Upon award, the Contractor will be identified in Section III of the form as the “Building Contractor” and it will be submitted for approval to the Kentucky Division of Water. The Contractor shall be responsible for advancing the work in a manner that is compliant with all applicable and appropriate KYTC specifications for sediment and erosion control as well as meeting the requirements of the KYR10 permit and the KDOW.**

**If there are any questions regarding this note, please contact David Waldner, Director, Division of Environmental Analysis, TCOB, 200 Mero Street, Frankfort, KY 40622, Phone: (502) 564-7250.**