



STATE OF DELAWARE  
DEPARTMENT OF TRANSPORTATION  
PO BOX 778  
DOVER, DELAWARE 19903

JACK MARKELL  
GOVERNOR

JENNIFER COHAN  
SECRETARY

**VIA OVERNIGHT DELIVERY**

(302) 760-2030  
FAX (302) 739-2254

December 16, 2015

Contract No. T200811301  
Federal Aid Project NH-2015 (20)  
US 301, MARYLAND STATE LINE TO LEVELS ROAD  
New Castle County

Ladies and Gentlemen:

Enclosed is Addendum No. 2 for the referenced contract consisting of the following:

1. The Bid Proposal Cover, revised, to be substituted for the same page in the Proposal.
2. One (1) page, Table of Contents, page xvi, revised, to be substituted for the same page in the Proposal.
3. Two (2) pages, Special Provisions 907507-Earth Dike Type A-2, pages 352-A and 352-B have been added to the Proposal.
4. Twenty Six (26) pages, Bid Proposal Forms, pages 1-2 and 19-42 revised, to be substituted with 1-2 and 19-42.

The following item has been added to section 0009 of the Bid Proposal Forms:  
201000

The following item has been deleted from section 0001 of the Bid Proposal Forms:  
909002

5. Twenty Two (22) pages, Maryland Department of the Environment Approvals, have been added as Appendix-A.
6. Expedite Bid File, Addendum No. 2.

Please note the revision listed above and submit your bid based upon this information.

Sincerely,

*signature on file*

James H. Hoagland  
Contract Services Administrator

:jhh  
Enclosure

STATE OF DELAWARE



DEPARTMENT OF TRANSPORTATION

BID PROPOSAL

for

CONTRACT T200811301.01

FEDERAL AID PROJECT NO. NH-2015 (20)

US 301, MARYLAND STATE LINE TO LEVELS ROAD

NEW CASTLE COUNTY

ADVERTISEMENT DATE: November 10, 2015

COMPLETION TIME: 850 Calendar Days

SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION  
DELAWARE DEPARTMENT OF TRANSPORTATION  
AUGUST 2001

Bids will be received in the Bidder's Room at the Delaware Department of Transportation's Administration Building, 800 Bay Road, Dover, Delaware until 2:00 P.M. local time **December 22, 2015**

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749522 - SUPPLY OF BREAKAWAY I-BEAM SIGN POSTS, W-8. . . . .	<u>295</u>
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**907506 - EARTH DIKE, TYPE A-1**  
**907507 - EARTH DIKE, TYPE A-2**  
**907508 - EARTH DIKE, TYPE B-1**  
**907509 - EARTH DIKE, TYPE B-2**

**Description:**

Construct, maintain, and remove various types of earth dikes as detailed in this specification and indicated on the Plans. Prevent clean runoff from entering disturbed areas by intercepting and diverting runoff to stabilized outlets, or intercept sediment-laden runoff and divert it to a sediment trapping device.

**Materials:**

**Borrow** - Material excavated onsite or supplied from an outside source meeting 209.04(f)  
**Seed and Mulch** - Section 908.02  
**Erosion Control Blanket** - Section 908.02  
**Riprap (R-4)** - Section 712.04  
**Geotextile** - Section 827.06

**Construction Methods:**

General Requirements for all Types:

1. Convey runoff from disturbed areas to a sediment trapping device
2. Outlet diverted runoff from undisturbed areas to an undisturbed stabilized area at non-erosive velocity.
3. Construct the earth berm having side slopes no steeper than 2:1. Top surface and height dimensions as listed below under Type A-1, A-2, B-1, or B-2. Compact the soil using earthmoving equipment or mechanical tamps to at least 90% of maximum density (per AASHTO T 99 Method C, Modified). Construct in lifts not to exceed 12 inches loose measurement.
4. Begin earth dike stabilization within seven days of the start of construction or prior to the earth dike becoming operational, whichever is sooner.
5. Stabilize the top surface and outside slope (opposite the side conveying runoff) with seed and mulch chosen by the Contractor.
6. Stabilize the side slope carrying water, and the adjoining existing ground using materials and dimensions specified below under Earth Dikes, Type A-1, A-2, B-1, or B-2.
7. Remove accumulated sediment when it reaches 50% of the earth dike height.
8. Maintain the original dimensions and function of the earth dike throughout its life.
9. Remove the temporary earth dike when no longer needed, or as directed by the Engineer. Perform restoration, final grading, seeding and stabilization of the area.

Type A-1: Use where shown on the plans when the profile of the water carrying channel is between 0.5% and 2.0%. Stabilize the water carrying channel with seed and Erosion Control Blanket. Place the seed and blanket covering the water carrying channel created by the earth dike to a length of 14 inches measured along the dike slope and a length of 48 inches along the adjoining existing ground. Construct the earth dike to an overall height of 12 inches measured from the channel flow line to top of earth dike. Top surface of the earth dike shall be 12 inches wide.

Type A-2: Use where shown on the plans when the profile of the water carrying channel is between 2.1% and 8.0%. Stabilize the water carrying channel with stone meeting R-4 riprap gradation on geotextile. Excavate and place the riprap covering the water carrying channel created by the earth dike to a length of 14 inches measured along the dike slope and a length of 48 inches along the adjoining existing ground. Construct the earth dike to an overall height of 12 inches measured from the channel flow line to top of earth dike. Top surface of the earth dike shall be 12 inches wide.

Type B-1: Use where shown on the plans when the profile of the water carrying channel is between 0.5% and 2.0%. Stabilize the water carrying channel with seed and Erosion Control Blanket. Place the blanket covering the water carrying channel created by the earth dike to a length of 27 inches measured along the dike slope and a length of 72 inches along the adjoining existing ground. Construct the earth dike to an overall height of 18 inches measured from the channel flow line to top of earth dike. Top surface of the earth dike shall be 24 inches wide.

Type B-2: Use where shown on the plans when the profile of the water carrying channel is between 2.1% and 8.0%. Stabilize the water carrying channel with stone meeting R-4 riprap gradation on geotextile. Excavate and place the riprap covering the water carrying channel created by the earth dike to a length of 27 inches measured along the dike slope and a length of 72 inches along the adjoining existing ground. Construct the earth dike to an overall height of 18 inches measured from the channel flow line to top of earth dike. Top surface of the earth dike shall be 24 inches wide.

**Method of Measurement:**

Linear foot measured along the earth dike's centerline at the top surface.

**Basis of Payment:**

Linear foot measurement includes soil placement, compacting, and grading; applicable stabilization (seeding and mulching, erosion control blanket, and /or riprap), removal when no longer required, maintenance, sediment removal, restoration, final grading, and final stabilization of the area. Pay for clearing and grubbing under the respective items if required. Furnish and pay for soil required to construct the earth dikes as follows:

For Borrow from an outside source - Pay under item 209006, Borrow, Type F

For Borrow excavated from the job - Payment will be made under the applicable excavation item when the material is initially excavated. Hauling and placing the material in the earth dike is incidental to the applicable earth dike being constructed.

1/14/15

DELAWARE DEPARTMENT OF TRANSPORTATION  
SCHEDULE OF ITEMS

PAGE: 1  
DATE:

CONTRACT ID: T200811301.01 PROJECT(S): NH-2015 (20)

All figures must be typewritten.

CONTRACTOR :

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
SECTION 0001 ROADWAY DE ONLY						
0020	202000 EXCAVATION AND EMBANKMENT	1049186.000 CY				
0030	202515 COMPACTING INSITU MATERIAL	720.000 SY				
0040	202572 BORROW AREA EROSION & SEDIMENT CONTROL & DEWATERING	LUMP	LUMP			
0050	203000 CHANNEL EXCAVATION	110.000 CY				
0060	207000 EXCAVATION AND BACKFILL FOR STRUCTURES	22.000 CY				
0070	208000 EXCAVATION AND BACKFILLING FOR PIPE TRENCHES	10228.000 CY				
0080	208001 FLOWABLE FILL	17.000 CY				
0090	209002 BORROW, TYPE B	80814.000 CY				
0100	211000 REMOVAL OF STRUCTURES AND OBSTRUCTIONS	LUMP	LUMP			

DELAWARE DEPARTMENT OF TRANSPORTATION  
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CONTRACTOR : \_\_\_\_\_

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
0110	211521 ABANDONMENT OF WELLS	6.000 EACH				
0120	212000 UNDERCUT EXCAVATION	1892.000 CY				
0130	302007 GRADED AGGREGATE BASE COURSE, TYPE B	22803.000 CY				
0140	302011 DELAWARE NO. 3 STONE	1380.000 TON				
0150	304501 PERMEABLE TREATED BASE, 4"	129994.000 SY				
0160	304502 SOIL CEMENT BASE COURSE, 6"	126083.000 SY				
0170	304506 PORTLAND CEMENT	2741.000 TON				
0180	401801 BITUMINOUS CONCRETE, SUPERPAVE, TYPE C, 160 GYRATIONS PG 64-22 (CARBONATE STONE)	4257.000 TON				
0190	401810 BITUMINOUS CONCRETE, SUPERPAVE, TYPE B, 160 GYRATIONS, PG 64-22	15969.000 TON				

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CONTRACTOR : \_\_\_\_\_

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
1760	748567 RETROREFLECTIVE PREFORMED PATTERNED MARKINGS, 13"	395.000 LF				
1770	749500 SIGN PANEL	2553.000 SF				
1840	749532 SUPPLY OF FLAT SHEET ALUMINUM SIGN PANEL, TYPE IX RETROREFLECTIVE SHEETING	20.000 SF				
1880	749687 INSTALLATION OR REMOVAL OF TRAFFIC SIGN(S) ON SINGLE SIGN POST	196.000 EACH				
1890	749688 INSTALLATION OF 4" DIAMETER HOLE, LESS THAN OR EQUAL TO 6" DEPTH	10.000 EACH				
1900	749689 INSTALLATION OF 4" DIAMETER HOLE, GREATER THAN 6" DEPTH	4.000 EACH				
1910	749690 INSTALLATION OR REMOVAL OF TRAFFIC SIGNS ON MULTIPLE SIGN POSTS	1069.000 SF				
1920	753503 INSTALLING SANITARY SEWER, PVC, 12"	262.000 LF				
1930	758000 REMOVAL OF EXISTING PORTLAND CEMENTCONCRETE PAVEMENT, CURB, SIDEWALK, ETC.	19253.000 SY				



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CONTRACTOR :

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
1940	759506 FIELD OFFICE, TYPE II.22 SPECIAL COMPLEX	30.000 EAMO				
1950	760012 RUMBLE STRIPS, BIKE-FRIENDLY, HOT-MIX	22362.000 LF				
1960	760017 RUMBLE STRIPS, CONCRETE	59567.000 LF				
1970	760507 PROFILE MILLING, BITUMINOUS CONCRETE	6786.000 SYIN				
1980	762001 SAW CUTTING, BITUMINOUS CONCRETE	4764.000 LF				
1990	762002 SAW CUTTING, CONCRETE, FULL DEPTH	697.000 LF				
2000	763000 INITIAL EXPENSE	LUMP	LUMP			
2010	763501 CONSTRUCTION ENGINEERING	LUMP	LUMP			
2020	763503 TRAINEE	2000.000 HOUR		0.80000		1600.00
2030	763508 PROJECT CONTROL SYSTEM DEVELOPMENT PLAN	LUMP	LUMP			

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CONTRACTOR :

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
2040	763509 CPM SCHEDULE UPDATES AND/OR REVISED UPDATES	30.000 EAMO				
2050	763597 UTILITY CONSTRUCTION ENGINEERING	100.000 HOUR				
2060	763619 WEIGH IN MOTION SYSTEM (WIM)	LUMP	LUMP			
2070	763689 STRUCTURAL WORK, GANTRY	LUMP	LUMP			
2080	900500 ENVIRONMENTAL PERFORMANCE INCENTIVE (DISINCENTIVE)	LUMP	LUMP			488000.00
2090	905001 SILT FENCE	12571.000 LF				
2100	905002 REINFORCED SILT FENCE	45734.000 LF				
2110	905003 SEDIMENT TRAP	1303.000 CY				
2120	905004 INLET SEDIMENT CONTROL, DRAINAGE INLET	16.000 EACH				
2130	905005 INLET SEDIMENT CONTROL, CURB INLET	11.000 EACH				

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LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
2140	906001 PORTABLE SEDIMENT TANK	1.000 EACH				
2150	906002 DEWATERING BAG	9.000 EACH				
2160	906003 SUMP PIT	1.000 EACH				
2170	906004 SKIMMER DEWATERING DEVICE	11.000 EACH				
2180	907011 STONE CHECK DAM	47.000 TON				
2190	908010 TOPSOILING, 6" DEPTH	500754.000 SY				
2200	908014 PERMANENT GRASS SEEDING, DRY GROUND	519169.000 SY				
2210	908015 PERMANENT GRASS SEEDING, WET GROUND	450305.000 SY				
2220	908017 TEMPORARY GRASS SEEDING	468154.000 SY				
2230	908019 STREAMBANK SEED MIX, SEEDING	50.000 SY				

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CONTRACTOR :

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
2240	908020 EROSION CONTROL BLANKET MULCH	123047.000 SY				
2250	908021 TURF REINFORCEMENT MATTING, TYPE 1	1824.000 SY				
2260	908023 STABILIZED CONSTRUCTION ENTRANCE	1259.000 TON				
2270	908503 WETLAND MITIGATION GRASS SEEDING	25854.000 SY				
2300	910004 CLAY BORROW, CUT-OFF TRENCH	2981.000 CY				
2310	910007 OUTLET STRUCTURE	LUMP	LUMP			
2320	910009 INFILTRATION TRENCH	200.000 LF				
4040	605501 GROUND MOUNT BREAKAWAY TYPE SIGN SUPPORTS AND FOUNDATION	LUMP	LUMP			
4060	201000 CLEARING AND GRUBBING	LUMP	LUMP			
4080	907507 EARTH DIKE, TYPE A-2	1880.000 LF				

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CONTRACTOR :

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
4090	909005 STREAM DIVERSION	LUMP	LUMP			
	SECTION 0001 TOTAL					

SECTION 0002 BRIDGE 1-486 STANDARD ITEMS

2330	202505 SETTLEMENT PLATFORM	EACH	4.000			
2340	207000 EXCAVATION AND BACKFILL FOR STRUCTURES	CY	216.000			
2350	602006 PORTLAND CEMENT CONCRETE MASONRY, PIER FOOTING, CLASS B	CY	94.000			
2360	602007 PORTLAND CEMENT CONCRETE MASONRY, PIER ABOVE FOOTING, CLASS A	CY	70.000			
2370	602013 PORTLAND CEMENT CONCRETE MASONRY, SUPERSTRUCTURE, CLASS D	CY	195.000			
2380	602014 PORTLAND CEMENT CONCRETE MASONRY, APPROACH SLAB, CLASS D	CY	110.000			
2390	602015 PORTLAND CEMENT CONCRETE MASONRY, ABUTMENT ABOVE FOOTING, CLASS A	CY	70.000			

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CONTRACTOR :

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
2400	602017 PORTLAND CEMENT CONCRETE MASONRY, PARAPET, CLASS A	50.000 CY				
2410	602772 MECHANICALLY STABILIZED EARTH WALLS	LUMP	LUMP			
2420	604000 BAR REINFORCEMENT, EPOXY COATED	135000.000 LB				
2430	608000 COARSE AGGREGATE FOR FOUNDATION STABILIZATION AND SUBFOUNDATION BACKFILL	20.000 TON				
2440	623003 PRESTRESSED REINFORCED CONCRETE MEMBERS, BULB T BEAM	LUMP	LUMP			
2450	727507 BRIDGE SAFETY FENCE	290.000 LF				
	SECTION 0002 TOTAL					

SECTION 0003 BRIDGE 1-486 PILE ALTERNATE 1

2460	618062 STEEL H PILES, HP 14 X 73	854.000 LF				
2470	618065 STEEL H TEST PILES, HP 14 X 73	142.000 LF				

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CONTRACTOR :

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
2480	619042 INSTALL STEEL H PILES, HP 14 X 73	854.000 LF				
2490	619045 INSTALL STEEL H TEST PILES, HP 14 X 73	142.000 LF				
2500	619501 PRODUCTION PILE RESTRIKE	1.000 EACH	500.00000		500.00	
2510	619502 TEST PILE RESTRIKE	1.000 EACH	1000.00000		1000.00	
2520	619519 DYNAMIC PILE TESTING BY CONTRACTOR	4.000 EACH				
2530	619539 SIGNAL MATCHING ANALYSIS BY CONTRACTOR	4.000 EACH				
	SECTION 0003 TOTAL					

SECTION 0004 BRIDGE 1-486 PILE ALTERNATE 2

2540	618552 FURNISH PIPE PILE, SCHEDULE 40, OPEN END, 14"	924.000 LF				
2550	618557 FURNISH TEST PIPE PILE, SCHEDULE 40, OPEN END, 14"	152.000 LF				
2560	619501 PRODUCTION PILE RESTRIKE	1.000 EACH	500.00000		500.00	

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CONTRACTOR :

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
2570	619502 TEST PILE RESTRIKE	1.000 EACH	1000.00000		1000.00	
2580	619519 DYNAMIC PILE TESTING BY CONTRACTOR	4.000 EACH				
2590	619539 SIGNAL MATCHING ANALYSIS BY CONTRACTOR	4.000 EACH				
2600	619540 INSTALL PIPE PILE, SCHEDULE 40, OPEN END, 14"	924.000 LF				
2610	619558 INSTALL TEST PIPE PILE, SCHEDULE 40, OPEN END, 14"	152.000 LF				
	SECTION 0004 TOTAL					

SECTION 0005 BRIDGE 1-482 STANDARD ITEMS

2620	202505 SETTLEMENT PLATFORM	4.000 EACH				
2630	207000 EXCAVATION AND BACKFILL FOR STRUCTURES	313.000 CY				
2640	602006 PORTLAND CEMENT CONCRETE MASONRY, PIER FOOTING, CLASS B	178.000 CY				



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LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
2650	602007 PORTLAND CEMENT CONCRETE MASONRY, PIER ABOVE FOOTING, CLASS A	111.000 CY				
2660	602013 PORTLAND CEMENT CONCRETE MASONRY, SUPERSTRUCTURE, CLASS D	443.000 CY				
2670	602014 PORTLAND CEMENT CONCRETE MASONRY, APPROACH SLAB, CLASS D	237.000 CY				
2680	602015 PORTLAND CEMENT CONCRETE MASONRY, ABUTMENT ABOVE FOOTING, CLASS A	120.000 CY				
2690	602017 PORTLAND CEMENT CONCRETE MASONRY, PARAPET, CLASS A	51.000 CY				
2700	602772 MECHANICALLY STABILIZED EARTH WALLS	LUMP		LUMP		
2710	604000 BAR REINFORCEMENT, EPOXY COATED	258953.000 LB				
2720	608000 COARSE AGGREGATE FOR FOUNDATION STABILIZATION AND SUBFOUNDATION BACKFILL	18.000 TON				
2730	623003 PRESTRESSED REINFORCED CONCRETE MEMBERS, BULB T BEAM	LUMP		LUMP		

DELAWARE DEPARTMENT OF TRANSPORTATION  
SCHEDULE OF ITEMS

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All figures must be typewritten.

CONTRACTOR :

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
2740	727507 BRIDGE SAFETY FENCE	354.000 LF				
	SECTION 0005 TOTAL					

SECTION 0006 BRIDGE 1-482 PILE ALTERNATE 1

2750	618062 STEEL H PILES, HP 14 X 73	1836.000 LF				
2760	618065 STEEL H TEST PILES, HP 14 X 73	135.000 LF				
2770	619042 INSTALL STEEL H PILES, HP 14 X 73	1836.000 LF				
2780	619045 INSTALL STEEL H TEST PILES, HP 14 X 73	135.000 LF				
2790	619501 PRODUCTION PILE RESTRIKE	1.000 EACH	500.00000		500.00	
2800	619502 TEST PILE RESTRIKE	1.000 EADY	1000.00000		1000.00	
2810	619519 DYNAMIC PILE TESTING BY CONTRACTOR	4.000 EACH				
2820	619539 SIGNAL MATCHING ANALYSIS BY CONTRACTOR	4.000 EACH				
	SECTION 0006 TOTAL					

DELAWARE DEPARTMENT OF TRANSPORTATION  
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CONTRACTOR :

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE DOLLARS   CTS	BID AMOUNT DOLLARS   CTS
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SECTION 0007 BRIDGE 1-482 PILE ALTERNATE 2

2830	618552 FURNISH PIPE PILE, SCHEDULE 40, OPEN END, 14"	2156.000 LF		
2840	618557 FURNISH TEST PIPE PILE, SCHEDULE 40, OPEN END, 14"	155.000 LF		
2850	619501 PRODUCTION PILE RESTRIKE	1.000 EACH	500.00000	500.00
2860	619502 TEST PILE RESTRIKE	1.000 EADY	1000.00000	1000.00
2870	619519 DYNAMIC PILE TESTING BY CONTRACTOR	4.000 EACH		
2880	619539 SIGNAL MATCHING ANALYSIS BY CONTRACTOR	4.000 EACH		
2890	619540 INSTALL PIPE PILE, SCHEDULE 40, OPEN END, 14"	2156.000 LF		
2900	619558 INSTALL TEST PIPE PILE, SCHEDULE 40, OPEN END, 14"	155.000 LF		
	SECTION 0007 TOTAL			

SECTION 0008 BRIDGE 1-482 PILE ALTERNATE 3

DELAWARE DEPARTMENT OF TRANSPORTATION  
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CONTRACTOR :

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
2910	618050 FURNISH STEEL SHELL PILES, 14"	1612.000 LF				
2920	618051 FURNISH TEST STEEL SHELL PILES, 14"	121.000 LF				
2930	619055 INSTALL STEEL SHELL PILES, 14"	1612.000 LF				
2940	619056 INSTALL TEST STEEL SHELL PILES, 14"	121.000 LF				
2950	619501 PRODUCTION PILE RESTRIKE	1.000 EACH	500.00000		500.00	
2960	619502 TEST PILE RESTRIKE	1.000 EACH	1000.00000		1000.00	
2970	619519 DYNAMIC PILE TESTING BY CONTRACTOR	4.000 EACH				
2980	619539 SIGNAL MATCHING ANALYSIS BY CONTRACTOR	4.000 EACH				
	SECTION 0008 TOTAL					

SECTION 0009 MARYLAND QUANTITIES

2990	202000 EXCAVATION AND EMBANKMENT	56440.000 CY				
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DELAWARE DEPARTMENT OF TRANSPORTATION  
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CONTRACTOR : \_\_\_\_\_

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
3000	202569 POND ACCESS ROAD, MARYLAND	2602.000  SY				
3010	208000 EXCAVATION AND BACKFILLING FOR PIPE TRENCHES	333.000  CY				
3020	208001 FLOWABLE FILL	6.000  CY				
3030	209002 BORROW, TYPE B	2837.000  CY				
3040	211002 REMOVAL OF STRUCTURES AND OBSTRUCTIONS (GUARDRAIL)	63.000  LF				
3050	255502 GABION OUTLET STRUCTURE, MARYLAND	3.000  TON				
3060	272511 POND OUTLET STRUCTURE, CONCRETE, MARYLAND	LUMP	LUMP			
3070	302007 GRADED AGGREGATE BASE COURSE, TYPE B	966.000  CY				
3080	302012 DELAWARE NO. 57 STONE	2923.000  TON				
3090	304501 PERMEABLE TREATED BASE, 4"	14264.000  SY				

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LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
3100	304502 SOIL CEMENT BASE COURSE, 6"	13852.000 SY				
3110	304506 PORTLAND CEMENT	247.000 TON				
3120	401801 BITUMINOUS CONCRETE, SUPERPAVE, TYPE C, 160 GYRATIONS PG 64-22 (CARBONATE STONE)	547.000 TON				
3130	401810 BITUMINOUS CONCRETE, SUPERPAVE, TYPE B, 160 GYRATIONS, PG 64-22	63.000 TON				
3140	401819 BITUMINOUS CONCRETE, SUPERPAVE, BITUMINOUS CONCRETE BASE COURSE, 160 GYRATIONS, PG 64-22	2232.000 TON				
3150	401825 BITUMINOUS CONCRETE, SUPERPAVE, TYPE B, 160 GYRATIONS, PG 64-22, WEDGE	33.000 TON				
3160	401827 BITUMINOUS CONCRETE, SUPERPAVE, TYPE C, 160 GYRATIONS, PG 64-22 (NON-CARBONATE STONE)	2772.000 TON				
3170	501006 PORTLAND CEMENT CONCRETE PAVEMENT, 12"	14264.000 SY				

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LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
3180	612022 REINFORCED CONCRETE PIPE, 18", CLASS IV	70.000 LF				
3190	612023 REINFORCED CONCRETE PIPE, 24", CLASS IV	362.000 LF				
3200	612205 REINFORCED CONCRETE ELLIPTICAL PIPE, 19"X30", CLASS IV	88.000 LF				
3210	612210 REINFORCED CONCRETE ELLIPTICAL PIPE, 22"X34", CLASS IV	66.000 LF				
3220	612505 PVC PIPE, 12"	291.000 LF				
3230	612526 CORRUGATED POLYETHYLENE PIPE, TYPE S, 36"	100.000 LF				
3240	612535 CLEANING DRAINAGE PIPE, 15"-24" DIA	70.000 LF				
3250	612536 CLEANING DRAINAGE PIPE, GREATER THAN 24" DIA	255.000 LF				
3260	617519 CONCRETE END SECTION, 24", MARYLAND	4.000 EACH				
3270	617520 CONCRETE END SECTION, 19"X 30", MARYLAND	1.000 EACH				

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LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
3280	617521 CONCRETE END SECTION, 22"X34", MARYLAND	1.000 EACH				
3290	708660 DRAINAGE INLET, TYPE K, SINGLE, MARYLAND	6.000 EACH				
3300	712005 RIPRAP, R-4	783.000 SY				
3310	712552 RIPRAP SLOPE PROTECTION, MARYLAND	476.000 SY				
3320	713003 GEOTEXTILES, RIPRAP	3713.000 SY				
3330	715001 PERFORATED PIPE UNDERDRAINS, 6"	3238.000 LF				
3340	715004 PERFORATED PIPE UNDERDRAINS, 12"	520.000 LF				
3350	715500 UNDERDRAIN OUTLET PIPE, 6"	273.000 LF				
3360	720043 GALVANIZED STEEL BEAM GUARDRAIL, TYPE 1-27	653.000 LF				
3370	720044 GALVANIZED STEEL BEAM GUARDRAIL, TYPE 2-27	63.000 LF				



DELAWARE DEPARTMENT OF TRANSPORTATION  
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LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
3380	720050 GALVANIZED STEEL BEAM GUARDRAIL, TYPE 1-31	300.000 LF				
3390	720051 GALVANIZED STEEL BEAM GUARDRAIL, TYPE 2-31	50.000 LF				
3400	720585 GUARDRAIL END TREATMENT ATTENUATOR, TYPE 1-31	1.000 EACH				
3410	720611 FLEXIBLE DELINEATOR, PERMANENT	17.000 EACH				
3420	727552 RESOURCE PROTECTION FENCE	1785.000 LF				
3430	727553 DIVERSION FENCE, MARYLAND	335.000 LF				
3440	734555 TEMPORARY VEGETATIVE STABILIZATION, MARYLAND	91022.000 SY				
3450	734556 PERMANENT VEGETATIVE STABILIZATION, MARYLAND	82149.000 SY				
3460	737531 PLANTINGS, MARYLAND	LUMP		LUMP		
3470	743003 ARROWPANELS, TYPE C	4.000 EADY				

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LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
3480	743004 FURNISH AND MAINTAIN PORTABLE CHANGEABLE MESSAGE SIGN	72.000 EADY				
3490	743006 PLASTIC DRUMS	57020.000 EADY				
3500	743010 FURNISH AND MAINTAIN TRUCK MOUNTED ATTENUATOR, TYPE II	223.000 EADY				
3510	743015 FURNISH AND MAINTAIN PORTABLE PCC SAFETY BARRIER	2205.000 LF				
3520	743016 RELOCATION PORATBLE SAFETY BARRIER	1190.000 LF				
3530	743023 TEMPORARY BARRICADES, TYPE III	10650.000 LFDY				
3540	743024 TEMPORARY WARNING SIGNS AND PLAQUES	32564.000 EADY				
3550	743025 INSTALL TEMPORARY IMPACT ATTENUATOR	5.000 EACH				
3560	743029 FURNISH TEMPORARY IMPACT ATTENUATOR - NON-GATING, REDIRECTIVE, TEST LEVEL 3	2.000 EACH				
3570	743030 RELOCATE TEMPORARY IMPACT ATTENUATOR	2.000 EACH				

DELAWARE DEPARTMENT OF TRANSPORTATION  
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CONTRACTOR :

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
3580	744506 CONDUIT JUNCTION WELL, TYPE 7, PRECAST POLYMER CONCRETE	2.000 EACH				
3590	744530 CONDUIT JUNCTION WELL, TYPE 11, PRECAST CONCRETE/ POLYMER LID-FRAME	9.000 EACH				
3600	744531 CONDUIT JUNCTION WELL, TYPE 14, PRECAST CONCRETE/ POLYMER LID-FRAME	4.000 EACH				
3610	745602 FURNISH & INSTALL UP TO 4" SCHEDULE 80 HDPE CONDUIT (BORE)	295.000 LF				
3620	745604 FURNISH & INSTALL UP TO 4" SCHEDULE 80 PVC CONDUIT (TRENCH)	2880.000 LF				
3630	745606 FURNISH & INSTALL UP TO 4" GALVANIZED STEEL CONDUIT (TRENCH)	5.000 LF				
3640	746586 RELOCATE SIGN	52.000 SF				
3650	746852 POLE BASE, TYPE 6	2.000 EACH				
3660	748032 TEMPORARY MARKINGS, PAINT, 5"	9079.000 LF				
3670	748034 TEMPORARY MARKINGS, PAINT, 10"	810.000 LF				

DELAWARE DEPARTMENT OF TRANSPORTATION  
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			DOLLARS	CTS	DOLLARS	CTS
3680	748525 TEMPORARY MARKINGS, TAPE, 4"	10915.000 LF				
3690	748527 TEMPORARY MARKINGS, TAPE, WORDS/SYMBOLS	120.000 SF				
3700	748530 REMOVAL OF PAVEMENT STRIPING	3551.000 SF				
3710	748560 5" WHITE PERMANENT PATTERNED REFLECTIVE PAVEMENT MARKING TAPE, MARYLAND	20532.000 LF				
3720	748563 SNOWPLOWABLE RAISED PAVEMENT MARKERS, MARYLAND	115.000 EACH				
3730	749500 SIGN PANEL	320.000 SF				
3790	749687 INSTALLATION OR REMOVAL OF TRAFFIC SIGN(S) ON SINGLE SIGN POST	26.000 EACH				
3800	749690 INSTALLATION OR REMOVAL OF TRAFFIC SIGNS ON MULTIPLE SIGN POSTS	477.000 SF				
3810	756000 SAND	143.000 TON				
3820	760006 PAVEMENT - MILLING, HOT-MIX, 2" DEPTH	21343.000 SY				

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LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
3830	760016 RUMBLE STRIPS, HOT-MIX	11700.000 LF				
3840	760017 RUMBLE STRIPS, CONCRETE	5800.000 LF				
3850	760507 PROFILE MILLING, BITUMINOUS CONCRETE	2887.000 SYIN				
3860	762001 SAW CUTTING, BITUMINOUS CONCRETE	2763.000 LF				
3870	763573 SIGN, MARYLAND	1.000 EACH				
3880	763656 ASBUILT CERTIFICATION, MARYLAND	LUMP	LUMP			
3890	763686 TRAFFIC OFFICER, MARYLAND	432.000 HOUR	98.16000		42405.12	
3900	763691 FLAGGER, MARYLAND, STATE	500.000 HOUR				
3910	763692 FLAGGER, MARYLAND, STATE, OVERTIME	100.000 HOUR				
3920	905001 SILT FENCE	216.000 LF				
3930	905003 SEDIMENT TRAP	2818.000 CY				

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			DOLLARS	CTS	DOLLARS	CTS
3940	905004 INLET SEDIMENT CONTROL, DRAINAGE INLET	7.000 EACH				
3950	905500 SUPER SILT FENCE	5311.000 LF				
3960	906002 DEWATERING BAG	1.000 EACH				
3970	907011 STONE CHECK DAM	9.000 TON				
3980	908010 TOPSOILING, 6" DEPTH	53274.000 SY				
3990	908020 EROSION CONTROL BLANKET MULCH	7828.000 SY				
4000	908023 STABILIZED CONSTRUCTION ENTRANCE	529.000 TON				
4010	910002 INFILTRATION STONE, NO. 8	844.000 TON				
4020	910004 CLAY BORROW, CUT-OFF TRENCH	4926.000 CY				
4030	910500 BIORETENTION SOIL MIX	290.000 CY				

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LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
4050	605501 GROUND MOUNT BREAKAWAY TYPE SIGN SUPPORTS AND FOUNDATION	LUMP	LUMP			
4070	201000 CLEARING AND GRUBBING	LUMP	LUMP			
	SECTION 0009 TOTAL					
	TOTAL BID					



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230  
410-537-3000 • 1-800-633-6101 • [www.mde.maryland.gov](http://www.mde.maryland.gov)

Addendum No. 2  
December 16, 2015


Larry Hogan, Governor  
Boyd Rutherford, Lieutenant Governor

Ben Grumbles, Secretary

## STORMWATER MANAGEMENT AND SEDIMENT & EROSION CONTROL APPROVAL STATE/FEDERAL PROJECTS

**MDE NUMBER:** 10-SF-0061

APPROVED BY:

  
Sediment & Stormwater Plan Review Division  
(Pursuant to Criteria Noted Below)

**EFFECTIVE DATE:** October 30, 2015

IN COMPLIANCE WITH: Environment Article, Sections 4-106 and 4-205 Annotated Code of Maryland

APPROVAL IS HEREBY GRANTED: State Highway Administration  
ADDRESS: 707 North Calvert Street  
Baltimore, MD 21202  
Attn: Dana Havlik

HEREINAFTER KNOWN AS OWNER,  
FOR THE PLANS AND SPECIFICATIONS PRESENTED FOR: Contract No. DelDOT 28-113-01  
AI No. 150283

US 301 from Maryland State Line to Levels Road - Cecil County

PREPARED BY: Jacobs

PLANS DATED: October, 2015

REVISIONS DATED: N/A

This APPROVAL is granted subject to the following conditions:

1. This Approval shall become null and void if the construction authorized herein has not been completed within two (2) years from the granting of this Approval, the Approval shall become null and void except that these limits may be extended at the discretion of the Department. Extensions shall be requested by the owner or authorized agent.
2. The Approval is subject to all laws and regulations now in effect and may be revoked if it is subsequently determined that this authorization violates other laws of the State. Construction shall comply with approved terms.
3. The location and dimensions of all sediment control structures and stormwater management facilities, as well as grading, excavation, and filling shall be in accordance with plans approved by the Department of the Environment Water Management Administration (MDE/WMA). The owner or authorized agent must obtain written approval from the MDE/WMA for any plan modifications or changes. A copy of the approved plan with any approved modifications and this Approval shall be available at the construction site for reference during the construction period.
4. Off-site borrow or waste sites require local county and Soil Conservation District approvals if they are located on private property or MDE/WMA approval if on State or federal property. Local approval numbers shall be furnished to the MDE/WMA Inspector.
5. The Owner or his authorized agent shall notify the MDE/WMA Compliance Program at (410) 537-3510, at least seven (7) days prior to initiation of the project and five (5) days after work ends.
6. For projects with an earth disturbance of 1.0 acre or greater, prior to any earth disturbance, an NPDES Application for an Individual or a General Permit to Discharge Stormwater Associated with Construction Activities must be submitted to and approved by MDE.
7. Stormwater quality management and ESDv has been provided with four (4) wet swales, four(4) grass swales, and three (3) submerged gravel wetlands. Stormwater quantity management for Qp2 and Qp10 is provided by one (1) dry extended detention facility.
8. Additional stormwater quality management will be addressed by a debit of 0.55 acres to the Water Quality Bank for the Elk River Area watershed (02-13-06).

JMS/DLH

Cc: Wetlands and Waterways Program





# MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230  
410-537-3000 • 1-800-633-6101 • www.mde.maryland.gov

Addendum No. 2  
December 16, 2015

Larry Hogan  
Governor

Ben Grumbles  
Secretary

Boyd Rutherford  
Lieutenant Governor

Date of Permit Issuance: 11/4/2015

Delaware Department of Transportation

800 Bay Rd

PO Box 778

Dover, Delaware 19901

RE: **MDRCHS0CM**

Dear Mr. Mark Tudor:

Please find enclosed documentation of coverage under the 2014 General Permit for Stormwater Associated with Construction Activity (MDRC) for:

**US 301**

issued to

## **Delaware Department of Transportation**

Please note that the effective date of coverage under the General Permit is the date on the attached cover sheet. If the current erosion and sediment control plan approval covers only part of the entire site covered by this permit, be advised that this permit does not authorize discharges from the other portions of the site until the appropriate erosion and sediment control approval authority approves the erosion and sediment control plan for those portions. The permit also requires that the site have an approved stormwater management plan (unless exempt or waived by the stormwater approval authority) prior to earth disturbance. Part IV.C.3 of the permit requires the permittee to use the standard written report form as provided by MDE. The form is available on MDE's website at the following location both as a fillable Microsoft Word form and as an Adobe Acrobat file.

<http://go.usa.gov/gFMW>

Print this letter and the cover sheet and keep them with your permit file. In addition, download the 2014 General Permit from the above website, print it for your permit file, and refer to it to ensure compliance with its terms. Submit any modifications to this coverage, Transfers of Authorization, or Notices of Termination via the ePermits portal. If your contact information changes, update it through the ePermits portal.

Your cooperation in this matter is appreciated. If you have any questions, please call the administrative team for the General Permit at (410) 537-3019.

Sincerely,

Heather L. Nelson, Acting Director  
Compliance Program  
Water Management Administration





**GENERAL PERMIT FOR STORMWATER ASSOCIATED  
WITH CONSTRUCTION ACTIVITY**

**State Discharge Permit Number:**

**MDRCHS0CM**

**Effective Date:** 11/4/2015

**Expiration Date:** 12/31/2019

NOTE: If site work is complete per Part II. I. prior to the expiration date, the permittee must submit a Notice of Termination and terminate the permit.

Pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and regulations promulgated thereunder, and the provisions of the Clean Water Act, 33 U.S.C., Section 1251 et. seq., and implementing regulations 40 CFR Parts 122, 123, 124 and 125, the Department of the Environment hereby establishes conditions and requirements pertinent to stormwater associated with construction activity at the site described below and authorizes:

**Delaware Department of Transportation  
800 Bay Rd  
PO Box 778  
Dover, Delaware 19901**

TO DISCHARGE STORMWATER FROM:

**US 301**

construction project on

**23.08** acres

at property located at

**Approx. 2,000 ft south of the MD/DE border extending to the border, US 301, Warwick, Maryland 21912**

*If the current erosion and sediment control plan approval covers only part of the entire site covered by this permit, this permit does not authorize discharges from the other portions of the site until the appropriate erosion and sediment control approval authority approves the erosion and sediment control plan for those portions.*

TO:

**Surface waters -- Sassafras River**

which is

**Waters protected for Water Contact Recreation, Fishing, and Protection of Aquatic Life and Wildlife**

in accordance with the 2014 General Permit. The vicinity map submitted with the Notice of Intent is considered incorporated herein and made a part hereof.

**MARYLAND DEPARTMENT OF THE ENVIRONMENT**  
**GENERAL PERMIT FOR STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITY**  
**General NPDES Permit Number MDRC**  
**State Discharge Permit Number 14GP**

EFFECTIVE DATE: January 1, 2015 EXPIRATION DATE: December 31, 2019

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**PART I. COVERAGE UNDER THIS PERMIT**

**A. Permit Applicability to Areas in Maryland**

This permit covers all areas of the State of Maryland.

**B. Eligibility**

1. What this permit covers:

This permit covers all new and existing stormwater discharges that are composed in whole or in part of discharges associated with construction activity [as defined by 40 Code of Federal Regulations (40 CFR), Section 122.26 (b)(14)(x) and Section 122.26(b)(15)(i); see Part IX.3 for further definition of “construction activity”]. This permit is not an alternative for and does not take the place of any local permits or ordinances required by Maryland law or regulation or by the county or municipality that has jurisdiction where the construction activity occurs, including but not limited to a grading permit, erosion and sediment control plan approval, or stormwater management plan approval.

2. Persons eligible for coverage:

To be eligible for coverage under this general permit, a person, alone or with other persons who are also permittees, must have control of the permitted activities on the site. Such control of permitted activities includes, but is not limited to, authority to direct those working on the site to take actions to comply with the permit, correct violations (including repair or installation of erosion and sediment controls), and/or halt construction activity until violations of the permit are corrected.

3. Facilities with a permit for a non-stormwater discharge:

- a. Stormwater discharges associated with construction activity at facilities which have a permit for a discharge other than stormwater can be covered by this general permit, an alternative general permit, or, at the discretion of the Director, an existing individual permit may be amended to cover stormwater discharges associated with construction activities.
- b. Earth disturbance for the purposes of preparation of sites for mineral mining or coal mining is not eligible for coverage under this General Permit. Such sites may require coverage under other General Permits or individual permits specifically designated for discharges from mineral mining and coal mining activities. Mining sites where construction of structures or other non-mining related development will occur as part of reclamation, or any non-mining earth disturbance following completion of mining reclamation (unless otherwise ineligible for coverage), must obtain coverage under this General Permit if earth disturbance of one acre or more will occur.
- c. Earth disturbance of one acre or more for the purposes of construction of landfill cells or other structures, roads, and appurtenances to landfill operation must be covered under this General Permit unless the Director has authorized coverage under a different permit or general permit. For areas such as the interior of landfill cells where stabilization does not occur, the permittee may terminate coverage once the landfill cell begins operating as a landfill and accepting wastes.

**C. Requiring an Individual Permit or an Alternative General Permit**

1. The Director may require any person authorized by this permit to apply for and obtain either an individual permit or coverage under an alternative general permit. Any interested person may petition the Director to take action under this paragraph. The Director may require any person authorized to discharge under this permit to apply for an individual permit or obtain coverage under an alternative general permit only if that person has been notified in writing that such a change is required. This notice shall include:

- a. A brief statement of the reasons for this decision;
- b. A statement setting a deadline for the notified person to file an application for an individual permit or file a NOI in accordance with the terms of the alternative general permit;

- c. A permit application if applicable; and
  - d. For existing permittees, a statement that on the effective date of the individual permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate.
2. The Director may grant additional time to submit the application or NOI upon request of the applicant. If the person so notified fails to submit in a timely manner an individual permit application or an NOI for coverage under an alternative general permit as required by the Director under this paragraph, then the individual permittee's coverage under this permit is automatically terminated at the end of the day specified in the Director's notification.
  3. Any person authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit or filing an NOI for coverage under an alternative general permit. The person seeking an individual permit shall submit an individual application in accordance with the United States Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) regulations at 40 C.F.R. Part 122, with reasons supporting the request to the Director. The person seeking coverage under an alternative general permit shall file an NOI in accordance with the terms of the alternative general permit. A request for an individual permit shall be granted if the Director determines that the reasons cited by the applicant are adequate to support the request. If the applicant seeks coverage under an alternative general permit, the terms of that permit will determine whether coverage under the alternative general permit is obtained.
  4. When an individual permit is issued to a person otherwise covered by this permit, the applicability of this permit to the individual permittee is automatically terminated on the effective date of the individual permit. Similarly, when a person subject to this permit obtains coverage under an alternative general permit, the applicability of this permit is terminated on the effective date of the alternative general permit. When an individual permit is denied to an applicant otherwise covered by this permit, or the applicant is denied coverage under the terms of an alternative general permit, the applicability of this general permit to the permittee may be terminated by MDE.

**D. Authorization.**

1. A person planning construction activity must have submitted an NOI and received from the Administration documentation of general permit coverage to be authorized to discharge stormwater under this general permit.
2. Emergency Authorization: A person who must conduct earth-disturbing activities prior to obtaining general permit coverage in response to a public emergency (e.g., natural disaster, widespread disruption in essential public services), and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services, must obtain emergency authorization from the Director within 24 hours after initiating earth-disturbing activities. The person must obtain such emergency authorization in writing or via electronic mail. If the Director denies emergency authorization, the person must immediately stabilize earth disturbance and complete the authorization process under Part I.D.1 above before resuming earth disturbance. Where circumstances allow, it is recommended that a person obtain emergency authorization prior to initiating earth-disturbing activities. A person with emergency authorization is authorized to discharge on the condition that a complete and accurate NOI is submitted within 7 calendar days after commencing earth-disturbing activities, and must ultimately complete all requirements to obtain regular coverage under the general permit. The person must provide a copy of the emergency authorization with the NOI.

**E. Transfer of Authorization.**

1. Transfer of control of permitted activities at the site. A person submitting an NOI or holding general permit coverage who does not intend to control the permitted activities on the site shall, prior to relinquishing control, transfer authorization under this permit to a duly authorized person who will control the permitted activities. The transfer shall become effective upon receipt by the Administration of a completed Transfer of Authorization form, signed by both the transferor and transferee. Persons may also submit a Transfer of

Authorization through the electronic system designated by the Administration. The Transfer of Authorization form shall include a specific statement that the transferee will abide by all conditions of the erosion and sediment control plan and stormwater management plan.

2. Obligations of the permittee. The permittee ("transferor") must familiarize the person who is assuming control of the permitted activities ("transferee") with the program and provide the transferee/new owner with copies of: this general permit; the documentation from the Administration that the site has coverage under the general permit; and the NOI submitted for the site. All conditions and obligations outlined in this general permit shall apply to the new permittee/owner upon transfer. See Part IV.C.5 for recordkeeping requirements applicable to the transferor following transfer.

## **Part II. NOTICE OF INTENT REQUIREMENTS**

### **A. Deadlines for Notification.**

1. For construction activity beginning on or after January 1, 2015:

Persons who intend to obtain coverage for a stormwater discharge associated with construction activity under this general permit shall submit an NOI in accordance with the requirements of this Part and shall not perform any land disturbing activities prior to receiving from MDE documentation of coverage under the general permit, except in emergency situations as authorized by MDE under Part I.D.2.

2. For construction activity beginning prior to and continuing on or after January 1, 2015, and holding valid coverage under a previous version of this general permit:

Permittees whose projects are currently covered under a previous version of the general permit must submit a complete NOI (and fee, if applicable) for coverage under this general permit by December 31, 2014. Projects meeting this deadline are not subject to the conditions of Part II.B.2 and 3. Permittees who submit an NOI by the deadline are considered covered by this General Permit while MDE reviews the NOI. After review, MDE will provide documentation granting coverage under this general permit or provide notice of denial of coverage.

Projects for which the permittee does not submit a complete NOI (and fee, if applicable) by December 31, 2014, do not have permit coverage as of January 1, 2015, and must reapply for coverage as a new project.

3. For construction activity beginning prior to and continuing on or after January 1, 2015, and holding valid coverage under an individual permit, MDE will determine the eligibility of the project for coverage under this permit. If the project is eligible, the permittee shall submit an NOI by the deadline issued by MDE. Projects meeting this deadline are not subject to the conditions of Part II.B.2 and 3. Projects not meeting the deadline do not have permit coverage as of the expiration date of the individual permit, and must reapply for coverage as a new project.
4. Persons who intend to increase the number of acres that will be disturbed at the site beyond that stated in the documentation of coverage under the general permit must contact the Administration to request a modification to the permit coverage. For increases of one acre or more, the process to modify the permit coverage shall be the same as for an initial NOI. The permittee must have general permit coverage for the increased acreage before beginning earth disturbance on it.

### **B. NOI Approval Process and Public Review Period**

1. *Certification of Erosion and Sediment Control Submission to Approval Authority.* Maryland Department of the Environment (MDE) will begin processing a Notice of Intent (NOI) to be covered under this general permit when the applicant provides certification that a final erosion and sediment control plan (ESC plan) was submitted to the appropriate approval authority in accordance with COMAR 26.17.02.09 E(4) and 26.17.01.07. If an NOI is submitted before the

- ESC plan is submitted to the approval authority, MDE will not accept it for processing and will send notice to the applicant that the NOI is incomplete and will not be processed until the required information is provided. MDE will regularly post NOI information on the NOI system website to include all NOIs submitted during the previous week.
2. *Public Notification Period.* In order to provide opportunity for public review of plans for sites to be covered by this permit, MDE will not act on NOIs for construction sites during a minimum 14-day period that begins on the date the NOI information is posted on the NOI system website. After 14 days have elapsed and following MDE's receipt of notification from the applicant demonstrating that the ESC plan for the project has been approved by the appropriate approval authority MDE will make every reasonable effort, within 48 hours of said 14-day period, to issue notification that the site is covered under the general permit for stormwater associated with construction activities, with the exception described in paragraph 3 of this section. If an NOI is submitted to MDE after the appropriate approval authority has already approved an ESC plan, MDE will provide for public notification of the submission of the NOI, but will not act on the NOI for 14 days. If no adverse comments are received during the 14 days, then the NOI will be processed like all other NOIs.
  3. *Exception to NOI Approval Process.* If MDE receives, prior to issuance of General Permit coverage, a request from any person that the site be required to obtain an individual permit with a detailed, written explanation as to why the ESC plan fails to meet State erosion and sediment control or stormwater management standards, MDE will do the following: (i) notify the general permit applicant that a request that an individual permit be required has been received, (ii) evaluate the information, and (iii) make a decision and send notification of that decision to the NOI applicant and the person requesting that an individual permit be required as described in Section I.C.
  4. Persons who obtain coverage under this general permit shall, prior to commencing construction, develop and obtain approval from appropriate approval authority of: (i) erosion and sediment control plans in accordance with the requirements established in Title 4, Subtitle 1 of the Environment Article, Annotated Code of Maryland (Sediment Control); and in Code of Maryland Regulations (COMAR) 26.17.01 (Erosion and Sediment Control); and (ii) stormwater management plans (unless exempted by the following law or regulation or obtaining a proper waiver from the approval authority) in accordance with the requirements established in Title 4, Subtitle 2 of the Environment Article, Annotated Code of Maryland (Stormwater Management); and in COMAR 26.17.02 (Stormwater Management). As described in Section VI.A., permittees must comply with the requirements of the erosion and sediment control plans and stormwater management plans.
- C. **Notice of Intent.** The applicant shall submit to the Administration an NOI to be covered under this general permit. The NOI must be accompanied by the appropriate fee required by the Administration and established in State regulations to be considered complete. The applicant shall submit the NOI in either the electronic or paper format designated by the Administration. An applicant may submit an NOI form in accordance with the requirements of this Part after the applicable deadline. In such instances, an enforcement action for any stormwater discharges associated with the construction activity occurring prior to notification may be taken.
- D. **Failure to Notify.** Persons who disturb earth as part of a construction activity, fail to obtain coverage under an NPDES stormwater discharge permit as required herein, and discharge pollutants to waters of the United States without a permit, are in violation of the Clean Water Act (CWA). Persons who disturb one acre or more of earth, fail to obtain coverage under an NPDES stormwater discharge permit as required herein, and discharge pollutants to waters of the State are in violation of Section 4-413 and 9-322 of the Environment Article, Annotated Code of Maryland.
- E. **Contents of Notice of Intent.** The NOI shall include, but not be limited to, the following:
1. The site's name, mailing address, and general location;



2. The site's latitude and longitude (to the nearest 15 seconds);
  3. A map of the site;
  4. The permittee's name and signature, address, telephone number, and principal contact;
  5. A brief project description, including existing and proposed land uses;
  6. Standard Industrial Classification (SIC);
  7. The name of the closest named receiving waters (if the discharge is to a municipal separate storm sewer system, the name of the municipal system and the receiving waters shall be supplied);
  8. A confirmation that the permittee has compared the eventual receiving waters with the Maryland 303(d) list, the date on which the comparison took place, and a statement as to whether the eventual receiving waters are listed on the 303(d) list as impaired for sediment. Indicate the name and location of the impaired waters;
  9. The total site area, the total proposed disturbed area, the type(s) of stormwater management best management practice(s) (BMP) proposed, and the total drainage area to be controlled by each type of BMP; and
  10. Permit number of any other NPDES Permit related to this site.
- F. Fees.** An NOI fee is required with the submission of the NOI, unless the applicant obtained coverage under the previous General Permit on or after January 1, 2013, and that coverage is in effect on December 31, 2014. The fee schedule is based on the size of the total planned disturbance. The applicant must determine the appropriate fee to be paid from the fee schedule set in State regulations.
- G. Where to Submit.** Applicants shall submit NOIs for coverage under this general permit either through the electronic system designated by the Administration or via mail to the Administration at the following address:
- The Maryland Department of the Environment  
Water Management Administration  
P.O. Box 2057  
Baltimore, Maryland 21203-2057
- Persons intending to discharge stormwater associated with construction activity must submit erosion and sediment control and stormwater management plans in accordance with procedures established in, and to the approving authorities identified in, the laws and regulations cited in Part II.B.4 of this general permit.
- H. Effective Date of Coverage.** Coverage under this general permit is effective as described in Part II.
- A. The effective date for Transfer of Authorization shall be in accordance with Part I.E. Coverage under this general permit will expire when the General Permit is reissued or expires, when a Notice of Termination form has been completed and received by the Administration, or when the Administration administratively terminates coverage for a site, whichever occurs first.
- I. Notice of Termination.** When all portions of a site have been permanently stabilized as defined herein, and all stormwater discharges from construction sites that are authorized by this permit are eliminated, the authorized permittee of the facility must submit a Notice of Termination form, which may be obtained through the electronic system designated by the Administration, on MDE's website, or upon request to MDE.
1. The Notice of Termination shall include, but not be limited to, the following:
    - a. The mailing address and location of the construction site for which notification is submitted. Where a mailing address is not available, the location can be described in terms of the latitude and longitude (to the nearest 15 seconds) and Maryland Grid Coordinates of the approximate center of the facility;
    - b. The permittee's name, address, and telephone number;
    - c. The name, address, and telephone number of the general contractor(s);
    - d. The NOI identification number;
    - e. The following certification statement, signed as required by section VI.L. herein:

"I certify under penalty of law that disturbed soils at the identified site have been permanently stabilized in accordance with approved erosion and sediment control plans; that temporary erosion and sediment controls have been removed or will be removed at an appropriate time; and that all stormwater discharges associated with construction activity from this site that are authorized by this general permit have been eliminated. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge stormwater associated with construction activity by the general permit and that discharging pollutants in stormwater associated with construction activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by an NPDES permit. I understand that I must maintain the records described in Part IV.C.4 of the General Permit for three years from the date of this Notice of Termination. I understand that I have the duty to provide information in Part VI.I. during this record retention period. I also understand that the submittal of this Notice of Termination does not release the permittee from liability for any violations of this permit or the Clean Water Act which may have occurred at this site."

2. The permittee shall transmit the completed Notice of Termination form through the electronic system designated by the Administration or via mail to the following address:

The Maryland Department of the Environment  
Compliance Program  
Water Management Administration  
1800 Washington Blvd., Suite 420  
Baltimore, MDE 21230-1708

### **Part III. SPECIAL CONDITIONS**

#### **A. Prohibition against Non-Stormwater Discharges.**

1. All discharges covered by this permit shall be composed entirely of stormwater, except as provided below in paragraph 4.
2. Discharge of material other than stormwater must be in accordance with erosion and sediment control and stormwater management plans approved in accordance with the laws and regulations cited in Part II. B.4. above.
3. Discharges of material other than stormwater not listed in paragraph 4 below must be in compliance with an NPDES permit (other than this permit) issued for the discharge. Stormwater or process water discharges from concrete and asphalt plants, including batch plants, are not authorized under this permit and must have coverage under the General Permit for Discharges from Mineral Mines, Quarries, Borrow Pits and Concrete and Asphalt Plants or other individual permit. Discharges of stormwater which has contacted disturbed areas with known contamination by pollutants other than sediment are not authorized under this permit. The following discharges are also prohibited:
  - a. Wastewater from the washout of concrete, unless managed by an appropriate control in accordance with the 2011 Standards and Specifications for Soil Erosion and Sediment Control, Section H-6.
  - b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials.
  - c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
  - d. Soaps or solvents used in vehicle and equipment washing.
4. The following non-stormwater discharges may be authorized by this permit provided the non-stormwater component is a discharge from: dewatering from construction excavations, which must be managed by controls in accordance with the 2011 Standards and Specifications for Soil Erosion and Sediment Control or any updated standards issued by MDE (after their effective date); fire fighting activities; air conditioning condensate; uncontaminated spring water; and foundation or footing drains where flows are not causing an erosive condition or contaminated with process materials such as solvents.

**B. Other Requirements for Erosion and Sediment Control and Stormwater Management Plans.**

1. All plans for construction activity and any reports prepared pursuant to this permit, including self-inspection information, shall be available to the public under Section 308(b) of the CWA.
2. Upon request by the public, the permittee or person covered by this general permit shall make such documents available. However, the permittee may claim applicable portions of these documents as confidential in accordance with 40 Code of Federal Regulations (CFR) Part 2.
3. The permittee shall consider State listed rare, threatened, and endangered species habitat in the design of the erosion and sediment control plan in accordance with the 2011 Standards and Specifications for Soil Erosion and Sediment Control, Section A-4. If rare, threatened, and endangered species habitat is identified, the permittee shall contact the appropriate approval authority to determine additional regulatory requirements.

**C. Releases in Excess of Reportable Quantities.** In the event of a discharge of hazardous substances or oil from a construction site, such discharge shall be minimized and/or contained in accordance with the approved erosion and sediment control and stormwater management plans.

1. 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:
  - a. The permittee shall notify the National Response Center (NRC) as soon as he or she has knowledge of the discharge at 1-800-424-8802 or 202-267-2675 (in the Washington, DC metropolitan area), in accordance with the requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302;
  - b. The permittee shall notify the Maryland Department of the Environment as soon as he or she has knowledge of the discharge. The contact numbers are 410-537-3510 between 8AM - 5PM or after hours at (866) 633-4686
  - c. The permittee shall submit within 7 calendar days of knowledge of the release an application for individual permit coverage in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with a written description of the release, the circumstances leading to the release, the nature and date of the release, and steps taken to control and respond to the release. This application should be sent to the Maryland Department of the Environment, Water Management Administration;
  - d. The permittee shall, within 14 days of knowledge of the release, modify the existing erosion and sediment control and stormwater management plans to identify and provide for the implementation of steps to prevent and control the recurrence of such releases or similar releases in the future, and to respond to such releases. The permittee shall also provide notification to the Maryland Department of the Environment that the erosion and sediment control plan and stormwater management plan modifications have been completed and approved by the appropriate approval authority.
2. Discharges of hazardous substances and oil resulting from on-site spills are not authorized by this permit.
3. No condition of this general permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

**D. Training of Personnel.** The permittee must ensure that responsible personnel holding a valid certificate of attendance at training program in accordance with Environment Article § 4-104 are on site as required by the approved Erosion and Sediment Control Plan. The permittee must ensure that all site personnel are trained to understand aspects of permit and plan compliance relevant to their specific duties, including but not limited to BMP installation/maintenance and preventing and reporting spills and damaged BMPs.

**E. Compliance with Other Laws.** The permittee is advised that the application of fertilizer at the site must comply with Agriculture Article § 8-803.4.

**Part IV. EFFLUENT LIMITATIONS, PREVENTION OF THE DISCHARGE OF SIGNIFICANT AMOUNTS OF SEDIMENT, MONITORING, RECORDING AND REPORTING REQUIREMENTS**

**A. Effluent Limitations.**

1. The permittee must select, install, implement and maintain control measures (i.e., BMPs, controls, practices, etc.) at the construction site that minimize pollutants in the discharge as necessary to meet applicable water quality standards. The permittee must implement the control measures from commencement of construction activity until permanent stabilization is complete. In general, the stormwater controls developed, implemented, and updated consistent with the laws and regulations cited in Part II.B.4. of this general permit are considered as stringent as necessary to ensure that discharges covered by this permit do not cause or contribute to an excursion above any applicable water quality standard. As cited in Part VI.A, the permittee must comply with approved erosion and sediment control and stormwater management plans as a condition of compliance with this permit, as well as with federal effluent limitations at 40 CFR 450.21. Federal effluent limitations also require the following:
  - a. The permittee must minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, pavement wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge.
  - b. The permittee must minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use). The permittee must ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged.
  - c. The permittee must minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
2. At any time after authorization, MDE may determine that the permittee's stormwater discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard, or are causing or contributing to an impairment of a waterbody [i.e., waterbodies listed as impaired on the Integrated Report for Section 303(d)]. If such a determination is made, MDE will require the permittee to:
  - a. Modify the stormwater controls to adequately address, achieve and document 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; and/or
  - c. Cease discharges of pollutants from construction activity and submit an individual permit application according to Part I.C.

**B. Prevention of the Discharge of Significant Amounts of Sediment.** In addition to Part IV.A. above, the permittee must take all reasonable measures to prevent the discharge of significant amounts of sediment to surface waters, or conveyance systems leading to surface waters, particularly in the Chesapeake Bay watershed or impaired waterways.

1. Conditions indicating discharge of significant amounts of sediment include, but are not limited to, the following:
  - a. Earth slides or mud flows;

- b. Concentrated flows of stormwater such as rills, rivulets or channels that cause erosion when such flows are not filtered, settled or otherwise treated to remove sediment;
  - c. Turbid flows of stormwater that are not filtered, settled or otherwise treated to reduce turbidity;
  - d. Deposits of sediment at the construction site in areas that drain to unprotected stormwater inlets or catch basins that discharge directly to surface waters;
  - e. Deposits of sediment from the construction site on public or private streets outside of the permitted construction activity;
  - f. Deposits of sediment from the construction site on any adjacent property outside of the permitted construction activity; or
  - g. Discharges from the construction site to municipal conveyances, curbs and gutters, or streams running through or along the site where visual observations show that the discharges differ from ambient conditions in terms of turbidity so as to indicate significant amounts of sediment present in them.
2. If the permittee observes any of the triggering events described in Section IV.B, above, or if any person informs the enforcement authority or MDE of a triggering event and the enforcement authority or MDE informs the permittee that one or more of the triggering events was verified, the permittee must undertake the following actions and record the dates and results of these actions in an onsite logbook.
- a. Within one day the permittee shall inspect erosion and sediment control practices to verify compliance with its approved Plans. Any deficiencies, including, but not limited to, failure to follow the approved sequence of construction, failure to maintain approved buffers, grading beyond the limit of disturbance, or any approved sediment and erosion controls found to be missing, improperly installed or in need of maintenance must be corrected immediately and may be considered to be a violation of this permit until such time that they are corrected.
  - b. If the site is found to be in compliance with its approved Plans, the permittee shall, by the next business day, contact the Compliance Program of the Water Management Administration in MDE, the enforcement authority for the site (if it is not MDE), and the appropriate approval authority for Erosion and Sediment Control and inform the authorities about the conditions observed during the inspection cited above. In addition to any requirements imposed by the delegated enforcement authority or MDE, the permittee shall, after notifying the enforcement authority, implement any of the following that are determined to be appropriate towards the prevention of further triggering events:
    - (1) Any change that may be approved in the field by the inspector for the enforcement authority for the site;
    - (2) Modifications to the Plans allowed as field modifications by the approval authority;
    - (3) Performing temporary or permanent seeding of disturbed areas more frequently than required by the approved Plan or regulation; or
    - (4) Increasing buffer distances.The permittee shall implement any changes needed based on the above review within four days after the triggering event is observed.
3. If additional triggering events are observed, the permittee shall, through its site engineer, determine if the Erosion and Sediment Control Plan and Stormwater Management Plan are adequate, or whether additional on-site practices or plan modifications are required. Within three days of the second observation of a triggering event, the permittee shall contact the Compliance Program of the Water Management Administration in MDE, the enforcement authority for the site (if it is not MDE), and the approval authority for the Plans and advise them that:
- a. The permittee observed a triggering event;
  - b. The event happened despite the fact that erosion and sediment controls were properly installed and maintained; and

- c. The permittee is reviewing plans and will afford the approval authority the opportunity to concurrently review them.

The permittee's review of plans shall begin within three days of the triggering event. The permittee must submit revised plans to the approval authority no later than 14 days after the second observation of a triggering event. The permittee must obtain approval of the revised Plans from the approval authority and begin implementation of the changes immediately upon approval.

**C. Monitoring and Records.**

1. After the first earth disturbance occurs on the site, and thenceforth during the entire period of permit coverage whether the site is active or inactive, the permittee shall conduct inspections of the permitted area. The person(s) inspecting the site may be a person on the permittee's staff or a third party hired or arranged to conduct inspections. The person conducting the inspection must hold a valid certificate of attendance at training program for responsible personnel as required by Section 4-104(b) of the Environment Article, unless the erosion and sediment control plan approval authority has waived the requirement for a Certificate of Training in accordance with Section 4-104(c) of the Environment Article. The permittee shall conduct inspections at the following intervals:
  - a. Once each calendar week (Sunday to Saturday), except as in c;
  - b. The next day after a rainfall event resulting in runoff, except as in c;
  - c. For areas meeting stabilization requirements of COMAR 26.17.01.07.B.6(f) and the erosion and sediment control plan, once per month (if construction activity resumes in such a portion of the site at a later date, the inspection frequency immediately increases to that required in a and b; the permittee must document the beginning and ending dates of the period of stabilization in its inspection records); and
  - d. As required in Part IV.B.
2. After the first earth disturbance occurs on the site, and thenceforth during the entire period of permit coverage whether the site is active or inactive, the permittee shall post, at a safe, publicly accessible location in close proximity to the project site, a notice of permit coverage, including the project name as listed on the permit, the permittee, the words "General Permit for Stormwater Associated with Construction Activity", and the permit number.
3. During the entire period of permit coverage, the permittee shall maintain the following records, which shall be on-site and available when the site is active:
  - a. The approved erosion and sediment control plan, the approved stormwater management plan, a copy of this General Permit, a copy of the NOI, a copy of the general permit coverage document from the Administration, and a copy of transfer of authorization documents (if applicable).
  - b. Written reports of all inspections conducted by the permittee. The permittee shall use the standard written report form as provided by MDE. The permittee shall complete all applicable portions of the form, and may attach additional information to the form. The permittee shall ensure that the report includes:
    - (1) the date and time of the inspection;
    - (2) the name(s) of the individual(s) who performed the inspection;
    - (3) whether significant amounts of sediment were observed as described in Part IV.B, Prevention of the Discharge of Significant Amounts of Sediment, above;
    - (4) an assessment of the condition of erosion and sediment controls and how any deficiencies were or are being addressed;
    - (5) a description and date of any erosion and sediment control implementation and maintenance performed, including identification of any controls that have not been installed as required; and
    - (6) a description of the site's present phase of construction.

4. For a period of three (3) years from the date that general permit coverage for the site is terminated, the permittee shall maintain the following records:
  - a. the NOI and records of all data used to complete the NOI;
  - b. self-inspection reports;
  - c. all inspection reports and enforcement actions issued to the permittee from any appropriate enforcement or approval authority, including MDE, the delegated enforcement authority, or the U.S. Environmental Protection Agency; and
  - d. a copy of the Notice of Termination (after it is prepared).
5. When a permit is transferred, the original permittee must maintain the records in Part IV.C.4 above that document the permit activity up to the date of transfer. The original permittee must maintain those records for three (3) years from the date of transfer. Both the original permittee and the new permittee must maintain a copy of the Transfer of Authorization document.
6. The permittee shall ensure that samples and measurements taken for the purpose of monitoring are representative of the monitored activity. If the director requires monitoring at a site covered by this permit, the permittee shall use monitoring procedures that are sufficiently sensitive to meet an imposed limit, in accordance with federal regulations at 40 CFR 122.44(i)(1)(iv). Records of monitoring information must include:
  - a. the date, exact place, and time of sampling or measurements;
  - b. the individual(s) who performed the sampling or measurements;
  - c. the date(s) analyses were performed;
  - d. the individual(s) who performed the analyses;
  - e. the analytical techniques or methods used;
  - f. the results of such analyses; and
  - g. all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation.

**D. Reporting Requirements.** The permittee shall submit, upon request by MDE, the information maintained in accordance with Part IV.C. to:

The Maryland Department of the Environment  
Water Management Administration  
Compliance Program  
1800 Washington Blvd, Ste 420  
Baltimore, Maryland 21230-1708

**Part V. CONSISTENCY WITH TOTAL MAXIMUM DAILY LOADS**

If the discharge covered by this permit enters a water with an established or approved Total Maximum Daily Load (TMDL), including the Chesapeake Bay TMDL and the Maryland Watershed Implementation Plan, the permittee must implement measures to ensure that the discharge of pollutants from the site is consistent with the assumptions and meets the requirements of the approved TMDL, including any specific wasteload allocation that has been established that would apply to the discharge.

**Part VI. STANDARD PERMIT CONDITIONS**

**A. Duty to Comply.** It is a condition of this permit that the permittee comply with erosion and sediment control and stormwater management plans approved in accordance with the laws and regulations cited in Part II.B.4, above, and with all conditions of this general permit. If MDE adopts applicable requirements after the effective date of this permit, including but not limited to revised Standards and Specifications for Soil Erosion and Sediment Control, the permittee must comply with those requirements by the deadline set forth in those requirements. Violations of plans for construction activity, including applicable Erosion and Sediment Control and Stormwater Management Plans, constitute violations of this permit, State law, and the CWA. Violations of this permit are grounds for enforcement action; for permit termination, revocation, reissuance, or modification; or for denial of a permit renewal.

- B. Continuation of Coverage under This General Permit.** Once construction has commenced, it is a condition of this permit that erosion and sediment control and stormwater management plan approvals be kept in effect. Construction activity may not continue if these plans have expired, but may resume once plans are renewed without payment of an additional fee as long as coverage under this General Permit is still in effect.
- C. Continuation of the Expired General Permit.** An expired general permit continues in force and effect until a new general permit is issued.
- D. Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this general permit.
- E. Duty to Mitigate.** The permittee shall take all reasonable steps to prevent or minimize the environmental or human health impact caused by any discharge allowed by this general permit.
- F. Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the installation and operation of backup, auxiliary, or similar systems or controls, by a permittee when necessary to achieve compliance with the conditions of the permit.
- G. Bypass**
1. Definitions.
    - a. Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
    - b. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
  2. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation.
  3. Notice–
    - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, the permittee must submit prior notice, if possible at least ten days before the date of the bypass.
    - b. Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as soon as possible to the time when it is known, but in no case longer than 24-hours after learning of the event.
  4. Prohibition of bypass.
    - a. Bypass is prohibited, and MDE or EPA may take enforcement action against the permittee for bypass, unless:
      - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
      - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
      - (3) The permittee submitted notices as required.
    - b. MDE or EPA may approve an anticipated bypass, after considering its adverse effects, if MDE or EPA determines that the bypass meets the three conditions listed above.
- H. Upset**
1. Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the permittee's reasonable control. An upset does not include noncompliance



- to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
2. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part VI.H.3, below, are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
  3. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
    - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
    - b. The permitted facility was at the time being properly operated;
    - c. The permittee submitted notice of the upset as required; and
    - d. The permittee complied with any required remedial measures.
  4. Burden of proof. In any enforcement proceeding, the permittee, as the one seeking to establish the occurrence of an upset, has the burden of proof.
- I. Duty to Provide Information.** The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request copies of records required to be kept by this permit, State law, or the CWA.
- J. Other Information.** When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in plans approved in accordance with the laws and regulations cited in Part II. B.4, he or she shall promptly submit such facts or information to the Director or the appropriate plan review authority.
- K. Certification.** Any person signing documents under this section shall provide certification in accordance with the laws and regulations identified in Part VI. L below.
- L. Signatory Requirements.** All submissions of reports, certifications or information shall be signed in accordance with requirements established in Title 4, Subtitle 1 of the Environment Article, Annotated Code of Maryland (Sediment Control); COMAR 26.17.01 (Erosion and Sediment Control); Title 4, Subtitle 2 of the Environment Article, Annotated Code of Maryland (Stormwater Management); and COMAR 26.17.02 (Stormwater Management). All Notices of Intent shall be signed as follows:  
For a corporation: by a responsible corporate officer;  
For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;  
For a municipality, State, federal, or other public agency: by either a principal executive officer or a duly authorized official.
- M. Liabilities under Other Laws.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 309 of the CWA, any applicable State or Federal law, or regulation under authority preserved by section 510 of the CWA.
- N. Property Rights.** The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- O. Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- P. Transfers.** This permit is not transferable to any person except after notice to the Director in accordance with Part I. E. above. As part of such transfer, the Director may require separate application for an individual permit as stated in Part I. C.
- Q. Inspection and Entry.** The permittee shall allow the Director or an authorized representative of EPA or the State who is assigned responsibilities in the laws and regulations cited in Part II. B.4., upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and obtain copies at reasonable times of any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times, without prior notice, any construction site, facility, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

**R. Civil Penalties for Violations of Permit Conditions.** In addition to civil penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the Clean Water Act and EPA regulations at 40 C.F.R. Part 19 provide that any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under Section 402 of the Act or in a permit issued under Section 404 of the Act, is subject to a civil penalty not to exceed \$37,500 per day for each violation. In the event that the sovereign immunity of the United States and its agencies does not apply, such penalties may be assessed for violations.

**S. Criminal Penalties for Violations of Permit Conditions.**

In addition to the criminal penalties for violations of State water pollution control laws set forth in Section 9-343 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that:

1. Any person who negligently violates Section 301, 302, 306, 307, 308, 311(b)(3), 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both; In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to a fine of not more than \$50,000 per day of violation or by imprisonment of not more than two years, or both;
2. Any person who knowingly violates Section 301, 302, 306, 307, 308, 311(b)(3), 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than three years, or both; in the case of a second or subsequent conviction for a knowing violation, a person shall be subject to a fine of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both;
3. Any person who knowingly violates Sections 301, 302, 306, 307, 308, 311(b)(3), 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury, is subject to a fine of not more than \$250,000 or imprisonment for not more than 15 years, or both; in the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both; an organization, as defined in Section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision be subject to a fine of not more than \$1,000,000 for a first violation and up to \$2,000,000 for second or subsequent convictions;
4. Any person who: falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, or knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance, shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this

paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

- T. Administrative Penalties for Violations of Permit Conditions.** In addition to administrative penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:
1. Class I Penalty. Not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$37,500).
  2. Class II Penalty. Not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$16,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$187,500).
- U. Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation, reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

#### **Part VII. REOPENER CLAUSE**

At any time at the discretion of MDE or the U.S. Environmental Protection Agency, or if there is evidence indicating that stormwater discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, MDE may require the owner or operator of such discharge to obtain an individual permit or alternative general permit coverage in accordance with Part I. C. of this permit. Alternatively, MDE may revoke this permit or modify this permit to include different limitations and requirements, in accordance with the procedures contained in COMAR 26.08.04.10 and 40 C.F.R. §§ 122.62, 122.63, 122.64 and 124.5.

#### **Part VIII. AUTHORITY TO ISSUE GENERAL NPDES PERMITS**

On September 5, 1974, the Administrator of the EPA approved the proposal submitted by the State of Maryland for the operation of a permit program for discharges into navigable waters under Section 402 of the federal Clean Water Act, 33 U.S.C. Section 1342. On May 15, 1989, EPA and Maryland entered into a superseding Memorandum of Agreement for such discharges. On September 30, 1990, the Administrator of the EPA approved the proposal submitted by the State of Maryland for the operation of a general permit program. Under the approvals described above, this general discharge permit is both a State of Maryland general discharge permit and an NPDES general discharge permit.

#### **Part IX. DEFINITIONS**

The following words and terms used in this chapter have the following meanings unless the context clearly indicates otherwise. Terms used in this permit and not otherwise defined herein shall have the meaning attributed to them in 40 C.F.R. Part 122.

1. "Administration" means the Maryland Department of the Environment, Water Management Administration.
2. "Appropriate approval authority" means the state or local government agency that has authority to review and approve Erosion and Sediment Control Plans and Stormwater Management Plans.

3. "Construction Activity" means clearing, grading, excavating, or other earth disturbing activities that result in a land disturbance equal to or greater than one acre, including the disturbance of less than one acre of land that is part of a larger common plan of development or sale that will ultimately disturb more than one acre. Construction activity includes construction-related activities that specifically support the construction activity and involve earth disturbance or pollutant-generating activities of their own, and can include activities associated with equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas. Construction activity does not include earth disturbance for agricultural and silvicultural production activities such as for orchards, cultivated crops, pastures, range lands, and forest lands, unless those activities involve construction of structures, roads, or other appurtenances.
4. "CWA" means the federal Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*, or the Federal Water Pollution Control Act or the Amendments to the Clean Water Act, and regulations promulgated thereunder.
5. "Director" means the Regional Administrator, the Secretary of the Maryland Department of the Environment, or an authorized representative.
6. "Larger common plan of development or sale" means an area where multiple separate and distinct construction activities are occurring under one plan. The "plan" in a common plan of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activities may occur on a specific plot.
7. "Permanent stabilization" means that all soil disturbing activities at the site have been completed and the following criteria are met, whichever is most stringent:
  - a. The site meets the stabilization requirements in the approved plans;
  - b. The site meets stabilization requirements in COMAR 26.17.01.07.B.6(f), even if approved plans have a less stringent requirement (see COMAR 26.17.01.08.G), and in the 2011 Standards and Specifications for Soil Erosion and Sediment Control or any updated standards issued by MDE (after their effective date); or
  - c. 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 percent 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.
    - (3) When background native vegetation will cover less than 100 percent of the ground (e.g., arid areas, beaches), the 70 percent coverage criteria is adjusted as follows: if the native vegetation covers 50 percent of the ground, 70 percent of 50 percent ( $0.70 \times 0.50 = 0.35$ ) would require 35 percent total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.
  - d. 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 preconstruction 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 preconstruction agricultural use must meet the final stabilization criteria (a), (b), or (c) above.
8. "Person" is as defined in COMAR 26.17.01 (Erosion and Sediment Control) and COMAR 26.17.02 (Stormwater Management).

9. "Plans" means a permittee's Erosion and Sediment Control Plan and Stormwater Management Plan, collectively.
10. "Project" means the total area upon which construction activity will occur through stages or phases over time.
11. "Site" means any area where Permittee engages in Construction Activity and where coverage under an applicable permit is required.
12. "Stormwater" means precipitation runoff, snowmelt runoff, and surface runoff and drainage.
13. "Stormwater Associated with Construction Activity" means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to clearing, grading, and/or excavation activities.



Jay Sakai, Director  
Water Management Administration