

MEMORANDUM

State of Alaska

Department of Transportation & Public Facilities
Statewide Design & Engineering Services Division
Environmental Section

TO: Distribution

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TELEPHONE NO: 465-6326

FAX NUMBER: 465-2460

FROM: Kris Benson *KB*
Environmental Program Manager

SUBJECT: Disturbed Acreage for
CGP Notice of Intent

This memo gives guidance for designers as to how to write the erosion control specification when the disturbed acreage of the project is less than one acre. It also gives guidance to the environmental and construction sections on when a Notice of Intent should be filed for coverage under the Construction General Permit (CGP) when the project is less than one acre. The issue is that contractor-supplied sites may add to the project's overall acreage and require storm water permit coverage.

When the DOT&PF project acreage is less than one acre, but a contractor is a CGP operator for a support activity which when combined with the project acreage totals one acre or more, the Department will apply for CGP coverage. The Department's NOI acreage will be less than one acre and the Contractor's NOI acreage will be the sum of the project and other support activities where the Contractor is an operator. The Project Storm Water Pollution Prevention Plan (SWPPP) must reference the support activity areas, but support activities where the contractor is the operator need to be documented in a separate SWPPP, called a SWPPP 2. At the support activities, the contractor, as the CGP operator, will be responsible for the SWPPP, SWPPP updates, control measures, inspections, logs, etc.

If the Department has a legal interest in the support activity, such as Material Sale Agreement, mining reclamation plan, Army Corps permit, or could be construed to control the daily operations or plans and specifications, then the support activity acreage must be included in the Department's NOI and in the Project SWPPP.

When calculating the acreage of disturbed ground in order to determine whether coverage under the CGP is required, do not include laydown or staging areas if they are existing or are used for stockpiling of non-erodible materials, such as fencing, building materials, rock,

concrete. Do count the laydown or staging area in the total acreage if there will be erodible stockpiles, the area is constructed for the project or altered from the pre-project conditions. Whether in this case the acreage goes on the Department's as well as the contractor's NOI depends on whether the Department is an operator, as discussed in the paragraph above. If the existing condition is not a stable surface, it should be stabilized as required by the CGP, but still would not be counted in the area of disturbance because that was the condition before the project began.

To minimize contract change orders, when designers know the project is less than one acre, they should include an erosion and pollution control special provision that states the requirements if the total acreage including contractor-supplied support activities are less than one acre as well as the alternative requirements if the total acreage is equal to or more than one acre.

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