BNSF Railway Company

Removal Completion Report and Final Report

Haystack Mines Site
Baca/Prewitt Chapter, Navajo Nation
McKinley County, New Mexico

August 15, 2022

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Acronyms and Abbreviations

ASAOC	Administrative Settlement Agreement and Order on Consent for Removal Action
Arcadis	Arcadis U.S., Inc
AUM	abandoned uranium mine
bgs	below ground surface
BIA	Bureau of Indian Affairs
BNSF	BNSF Railway Company
BZ	breathing zone
CDEC	Continental Divide Electric Company
CFR	Code of Federal Regulations
cpm	count per minute
DCRM	Dinétahdóó Cultural Resources Management
GPS	global positioning system
GRWP	General Radiation Work Permit
HASP	Site-Specific Health and Safety Plan
IBI	iiná bá, inc.
NNEPA	Navajo Nation Environmental Protection Agency
NNHP	Navajo Natural Heritage Program
NTUA	Navajo Tribal Utility Authority
Report	Removal Completion Report
RSO	Radiation Safety Officer
Site	Haystack Mines Site, located in the Baca/Prewitt Chapter of the Navajo Nation, McKinley County, New Mexico
SOP	standard operating procedure
SWPPP	Stormwater Pollution Prevention Plan
TCRA	time-critical removal action
Tech Memo	Technical Memorandum for Temporary Consolidation Waste Pile Design
USEPA	United States Environmental Protection Agency
Work Plan	Removal Work Plan

Certification Statement

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.



Charles Thomas
Director Environmental Remediation

1 Introduction

On behalf of BNSF Railway Company (BNSF), Arcadis U.S., Inc. (Arcadis) prepared this Removal Completion Report and Final Report (Report) for the Haystack Mines Site, located in the Baca/Prewitt Chapter of the Navajo Nation, McKinley County, New Mexico (Site; Figures 1 and 2). This Report is submitted pursuant to the Administrative Settlement Agreement and Order on Consent for Removal Action (ASAOC; Comprehensive Environmental Response, Compensation, and Liability Act Docket No. 09-2017-02 and Docket No. 06-02-17; United States Environmental Protection Agency [USEPA] 2017) executed between the USEPA and BNSF and fulfills Section VIII, paragraph 32 of the AOC.

The scope of work in the ASAOC included completing time critical removal activities at six areas within the site (Figure 3). Prior to completing the time critical removal action (TCRA), two families that lived within one of the TCRA areas had to be relocated. Paragraph 32.e of the ASAOC (USEPA 2017) required BNSF to provide temporary housing to the nearby residents. However, BNSF elected to provide the residents with new manufactured homes permanently located in an area outside the Abandoned Uranium Mine (AUM) boundary identified by USEPA.

Once the residents were relocated, material within the six TCRA areas was excavated to a depth at which the post-removal survey yielded a gamma count of less than 75,000 counts per minute (cpm) as measured by a Ludlum 3000 with a 3x3 probe, or to the maximum depth outlined in the ASAOC. Excavated material was placed in a temporary consolidation waste pile located on BNSF's property in Section 19. The excavated areas were backfilled with clean material sourced from Gallup, NM and disturbed areas, including the soil cover that was placed on the temporary consolidation waste pile, were seeded with a native seed mix.

The objective of this report is to fulfill the ASAOC requirements set forth in paragraphs 32.p and 41 to provide to USEPA a "Removal Completion Report" and "Final Report", including estimated costs for the project, and to document the work performed by BNSF under the ASAOC's Section VIII.

1.1 Site Description

The Site is located approximately 5 miles east of Prewitt, New Mexico, including areas within and immediately outside of the southeast portion of the Navajo Nation (Figure 1), within a rural area of northwestern New Mexico. The Site is atop the Haystack Butte, approximately 500 feet south of the Haystack Mountain and next to County Road 41 (Figure 2). The Site consists of four contiguous abandoned uranium mines (AUMs), including Haystack No. 1 AUM, Bibo Trespass AUM, Section 18 AUM, and Section 24 AUM:

- *Haystack No. 1 AUM*. This AUM is situated on privately owned land (Township 13 North, Range 10 West, Section 19). The geographic coordinates for the approximate center of Haystack No. 1 are 35.348919° N latitude and 107.945506° W longitude. This AUM encompasses approximately 64 acres.
- *Bibo Trespass AUM*. This AUM is located on land (Township 13 North, Range 11 West, Section 13) administered by the Bureau of Indian Affairs (BIA). The geographic coordinates for the approximate center of the Bibo Trespass AUM are 35.349522° N latitude and 107.94863° W longitude. This AUM encompasses approximately 22 acres.

- *Section 18 AUM.* This AUM is located on Indian Allotment land (Township 13 North, Range 10 West, Section 18). The geographic coordinates for the approximate center of Section 18 AUM are 35.345358° N latitude and 107.943424° W longitude, This AUM encompasses approximately 5 acres.
- *Section 24 AUM*. This AUM is located on Indian Allotment land (Township 13 North, Range 11 West, Section 24). The geographic coordinates for the approximate center of the Section 24 AUM are 35.346544° N latitude and 107.947928° W longitude. This AUM encompasses approximately 27 acres.

Six areas were identified for the TCRA required by the ASAOC (Figure 3). The TCRA areas are located in Sections 13, 18, and 19.

1.2 Report Organization

The remainder of this Report is organized into the following sections:

- *Section 2 – Preconstruction Activities.* Describes the activities performed prior to residential relocation or TCRA field work.
- *Section 3 – Residential Homes*. Describes the activities performed in support of relocation activities to move two residences outside of the site boundary.
- *Section 4 – Time-Critical Removal Action*. Describes the TCRA activities, including excavation, temporary consolidation waste pile construction, and restoration.
- *Section 5 – Path Forward.* Describes the path forward for the Site, including annual inspections.
- *Section 6 – Estimated Costs.* Provides an estimated cost to complete the requirements of the ASAOC.
- *Section 7 – References.* Lists the references cited in this Report.

2 Preconstruction Activities

Prior to field activities, and in accordance with the ASAOC and Removal Work Plan (Work Plan; Arcadis 2017), preconstruction activities were completed. These activities included preparing a Health and Safety Plan (HASP), performing a cultural resources survey and a biological survey, developing a community involvement plan, and completing a Stormwater Pollution Prevention Plan (SWPPP). This section describes the preconstruction activities in detail.

2.1 Health and Safety Plan

As required by the Occupational Safety and Health Administration 29 Code of Federal Regulations 1910.120 (Hazardous Waste Operations and Emergency Responses) and the ASAOC paragraph VIII.36, Arcadis prepared a site-specific HASP (Arcadis 2017) that addressed the hazards of the planned relocation and TCRA work at the Site. The HASP was submitted to the USEPA for review prior to field work. In addition, the HASP is updated annually, as required.

Due to the COVID-19 pandemic, additional health and safety precautions were implemented to maintain compliance with the Center for Disease Control requirements and with the Navajo Nation Department of Public Health requirements. The COVID-19 health and safety requirements were updated in the HASP throughout the pandemic and were reviewed and approved by the Navajo Nation Environmental Protection Agency (NNEPA) prior to onsite work.

2.2 Cultural Resources Survey

In accordance with paragraph 32.b of the ASAOC, a cultural resources survey was completed at the Site by Dinétahdóó Cultural Resources Management (DCRM), a Navajo-owned and operated anthropology and archaeological firm. For the cultural resources survey, DCRM conducted a literature search, archeological inventory, and ethnographic interviews to identify potentially sensitive areas that might need protection during construction activities. Though cultural resources were found during the cultural resource survey, the recommendation stated construction activities could continue if the work was confined to the area included in the cultural resources survey. The Navajo Nation Heritage and Historic Preservation Department Cultural Resources Compliance Form is provided in Appendix A.

2.3 Biological Survey

In accordance with paragraph 32.c of the ASAOC, requests for information on biological resources were submitted to the U.S. Fish & Wildlife Service, the New Mexico Department of Game and Fish, and the Navajo Natural Heritage Program (NNHP). The results of these surveys were submitted to the USEPA by Arcadis in a letter dated July 27, 2017 (Appendix B). A walkover biological survey was performed in January 2021 prior to relocation activities. No threatened or endangered species were found during the survey. Correspondence between the NNHP and Arcadis regarding the biological information requests and surveys is provided in Appendix B.

2.4 Community Involvement

In accordance with paragraphs 32.d and 38 of the ASAOC, BNSF participated in a July 2019 chapter meeting of the Navajo Nation's Baca/Prewitt Chapter, as requested by the USEPA. Due to COVID-19, BNSF was unable to attend additional chapter meetings. Per the recommendation of the USEPA and NNEPA, BNSF hired a community liaison, who is currently the President of the Baca/Prewitt Chapter. The community liaison was employed throughout the relocation and TCRA work to help engage and facilitate communication between BNSF, the relevant agencies, and the local community.

2.5 Stormwater Pollution Prevention Plan

A SWPPP was prepared for the Site and submitted to the USEPA as part of the Notice of Intent application on September 16, 2020. Approval was received on September 30, 2020. The SWPPP is provided in Appendix C.

3 Residential Homes

Per paragraph 32.e of the ASAOC, BNSF was required to "provide temporary alternative housing to residents living within the AUM boundary as necessary during removal activities…". Instead of providing temporary housing, BNSF agreed to purchase new manufactured homes for the residents and assist them with permanently moving outside of the AUM boundary.

3.1 Housing Agreement and Homesite Lease

Housing agreements were executed between BNSF and residents in February 2020. Prior to execution, the housing agreements were reviewed and approved by the USEPA, NNEPA, and Navajo Department of Justice. The housing agreements were signed by the residents on February 20, 2020. In accordance with the housing agreements, BNSF paid all costs associated with the two manufactured homes including purchase, homesite lease fees, utility installation, new driveways, and disposal of the old homes and residential debris.

Potential homesite locations were provided to the residents based on a gamma scan performed by the USEPA. The residents chose 1-acre plots in areas recommended by the USEPA. Once the locations were chosen, BNSF coordinated and paid for the supporting work to complete the homesite leases through the BIA. The homesite lease package included a cultural resource survey, biological survey, and legal survey. The homesite leases were approved by the BIA on March 5, 2020.

3.2 Preconstruction Activities

In preparation for construction activities, BNSF purchased two newly manufactured homes and coordinated with utility companies for water, electric, propane, and septic permits and connections.

- *Manufactured home purchase.* The residents each selected a manufactured home model based on two choices provided in the housing agreement.
- *Water connection.* Public water near the new manufactured homes is provided by the Navajo Tribal Utility Authority (NTUA). The NTUA residential service application, which included the design package, was submitted to the NTUA on April 19, 2020. The NTUA provided the notice to proceed on July 12, 2021.
- *Electric connection.* Electricity near the new manufactured homes is provided by the Continental Divide Electric Company (CDEC). The CDEC was provided service line agreements and drawings of the homesites in July 2020. The CDEC provided a cost estimate to install additional power poles in August 2020 and completed the field work in March 2021.
- *Septic system.* Percolation tests were performed at the new homesites in March 2020 to assist with the septic system applications. The septic tank applications were submitted in June 2020 and approved in September 2020 by the NNEPA Public Water Systems Supervision Program.
- *Propane connection.* Per the housing agreement, each family received a leased 250-gallon propane tank and 250 gallons of propane. This was coordinated through A-X Propane, located in Milan, New Mexico.

3.3 Construction Activities

Residential relocation construction activities began on February 8, 2021 by iiná bá, inc. (IBI), a Navajo-owned and operated construction firm subcontracted to Arcadis, with Arcadis' oversight. The new homesite pads were graded and compacted, and the access road was improved and prepared for manufactured home delivery. Prior to improving the access road, the Northeast Access Road TCRA area was addressed to avoid tracking elevated material toward the homesites (see Section 4 for additional information). Manufactured homes were delivered on February 11 and 12, 2021, and were then leveled and blocked, and skirting was installed.

During the field event, the utilities were installed in accordance with the permits and drawings. The water line was installed by Copper Penny Plumbing based in Navajo, New Mexico, in accordance with the submitted drawings. However, after reviewing the constructed water system, the NTUA requested modifications, which occurred in fall 2021. Once construction was complete and approved by NTUA, the bacti tests, pressure tests, and final inspections were completed in November and December 2021.

The electric pole installation and home connection was performed by Gilbert and Sons Electric, LLC based in Shiprock, New Mexico. The septic systems were installed by IBI and inspected by the NNEPA Public Water Systems Supervision Program in early September 2021. Approval to put the septic system into operation was received in November 2021 from the NNEPA Public Water Systems Supervision Program.

The propane tanks were installed and filled with 100 gallons of propane by A-X Propane in February 2021. The final connection was performed in December 2021 in conjunction with the final inspection and turnover.

Once the manufactured homes were in place onsite and the majority of the utility connections completed, the NNEPA performed a site visit. After the site visit, a few concerns were submitted to BNSF from the NNEPA and the residents. These concerns were addressed during working group discussions with the NNEPA and ultimately with the residents. The concerns were addressed prior to the final inspection and turnover of the manufactured homes.

Photographs showing the construction activities are provided in Appendix D.

3.4 Turnover of Manufactured Homes

To ensure the manufactured homes met the required standards of being decent, safe, and sanitary, the USEPA had a third-party inspection performed by Murray Construction Solutions, Inc. on November 1, 2021. On December 14, 2021, a final inspection of each home was performed, and turnover of the homes to the residents was completed. Personnel present for the turnover of the homes included representatives from the USEPA, NNEPA, BNSF, Arcadis, Clayton Homes, the residents, and the third-party inspector.

3.5 Demolition

Once the residents moved into their new manufactured homes, BNSF disconnected the utilities and demolished the residents' former homes. Prior to the intrusive work, an underground utility locate was performed by Ground Penetrating Radar Systems, LLC. CDEC disconnected the power line from the former homes and removed their power pole the week of February 14, 2022. Most of the demolition activities were performed by IBI, with Arcadis

oversight, during the week of February 21, 2022. The residents' former homes were crushed and removed from the Site, including the residential electric pole.

The septic system was abandoned in place in accordance with the NNEPA Public Water Systems Supervision Program requirements and a Completion of Domestic Septic System Retirement report was submitted on March 15, 2022.

IBI submitted a Water Abandonment Plan (IBI 2022) to the NTUA on February 18, 2022 and received approval of the plan the week of March 7. Because the water was shut off, the NTUA removed the water meter the week of February 21, 2022. The water line abandonment was performed the week of March 16, 2022 with the NTUA present.

In addition to the above activities, the Site was regraded after the trailers were removed and trash strewn throughout the residential area was collected and disposed of to facilitate the upcoming TCRA work.

Photographs showing the demolition activities are provided in Appendix D.

4 Time-Critical Removal Action

This section describes the TCRA activities required by the ASAOC. TCRA activities consisted of developing the Work Plan and performing work onsite including the TCRA excavation, constructing the temporary consolidation waste pile, site restoration, radiological monitoring and oversight, field decontamination, and field documentation. This section also discusses future annual inspections.

4.1 Removal Work Plan

In accordance with paragraph 32.a of the ASAOC, BNSF submitted the Work Plan to the USEPA on July 27, 2017. The Work Plan outlined pre-field activities, the potential methods for material removal, maximum excavation depths per the ASAOC, confirmation gamma scanning, and restoration activities; the Work Plan included a Dust Control Plan, as required by ASAOC paragraphs 32.g and 32.h, as Appendix C. The Work Plan was approved by the USEPA on February 14, 2018 (USEPA 2018).

4.2 Time-Critical Removal Action Excavation

This section discusses TCRA-related activities performed at the Site, including mobilization and site preparation, excavation methodologies, confirmation gamma scanning, and supporting activities.

4.2.1 Mobilization and Site Preparation

Upon mobilization to the Site, Arcadis performed site reconnaissance to verify existing conditions, delineate work areas, establish site access points, and determine the locations for temporary facilities. The following site preparation tasks were completed in March 2022, before initiation of TCRA excavation activities:

- Ground Penetrating Radar Systems, LLC performed a private utility locate.
- A local one-call center was contacted to perform a utility locate.
- Soil erosion and sedimentation controls were installed in accordance with the SWPPP.
- A staging area was delineated within Section 19 for sanitary facilities and heavy construction equipment.
- Access roads were assessed and improved, where necessary (Northeast Access Road was improved [prior to relocation work] and an access road was constructed to the Eastern Stockpile), in accordance with paragraph 32.f of the ASAOC.

Access to construction areas was restricted during removal activities, and visitors were met by Arcadis' onsite Construction Manager to review the HASP and site hazards.

4.2.2 Preconstruction and Radiological Survey

In accordance with the Work Plan, radiological data collected to identify TCRA excavation volumes included surface gamma radiation measurements, as required by the ASAOC. A preconstruction radiological survey was completed before construction activities to identify areas with greater than 75,000 cpm radiological activity within the TCRA areas. The 75,000 cpm threshold was established as the screening criteria.

The gamma radiation instrument was a 3- x 3-inch sodium iodide scintillator (Ludlum Model 44-20) with a scaler/ratemeter (Ludlum Model 3000), for use as count rate meters for confirmation gamma scans. Radiological instruments and equipment used were operated, calibrated, and maintained according to the manufacturer's guidelines and recommendations. The instruments used onsite were calibrated within the past year in accordance with the manufacturer directions. Daily operational quality control checks were performed for the radiological instruments before first use and at the end of each workday.

Figures 4 through 8 show the results of the pre-excavation gamma surveys for each TCRA area.

4.2.3 Excavation Activities

The radiological survey performed prior to TCRA activities indicated areas requiring material removal. Material with a gamma count greater than 75,000 cpm, as measured by a Ludlum 3000 with a 3x3 probe, was marked using pin flags or spray paint. Material having elevated gamma counts greater than the threshold (elevated material) was removed until a gamma scan indicated less than 75,000 cpm or until the maximum depth indicated by the ASAOC was reached.

4.2.3.1 Removal Methods

Two primary excavation methods were used to minimize disturbance footprints, waste handling, and restoration efforts while still achieving the objectives of the TCRA:

- *Manual.* Elevated material was removed by hand or shovel and placed directly into a skid steer bucket. Removal was guided by gamma screening until sufficient material was removed to achieve the gamma confirmation scanning criteria. Dust generation by these methods was minimal.
- *Mechanical.* Heavy equipment was used to remove elevated material within the TCRA boundaries in 6-inch lifts. Excavated material was transported by dump truck to the temporary consolidation waste pile located on the BNSF-owned portion of Section 19. Equipment entering excavation areas was surveyed for elevated material prior to leaving the TCRA area.

4.2.3.2 Excavation

In accordance with paragraph 32.j of the ASAOC, the preconstruction radiological gamma data were used to identify material greater than 75,000 cpm within each TCRA area (Figure 3). The initial gamma data for each TCRA area is shown on Figures 4 through 8. Vertical excavation extents for each TCRA area were defined by the ASAOC; each TCRA area was excavated to the maximum depth indicated or until a post-removal survey yielded a gamma count of less than 75,000 cpm. The six TCRA areas and excavation details are provided below with maximum excavation depths as specified by the ASAOC in parentheses.

- *Northeast Access Road (1 foot bgs maximum depth)*. Elevated material in this area was limited to elevated rocks. Manual removal was used to remove elevated material based on the preconstruction radiological scan.
- *Northeast Drainage (1 foot bgs maximum depth)*. Elevated material in this area was limited to elevated rocks. Manual removal was used to remove elevated material based on the preconstruction radiological scan.
- *Residential Area (2 feet bgs maximum depth)*. Elevated material was observed in a portion of the western half of the TCRA area. Mechanical removal was used to remove soil in 6-inch lifts in the identified area, with

gamma scans performed after removal of each 6-inch lift, and subsequent additional lifts as required to the maximum depth of 2 feet below ground surface (bgs).

- *Western Drainage 1 (1 foot bgs maximum depth)*. Elevated material in this area was limited to elevated rocks. Manual removal was used to remove elevated material based on the preconstruction radiological scan.
- *Western Drainage 2/Road (2 feet bgs maximum depth)*. Elevated material was observed to extend through the entire TCRA area. Mechanical removal was used to remove soil in 6-inch lifts, with gamma scans performed after removal of each 6-inch lift, and subsequent additional lifts as required to the maximum depth of 2 feet bgs.
- *Eastern Stockpile (2 feet bgs maximum depth)*. Elevated material was observed to extend through the entire TCRA area. Mechanical removal was used to remove soil in 6-inch lifts, with gamma scans performed after removal of each 6-inch lift, and subsequent additional lifts as required to the maximum depth of 2 feet bgs.

Photographs showing the removal of excavated material are provided in Appendix D.

4.2.3.3 Backfill

Three TCRA areas required backfilling: Western Drainage 2/Road, Eastern Stockpile, and the Residential Area. In accordance with the Work Plan, commercially available imported material was used for backfill. Three types of clean backfill material were used: crusher fines, road base, and topsoil. Material was imported from Vernon Hamilton Construction Company, Holiday Nursery, and Michele's Ready-Mix Rock and Recycle, all based in Gallup, New Mexico. The approximate volume of material brought onsite is presented in Table 1, below, and manifests are provided in Appendix E.

Table 1. Material Tonnage

Material Type	Approximate Volume Used (tons)	Source Facility
Crusher fines	446	Vernon Hamilton Construction Company
Road base	428	Vernon Hamilton Construction Company
Topsoil*	175	Holiday Nursery
Topsoil*	1,563	Michele's Ready Mix Rock and Recycle

*Topsoil volumes include topsoil used for the temporary consolidation waste pile cover (see Section 4.3),

The crusher fines and road base were used for the Northwest Drainage 2/Road, and for the initial 6 inches in the Eastern Stockpile. Topsoil was used for the upper 18 inches of backfill in the Eastern Stockpile and the Residential Area to support revegetation of these areas. The material was placed, graded, and compacted using construction equipment to restore removal areas to pre-removal grade.

Photographs showing the backfill activities are provided in Appendix D.

4.2.4 Confirmation Gamma Scanning

In accordance with paragraph 32.l of the ASAOC, static confirmation gamma scans were performed after backfilling to confirm the TCRA excavation objectives were achieved. Predefined grids with randomly selected

nodes were created before field mobilization and stored on field global positioning system (GPS) units to guide static count placement in most TCRA areas. Static count node placement was adjusted in the Western Drainage 1 and Northeast Drainage to coincide with the location of the identified elevated material that was removed using manual methods. The Ludlum Model 3000 with a 3- x 3-inch probe was positioned 6 inches above the ground surface over each node and held in place for 1 minute to collect the static count gamma reading. Results confirm the static confirmation data are less than 75,000 cpm and that the TCRA objectives have been achieved for the six TCRA areas (Table 2; Figures 9 through 14).

4.2.5 Supporting Activities

In support of and during the TCRA excavation activities, dust control, erosion and sediment control, and traffic control practices were implemented to ensure the safety of the crew and surrounding residents.

4.2.5.1 Dust Control

In accordance with paragraphs 32.g and 32.h of the ASAOC, dust control measures were implemented to minimize dust generation by construction activities in accordance with the Dust Control Plan. During periods of high winds, additional water was applied to the excavation areas to mitigate dust generation, or a Stop Work was initiated.

4.2.5.2 Erosion and Sediment Control

Work was conducted in accordance with the USEPA-approved SWPPP provided in Appendix C. Sediment controls were installed along perimeter areas of the Site that had the potential to receive discharges as a result of construction disturbance. The Site did not experience periods of heavy precipitation during TCRA removal work.

4.2.5.3 Traffic Control Plan

A site-wide Traffic Control Plan was developed in accordance with paragraph 32.i of the ASAOC and is provided as Appendix F. Traffic control was implemented using a combination of barriers and signage.

4.3 Temporary Consolidation Waste Pile

In accordance with paragraph 32.k of the ASAOC, the Work Plan included construction of a temporary consolidation waste pile. During the January 7, 2020 site visit, the New Mexico Environment Department requested a technical memorandum to summarize the design of the temporary consolidation waste pile to be located on BNSF's Section 19 property. A Technical Memorandum for Temporary Consolidation Waste Pile Design (Tech Memo) was submitted on April 28, 2020 to the USEPA and is provided as Appendix G. Construction of the consolidation waste pile was conducted in accordance with the Tech Memo.

The area for the temporary consolidation waste pile was prepared by clearing vegetation and grading the area footprint with a bulldozer to level and flatten the ground surface. Prior to depositing material excavated from TCRA areas, localized additional grading was performed for safe access and erosion control.

The final footprint of the consolidation waste pile was measured by GPS and encompasses approximately 12,400 square feet (Figure 15). The TCRA material was placed within the designated footprint of the waste pile and

compacted using construction equipment. The edges of the temporary consolidation waste pile were graded to a maximum slope of approximately 3:1 horizontal to vertical, and the top surface was graded to slope at approximately 3 percent to ensure proper surface water drainage. Following placement of TCRA material, the waste was covered with a geotextile membrane and 18 inches of soil to mitigate erosion and enhance vegetative growth. The site boundary is secured with a fence and signage prohibiting trespassing (as required by paragraph 32.n of the ASAOC).

Photographs showing the temporary consolidation waste pile are provided in Appendix D.

4.4 Restoration

In accordance with paragraph 32.m of the ASAOC, restoration activities were performed upon completion of the TCRA excavation. Areas that only had manual rock removal performed (Northeast Access Road, Northeast Drainage, and Western Drainage 1) did not require restoration because no intrusive groundwork was performed and no vegetation was damaged during the TCRA removal. Mechanical excavation was performed in the Western Drainage 2/Road, Residential Area, and Eastern Stockpile and backfill was placed in each excavated area. The Western Drainage 2/Road TCRA work did not disturb vegetation and no additional restoration was performed after road base was placed. The Residential Area and Eastern Stockpile contained vegetation prior to excavation; therefore, topsoil was placed in the excavation footprint to match the existing grade. A seed mix using local and native species was applied via hydroseed methods following backfill (photographs provided in Appendix D). After restoration activities were complete, personnel and equipment demobilized from the Site.

4.5 Radiological Monitoring and Oversight

Personnel present onsite followed the requirements of the radiation safety program contained in the HASP (Arcadis 2017) for tasks that had the potential for radiation exposure. The site Radiation Safety Officer (RSO) or designated representative was present for work conducted in an exclusion zone to confirm appropriate monitoring and dose assignment. Site visitors received visitor site-specific health and safety training before entering the Site, including identification of onsite hazards.

4.5.1 Exclusion Zones and Radiological Monitoring

The site RSO or designee established control boundaries for exclusion and support zones. Exclusion zones within work areas were designated by pin flagging. To maintain exposures to workers, the public, and the environment, the “as low as reasonably achievable” approach was adopted onsite and personnel were not permitted to loiter in exclusion zones.

4.5.2 General Radiation Work Permit

Before field work began, a General Radiation Work Permit (GRWP) for the Site was issued by Arcadis. The GRWP addressed personnel radiation monitoring required and evaluated the need for a Specific Radiation Work Permit.

For operational simplicity, the exclusion zone under the GRWP consisted of the portion of the Site where data collection, excavation, restoration, or consolidation activities were ongoing. This exclusion zone was used as the overall exclusion zone defined in the HASP. Time spent onsite by project personnel was monitored by the site RSO or designee and documented daily.

4.5.2.1 Personnel Radiation Monitoring

Dosimetry badges were worn by workers who conducted onsite work within the exclusion zone. Badge dose readings were compared to the total allowable dose set by the project health physicist and RSO. Badge dose readings did not detect deep, eye, or shallow dose exposures indicating personnel onsite were not exposed to elevated material.

TCRA workers leaving the onsite GRWP exclusion zone were checked for removable elevated material by an appropriately trained worker with a Ludlum 44-9 Pancake Probe, as described in the standard operating procedure (SOP) for Equipment and Personnel Decontamination provided in Appendix B to the Work Plan. No removable elevated material was identified on workers, equipment, or vehicles during radiation surveys performed throughout the event.

4.5.2.2 Specific Radiation Work Permit

The surface gamma action level is 50 percent of the United States Nuclear Regulatory Commission hourly dose limit for individual members of the public (2,000 microrems) in 1 hour (10 Code of Federal Regulations [CFR] 20). The surface gamma levels onsite did not require a Specific Radiation Work Permit because no locations onsite had dose rates meeting this action level.

4.5.3 Air Monitoring

In support of the Dust Control Plan, air monitoring was conducted to monitor potential inhalation of dust containing naturally occurring radioactive material during the removal activities. Radium-226 is of primary concern onsite, in addition to uranium and non-radiological nuisance dust generated during work activities. A Ludlum alpha/beta system was used to measure gross alpha on glass fiber filters. The system consists of a Ludlum Model 43-10-1 alpha-beta sample counter coupled to a Ludlum 2929 dual-channel scaler. Gross alpha is composed of the alphas from the parent uranium and thorium dust particles and their daughter products, particularly radium-226. If the gross alpha concentration is within the limits, then so are its constituents. This method of using gross alpha as a screening tool is common practice. The results show the gross alpha is low, approximately equal to background concentrations. Therefore, alpha contributors, including radium-226, are the same or lower.

4.5.3.1 Ambient Air Monitoring

Ambient air was monitored by three stationary air monitoring stations placed near each active work area. One station was located upwind and outside the perimeter of the work area (to establish background windblown dust levels), one station was located downwind and outside the perimeter of the work area, and one station was located further downwind from the worksite to monitor conditions for nearby residents.

Each location included a real-time airborne particulate monitor, DustTrak DRX 8533, to measure nuisance dust according to the HASP, and an SKC Model 224-PCXR8 air sampler in stationary housing. The particulate and

filter samplers had approximate flow rates of 3 liters per minute. At each location, the real-time airborne particulate monitor measured particulate matter with diameters generally 10 micrometers and less, and 2.5 micrometers and less. The filters within the air samplers were glass fiber and were analyzed for gross alpha; results are presented in Table 3. Particulate and gross alpha results were less than screening levels. The laboratory results are provided in Appendix H.

Samplers were taken down in adverse weather conditions, including high wind that destabilized the sampling stations and precipitation greater than a light mist.

4.5.3.2 Occupational Health Monitoring

To evaluate the risk to field personnel present during TCRA activities, occupational air monitoring was conducted. Thermo MIE pDR-1000AN DataRam personal air quality monitors were used for real-time work zone particulate monitoring. Additionally, one individual worker breathing zone (BZ) air sampling device was assigned each day to the worker with the greatest potential for internal exposure (i.e., the maximally exposed individual). A GilAir+ BZ pump by Gilian was used for this purpose. The pump was calibrated daily using a Bio International Corp Defender 510 volumetric flow calibrator. Individual worker BZ air samples were collected on glass fiber filters and analyzed for gross alpha. The gross alpha results were less than the minimum detectable concentration and indicate that the average fraction was less than 10 percent of the allowable derived air concentration for workers (10 CFR 20; Appendix H).

4.6 Decontamination

Decontamination generally followed the procedures contained in the SOP for Equipment and Personnel Decontamination (Arcadis 2017).

The site RSO or designee frisked personnel and equipment when TCRA workers left the exclusion zone to ensure there was no migration of elevated material. Vehicles and other equipment used in exclusion zones were surveyed for elevated material prior to release. Vehicles that were not required for work within the exclusion zone were not permitted to enter the area.

No elevated material was identified on TCRA workers, equipment, or vehicles during radiation surveys.

4.7 Documentation

The site RSO or RSO-designee kept daily logs, per the SOP for Field Log Entries, provided in Appendix B to the Work Plan. The daily logs document individual workers' entry and exit to the exclusion zone, radiation monitoring badge distribution and return, and personnel and vehicle decontamination. The site RSO or designee also documented radiation scanning equipment onsite, air monitoring equipment, calibration quality control of equipment, results from field gamma surveys, and other radiological data acquisition.

The construction field lead, in conjunction with the site RSO or designee, completed daily activity/field reports to document the project progress. Daily field log data were summarized and submitted to the USEPA in weekly progress reports throughout the field work.

5 Path Forward

Per paragraph 39 of the ASAOC, annual inspections will be performed to assess the fence integrity around Section 19 and document the integrity and performance of erosion control measures. The inspections will consist of photographing the fence and erosion control measures. Documentation of the inspections and any identified issues will be provided to USEPA. Any defined issues will be addressed to prevent public access to the temporary consolidation waste pile and limit the potential for erosion and discharge of elevated material. The first inspection is tentatively planned for fall 2022. After five years of inspections, BNSF will discuss with USEPA the need for further post-removal site control.

6 Estimated Costs

As required by paragraph 41 of the ASAOC, BNSF compiled a good faith estimate of the total costs to comply with the ASAOC. The cost to complete the requirements outlined in the ASAOC to date is 2 million dollars, which includes the original $100,000 payment to USEPA. In addition, BNSF assumes an additional $110,000 will be spent in the future to perform 5 annual inspections and associated reporting. These costs assume no performance issues with the temporary consolidation waste pile and fence are found during the annual inspections. The costs do not include any additional agency costs.

7 References

Arcadis. 2017. Site Health and Safety Plan. June 14.

Arcadis. 2017. Removal Work Plan, Haystack Mines Site, Baca/Prewitt Chapter, Navajo Nation, McKinley County, New Mexico. July 27.

IBI. 2022. Water Abandonment Plan. February 18.

USEPA. 2017. Administrative Settlement Agreement and Order on Consent for Removal Action. CERCLA Docket No. 09-2017-02 and CERCLA Docket No. 06-02-17. May 15.

USEPA. 2018. Re: Haystack Mines Site, Notice of Work Plan Approval. February 14.

Tables

Table 2
Confirmation Gamma Static Counts
Removal Completion Report
Haystack Mines Site
Baca/Prewitt Chapter, Navajo Nation
McKinley County, New Mexico

TCRA Area	Location	Static Count (cpm)	Latitude	Longitude
Northeast Access Road	SC-01	25,200	35.34847700000	-107.93893200000
Northeast Access Road	SC-02	24,800	35.34815300000	-107.93912600000
Northeast Access Road	SC-03	30,500	35.34803500000	-107.93932700000
Northeast Access Road	SC-04	32,400	35.34794000000	-107.93932900000
Northeast Access Road	SC-05	35,200	35.34794100000	-107.93953300000
Northeast Access Road	SC-06	28,400	35.34781900000	-107.93952700000
Northeast Access Road	SC-07	31,400	35.34757300000	-107.94094300000
Northeast Access Road	SC-08	48,100	35.34761100000	-107.94108000000
Northeast Access Road	SC-09	33,500	35.34764900000	-107.94114200000
Northeast Access Road	SC-10	39,400	35.34769700000	-107.94068300000
Northeast Drainage	SC-01	39,000	35.34775086620	-107.94115198600
Northeast Drainage	SC-02	26,600	35.34781778170	-107.94115333100
Northeast Drainage	SC-03	27,700	35.34788542370	-107.94093283200
Northeast Drainage	SC-04	46,900	35.34795234650	-107.94071134700
Northeast Drainage	SC-05	48,000	35.34799756400	-107.94056267900
Northeast Drainage	SC-06	49,400	35.34800729660	-107.94046103100
Northeast Drainage	SC-07	39,300	35.34802323640	-107.94040871300
Northeast Drainage	SC-08	37,700	35.34801624720	-107.94034646500
Northeast Drainage	SC-09	48,200	35.34801383550	-107.94024263300
Northeast Drainage	SC-10	48,800	35.34804668340	-107.94013175500
Northeast Drainage	SC-11	38,900	35.34806942100	-107.94006327100
Northeast Drainage	SC-12	44,100	35.34809228800	-107.93989441600
Northeast Drainage	SC-13	30,200	35.34803713130	-107.93974769600
Northeast Drainage	SC-14	54,700	35.34801008380	-107.93963839900
Northeast Drainage	SC-15	28,700	35.34807178530	-107.93965902200
Northeast Drainage	SC-16	24,800	35.34821587020	-107.93957809500
Residential Area	SC-01	26,200	35.34896676790	-107.94605575600
Residential Area	SC-02	29,000	35.34882459030	-107.94604970800
Residential Area	SC-03	30,500	35.34865893250	-107.94604837200
Residential Area	SC-04	30,000	35.34849201340	-107.94604661000
Residential Area	SC-05	27,800	35.34898630170	-107.94581808500
Residential Area	SC-06	31,700	35.34882468830	-107.94581579900
Residential Area	SC-07	25,000	35.34865633870	-107.94580875400
Residential Area	SC-08	27,300	35.34848790620	-107.94580856300
Residential Area	SC-09	31,600	35.34898468250	-107.94558252100
Residential Area	SC-10	32,200	35.34882076340	-107.94558115000
Residential Area	SC-11	26,100	35.34865747230	-107.94557479300
Residential Area	SC-12	26,200	35.34849728720	-107.94557605300
Residential Area	SC-13	29,800	35.34898433670	-107.94534039600
Residential Area	SC-14	36,000	35.34882138490	-107.94534028100
Residential Area	SC-15	28,600	35.34865631530	-107.94534411700
Residential Area	SC-16	26,200	35.34849318830	-107.94534059700
Western Drainage 1	SC-01	42,100	35.35037987630	-107.95174556500
Western Drainage 1	SC-02	24,000	35.35034049740	-107.95174332900
Western Drainage 1	SC-03	32,600	35.35030587550	-107.95173610100
Western Drainage 1	SC-04	35,000	35.35033526160	-107.95167879900
Western Drainage 1	SC-05	40,000	35.35037213140	-107.95168323500

Table 2
Confirmation Gamma Static Counts
Removal Completion Report
Haystack Mines Site
Baca/Prewitt Chapter, Navajo Nation
McKinley County, New Mexico

TCRA Area	Location	Static Count (cpm)	Latitude	Longitude
Western Drainage 1	SC-06	20,900	35.35039392860	-107.95161181700
Western Drainage 1	SC-07	24,200	35.35035258290	-107.95161175400
Western Drainage 1	SC-08	23,500	35.35037043480	-107.95154847900
Western Drainage 1	SC-09	23,700	35.35039740120	-107.95151746100
Western Drainage 1	SC-10	24,800	35.35037166640	-107.95147667000
Western Drainage 2/Road	SC-01	38,000	35.34997587620	-107.95053042900
Western Drainage 2/Road	SC-02	25,900	35.35000712550	-107.95048603600
Western Drainage 2/Road	SC-03	39,900	35.34991525070	-107.95047532300
Western Drainage 2/Road	SC-04	41,300	35.34993088660	-107.95044148900
Western Drainage 2/Road	SC-05	30,400	35.34995345320	-107.95041189600
Western Drainage 2/Road	SC-06	37,800	35.34987372640	-107.95038850400
Western Drainage 2/Road	SC-07	41,400	35.34989976440	-107.95035468500
Western Drainage 2/Road	SC-08	41,700	35.34983395420	-107.95028264300
Western Drainage 2/Road	SC-09	39,400	35.34973690280	-107.95024653000
Western Drainage 2/Road	SC-10	41,600	35.34975426420	-107.95022116200
Western Drainage 2/Road	SC-11	31,200	35.34977510110	-107.95018733500
Western Drainage 2/Road	SC-12	52,300	35.34968149260	-107.95017662000
Western Drainage 2/Road	SC-13	41,800	35.34970058760	-107.95015125400
Western Drainage 2/Road	SC-14	44,000	35.34972141840	-107.95012377500
Western Drainage 2/Road	SC-15	65,800	35.34964862620	-107.95010039400
Western Drainage 2/Road	SC-16	42,600	35.34967292640	-107.95007080400
Eastern Stockpile	SC-01	31,100	35.34736865610	-107.93801844800
Eastern Stockpile	SC-02	39,700	35.34730137780	-107.93798483600
Eastern Stockpile	SC-03	30,900	35.34746281900	-107.93788207500
Eastern Stockpile	SC-04	28,700	35.34738143840	-107.93787446100
Eastern Stockpile	SC-05	27,700	35.34730110170	-107.93786316000
Eastern Stockpile	SC-06	56,100	35.34753960710	-107.93774403600
Eastern Stockpile	SC-07	24,400	35.34747228430	-107.93773571500
Eastern Stockpile	SC-08	26,400	35.34739089380	-107.93772571700
Eastern Stockpile	SC-09	28,500	35.34730836830	-107.93771603300
Eastern Stockpile	SC-10	30,800	35.34756496790	-107.93759658900
Eastern Stockpile	SC-11	26,300	35.34748312570	-107.93758939900
Eastern Stockpile	SC-12	28,100	35.34740101650	-107.93758137700
Eastern Stockpile	SC-13	30,000	35.34733908630	-107.93757621300
Eastern Stockpile	SC-14	41,000	35.34748740470	-107.93745532700
Eastern Stockpile	SC-15	31,200	35.34741298190	-107.93743793900

Acronyms and Abbreviations:
cpm = count per minute
TCRA = time-critical removal action

Table 3
Air Monitoring Station Results
Removal Completion Report
Haystack Mines Site
Baca/Prewitt Chapter, Navajo Nation
McKinley County, New Mexico

	Pump Start		Pump End			Alpha	Beta	Count		Alpha	Beta	Alpha Concentration (µCi/mL)			Beta Concentration (µCi/mL)			Fraction of DAC	Result
Sample Description	Date	Flow (lpm)	Date	Flow (lpm)	Volume (L)	cpm	cpm	Time (minutes)	Count Date	(net cpm)	(net cpm)	Result	SD	MDC	Result	SD	MDC		
Blank						0.1	13.89	20	5/1/22										
Th-230 STD						3696.64	663.23	20	5/1/22										
SR-90 STD						789.29	13940.35	20	5/1/22										
Western Drainage 1 – Upwind	3/25/22	3.0	3/30/22	3.0	4326	0.25	16.94	20	5/1/22	0.15	3.05	5.6E-14	4.9E-14	8.7E-14	8.7E-13	3.5E-13	7.8E-13	0.24	< MDC
Western Drainage 1 – Downwind	3/25/22	3.0	3/30/22	3.0	2754	0.15	17.09	20	5/1/22	0.05	3.20	2.9E-14	6.5E-14	1.4E-13	1.4E-12	5.6E-13	1.2E-12	-0.20	< MDC
Western Drainage 1 – Down-Downwind	3/25/22	3.0	3/30/22	3.0	4065	0.25	15.69	20	5/1/22	0.15	1.80	5.9E-14	5.2E-14	9.2E-14	5.5E-13	3.7E-13	8.3E-13	0.30	< MDC
Residential Area – Upwind	4/7/22	3.0	4/8/22	3.0	2379	0.1	16.34	20	5/1/22	0.00	2.45	0.0E+00	6.8E-14	1.6E-13	1.3E-12	6.4E-13	1.4E-12	-0.69	< MDC
Residential Area – Downwind	4/7/22	3.0	4/8/22	3.0	2292	0.45	16.89	20	5/1/22	0.35	3.00	2.5E-13	1.2E-13	1.6E-13	1.6E-12	6.7E-13	1.5E-12	3.40	> MDC
Residential Area – Down-Downwind	4/7/22	3.0	4/8/22	3.0	1284	0.1	17.14	20	5/1/22	0.00	3.25	0.0E+00	1.3E-13	2.9E-13	3.1E-12	1.2E-12	2.6E-12	-0.69	< MDC
Eastern Stockpile – Upwind	3/31/22	3.0	4/5/22	3.0	3933	0.15	17.24	20	5/1/22	0.05	3.35	2.0E-14	4.6E-14	9.5E-14	1.0E-12	3.9E-13	8.6E-13	-0.35	< MDC
Eastern Stockpile – Downwind	3/31/22	3.0	4/5/22	3.0	1377	0.3	17.49	20	5/1/22	0.20	3.60	2.3E-13	1.6E-13	2.7E-13	3.2E-12	1.1E-12	2.5E-12	3.20	< MDC
Eastern Stockpile – Down-Downwind	3/31/22	3.0	4/5/22	3.0	3678	0.35	17.94	20	5/1/22	0.25	4.05	1.1E-13	6.6E-14	1.0E-13	1.4E-12	4.2E-13	9.2E-13	1.13	> MDC
Eastern Stockpile – Upwind	4/6/22	3.0	4/7/22	3.0	1869	0.2	16.94	20	5/1/22	0.10	3.05	8.6E-14	1.1E-13	2.0E-13	2.0E-12	8.2E-13	1.8E-12	0.74	< MDC
Eastern Stockpile – Downwind	4/6/22	3.0	4/7/22	3.0	1899	0.15	17.04	20	5/1/22	0.05	3.15	4.2E-14	9.5E-14	2.0E-13	2.0E-12	8.1E-13	1.8E-12	0.01	< MDC
Eastern Stockpile – Down-Downwind	4/6/22	3.0	4/7/22	3.0	1923	0.1	17.39	20	5/1/22	0.00	3.50	0.0E+00	8.4E-14	1.9E-13	2.2E-12	8.0E-13	1.8E-12	-0.69	< MDC
Temporary Consolidation Waste Pile – Upwind	4/13/22	3.0	4/14/22	3.0	1215	0.25	16.79	20	5/1/22	0.15	2.90	2.0E-13	1.7E-13	3.1E-13	2.9E-12	1.3E-12	2.8E-12	2.61	< MDC
Temporary Consolidation Waste Pile – Downwind	4/13/22	3.0	4/14/22	3.0	2649	0.2	16.74	20	5/1/22	0.10	2.85	6.1E-14	7.4E-14	1.4E-13	1.3E-12	5.8E-13	1.3E-12	0.32	< MDC
Temporary Consolidation Waste Pile – Down-Downwind	4/13/22	3.0	4/14/22	3.0	2538	0.05	17.69	20	5/1/22	-0.05	3.80	-3.2E-14	5.5E-14	1.5E-13	1.8E-12	6.1E-13	1.3E-12	-1.22	< MDC
Residential Area Backfil – Upwind	4/11/22	3.0	4/12/22	3.0	2379	0.1	17.29	20	5/1/22	0.00	3.40	0.0E+00	6.8E-14	1.6E-13	1.8E-12	6.5E-13	1.4E-12	-0.69	< MDC
Residential Area Backfill – Downwind	4/11/22	3.0	4/12/22	3.0	2292	0.2	18.14	20	5/1/22	0.10	4.25	7.0E-14	8.6E-14	1.6E-13	2.3E-12	6.8E-13	1.5E-12	0.48	< MDC
Residential Area Backfill – Down-Downwind	4/11/22	3.0	4/12/22	3.0	1284	0.15	17.94	20	5/1/22	0.05	4.05	6.3E-14	1.4E-13	2.9E-13	3.9E-12	1.2E-12	2.6E-12	0.35	< MDC

Background Gross Alpha 4.139E-14 µCi/mL

Gross Alpha Investigation Level: 5.E-14 µCi/mL

U-238 or U-235 DAC General Public 6E-14 µCi/mL

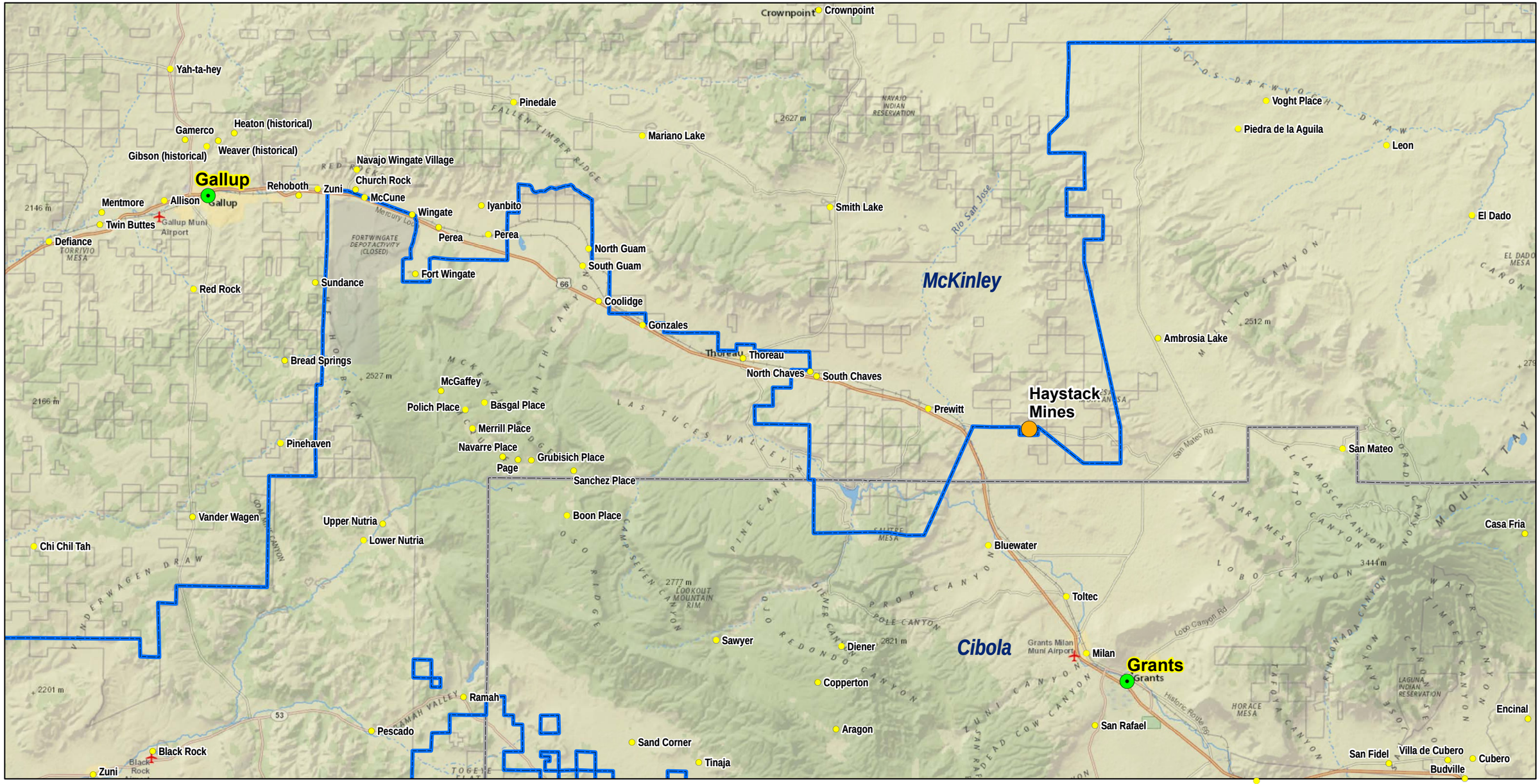
Average fraction of DAC 0.46

Instrument: Model: Canberra Model 2404F Gas Proportional Counter
Calibration Date: 12-31-2021

Notes:
1. U-238 DAC for General Public: 6E-14 µCi/mL.
2. U-235 DAC for General Public: 6E-14 µCi/mL.

Acronyms and Abbreviations:
< = less than
> = greater than
µCi/mL = microCurie per milliliter
cpm = count per minute
DAC = derived air concentration
lpm = liter per minute
MDC = minimum detectable concentration
SD = standard deviation

Figures





Legend

- HAYSTACK MINES LOCATION
- CITIES OF GRANTS AND GALLUP LOCATIONS
- SURROUNDING LOCATIONS
- COUNTY BOUNDARY
- NAVAJO NATION BOUNDARY

0 5 10
Miles

Base Image Source: ESRI National Geographic World Map

BNSF Railway Company
Haystack Mines Site
Baca/Prewitt Chapter, Navajo Nation
McKinley County, New Mexico

GENERAL SITE LOCATION MAP

ARCADIS

FIGURE 1

User: ldrum Location: On-Site Citrix
Path: T:_ENV\BNSF_HAYSTACKMINE_NM\MXD\Completion_Report\Figure1_GeneralSiteLocationMap.mxd

SECTION 13

SECTION 18

Bibo
Trespass

Section 24

Haystack
No. 1

SECTION 24

SECTION 19



Legend

- ABANDONED URANIUM MINES
- PUBLIC LAND SURVEY SYSTEM SECTION AND IDENTIFICATION NUMBER

0 450 900
Feet

Base Image Source: ESRI World Imagery 2021

BNSF Railway Company
Haystack Mines Site
Baca/Prewitt Chapter, Navajo Nation
McKinley County, New Mexico

SITE MAP

ARCADIS

FIGURE
2

User: ldrum Location: On-Site Citrix
Path: T:_ENV\BNSF_HAYSTACKMINE_NM\MXD\Completion_Report\Figure2_SiteMap.mxd

SECTION 13

WESTERN DRAINAGE 1

WESTERN DRAINAGE 2 / ROAD

Bibo Trespass (Section 13)

SECTION 18

NORTHEAST DRAINAGE AND ACCESS ROADS

RESIDENTIAL

EASTERN STOCKPILE AREA

Section 24

Haystack No. 1

SECTION 24

SECTION 19



Legend

- ABANDONED URANIUM MINE BOUNDARIES
- TIME-CRITICAL REMOVAL ACTION AREA (PER AOC; USEPA 2017)
- PUBLIC LAND SURVEY SYSTEM SECTION BOUNDARIES AND IDENTIFICATION NUMBER

NOTES

AOC = ADMINISTRATIVE SETTLEMENT AGREEMENT AND ORDER ON CONSENT FOR REMOVAL ACTION
USEPA = UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

USEPA. 2017. ADMINISTRATIVE SETTLEMENT AGREEMENT AND ORDER ON CONSENT FOR REMOVAL ACTION. CERCLA DOCKET NO. 09-2017-02 AND CERCLA DOCKET NO. 06-02-17. MAY 15.

N

0 450 900
Feet

Base Image Source: ESRI World Imagery 2021

BNSF Railway Company
Haystack Mines Site
Baca/Prewitt Chapter, Navajo Nation
McKinley County, New Mexico

TIME-CRITICAL REMOVAL ACTION AREAS

ARCADIS

FIGURE 3

User: ldrum.Location: On-Site Citrix
Path: T:_ENV\BNSF_HAYSTACKMINE_NM\MXD\Completion_Report\Figure3_TimeCriticalRemovalActionAreas_TCRA_Only.mxd





Legend

TCRA BOUNDARY

GAMMA DATA (CPM)

- < 75,000
- > 75,000

Notes
CPM = COUNT PER MINUTE
TCRA = TIME-CRITICAL REMOVAL ACTION
GAMMA DATA WERE COLLECTED USING A LUDLUM 3000 RATE METER WITH A 3X3 44-20 PROBE

0 50 100
Feet

Base Image Source: ESRI World Imagery 2021

BNSF Railway Company
Haystack Mines Site
Baca/Prewitt Chapter, Navajo Nation
McKinley County, New Mexico

NORTHEAST ACCESS ROAD AND DRAINAGE PRE-REMOVAL GAMMA DATA

ARCADIS

FIGURE 4

User: ldrum Location: On-Site Citrix
Path: T:_ENV\BNSF_HAYSTACKMINE_NM\MXD\Completion_Report\Figure4_Gamma_BelowAbove_75K_NorthEastDrainageRoad.mxd





Legend

TCRA BOUNDARY

GAMMA DATA (CPM)

< 75,000

> 75,000

Notes

CPM = COUNT PER MINUTE
TCRA = TIME-CRITICAL REMOVAL ACTION
GAMMA DATA WERE COLLECTED USING A LUDLUM 3000 RATE METER WITH A 3X3 44-20 PROBE

N

0 40 80
Feet

Base Image Source: ESRI World Imagery 2021

BNSF Railway Company
Haystack Mines Site
Baca/Prewitt Chapter, Navajo Nation
McKinley County, New Mexico

RESIDENTIAL AREA
PRE-REMOVAL GAMMA DATA

ARCADIS

FIGURE
5

User: ldrum Location: On-Site Citrix
Path: T:_ENV\BNSF_HAYSTACKMINE_NM\MXD\Completion_Report\Figure5_Gamma_BelowAbove_75K_Residential.mxd





Legend

TCRA BOUNDARY

GAMMA DATA (CPM)

- < 75,000
- > 75,000

Notes

CPM = COUNT PER MINUTE
TCRA = TIME-CRITICAL REMOVAL ACTION
GAMMA DATA WERE COLLECTED USING A LUDLUM 3000 RATE METER WITH A 3X3 44-20 PROBE

N

0 40 80
Feet

Base Image Source: ESRI World Imagery 2021

BNSF Railway Company
Haystack Mines Site
Baca/Prewitt Chapter, Navajo Nation
McKinley County, New Mexico

WESTERN DRAINAGE 1 PRE-REMOVAL GAMMA DATA

ARCADIS

FIGURE 6

User: Idrum Location: On-Site Citrix
Path: T:_ENV\BNSF_HAYSTACKMINE_NM\MXD\Completion_Report\Figure6_Gamma_BelowAbove_75K_WesternDrainage.mxd





Legend

TCRA BOUNDARY

GAMMA DATA (CPM)

< 75,000

> 75,000

Notes

CPM = COUNT PER MINUTE
TCRA = TIME-CRITICAL REMOVAL ACTION
GAMMA DATA WERE COLLECTED USING A LUDLUM 3000 RATE METER WITH A 3X3 44-20 PROBE

0 40 80
Feet

Base Image Source: ESRI World Imagery 2021

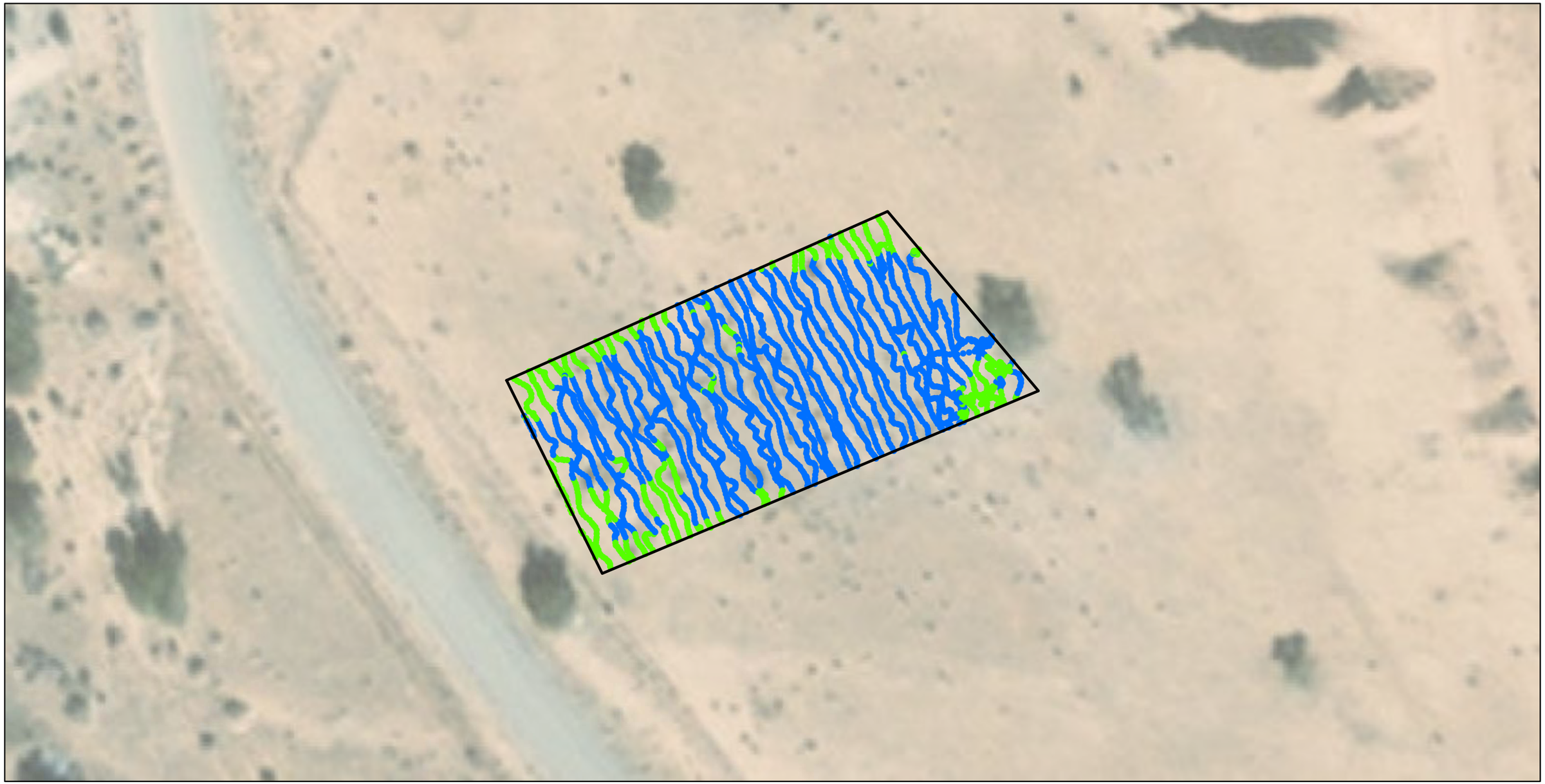
BNSF Railway Company
Haystack Mines Site
Baca/Prewitt Chapter, Navajo Nation
McKinley County, New Mexico

WESTERN DRAINAGE 2/ROAD PRE-REMOVAL GAMMA DATA

ARCADIS

FIGURE
7

User: ldrum Location: On-Site Citrix
Path: T:_ENV\BNSF_HAYSTACKMINE_NM\MXD\Completion_Report\Figure7_Gamma_BelowAbove_75K_WesternDrainage2.mxd





Legend

TCRA BOUNDARY

GAMMA DATA (CPM)

< 75,000

> 75,000

Notes

CPM = COUNT PER MINUTE
TCRA = TIME-CRITICAL REMOVAL ACTION
GAMMA DATA WERE COLLECTED USING A LUDLUM 3000 RATE METER WITH A 3X3 44-20 PROBE

0 40 80
Feet

Base Image Source: ESRI World Imagery 2021

BNSF Railway Company
Haystack Mines Site
Baca/Prewitt Chapter, Navajo Nation
McKinley County, New Mexico

EASTERN STOCKPILE PRE-REMOVAL GAMMA DATA

ARCADIS

FIGURE 8

User: ldrum Location: On-Site Citrix
Path: T:_ENV\BNSF_HAYSTACKMINE_NM\MXD\Completion_Report\Figure8_Gamma_BelowAbove_75K_EasternStockpile.mxd



Legend

- STATIC COUNT
- TCRA BOUNDARIES

SC-10 / 39,400 — STATIC COUNT LOCATION ID / STATIC COUNT READING IN CPM

Notes

CPM = COUNT PER MINUTE
TCRA = TIME-CRITICAL REMOVAL ACTION
GAMMA DATA WERE COLLECTED USING A LUDLUM 3000 RATE METER WITH A 3X3 44-20 PROBE

N

0 50 100
Feet

Base Image Source: ESRI World Imagery 2021

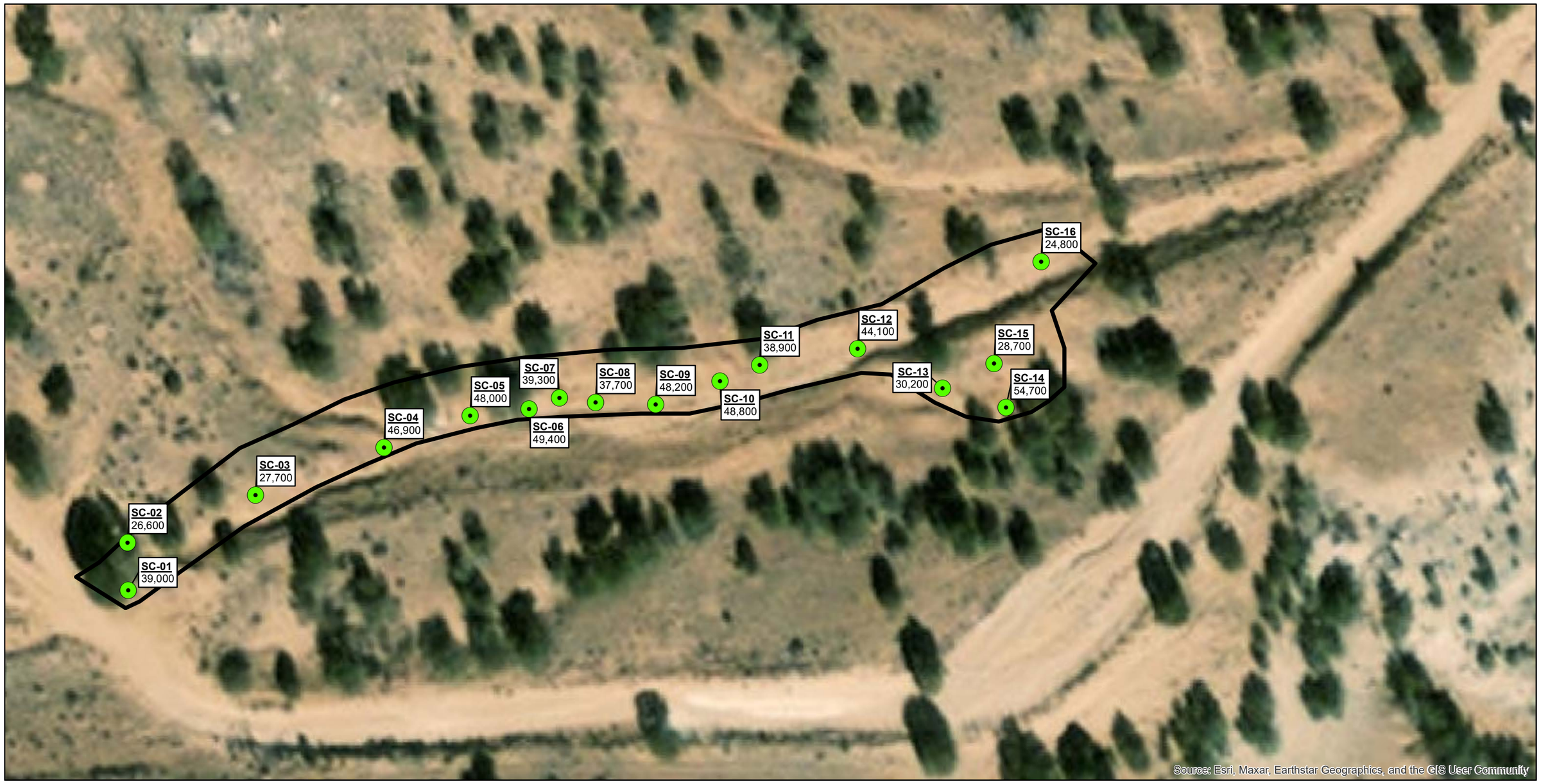
BNSF Railway Company
Haystack Mines Site
Baca/Prewitt Chapter, Navajo Nation
McKinley County, New Mexico

NORTHEAST ACCESS ROAD POST-REMOVAL STATIC COUNTS

ARCADIS

FIGURE 9

User: ldrum Location: On-Site Citrix
Path: T:_ENV\BNSF_HAYSTACK\MINE_NM\MXD\Completion_Report\Figure9_NE_AccessDrainage_StaticCount.mxd



Legend

- STATIC COUNT
- TCRA BOUNDARIES

SC-01 / 39,000 — STATIC COUNT LOCATION ID; STATIC COUNT READING IN CPM

Notes
CPM = COUNT PER MINUTE
TCRA = TIME-CRITICAL REMOVAL ACTION
GAMMA DATA WERE COLLECTED USING A LUDLUM
3000 RATE METER WITH A 3X3 44-20 PROBE

N

0 50 100
Feet

Base Image Source: ESRI World Imagery 2021

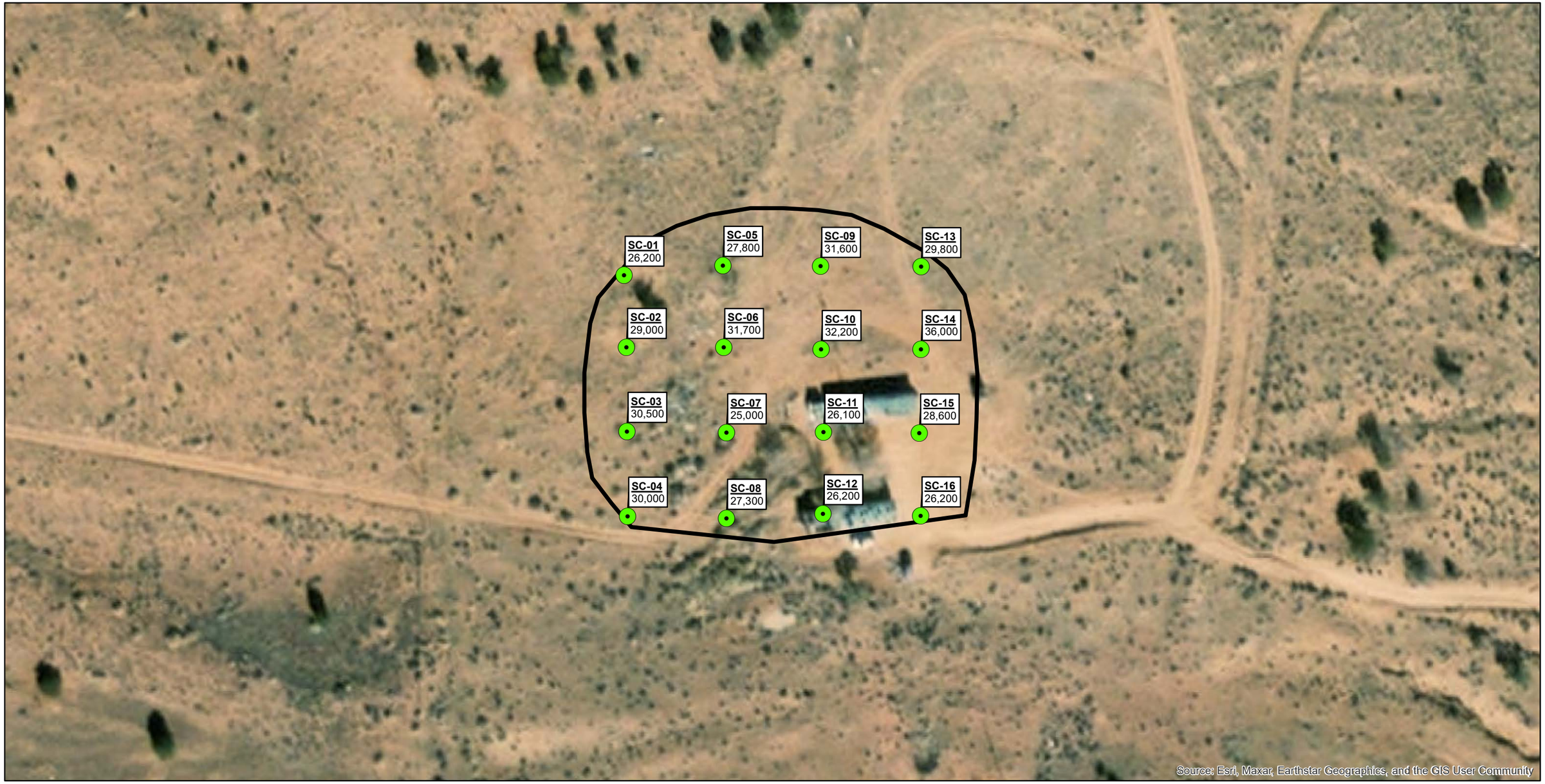
BNSF Railway Company
Haystack Mines Site
Baca/Prewitt Chapter, Navajo Nation
McKinley County, New Mexico

NORTHEAST DRAINAGE POST-REMOVAL STATIC COUNTS

ARCADIS

FIGURE
10

User: ldrum Location: On-Site Citrix
Path: T:_ENV\BNSF_HAYSTACK\MINE_NM\MXD\Completion_Report\Figure10_NE_Drainage_StaticCount.mxd



Legend

- STATIC COUNT
- TCRA BOUNDARIES

SC-01 / 26,200 — STATIC COUNT LOCATION ID / STATIC COUNT READING IN CPM

Notes

CPM = COUNT PER MINUTE
TCRA = TIME-CRITICAL REMOVAL ACTION
GAMMA DATA WERE COLLECTED USING A LUDLUM 3000 RATE METER WITH A 3X3 44-20 PROBE

0 75 150
Feet

Base Image Source: ESRI World Imagery 2021

BNSF Railway Company
Haystack Mines Site
Baca/Prewitt Chapter, Navajo Nation
McKinley County, New Mexico

RESIDENTIAL AREA POST-REMOVAL STATIC COUNTS

ARCADIS

FIGURE 11

User: ldrum Location: On-Site Citrix
Path: T:_ENV\BNSF_HAYSTACKMINE_NM\MXD\Completion_Report\Figure11_RES_StaticCount.mxd



Legend

- STATIC COUNT
- TCRA BOUNDARIES

SC-01
42,100

- STATIC COUNT LOCATION ID
- STATIC COUNT READING IN CPM

Notes

CPM = COUNT PER MINUTE
TCRA = TIME-CRITICAL REMOVAL ACTION
GAMMA DATA WERE COLLECTED USING A LUDLUM
3000 RATE METER WITH A 3X3 44-20 PROBE

N

0 30 60
Feet

Base Image Source: ESRI World Imagery 2021

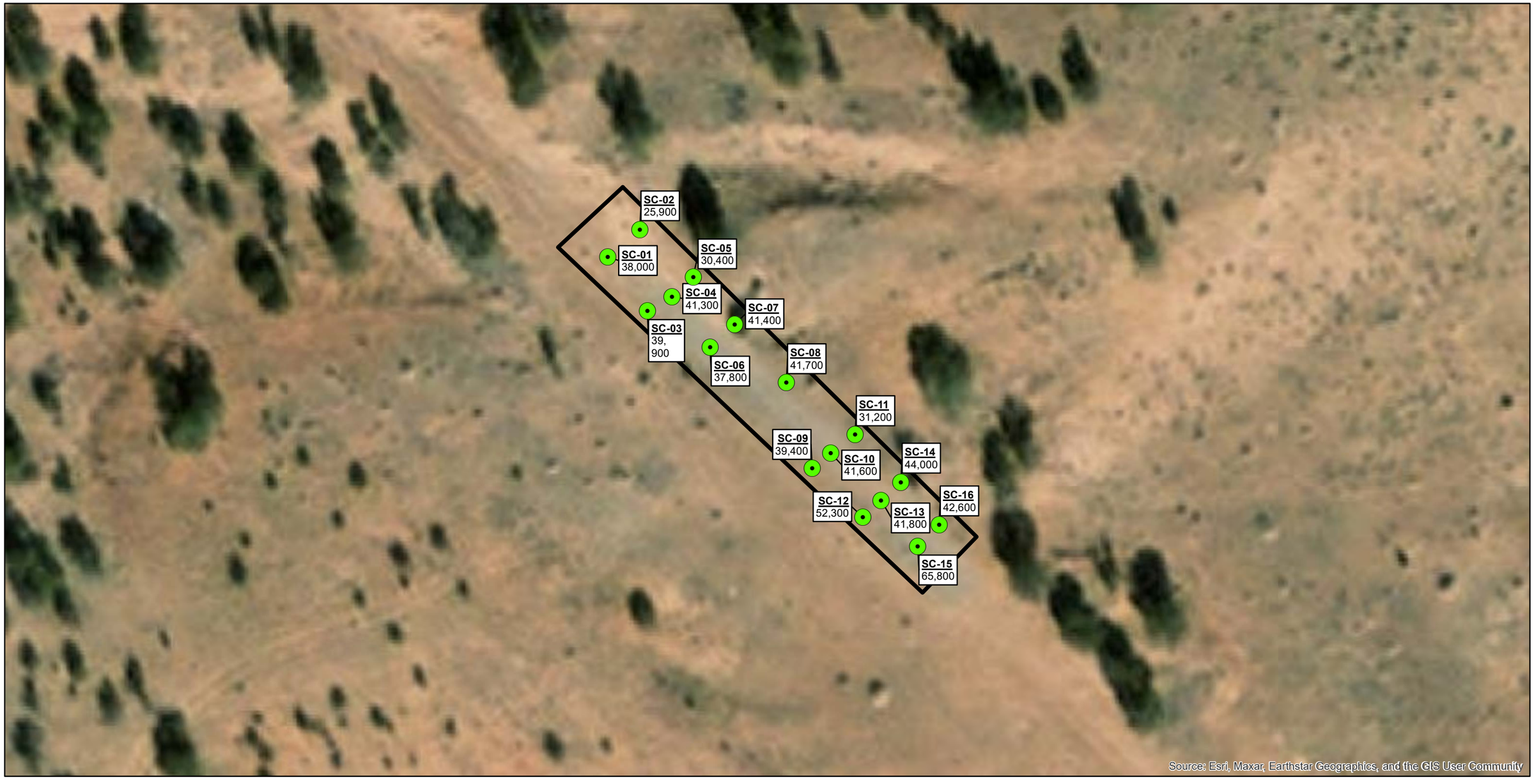
BNSF Railway Company
Haystack Mines Site
Baca/Prewitt Chapter, Navajo Nation
McKinley County, New Mexico

WESTERN DRAINAGE 1
POST-REMOVAL STATIC COUNTS

ARCADIS

FIGURE
12

User: ldrum Location: On-Site Citrix
Path: T:_ENV\BNSF_HAYSTACK\MINE_NM\MXD\Completion_Report\Figure12_WesternDrainage1_StaticCount.mxd



Legend

- STATIC COUNT
- TCRA BOUNDARIES

SC-01 / 38,000 — STATIC COUNT LOCATION ID; STATIC COUNT READING IN CPM

Notes

CPM = COUNT PER MINUTE
TCRA = TIME-CRITICAL REMOVAL ACTION
GAMMA DATA WERE COLLECTED USING A LUDLUM 3000 RATE METER WITH A 3X3 44-20 PROBE

0 40 80
Feet

Base Image Source: ESRI World Imagery 2021

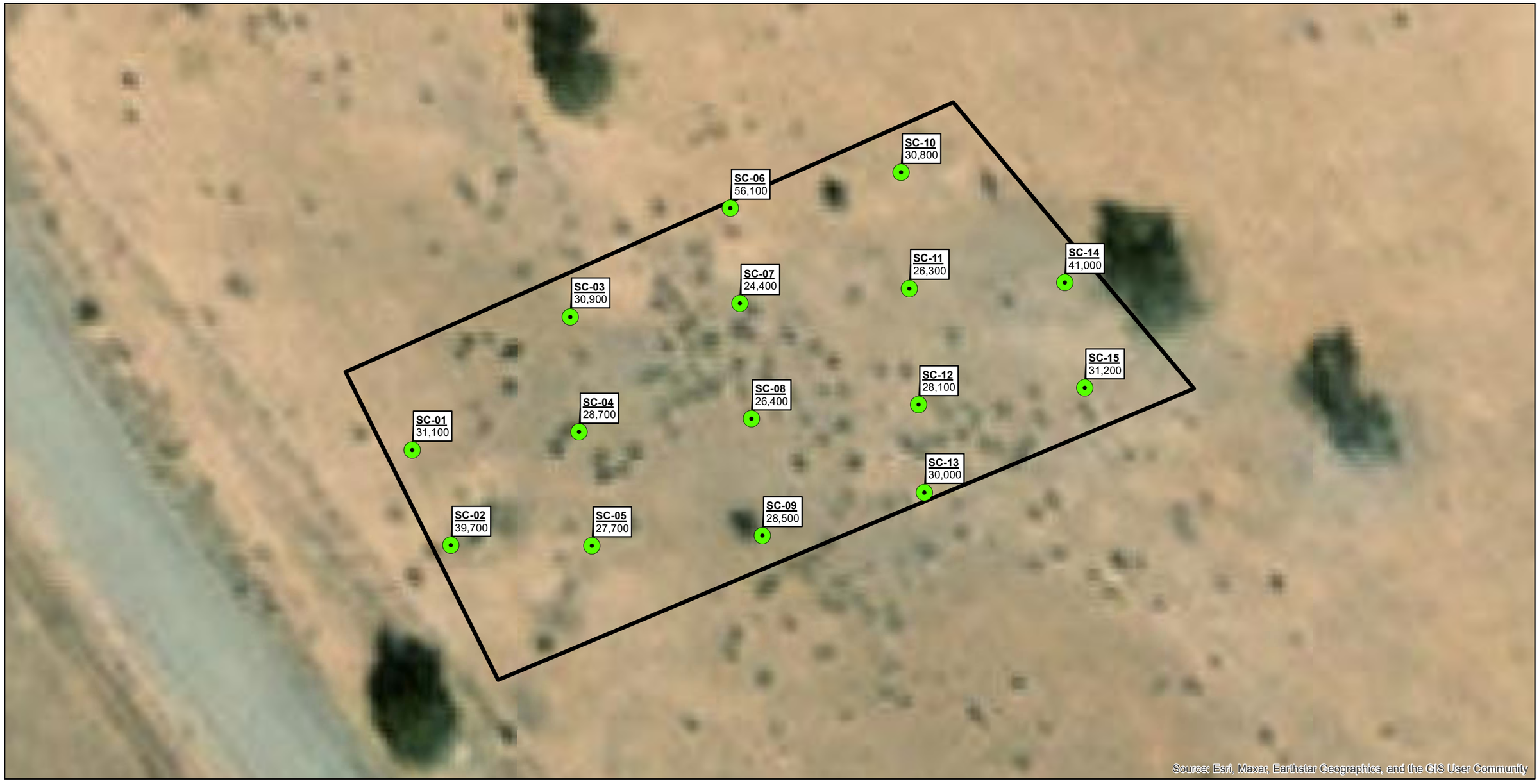
BNSF Railway Company
Haystack Mines Site
Baca/Prewitt Chapter, Navajo Nation
McKinley County, New Mexico

WESTERN DRAINAGE 2/ROAD POST-REMOVAL STATIC COUNTS

ARCADIS

FIGURE 13

User: ldrum.Location: On-Site Citrix
Path: T:_ENV\BNSF_HAYSTACKMINE_NM\MXD\Completion_Report\Figure13_WesternDrainage2.mxd



Legend

- STATIC COUNT
- TCRA BOUNDARIES

SC-03
30,900

- STATIC COUNT LOCATION ID
- STATIC COUNT READING IN CPM

Notes

CPM = COUNT PER MINUTE
TCRA = TIME-CRITICAL REMOVAL ACTION
GAMMA DATA WERE COLLECTED USING A LUDLUM 3000 RATE METER WITH A 3X3 44-20 PROBE

0 25 50
Feet

Base Image Source: ESRI World Imagery 2021

BNSF Railway Company
Haystack Mines Site
Baca/Prewitt Chapter, Navajo Nation
McKinley County, New Mexico

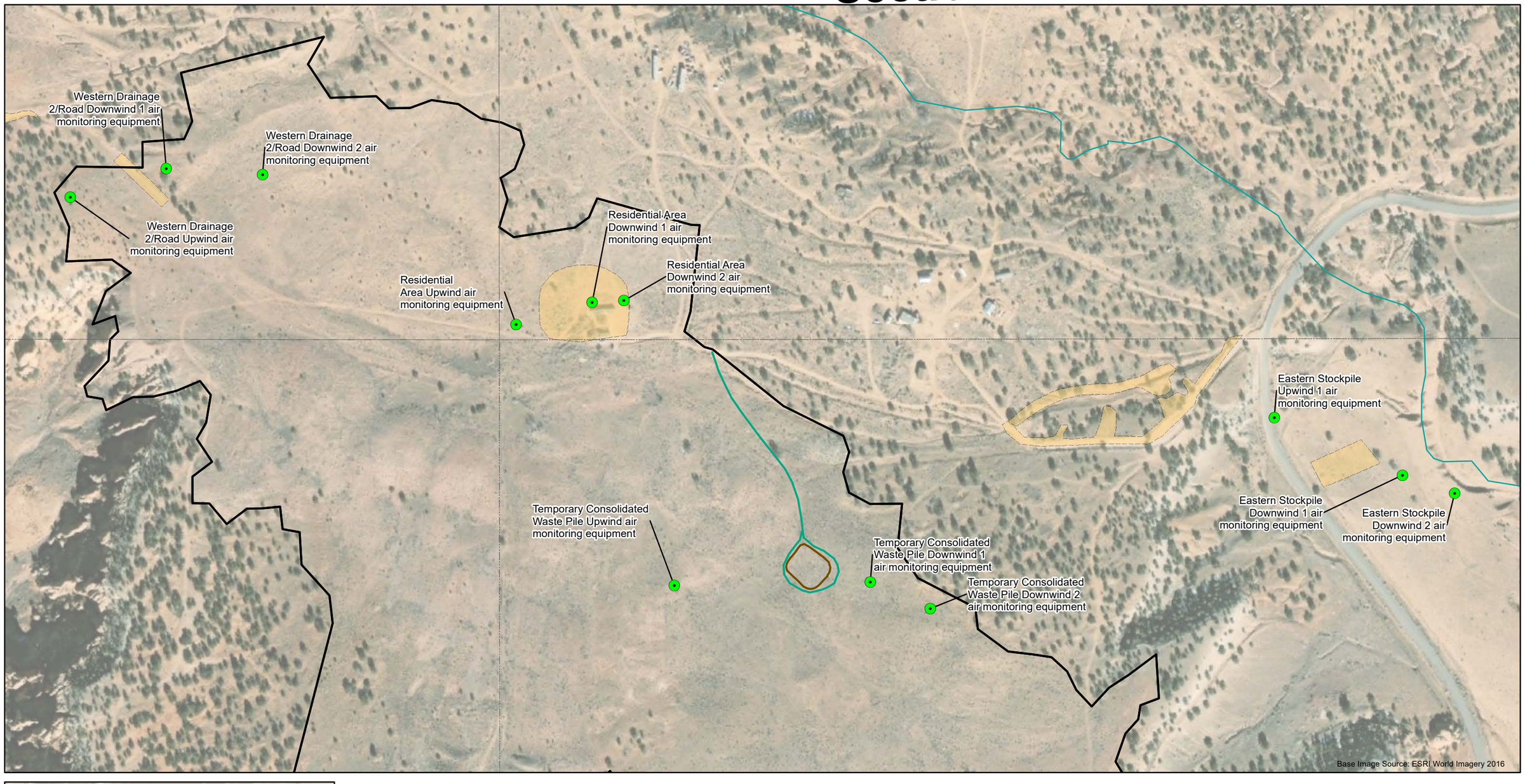
EASTERN STOCKPILE POST-REMOVAL STATIC COUNTS

ARCADIS

FIGURE 14

User: ldrum Location: On-Site Citrix
Path: T:_ENV\BNSF_HAYSTACK\MINE_NM\MXD\Completion_Report\Figure 14_EasternStockpile_StaticCount.mxd

Section 18





Legend

- AIR MONITORING STATION
- ABANDONED URANIUM MINE (AUM) BOUNDARIES
- TIME-CRITICAL REMOVAL ACTION AREA (PER AOC; USEPA 2017)
- TEMPORARY CONSOLIDATION WASTE PILE
- TEMPORARY ACCESS ROAD

Notes

AOC = ADMINISTRATIVE SETTLEMENT AGREEMENT AND ORDER ON CONSENT FOR REMOVAL ACTION
USEPA = UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

USEPA. 2017. ADMINISTRATIVE SETTLEMENT AGREEMENT AND ORDER ON CONSENT FOR REMOVAL ACTION. CERCLA DOCKET NO. 09-2017-02 AND CERCLA DOCKET NO. 06-02-17. MAY 15.

0 300 600
Feet

BNSF Railway Company
Haystack Mines Site
Baca/Prewitt Chapter, Navajo Nation
McKinley County, New Mexico

TEMPORARY CONSOLIDATION WASTE PILE EXTENTS AND AIR MONITORING STATION MAP

ARCADIS

FIGURE 15

User: ldrum Location: On-Site Citrix
Path: T:_ENV\BNSF_HAYSTACKMINE_NM\MXD\Completion_Report\Figure15_TempWastePileExtents_AirMonitStation.mxd

Appendix A

Navajo Nation Heritage and Historic Preservation Department Cultural Resources Compliance Form

THE NAVAJO NATION
HERITAGE & HISTORIC PRESERVATION DEPARTMENT
PO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 FAX: (928) 871-7886

CULTURAL RESOURCES COMPLIANCE FORM

ROUTE COPIES TO:	**NNHPD NO.: HPD-18-1061**
☑ DCRM	**OTHER PROJECT NO.: DCRM 2018-66**

PROJECT TITLE:	
A Cultural Resources Inventory of 243 Acres of Abandoned Uranium Mine Areas in Haystack, McKinley County, New Mexico, for Arcadis	
LEAD AGENCY:	US EPA
SPONSOR:	Drew Werth, Project Manager, Arcadis U.S. Inc., 630 Plaza Drive, Suite 600, Highlands Ranch, Colorado 80129
PROJECT DESCRIPTION:	
Per the Administrative Settlement Agreement and Order on Consent for Removal Action (AOC; Comprehensive Environmental Response, Compensation, and Liability Act Docket No. 09-2017-02 and Docket No. 06-02-17) executed between the USEPA and BNSF, Arcadis will perform radiation surveys of the mine areas, potentially excavate material from the areas of concern, and consolidate the excavated material (e.g., within the former reclaimed mine area on Section 19). The area of effect totals approximately 173.02 acres (70.02 ha).	
LAND STATUS:	Indian Allotment, BIA, Private
CHAPTER:	Baca/Prewitt
LOCATION:	Project is located on the Coyote Canyon NW & Ear Rock Quadrangles, McKinley County, New Mexico NMPM

T.	13	*N.,*	*R.*	11	*W-*	*Sec.*	13, 24
T.	13	*N.,*	*R.*	10	*W-*	*Sec.*	18, 19

UTM COORDINATES: Zone 12, NAD 83	See Report
PROJECT ARCHAEOLOGIST:	Jeremy Begay, Matthew Martin, Jeffrey Begay, Arlo Werito
NAVAJO ANTIQUITIES PERMIT NO.:	B16953
DATE INSPECTED:	11/08/16 – 11/08/18
DATE OF REPORT:	12/04/18
TOTAL ACREAGE INSPECTED:	243.0 - ac
METHOD OF INVESTIGATION:	Class III pedestrian inventory with transects spaced 10 m apart.
LIST OF CULTURAL RESOURCES FOUND:	(3) SITES ON INDIAN ALLOTMENT OR BIA RESERVE LANDS NM-R-48-41, NM-R-48-42, OCA TOD:210 (19) ISOLATED OCCURRENCES (IO)
LIST OF ELIGIBLE PROPERTIES:	NONE
LIST OF UNEVALUATED PROPERTIES:	NONE

-DOCUMENT IS VOID IF ALTERED-

LIST OF NON-ELIGIBLE PROPERTIES:	**(3) SITES** NM-R-48-41, NM-R-48-42, OCA TOD:210 **(19) ISOLATED OCCURRENCES (IO)**
LIST OF ARCHAEOLOGICAL RESOURCES:	**NONE**

EFFECT/CONDITIONS OF COMPLIANCE: NO HISTORIC PROPERTIES AFFECTED.

SITES NM-R-48-41, NM-R-48-42, OCA TOD:210:
No further treatment is required.

In the event of a discovery [*"discovery"* means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7198.

FORM PREPARED BY: **Tamara Billie**
FINALIZED: January 7, 2019

Notification to Proceed Recommended ☑ Yes ☐ No

Conditions: ☐ Yes ☑ No

Richard M. Begay 1/9/19
Richard M. Begay, Dept. Mgr./THPO — Date
The Navajo Nation
Heritage & Historic Preservation Department

Navajo Region Approval ☒ Yes ☐ No

2-1-19
BIA – Navajo Regional Office — Date

2/1/2019

-DOCUMENT IS VOID IF ALTERED-

Appendix B

Biological Information Requests and Surveys

ARCADIS Design & Consultancy for natural and built assets

Mr. Steve Calanog
Federal On-Scene Coordinator
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105

Arcadis U.S., Inc.
320 Commerce
Suite 200
Irvine
California 92602
Tel 714 730 9052
Fax 714 730 9345
www.arcadis.com

ENVIRONMENT

Subject:
Biological Evaluation
Administrative Settlement Agreement and Order on Consent
CERCLA Dockets No. 09-2017-02 and 06-02-17
Haystack No. 1 AUM Site
McKinley County, New Mexico

Date:
July 27, 2017

Contact:
Maher Zein, PhD, PE

Phone:
714.508.2667

Email:
maher.zein@arcadis.com

Our ref:
CA000860

Dear Mr. Calanog:

This letter is submitted on behalf of BNSF Railway Company (BNSF) to present the U.S. Environmental Protection Agency (EPA) with the results of a U.S. Fish and Wildlife Service (USFWS), Navajo Natural Heritage Program (NNHP), and New Mexico Department of Game and Fish (NMGF) biological resources information review for the BNSF Haystack No. 1 AUM Site, located in McKinley County, New Mexico (the Site). Per Section VIII, Paragraph 32c of the Administrative Settlement Agreement and Order on Consent (AOC, effective on May 15, 2017), inquiries into the three aforementioned agencies shall be submitted within 15 days of the AOC effective date (no later than May 30, 2017) and the results of this evaluation shall be provided to the U.S. EPA within 30 days of receipt of the requested information. Biological resources information was received from USFWS, NNHP, and NMGF on December 8, 2016, January 12, 2017, and June 6, 2017, respectively (Attachments 1, 2, and 3, respectively).

U.S. FISH AND WILDLIFE SERVICE BIOLOGICAL EVALUATION RESULTS

A USFWS Information for Planning and Conservation (IPaC) database review was conducted on December 8, 2016. The species identified during the IPaC database review are presented in Attachment 1 and are summarized below:

- Threatened – Birds: Mexican spotted owl (*Strix occidentalis lucinda)* and yellow-billed cuckoo (*Coccyzus americanus*)
- Threatened – Plants: Zuni fleabane (*Erigeron rhizomatus*)
- Endangered – Birds: Southwestern willow flycatcher (*Empidonax traillii extimus*)
- Endangered – Fish: Zuni bluehead sucker (*Catostomus discobolus yarrow*).

There was no critical habitat listed. Even though the species are listed as present or potentially present onsite, habitat for these species must be present. Habitat for most of the species listed above is not present at the Site (e.g., water bodies for fish). Table 1 summarizes the identified species and preferred habitat, along with the potential presence or absence of the habitat at the Site. Species where a field survey would be recommended to determine their presence based on habitat at the Site(s) are also identified in Table 1.

NAVAJO NATURAL HERITAGE PROGRAM BIOLOGICAL EVALUATION RESULTS

A NNHP database search was completed for the Site and the results are provided as Attachment 2. The NNHP is managed by the Navajo Nation Department of Fish and Wildlife. Search results indicated five potential bird species onsite or near the Site that are included on the Navajo Endangered Species List (NESL):

- Golden eagle (*Aquila chrysaetos*) NESL Group 3 (G3)
- Ferruginous hawk (*Buteo regalis*) NESL G3
- Burrowing owl (*Athene cunicularia*) NESL Group 4 (G4)
- Mountain plover (*Charadius montanus*) NESL G4
- Peregrine falcon (*Falco peregrinus*) NESL G4.

Species listed as G3 are species whose survival or recruitment is likely to be in jeopardy in the foreseeable future. G4 species are species where there is currently not enough information available to the Navajo Nation to be listed as a Group 2 or G3 species. Therefore, and as noted in the NESL, G4 species are not afforded legal protection. Based on the database search, only two G3 species may be present in the area immediately surrounding the Site (Table 1).

To formally determine if the project will have “No Effect” on the above-listed species, Arcadis recommends the implementation of a formal nesting survey on and immediately adjacent to the Site, specifically focused on the golden eagle and ferruginous hawk, if construction activities were to occur during the nesting season (Spring/Summer). The survey shall be completed during the nesting season. While these species are not expected to be present onsite based on a habitat evaluation from aerial photographs, a ground survey is recommended to formally confirm this assumption. In addition, Arcadis recommends inclusion of all five species in the nesting survey. If the proposed construction activities are planned outside the nesting season of these species, a nesting survey will not be required.

NEW MEXICO DEPARTMENT OF GAME AND FISH BIOLOGICAL EVALUATION RESULTS

NMGF maintains county lists for New Mexico Wildlife of Concern. A review for McKinley County, where the Site is located, was conducted by Arcadis on May 29, 2017. The detailed results are included as Attachment C[1] and are summarized below.

- Threatened – Birds: Bald eagle (*Haliaeetus leucocephalus*), peregrine falcon (*Falco peregrinus*), arctic peregrine falcon (*Falco peregrinus tundrius*), Costa's hummingbird (*Calypte costae*), and gray vireo (*Vireo vicinior*)
- Endangered – Plants: Zuni fleabane (*Erigeron rhizomatus*), Parish's alkali grass (*Puccinellia parishii*), and Goodding's onion (*Allium gooddingii*)
- Endangered – Birds: Southwestern willow flycatcher (*Empidonax traillii extimus*) and least tern (*Sternula antillarum)*
- Endangered – Fish: Zuni bluehead sucker (*Catostomus discobolus yarrowi*).

Similar to the evaluation for federally-listed species, a species presence on a county list does not necessarily mean that suitable habitat exists and supports a species at the Site. A detailed analysis by species is included in Table 1. This table also includes those species where a field survey would be recommended. Based upon absence of nests on or proximate to the Site, the project will be determined to have "No Effect" for the evaluated species.

To formally determine if the project will have "No Effect" on the multiple bird species listed, Arcadis recommends a formal nesting survey on and immediately proximate to the Site if construction activities were to occur during the nesting season (Spring/Summer). The surveys should be completed within the respective nesting season. While these species are not expected based upon evaluation of habitat from aerial photograph interpretation, a ground survey is recommended to formally confirm these assumptions. The surveys should focus on bald eagle, peregrine falcon, and gray vireo. If the proposed construction activities are planned outside the nesting season of these birds, a nesting survey will not be required.

RECOMMENDATIONS

Arcadis recommends completion of a pre-construction nesting survey to determine whether bird nests are present on or immediately adjacent to the Site if construction activities were to occur during the nesting season (Spring/Summer). While not expected, if any bird nests are identified, they will be recorded and their location(s) will be mapped. Based on habitat, evidence of other USFWS, NNHP, or NMGF species will also be recorded during the field survey. The field survey will be conducted during the nesting season and before construction activities so that proper planning or corrective actions (if required) can be implemented. If the proposed construction activities are planned to occur outside the nesting season of the birds of interest, a nesting survey will not be required.

[1] Threatened and endangered plant species occurring within McKinley County were referenced using the New Mexico Rare Plants Website (http://nmrareplants.unm.edu/). A formal report that included only threatened and endangered plant species by county was not available, and; therefore; is not included in Attachment C.

Additionally, Section 13 of the Site, an area subject to the AOC-requested removal activities, is reportedly owned by the Bureau of Land Management (BLM) but is administered by the Bureau of Indian Affairs. Accordingly, Arcadis has submitted an inquiry into BLM to evaluate additional biological resources information related to the areas of the Site that may be disturbed during construction activities. At a minimum, potential disturbed areas will also be surveyed for potential habitats of the Gunnison's prairie dog (*Cynomys gunnisoni*), and other species of interest to the BLM. Once the BLM has provided a response, this report will be submitted to the New Mexico Office of Natural Resources Trustee (ONRT).

Sincerely,

Arcadis U.S., Inc.

Maher Zein, PhD, PE
Certified Project Manager

Copies:
Warren Zehner – U.S. EPA Region 6
Dr. Donald Benn, Navajo Nation EPA
Vivian Craig – Navajo Nation EPA
Jeff Lewellin – New Mexico Environment Department
DJ Ennis – New Mexico Mining and Minerals Division
Doug McReynolds – BNSF
Martina Schlauch Jones, Todd O'Brien, and Drew Werth – Arcadis

Enclosures:

Table

1 Threatened and Endangered Species Documented in the Project Area

Attachments

1 U.S. Fish and Wildlife Service Information for Planning and Conservation Search Results
2 Navajo Nation Heritage Program Database Search Results
3 New Mexico Department of Game and Fish Database Search Results

TABLE

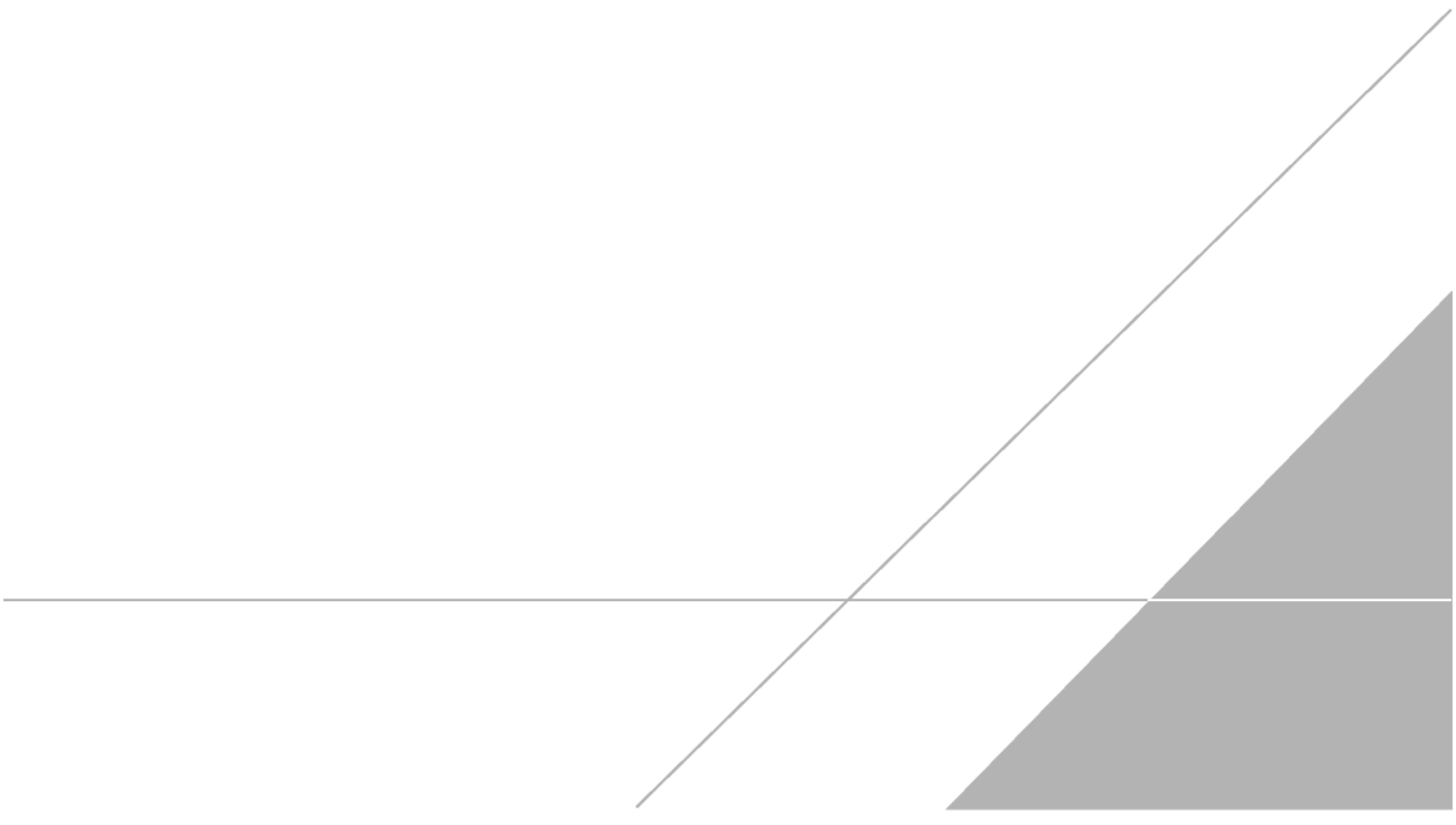


Table 1
Threatened and Endangered Species Documented in the Project Area
Haystack No. 1 AUM Site
McKinley County, New Mexico

Common Name	Scientific Name	Federal Protection	State Protection	Navajo Nation Protection*	Habitat Evaluation	Determination of Effect
Plants						
Goodding's Onion	*Allium gooddingii*	NA	Endangered	NA**	Normally found at base of steep slopes and moist drainage bottoms in the shade of spruce fir and mixed conifer forest, as well as aspen stands between 6,500 and 9,400 feet amsl. Primarily occurs in National Forest lands.	Absence of habitat. No Effect.
Parish's Alkali Grass	*Puccinellia parishii*	NA	Endangered	NA**	Typically found at alkaline springs, seeps, and seasonally wet areas that occur at the heads of drainages or on gentle slopes at 2,600 to 7,200 feet amsl. The species requires continuously damp soils during its late winter to spring growing period.	Absence of habitat. No Effect.
Zuni Fleabane	*Erigeron rhizomatus*	Threatened	Endangered	NA**	Typically found on hillslopes at elevations between 7,300 and 8,000 feet amsl. Site elevation is approximately 7,000 feet amsl.	Absence of habitat. No Effect.
Fish						
Zuni Bluehead Sucker	*Catostomus discobolus yarrowi*	Endangered	Endangered	NA**	Requires perennial waterbody that is not found onsite.	Absence of habitat. No Effect.
Birds***						
Arctic Peregrine Falcon	*Falco peregrinus tundrius*	NA	Threatened	NA**	Typically breeds in the Arctic tundra and inhabits coastlines and mountains from Florida to South America in the winter.	Species not expected to nest in New Mexico. Foraging habitat possible for migrating individuals, but individuals will modify behavior to avoid construction areas. Assuming no active nesting is identified, the project will be determined to have No Effect.
Bald Eagle	*Haliaeetus leucocephalus*	NA	Threatened	NA**	Primarily water-oriented, and most populations occurring in New Mexico are found near streams and lakes. There are some dry land areas where these eagles occur regularly, most notably in the region between the Pecos Valley and the Sandia, Manzano, Capitan, Sacramento mountains, and on the Mogollon Plateau. The birds typically night-roost in groups in trees, usually in protected sites such as canyons.	Nesting not expected in the few isolated trees onsite, and lack of water body. Foraging habitat possible, but individuals will modify behavior to avoid construction areas. A nesting survey is recommended before construction work. Assuming no active nesting is identified, the project will be determined to have No Effect.
Burrowing Owl	*Athene cunicularia*	NA	NA	G4	Found in open areas with sparse vegetation.	Habitat is not expected due to previous land use disturbances. A nesting survey is recommended prior to construction work. Assuming no active nesting is identified, the project will be determined to have No Effect.
Costa's Hummingbird	*Calypte costae*	NA	Threatened	NA**	Typically a desert scrub species of the southwestern United States and northern Mexico, with only a limited and irregular presence in southern New Mexico. It relies on nectar-producing native vegetation along the interface of desert and foothill/montane shrub habitats.	Absence of suitable habitat (i.e., diverse flowering native vegetation). A nesting survey is recommended prior to construction work. Assuming no active nesting is identified, the species is expected to modify behavior to avoid the construction areas, and; therefore, the project will have No Effect.
Ferruginous Hawk	*Buteo regalis*	NA	NA	G3	Primarily found in open areas such as grasslands that are arid or semiarid. May include outcrops, shallow canyons, or gullies.	Nesting not expected in the few isolated trees onsite. Foraging habitat is likely, but individuals will modify behavior to avoid construction areas. A nesting survey is recommended before construction work. Assuming no active nesting is identified, the project will be determined to have No Effect.

Table 1
Threatened and Endangered Species Documented in the Project Area
Haystack No. 1 AUM Site
McKinley County, New Mexico

Common Name	Scientific Name	Federal Protection	State Protection	Navajo Nation Protection*	Habitat Evaluation	Determination of Effect
Golden Eagle	*Aquila chrysaetos*	Bald and Golden Eagle Protection Act	NA	G3	Found in open country around mountains, hills, and cliffs. Nests on cliffs and steep escarpments.	Nesting not expected in the few isolated trees onsite. Foraging habitat is likely, but individuals will modify behavior to avoid construction areas. A nesting survey is recommended before construction work. Assuming no active nesting is identified, the project will be determined to have No Effect.
Gray Vireo	*Vireo vicinior*	NA	Threatened	NA**	A small, gray songbird, found in the dry foothills and bajadas west of the Great Plains in New Mexico, and is associated with juniper, piñon pine, and oak	Nesting and/or foraging habitat is not expected. Previously identified in southwestern corner of County. A nesting survey is recommended prior to construction work. Assuming no active nesting is identified, the project will be determined to have No Effect.
Least Tern	*Sternula antillarum*	Endangered	Endangered	NA**	Occurs on coastal flats and river sandbars. In New Mexico, they breed regularly only at Bitter Lake National Wildlife Refuge, and occur occasionally elsewhere along the Pecos River Valley. Transients observed at Holloman Wetlands.	Absence of habitat. No Effect.
Mexican Spotted Owl	*Strix occidentalis lucida*	Threatened	NA	NA**	Uses rocky canyons as habitat and for nesting.	Nesting habitat not expected to be onsite. Foraging habitat is possible, but individuals will modify behavior to avoid construction areas. A nesting survey is recommended before construction work. Assuming no active nesting is identified, the project will be determined to have No Effect.
Mountain Plover	*Charadrius montanus*	NA	NA	G4	Habitat is short grass prairie and shrub steppes.	Absence of habitat. No Effect.
Peregrine Falcon	*Falco peregrinus*	NA	Threatened	G4	Preferred habitat is open country and cliffs.	Nesting habitat not expected to be onsite. Foraging habitat is possible, but individuals will modify behavior to avoid construction areas. A nesting survey is recommended before construction work. Assuming no active nesting is identified, the project will be determined to have No Effect.
Southwestern Willow Flycatcher	*Empidonax traillii extimus*	Endangered	Endangered	NA**	Found in moist microclimate and vegetative conditions. Requires dense riparian vegetation for breeding.	Absence of habitat. No Effect.
Yellow-billed Cuckoo	*Coccyzus americanus*	Threatened	NA	NA**	Found in wooded habitat with dense cover and water nearby.	Absence of habitat. No Effect.

Notes:

*Species listed as G3 are endangered. A G4 designation indicates that Navajo Nation Fish and Wildlife does not have sufficient information to list the species as G3 but has reason to consider it endangered.

**Not identified by Navajo Nation Fish and Wildlife to occur on or proximate to the Site

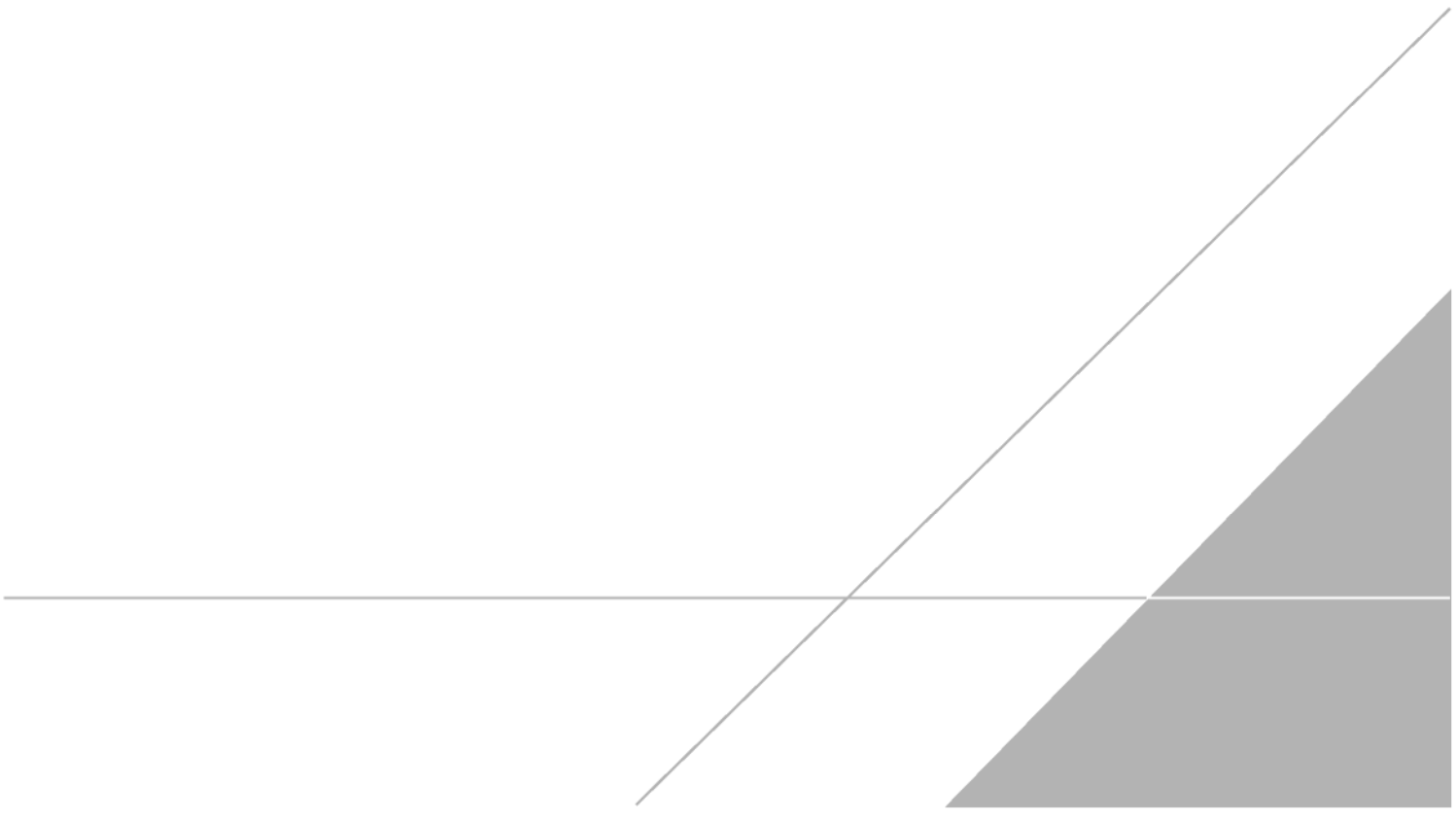
***All birds listed here are protected under the Migratory Bird Treaty Act.

amsl = above mean sea level

NA = not applicable

ATTACHMENT 1

U.S. Fish & Wildlife Service Information for Planning and Conservation Search Results



IPaC **U.S. Fish & Wildlife Service**

Endangered species

Listed species

[1] are managed by the Endangered Species Program of the U.S. Fish and Wildlife Service. The species below are potentially affected by activities in this location.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information.

This resource list is for informational purposes only and should not be used for planning or analyzing project level impacts.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by creating a project and making a request from the Regulatory Review section.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency.

A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list either from the Regulatory Documents section in IPaC or from the local field office directly.

Birds

Mexican Spotted Owl CH Strix Occidentalis Lucida	Threatened
Southwestern Willow Flycatcher CH Empidonax Traillii Extimus	Endangered
Yellow-billed Cuckoo CH Coccyzus Americanus	Threatened

Not for consultation

Not for consultation

Fishes

Zuni Bluehead Sucker CH Catostomus Discobolus Yarrowi	Endangered

Flowering Plants

Zuni Fleabane Erigeron Rhizomatus	Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

ATTACHMENT 2

Navajo Nation Heritage Database Search Results

NNHP
Navajo Natural Heritage Program

PO Box 1480
Window Rock, AZ
86515

P 928.871.6472
F 928.871.7603

http://nnhp.nndfw.org

17arcd101

12-January-2017

Todd Udvig - Project Ecologist
Arcadis U.S., Inc.
430 First Avenue North
Suite 720
Minneapolis, MN 55401

SUBJECT: Haystack Area Abandoned Uranium Mine (AUM) Sites

Todd Udvig,

NNHP has performed an analysis of your project in comparison to known biological resources of the Navajo Nation and has included the findings in this letter. The letter is composed of seven parts. The sections as they appear in the letter are:

1. **Known Species** – a list of all species within relative proximity to the project
2. **Potential Species** – a list of potential species based on project proximity to respective suitable habitat
3. **Quadrangles** – an exhaustive list of quads containing the project
4. **Project Summary** – a categorized list of biological resources within relative proximity to the project grouped by individual project site(s) or quads
5. **Conditional Criteria Notes** – additional details concerning various species, habitat, etc.
6. **Personnel Contacts** – a list of employee contacts
7. **Resources** – identifies sources for further information

Known Species lists "species of concern" known to occur within proximity to the project area. Planning for avoidance of these species is expected. If no species are displayed then based upon the records of the Navajo Nation Department of Fish and Wildlife (NNDFW) there are no "species of concern" within proximity to the project. Refer to the Navajo Endangered Species List (NESL) Species Accounts for recommended avoidance measures, biology, and distribution of NESL species on the Navajo Nation (http://nnhp.nndfw.org/sp_account.htm).

Potential Species lists species that are potentially within proximity to the project area and need to be evaluated for presence/absence. If no species are found within the Known or Potential Species lists, the project is not expected to affect any federally listed species, nor significantly impact any tribally listed species or other species of concern. Potential for species has been determined primarily on habitat characteristics and species range information. A thorough habitat analysis, and if necessary, species specific surveys, are required to determine the potential for each species.

Species of concern include protected, candidate, and other rare or otherwise sensitive species, including certain native species and species of economic or cultural significance. For legally protected species, the following tribal and federal statuses are indicated: NESL, federal Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), and Eagle Protection Act (EPA). No legal protection is afforded species with only

ESA candidate, NESL group 4 status, and species listed on the Sensitive Species List. Please be aware of these species during surveys and inform the NNDFW of observations. Reported observations of these species and documenting them in project planning and management is important for conservation and may contribute to ensuring they will not be up listed in the future.

In any and all correspondence with NNDFW or NNHP concerning this project please cite the Data Request Code associated with this document. It can be found in this report on the top right corner of the every page. Additionally please cite this code in any biological evaluation documents returned to our office.

1. Known Species *(NESL=Navajo Endangered Species List, FE=Federally Endangered, FT=Federally Threatened, FC=Federal Candidate)*

Species

None

2. Potential Species

Species

AQCH = Aquila chrysaetos / Golden Eagle NESL G3
ATCU = Athene cunicularia / Burrowing Owl NESL G4
BURE = Buteo regalis / Ferruginous Hawk NESL G3
CHMO = Charadrius montanus / Mountain Plover NESL G4
FAPE = Falco peregrinus / Peregrine Falcon NESL G4

3. Quadrangles (7.5 Minute)

Quadrangles

Bluewater (35107-C8) / NM

4. Project Summary *(EO1 Mile/EO 3 Miles=elements occuring within 1 & 3 miles., MSO=mexican spotted owl PACs, POTS=potential species, RCP=Biological Areas)*

SITE	EO1MI	EO3MI	QUAD	MSO	POTS	AREAS
Bibo Trespass	None	None	Bluewater (35107-C8) / NM	None	FAPE, CHMO, BURE, ATCU, AQCH	Area 2, Area 3
Haystack	None	None	Bluewater (35107-C8) / NM	None	FAPE, CHMO, BURE, ATCU, AQCH	Area 2
Haystack No. 1	None	None	Bluewater (35107-C8) / NM	None	FAPE, CHMO, BURE, ATCU, AQCH	Area 2, Area 3
Section 24	None	None	Bluewater (35107-C8) / NM	None	FAPE, CHMO, BURE, ATCU, AQCH	Area 3

5. Conditional Criteria Notes *(Recent revisions made please read thoroughly. For certain species, and/or circumstances, please read and comply)*

A. **Biological Resource Land Use Clearance Policies and Procedures (RCP)** - The purpose of the RCP is to assist the Navajo Nation government and chapters ensure compliance with federal and Navajo laws which protect, wildlife resources, including plants, and their habitat resulting in an expedited land use clearance process. After years of research and study, the NNDFW has identified and mapped wildlife habitat and sensitive areas that cover the entire Navajo Nation.
The following is a brief summary of six (6) wildlife areas:
1.***Highly Sensitive Area*** – recommended no development with few exceptions.
2.***Moderately Sensitive Area*** – moderate restrictions on development to avoid sensitive species/habitats.
3.***Less Sensitive Area*** – fewest restrictions on development.
4.***Community Development Area*** – areas in and around towns with few or no restrictions on development.
5.***Biological Preserve*** – no development unless compatible with the purpose of this area.
6.***Recreation Area*** – no development unless compatible with the purpose of this area.
None - outside the boundaries of the Navajo Nation
This is not intended to be a full description of the RCP please refer to the our website for additional information at http://www.nndfw.org/clup.htm.

B. **Raptors** – If raptors are known to occur within 1 mile of project location: Contact Chad Smith at 871-7070 regarding your evaluation of potential impacts and mitigation.
o **Golden and Bald Eagles**- If Golden or Bald Eagle are known to occur within 1 mile of the project, decision makers need to ensure that they are not in violation of the Golden and Bald Eagle Nest Protection Regulations found at http://nnhp.nndfw.org/docs_reps/gben.pdf.
o **Ferruginous Hawks** – Refer to "Navajo Nation Department of Fish and Wildlife's Ferruginous Hawk Management Guidelines for Nest Protection" http://nnhp.nndfw.org/docs_reps.htm for relevant information on avoiding impacts to Ferruginous Hawks within 1 mile of project location.
o **Mexican Spotted Owl** - Please refer to the Navajo Nation Mexican Spotted Owl Management Plan http://nnhp.nndfw.org/docs_reps.htm for relevant information on proper project planning near/within spotted owl protected activity centers and habitat.

C. **Surveys** – Biological surveys need to be conducted during the appropriate season to ensure they are complete and accurate please refer to NN Species Accounts http://nnhp.nndfw.org/sp_account.htm. Surveyors on the Navajo Nation must be permitted by the Director, NNDFW. Contact Jeff Cole at (928) 871-7068 for permitting procedures. Questions pertaining to surveys should be directed to the NNDFW Zoologist (Chad Smith) for animals at 871-7070, and Botanist (Andrea Hazelton) for plants at (928)523-3221. Questions regarding biological evaluation should be directed to Jeff Cole at 871-7068.

D. **Oil/Gas Lease Sales** – Any settling or evaporation pits that could hold contaminants should be lined and covered. Covering pits, with a net or other material, will deter waterfowl and other migratory bird use. Lining pits will protect ground water quality.

E. **Power line Projects** – These projects need to ensure that they do not violate the regulations set forth in the Navajo Nation Raptor Electrocution Prevention Regulations found at http://nnhp.nndfw.org/docs_reps/repr.pdf.

F. **Guy Wires** – Does the project design include guy wires for structural support? If so, and if bird species may occur in relatively high concentrations in the project area, then guy wires should be equipped with highly visual markers to reduce the potential mortality due to bird-guy wire collisions. Examples of visual markers include aviation balls and bird flight diverters. Birds can be expected to occur in relatively high concentrations along migration routes (e.g., rivers, ridges or other distinctive linear topographic features) or where important habitat for breeding, feeding, roosting, etc. occurs. The U.S. Fish and Wildlife Service recommends marking guy wires with at least one marker per 100 meters of wire.

G. **San Juan River** – On 21 March 1994 (Federal Register, Vol. 59, No. 54), the U.S. Fish and Wildlife Service designated portions of the San Juan River (SJR) as critical habitat for Ptychocheilus lucius (Colorado pikeminnow) and Xyrauchen texanus (Razorback sucker). Colorado pikeminnow critical habitat includes the SJR and its 100-year floodplain from the State Route 371 Bridge in T29N, R13W, sec. 17 (New Mexico Meridian) to Neskahai Canyon in the San Juan arm of Lake Powell in T41S, R11E, sec. 26 (Salt Lake Meridian) up to the full pool elevation. Razorback sucker critical habitat includes the SJR and its 100-year floodplain from the Hogback Diversion in T29N, R16W, sec. 9 (New Mexico Meridian) to the full pool elevation at the mouth of Neskahai Canyon on the San Juan arm of Lake Powell in T41S, R11E, sec. 26 (Salt Lake Meridian). All actions carried out, funded or authorized by a federal agency which may alter the constituent elements of critical habitat must undergo section 7 consultation under the Endangered Species Act of 1973, as amended. Constituent elements are those physical and biological attributes essential to a species conservation and include, but are not limited to, water, physical habitat, and biological environment as required for each particular life stage of a species.

H. **Little Colorado River** - On 21 March 1994 (Federal Register, Vol. 59, No. 54) the U.S. Fish and Wildlife Service designated Critical Habitat along portions of the Colorado and Little Colorado Rivers (LCR) for Gila cypha (humpback chub). Within or adjacent to the Navajo Nation this critical habitat includes the LCR and its 100-year floodplain from river mile 8 in T32N R6E, sec. 12 (Salt and Gila River Meridian) to its confluence with the Colorado River in T32N R5E sec. 1 (S&GRM) and the Colorado River and 100-year floodplain from Nautuloid Canyon (River Mile 34) T36N R5E sec. 35 (S&GRM) to its confluence with the LCR. All actions carried out, funded or authorized by a federal agency which may alter the constituent elements of Critical Habitat must undergo section 7 consultation under the Endangered Species Act of 1973, as amended. Constituent elements are those physical and biological attributes essential to a species conservation and include, but are not limited to, water, physical habitat, and biological environment as required for each particular life stage of a species.

I. **Wetlands** – In Arizona and New Mexico, potential impacts to wetlands should also be evaluated. The U.S. Fish & Wildlife Service's National Wetlands Inventory (NWI) maps should be examined to determine whether areas classified as wetlands are located close enough to the project site(s) to be impacted. In cases where the maps are inconclusive (e.g., due to their small scale), field surveys must be completed. For field surveys, wetlands identification and delineation methodology contained in the "Corps of Engineers Wetlands Delineation Manual" (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. NWI maps are available for examination at the Navajo Natural Heritage Program (NNHP) office, or may be purchased through the U.S. Geological Survey (order forms are available through the NNHP). The NNHP has complete coverage of the Navajo Nation, excluding Utah, at 1:100,000 scale; and coverage at 1:24,000 scale in the southwestern portion of the Navajo Nation. In Utah, the U.S. Fish & Wildlife Service's National Wetlands Inventory maps are not yet available for the Utah portion of the Navajo Nation, therefore, field surveys should be completed to determine whether wetlands are located close enough to the project site(s) to be impacted. For field surveys, wetlands identification and delineation methodology contained in the "Corps of Engineers Wetlands Delineation Manual" (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. For more information contact the Navajo Environmental Protection Agency's Water Quality Program.

J. **Life Length of Data Request** – The information in this report was identified by the NNHP and NNDFW's biologists and computerized database, and is based on data available at the time of this response. If project planning takes more than two (02) years from the date of this response, verification of the information provided herein is necessary. It should not be regarded as the final statement on the occurrence of any species, nor should it substitute for on-site surveys. Also, because the NNDFW information is continually updated, any given information response is only wholly appropriate for its respective request.

K. **Ground Water Pumping** - Projects involving the ground water pumping for mining operations, agricultural projects or commercial wells (including municipal wells) will have to provide an analysis on the effects to surface water and address potential impacts on all aquatic and/or wetlands species listed below. NESL Species potentially impacted by ground water pumping: Carex specuicola (Navajo Sedge), Cirsium rydbergii (Rydberg's Thistle), Primula specuicola (Cave Primrose), Platanthera zothecina (Alcove Bog Orchid), Puccinellia parishii (Parish Alkali Grass), Zigadenus vaginatus (Alcove Death Camas), Perityle specuicola (Alcove Rock Daisy), Symphyotrichum welshii (Welsh's American-aster), Coccyzus americanus (Yellow-billed Cuckoo), Empidonax traillii extimus (Southwestern Willow Flycatcher), Rana pipiens (Northern Leopard Frog), Gila cypha (Humpback Chub), Gila robusta (Roundtail Chub), Ptychocheilus lucius (Colorado Pikeminnow), Xyrauchen texanus (Razorback Sucker), Cinclus mexicanus (American Dipper), Speyeria nokomis (Western Seep Fritillary), Aechmophorus clarkia (Clark's Grebe), Ceryle alcyon (Belted Kingfisher), Dendroica petechia (Yellow Warbler), Porzana carolina (Sora), Catostomus discobolus (Bluehead Sucker), Cottus bairdi (Mottled Sculpin), Oxyloma kanabense (Kanab Ambersnail)

6. Personnel Contacts

Wildlife Manager
Sam Diswood
928.871.7062
sdiswood@nndfw.org

Zoologist
Chad Smith
928.871.7070
csmith@nndfw.org

Botanist
Nora Talkington
ntalkington@nndfw.org

Biological Reviewer
Pamela Kyselka
928.871.7065
pkyselka@nndfw.org

GIS Supervisor
Dexter D Prall
928.645.2898
prall@nndfw.org

Wildlife Tech
Sonja Detsoi
928.871.6472
sdetsoi@nndfw.org

7. Resources

National Environmental Policy Act

Navajo Endangered Species List:
http://nnhp.nndfw.org/endangered.htm

Species Accounts:
http://nnhp.nndfw.org/sp_account.htm

Biological Investigation Permit Application
http://nnhp.nndfw.org/study_permit.htm

Navajo Nation Sensitive Species List
http://nnhp.nndfw.org/study_permit.htm

Various Species Management and/or Document and Reports
http://nnhp.nndfw.org/docs_reps.htm

Consultant List
(Coming Soon)

Dexter D Prall, GIS Supervisor - Natural Heritage Program
Navajo Nation Department of Fish and Wildlife

NNHP
Navajo Natural Heritage Program

PO Box 1480
Window Rock, AZ
86515

P 928.871.6472
F 928.871.7603

http://nnhp.nndfw.org

Invoice for 17arcd101

1/12/2017

Please make payable to NAVAJO NATION

Project Measurements

Total Number of Quads:	1
Number of Additional Quads:	0
Cost ($75 plus $5 each additional Quad):	$75.00

(Please cut along the dashed line and return with payment)

Navajo Natural Heritage Program
PO Box 1480
Window Rock, AZ 86515

1/12/2017

PLEASE PAY THIS AMOUNT

Payment for Data Response 17arcd101 — $75.00

Please make payable to NAVAJO NATION

ATTACHMENT 3

New Mexico Department of Game and Fish Database Search Results



Report County TES Table for

McKinley

NEW MEXICO WILDLIFE OF CONCERN

For complete up-dated information on federal-listed species, including plants, see the US Fish & Wildlife Service website at http://ecos.fws.gov/ipac/wizard/chooseLocation!prepare.action. For information on state-listed plants, contact the NM Energy, Minerals and Natural Resources Department, Division of Forestry, or go to http://nmrareplants.unm.edu/. If your project is on Bureau of Land Management, contact the local BLM Field Office for information on species of particular concern. If your project is on a National Forest, contact the Forest Supervisor's office for species information. E = Endangered; T = Threatened; s = sensitive; SOC = Species of Concern; C = Candidate; Exp = Experimental non-essential population; P = Proposed

Export to Excel

Common Name	Scientific Name	NMGF	US FWS	Critical Habitat
Canada Lynx	Lynx canadensis		T	
Bald Eagle	Haliaeetus leucocephalus	T		
Peregrine Falcon	Falco peregrinus	T		
Arctic Peregrine Falcon	Falco peregrinus tundrius	T		
Least Tern	Sternula antillarum	E	E	
Yellow-billed Cuckoo (western pop)	Coccyzus americanus occidentalis		T	
Mexican Spotted Owl	Strix occidentalis lucida		T	Y
Costa's Hummingbird	Calypte costae	T		
Southwestern Willow Flycatcher	Empidonax traillii extimus	E	E	Y
Gray Vireo	Vireo vicinior	T		
Zuni Bluehead Sucker	Catostomus discobolus yarrowi	E	E	Y

ARCADIS Design & Consultancy for natural and built assets

Pam Kyselka
Navajo Nation Department of Fish and Wildlife
Natural Heritage Program
P.O. Box 1480
Window Rock, AZ 86515

Arcadis U.S., Inc.
630 Plaza Drive
Suite 100
Highlands Ranch
Colorado 80129
Tel 720 344 3500
Fax 720 344 3535
www.arcadis.com

ENVIRONMENT

Subject:
Environmental Review of Species of Concern and Biological Survey Approach
BNSF Haystack No. 1 Abandoned Uranium Mine
McKinley County, New Mexico

Date:
June 4, 2020

Contact:
Douglas Partridge

Phone:
203.489.3008

Email:
Doug.Partridge@arcadis.com

Dear Ms. Kyselka:

On behalf of BNSF Railway Company (BNSF), Arcadis U.S., Inc. (Arcadis) prepared this letter to consult with the Navajo Nation Department of Fish and Wildlife (NNDFW) regarding planned construction activities at the Haystack No.1 Mine (site) in McKinley County, New Mexico (Figure 1). The construction activities are associated with on-going time critical removal action (TCRA) work and is being completed under the oversight of U.S. Environmental Protection Agency (USEPA) and Navajo Nation Environmental Protection Agency (NNEPA), consistent with an Administrative Order of Consent (AOC) that was signed on May 15, 2017. USEPA's and NNEPA's respective project managers (Steve Calanog and Shelby Dayzie) have been copied on submission of this letter.

BNSF is committed to supporting site biological surveys prior to and in support of the construction activities detailed below. Following the transmission of this letter, Arcadis will reach out to NNDFW and schedule a phone consultation to discuss the outlined survey, identification of any particular area of interest with respect to identified species of concern, and the process whereby field activities could commence shortly after the completion of the biological survey if no species are identified.

Project Description

The project includes seven locations within the Haystack No. 1 Abandoned Uranium Mines site where construction activities will occur. A Site Location Map is included as Figure 2 and shows each of the areas, including:

- Six TCRA areas; and
- One temporary consolidation waste pile with access road and staging area.

Although not included as part of this biological consultation, please note that two residential areas located slightly north of Haystack No. 1 Abandoned Uranium Mine have already had biological surveys completed and biological clearance forms were received in September 2019 (review numbers 19NL-47 and 49; Attachment 1). The intent of the upcoming biological survey is to survey the seven additional areas.

Project activities at the seven locations will include:

- Perform gamma walkover scans;
- Excavate material from six TCRA areas, as required by the AOC;
- Construct a temporary consolidation waste pile;
- Potentially collect and analyze surface soil samples; and
- Perform restoration.

The project will not include clearing or disturbance of vegetation in wetlands, waters, or riparian areas.

Species Identified During Consultation

A Navajo Natural Heritage Program (NNHP) database search was completed for the site and the results are provided as Attachment 2. The NNHP is managed by the NNDFW. Search results indicated five potential bird species onsite or near the site that are included on the Navajo Endangered Species List (NESL):

- Golden eagle (*Aquila chrysaetos*) NESL Group 3 (G3)
- Ferruginous hawk (*Buteo regalis*) NESL G3
- Burrowing owl (*Athene cunicularia*) NESL Group 4 (G4)
- Mountain plover (*Charadius montanus*) NESL G4
- Peregrine falcon (*Falco peregrinus*) NESL G4.

The list above contains both known and potential species identified by the NNHP and includes species in Groups 3 and 4 as identified on the NESL. A brief description of these groups is provided below.

Group 3 Ranked Species – Endangered

Group 3 species are defined as “a species or subspecies whose prospects of survival or recruitment are likely to be in jeopardy in the foreseeable future.” The two species listed have ‘potential’ to occur on site.

Group 4 Ranked Species

Group 4 species include “any species or subspecies for which the NNDFW does not currently have sufficient information to support their being listed in G3 but has reason to consider them.” The three species listed have ‘potential’ to occur on site.

Table 1 summarizes the species and preferred habitat along with a preliminary determination of effect (for planning purposes only) and includes those species where a field survey would be recommended.

Proposed Biological Surveys

Arcadis is proposing to evaluate the presence of active raptor nests on or proximate to the project locations during the biological survey. The surveys will include walk over (i.e., pedestrian) site biological surveys prior to (i.e., within 1 month) of initiation of construction activities. If work is to occur outside of the active nesting period, as identified for each species in **Table 1**, then surveys will not occur. The survey will cover all proposed work areas as delineated in **Figure 2** and will be conducted by a qualified wildlife biologist.

During the walk over surveys, the team will identify areas or habitats of concern as well as any nesting raptors. The areas of concern will be digitized in the field with a sub-meter accurate global positioning system unit and photographed. Finally, the NNDFW reporting form will document when species of concern are identified.

Consultation Approach

If species and/or habitat are identified, BNSF is committed to continuing the consultation with NNDFW. The objective of continued consultation will be identifying best management practices or other strategies to complete the construction activities in a timely manner. If the species are not identified, then BNSF will submit a formal letter of no-effect to conclude this consultation. As such, BNSF will assume the consultation is completed upon submittal of the letter of no effect. This remains consistent with previous NNDFW consultations associated with on-going TCRA work in the region.

We look forward to working with NNDFW and appreciate your assistance with this project. We hope to address any questions or concerns during a phone conversation following review of this letter. If you need to reach me, please feel free to call 206.484.2743, or email doug.partridge@arcadis.com.

Sincerely,

Arcadis U.S., Inc.



Doug Partridge, PWS
Principal Ecologist

Copies:
Drew Werth, Arcadis
Alison Harmon, Arcadis
Mike Makerov, BNSF
Steve Calanog, USEPA Region 9
Shelby Dayzie, NNEPA

Enclosures:

Table

1 Threatened and Endangered Species Documented in the Project Area

Figures

1 General Site Location Map

2 Site Map

Attachments

1 Biological Resources Compliance Forms for Residential Lease Areas

2 Previous Navajo Natural Heritage Program Database Search Results

TABLE

Table 1
Threatened and Endangered Species Documented in the Project Area
Haystack No. 1 AUM Site
McKinley County, New Mexico

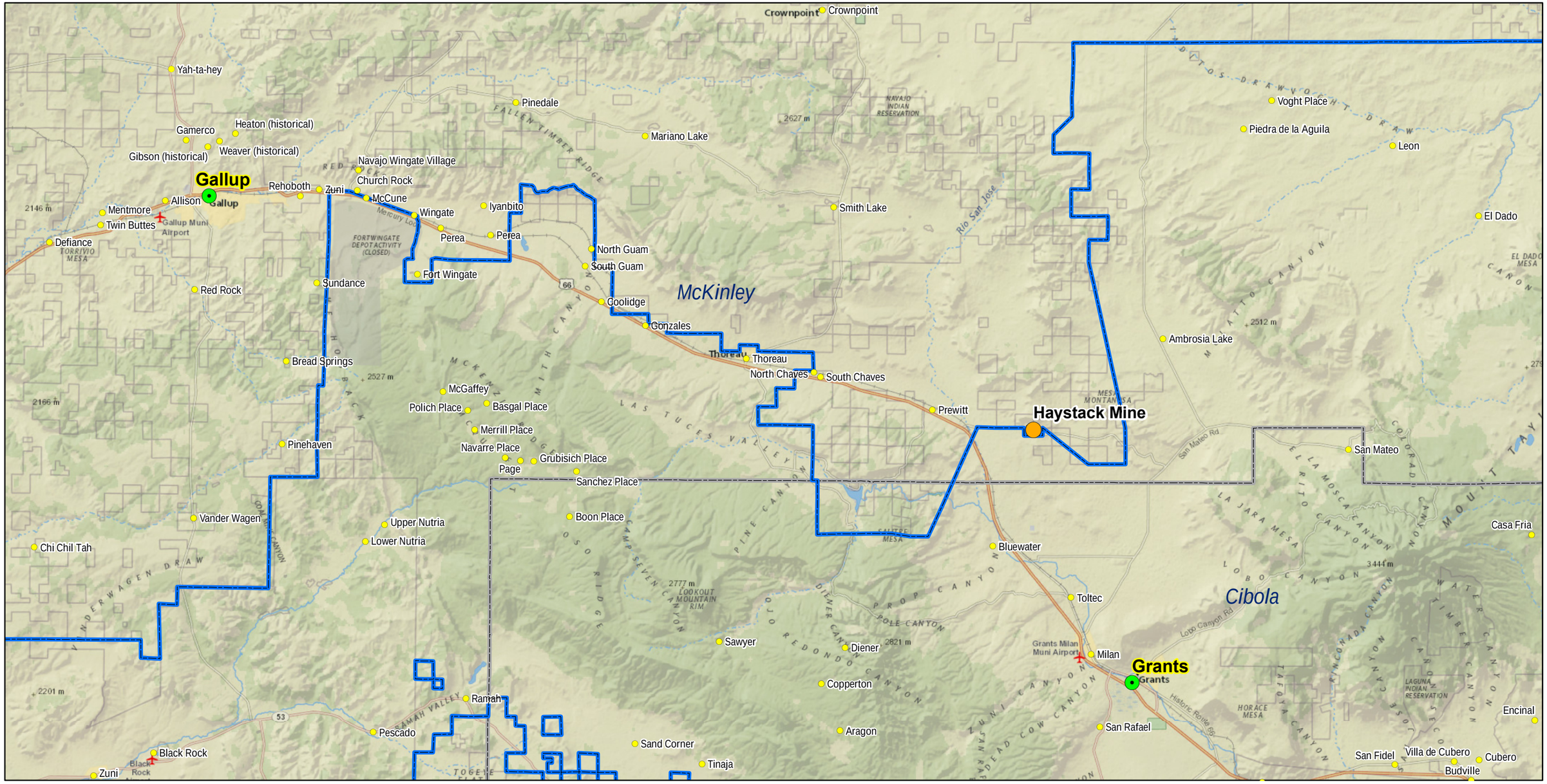
Common Name	Scientific Name	Navajo Nation Protection*	Habitat Evaluation	Determination of Effect
*Birds***				
Burrowing Owl	*Athene cunicularia*	G4	Found in open areas with sparse vegetation.	Habitat is not expected due to previous land use disturbances, as well as previous surveys. A survey for active burrows will be completed prior to construction work at additional work areas within the site. Assuming no active burrows are identified, the project will be determined to have No Effect. If work is to occur from September 1 through February 1, then project will not include survey and work will continue under No Effect determination based upon assumption owls will have migrated to wintering areas.
Ferruginous Hawk	*Buteo regalis*	G3	Primarily found in open areas such as grasslands that are arid or semiarid. May include outcrops, shallow canyons, or gullies.	Nesting not expected in the few isolated trees onsite. Foraging habitat is likely, but individuals will modify behavior to avoid construction areas. A nesting survey will be completed at additional work areas before construction work. Assuming no active nesting is identified, the project will be determined to have No Effect. If work is to occur from September 1 through February 1, then project will not include survey and work will continue under No Effect determination based upon assumption the nest is inactive and adults have migrated from breeding area.
Golden Eagle	*Aquila chrysaetos*	G3	Found in open country around mountains, hills, and cliffs. Nests on cliffs and steep escarpments.	Nesting not expected in the few isolated trees onsite. Foraging habitat is likely, but individuals will modify behavior to avoid construction areas. Active nests will be surveyed as part of recommended nesting surveys for other species. Assuming no active nesting is identified, the project will be determined to have No Effect. If work is to occur from August 1 through January 1, then nests are assumed to be vacated by young and then project will not include survey for work based upon a No Effect Determination.
Mountain Plover	*Charadrius montanus*	G4	Habitat is short grass prairie and shrub steppes.	Absence of habitat. No Effect.
Peregrine Falcon	*Falco peregrinus*	G4	Preferred habitat is open country and cliffs.	Nesting habitat not expected to be onsite. Foraging habitat is possible, but individuals will modify behavior to avoid construction areas. A nesting survey will be completed before construction work. Assuming no active nesting is identified, the project will be determined to have No Effect. If work is to occur from August 1 through February 1, then nests are assumed to be vacated by young and then project will not include survey for work based upon a No Effect Determination.

Notes:

*Species listed as G3 are endangered. A G4 designation indicates that Navajo Nation Fish and Wildlife does not have sufficient information to list the species as G3 but has reason to consider it endangered.

**All birds listed here are protected under the Migratory Bird Treaty Act.

FIGURES





Legend

- Haystack Mine Location
- Cities of Grants and Gallup Locations
- Surrounding Locations
- County Boundary
- Navajo Nation Boundary

0 5 10
Miles

Base Image Source: ESRI World Imagery 2016

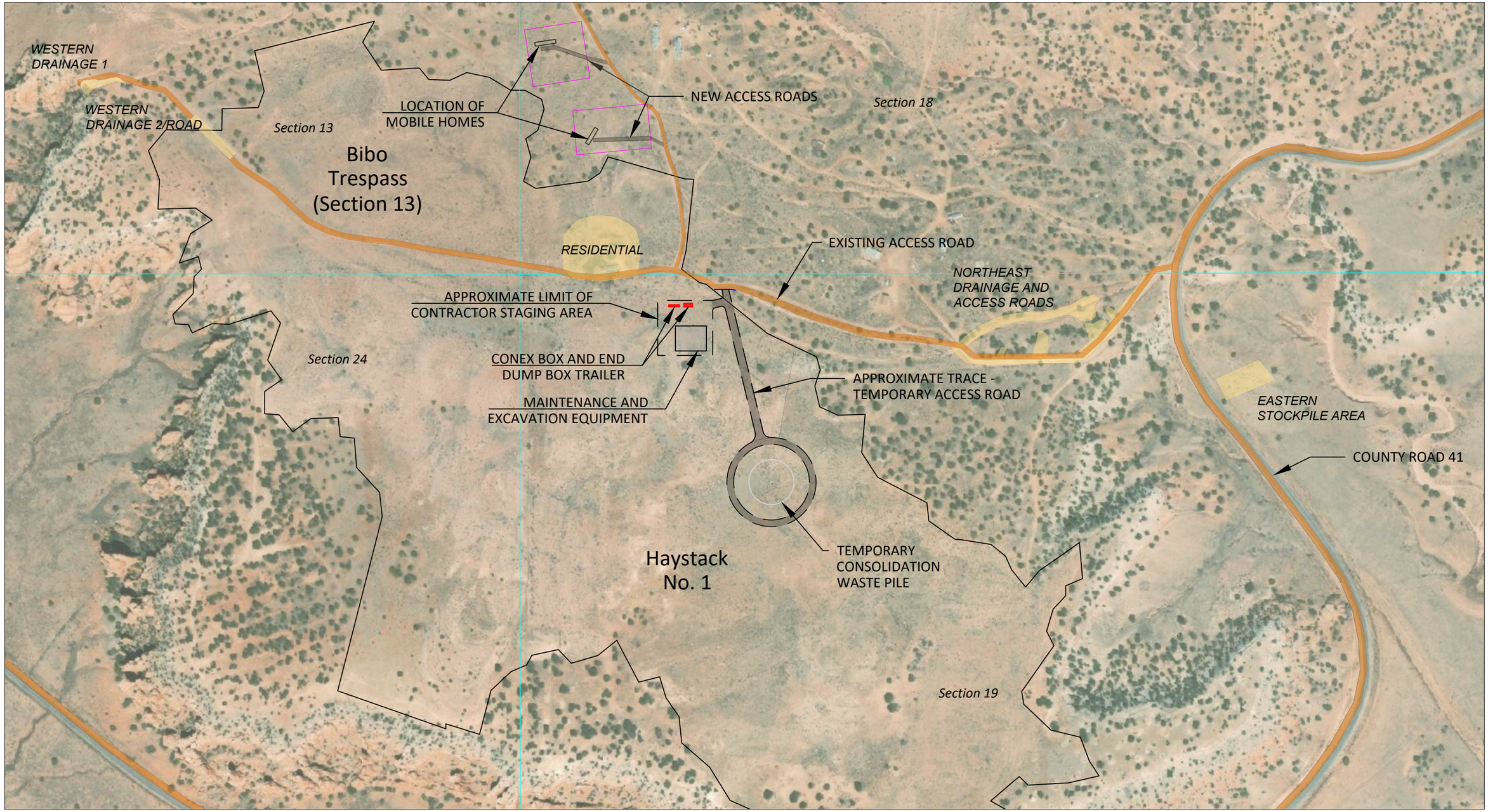
BNSF
HAYSTACK MINE, NEW MEXICO

GENERAL SITE LOCATION MAP

ARCADIS Design & Consultancy for natural and built assets

FIGURE 1

User: kgpeters Location: On-Site Citrix
Path: Z:\GISProjects_ENV\BNSF\BNSF_HAYSTACKMINE_NM\MXD\RemovalWorkPlan\Figure1_GeneralSiteLocationMap.mxd



Legend

- Abandoned Uranium Mine (AUM) Boundary
- Time Critical Removal Action Area (per AOC)
- Existing Access Road
- New Access Road
- Section Public Land Survey System (PLSS) Grid
- Location of New Residential Area
- Proposed Waste Pile
- Location of Contractor Facilities

N

0 400 800 Feet

BNSF
HAYSTACK MINE, NEW MEXICO

SITE MAP

ARCADIS Design & Consultancy for natural and built assets

FIGURE
2

PATH: C:\Users\mmcgonagle\ARCADIS\BNSF Haystack AUM - General\Site Map\Final Construction DWGs\HaystackMine_TCRA Site Map.dwg LAYOUT: SITE MAP SAVED: 4/21/2020 12:41 PM ACADVER: 23.0S (LMS TECH) PAGESETUP: --- PLOTSTYLETABLE: MONOCHROME.CTB PLOTTED: 4/21/2020 12:41PM BY: MCGONAGLE, MORGAN

ATTACHMENT 1

Biological Resources Compliance Forms for Residential Lease Areas

NNDFW Review No. 19NRL-47

BIOLOGICAL RESOURCES COMPLIANCE FORM
NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE
P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480

It is the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts. This form does not preclude or replace consultation with the U.S. Fish and Wildlife Service if a Federally-listed species is affected.

PROJECT NAME & NO.: Residential Lease for Lolita Vandever - IA#277031

DESCRIPTION: Biological resources compliance for a 1.00-acre residential lease.

LOCATION: 232267E 3915632N (datum unknown), Baca/Prewitt Chapter, McKinley County, New Mexico

REPRESENTATIVE: Tina K Yazzie-Toledo, Realty Assistant, BIA Eastern Navajo Agency

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Request for review & concurrence/23 AUG 2019/BIA ENA

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/11 SEP 2019

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation:
- ☒ Approval
- ☐ Conditional Approval (with memo)
- ☐ Disapproval (with memo)
- ☐ Categorical Exclusion (with request letter)
- ☐ None (with memo)

Signature: Date: 9/11/19

Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife

*I understand and accept the conditions of compliance, and acknowledge that lack of signature may be grounds for the Department not recommending the above described project for approval to the Tribal Decision-maker.

Representative's signature Date

NNDFW Review No. 19NRL-49

BIOLOGICAL RESOURCES COMPLIANCE FORM
NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE
P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480

It is the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts. This form does not preclude or replace consultation with the U.S. Fish and Wildlife Service if a Federally-listed species is affected.

PROJECT NAME & NO.: Residential Lease for Tom Vandever Sr. & Lena Vandever - IA#277031

DESCRIPTION: Biological resources compliance for a 1.00-acre residential lease.

LOCATION: 232343E 3915581N (datum unknown), Baca/Prewitt Chapter, McKinley County, New Mexico

REPRESENTATIVE: Tina K Yazzie-Toledo, Realty Assistant, BIA Eastern Navajo Agency

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Request for review & concurrence/23 AUG 2019/BIA ENA

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/11 SEP 2019

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation:
- ☒ Approval
- ☐ Conditional Approval (with memo)
- ☐ Disapproval (with memo)
- ☐ Categorical Exclusion (with request letter)
- ☐ None (with memo)

Signature: Date: 9/11/19

Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife

*I understand and accept the conditions of compliance, and acknowledge that lack of signature may be grounds for the Department not recommending the above described project for approval to the Tribal Decision-maker.

Representative's signature Date

ATTACHMENT 2

Previous Navajo Natural Heritage Program Database Search Results

NNHP
Navajo Natural Heritage Program

PO Box 1480
Window Rock, AZ
86515

P 928.871.6472
F 928.871.7603

http://nnhp.nndfw.org

17arcd101

12-January-2017

Todd Udvig - Project Ecologist
Arcadis U.S., Inc.
430 First Avenue North
Suite 720
Minneapolis, MN 55401

SUBJECT: Haystack Area Abandoned Uranium Mine (AUM) Sites

Todd Udvig,

NNHP has performed an analysis of your project in comparison to known biological resources of the Navajo Nation and has included the findings in this letter. The letter is composed of seven parts. The sections as they appear in the letter are:

1. **Known Species** – a list of all species within relative proximity to the project
2. **Potential Species** – a list of potential species based on project proximity to respective suitable habitat
3. **Quadrangles** – an exhaustive list of quads containing the project
4. **Project Summary** – a categorized list of biological resources within relative proximity to the project grouped by individual project site(s) or quads
5. **Conditional Criteria Notes** – additional details concerning various species, habitat, etc.
6. **Personnel Contacts** – a list of employee contacts
7. **Resources** – identifies sources for further information

Known Species lists “species of concern” known to occur within proximity to the project area. Planning for avoidance of these species is expected. If no species are displayed then based upon the records of the Navajo Nation Department of Fish and Wildlife (NNDFW) there are no “species of concern” within proximity to the project. Refer to the Navajo Endangered Species List (NESL) Species Accounts for recommended avoidance measures, biology, and distribution of NESL species on the Navajo Nation (http://nnhp.nndfw.org/sp_account.htm).

Potential Species lists species that are potentially within proximity to the project area and need to be evaluated for presence/absence. If no species are found within the Known or Potential Species lists, the project is not expected to affect any federally listed species, nor significantly impact any tribally listed species or other species of concern. Potential for species has been determined primarily on habitat characteristics and species range information. A thorough habitat analysis, and if necessary, species specific surveys, are required to determine the potential for each species.

Species of concern include protected, candidate, and other rare or otherwise sensitive species, including certain native species and species of economic or cultural significance. For legally protected species, the following tribal and federal statuses are indicated: NESL, federal Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), and Eagle Protection Act (EPA). No legal protection is afforded species with only

ESA candidate, NESL group 4 status, and species listed on the Sensitive Species List. Please be aware of these species during surveys and inform the NNDFW of observations. Reported observations of these species and documenting them in project planning and management is important for conservation and may contribute to ensuring they will not be up listed in the future.

In any and all correspondence with NNDFW or NNHP concerning this project please cite the Data Request Code associated with this document. It can be found in this report on the top right corner of the every page. Additionally please cite this code in any biological evaluation documents returned to our office.

1. Known Species *(NESL=Navajo Endangered Species List, FE=Federally Endangered, FT=Federally Threatened, FC=Federal Candidate)*

Species

None

2. Potential Species

Species

AQCH = Aquila chrysaetos / Golden Eagle NESL G3
ATCU = Athene cunicularia / Burrowing Owl NESL G4
BURE = Buteo regalis / Ferruginous Hawk NESL G3
CHMO = Charadrius montanus / Mountain Plover NESL G4
FAPE = Falco peregrinus / Peregrine Falcon NESL G4

3. Quadrangles (7.5 Minute)

Quadrangles

Bluewater (35107-C8) / NM

4. Project Summary *(EO1 Mile/EO 3 Miles=elements occuring within 1 & 3 miles., MSO=mexican spotted owl PACs, POTS=potential species, RCP=Biological Areas)*

SITE	EO1MI	EO3MI	QUAD	MSO	POTS	AREAS
Bibo Trespass	None	None	Bluewater (35107-C8) / NM	None	FAPE, CHMO, BURE, ATCU, AQCH	Area 2, Area 3
Haystack	None	None	Bluewater (35107-C8) / NM	None	FAPE, CHMO, BURE, ATCU, AQCH	Area 2
Haystack No. 1	None	None	Bluewater (35107-C8) / NM	None	FAPE, CHMO, BURE, ATCU, AQCH	Area 2, Area 3
Section 24	None	None	Bluewater (35107-C8) / NM	None	FAPE, CHMO, BURE, ATCU, AQCH	Area 3

5. Conditional Criteria Notes *(Recent revisions made please read thoroughly. For certain species, and/or circumstances, please read and comply)*

A. **Biological Resource Land Use Clearance Policies and Procedures (RCP)** - The purpose of the RCP is to assist the Navajo Nation government and chapters ensure compliance with federal and Navajo laws which protect, wildlife resources, including plants, and their habitat resulting in an expedited land use clearance process. After years of research and study, the NNDFW has identified and mapped wildlife habitat and sensitive areas that cover the entire Navajo Nation.
The following is a brief summary of six (6) wildlife areas:
1.***Highly Sensitive Area*** – recommended no development with few exceptions.
2.***Moderately Sensitive Area*** – moderate restrictions on development to avoid sensitive species/habitats.
3.***Less Sensitive Area*** – fewest restrictions on development.
4.***Community Development Area*** – areas in and around towns with few or no restrictions on development.
5.***Biological Preserve*** – no development unless compatible with the purpose of this area.
6.***Recreation Area*** – no development unless compatible with the purpose of this area.
None - outside the boundaries of the Navajo Nation
This is not intended to be a full description of the RCP please refer to the our website for additional information at http://www.nndfw.org/clup.htm.

B. **Raptors** – If raptors are known to occur within 1 mile of project location: Contact Chad Smith at 871-7070 regarding your evaluation of potential impacts and mitigation.
o **Golden and Bald Eagles**- If Golden or Bald Eagle are known to occur within 1 mile of the project, decision makers need to ensure that they are not in violation of the Golden and Bald Eagle Nest Protection Regulations found at http://nnhp.nndfw.org/docs_reps/gben.pdf.
o **Ferruginous Hawks** – Refer to "Navajo Nation Department of Fish and Wildlife's Ferruginous Hawk Management Guidelines for Nest Protection" http://nnhp.nndfw.org/docs_reps.htm for relevant information on avoiding impacts to Ferruginous Hawks within 1 mile of project location.
o **Mexican Spotted Owl** - Please refer to the Navajo Nation Mexican Spotted Owl Management Plan http://nnhp.nndfw.org/docs_reps.htm for relevant information on proper project planning near/within spotted owl protected activity centers and habitat.

C. **Surveys** – Biological surveys need to be conducted during the appropriate season to ensure they are complete and accurate please refer to NN Species Accounts http://nnhp.nndfw.org/sp_account.htm. Surveyors on the Navajo Nation must be permitted by the Director, NNDFW. Contact Jeff Cole at (928) 871-7068 for permitting procedures. Questions pertaining to surveys should be directed to the NNDFW Zoologist (Chad Smith) for animals at 871-7070, and Botanist (Andrea Hazelton) for plants at (928)523-3221. Questions regarding biological evaluation should be directed to Jeff Cole at 871-7068.

D. **Oil/Gas Lease Sales** – Any settling or evaporation pits that could hold contaminants should be lined and covered. Covering pits, with a net or other material, will deter waterfowl and other migratory bird use. Lining pits will protect ground water quality.

E. **Power line Projects** – These projects need to ensure that they do not violate the regulations set forth in the Navajo Nation Raptor Electrocution Prevention Regulations found at http://nnhp.nndfw.org/docs_reps/repr.pdf.

F. **Guy Wires** – Does the project design include guy wires for structural support? If so, and if bird species may occur in relatively high concentrations in the project area, then guy wires should be equipped with highly visual markers to reduce the potential mortality due to bird-guy wire collisions. Examples of visual markers include aviation balls and bird flight diverters. Birds can be expected to occur in relatively high concentrations along migration routes (e.g., rivers, ridges or other distinctive linear topographic features) or where important habitat for breeding, feeding, roosting, etc. occurs. The U.S. Fish and Wildlife Service recommends marking guy wires with at least one marker per 100 meters of wire.

G. **San Juan River** – On 21 March 1994 (Federal Register, Vol. 59, No. 54), the U.S. Fish and Wildlife Service designated portions of the San Juan River (SJR) as critical habitat for Ptychocheilus lucius (Colorado pikeminnow) and Xyrauchen texanus (Razorback sucker). Colorado pikeminnow critical habitat includes the SJR and its 100-year floodplain from the State Route 371 Bridge in T29N, R13W, sec. 17 (New Mexico Meridian) to Neskahai Canyon in the San Juan arm of Lake Powell in T41S, R11E, sec. 26 (Salt Lake Meridian) up to the full pool elevation. Razorback sucker critical habitat includes the SJR and its 100-year floodplain from the Hogback Diversion in T29N, R16W, sec. 9 (New Mexico Meridian) to the full pool elevation at the mouth of Neskahai Canyon on the San Juan arm of Lake Powell in T41S, R11E, sec. 26 (Salt Lake Meridian). All actions carried out, funded or authorized by a federal agency which may alter the constituent elements of critical habitat must undergo section 7 consultation under the Endangered Species Act of 1973, as amended. Constituent elements are those physical and biological attributes essential to a species conservation and include, but are not limited to, water, physical habitat, and biological environment as required for each particular life stage of a species.

H. **Little Colorado River** - On 21 March 1994 (Federal Register, Vol. 59, No. 54) the U.S. Fish and Wildlife Service designated Critical Habitat along portions of the Colorado and Little Colorado Rivers (LCR) for Gila cypha (humpback chub). Within or adjacent to the Navajo Nation this critical habitat includes the LCR and its 100-year floodplain from river mile 8 in T32N R6E, sec. 12 (Salt and Gila River Meridian) to its confluence with the Colorado River in T32N R5E sec. 1 (S&GRM) and the Colorado River and 100-year floodplain from Nautuloid Canyon (River Mile 34) T36N R5E sec. 35 (S&GRM) to its confluence with the LCR. All actions carried out, funded or authorized by a federal agency which may alter the constituent elements of Critical Habitat must undergo section 7 consultation under the Endangered Species Act of 1973, as amended. Constituent elements are those physical and biological attributes essential to a species conservation and include, but are not limited to, water, physical habitat, and biological environment as required for each particular life stage of a species.

I. **Wetlands** – In Arizona and New Mexico, potential impacts to wetlands should also be evaluated. The U.S. Fish & Wildlife Service's National Wetlands Inventory (NWI) maps should be examined to determine whether areas classified as wetlands are located close enough to the project site(s) to be impacted. In cases where the maps are inconclusive (e.g., due to their small scale), field surveys must be completed. For field surveys, wetlands identification and delineation methodology contained in the "Corps of Engineers Wetlands Delineation Manual" (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. NWI maps are available for examination at the Navajo Natural Heritage Program (NNHP) office, or may be purchased through the U.S. Geological Survey (order forms are available through the NNHP). The NNHP has complete coverage of the Navajo Nation, excluding Utah, at 1:100,000 scale; and coverage at 1:24,000 scale in the southwestern portion of the Navajo Nation. In Utah, the U.S. Fish & Wildlife Service's National Wetlands Inventory maps are not yet available for the Utah portion of the Navajo Nation, therefore, field surveys should be completed to determine whether wetlands are located close enough to the project site(s) to be impacted. For field surveys, wetlands identification and delineation methodology contained in the "Corps of Engineers Wetlands Delineation Manual" (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. For more information contact the Navajo Environmental Protection Agency’s Water Quality Program.

J. **Life Length of Data Request** – The information in this report was identified by the NNHP and NNDFW's biologists and computerized database, and is based on data available at the time of this response. If project planning takes more than two (02) years from the date of this response, verification of the information provided herein is necessary. It should not be regarded as the final statement on the occurrence of any species, nor should it substitute for on-site surveys. Also, because the NNDFW information is continually updated, any given information response is only wholly appropriate for its respective request.

K. **Ground Water Pumping** - Projects involving the ground water pumping for mining operations, agricultural projects or commercial wells (including municipal wells) will have to provide an analysis on the effects to surface water and address potential impacts on all aquatic and/or wetlands species listed below. NESL Species potentially impacted by ground water pumping: Carex specuicola (Navajo Sedge), Cirsium rydbergii (Rydberg's Thistle), Primula specuicola (Cave Primrose), Platanthera zothecina (Alcove Bog Orchid), Puccinellia parishii (Parish Alkali Grass), Zigadenus vaginatus (Alcove Death Camas), Perityle specuicola (Alcove Rock Daisy), Symphyotrichum welshii (Welsh’s American-aster), Coccyzus americanus (Yellow-billed Cuckoo), Empidonax traillii extimus (Southwestern Willow Flycatcher), Rana pipiens (Northern Leopard Frog), Gila cypha (Humpback Chub), Gila robusta (Roundtail Chub), Ptychocheilus lucius (Colorado Pikeminnow), Xyrauchen texanus (Razorback Sucker), Cinclus mexicanus (American Dipper), Speyeria nokomis (Western Seep Fritillary), Aechmophorus clarkia (Clark's Grebe), Ceryle alcyon (Belted Kingfisher), Dendroica petechia (Yellow Warbler), Porzana carolina (Sora), Catostomus discobolus (Bluehead Sucker), Cottus bairdi (Mottled Sculpin), Oxyloma kanabense (Kanab Ambersnail)

6. Personnel Contacts

Wildlife Manager
Sam Diswood
928.871.7062
sdiswood@nndfw.org

Zoologist
Chad Smith
928.871.7070
csmith@nndfw.org

Botanist
Nora Talkington
ntalkington@nndfw.org

Biological Reviewer
Pamela Kyselka
928.871.7065
pkyselka@nndfw.org

GIS Supervisor
Dexter D Prall
928.645.2898
prall@nndfw.org

Wildlife Tech
Sonja Detsoi
928.871.6472
sdetsoi@nndfw.org

7. Resources

National Environmental Policy Act

Navajo Endangered Species List:
http://nnhp.nndfw.org/endangered.htm

Species Accounts:
http://nnhp.nndfw.org/sp_account.htm

Biological Investigation Permit Application
http://nnhp.nndfw.org/study_permit.htm

Navajo Nation Sensitive Species List
http://nnhp.nndfw.org/study_permit.htm

Various Species Management and/or Document and Reports
http://nnhp.nndfw.org/docs_reps.htm

Consultant List
(Coming Soon)

Dexter D Prall, GIS Supervisor - Natural Heritage Program
Navajo Nation Department of Fish and Wildlife

NNHP
Navajo Natural Heritage Program

PO Box 1480
Window Rock, AZ
86515

P 928.871.6472
F 928.871.7603

http://nnhp.nndfw.org

Invoice for 17arcd101

1/12/2017

Please make payable to NAVAJO NATION

Project Measurements

Total Number of Quads:	1
Number of Additional Quads:	0
Cost ($75 plus $5 each additional Quad):	$75.00

(Please cut along the dashed line and return with payment)

Navajo Natural Heritage Program
PO Box 1480
Window Rock, AZ 86515

1/12/2017

PLEASE PAY THIS AMOUNT

Payment for Data Response 17arcd101 — $75.00

Please make payable to NAVAJO NATION

ARCADIS Design & Consultancy for natural and built assets

Pam Kyselka
Navajo Nation Department of Fish and Wildlife
Natural Heritage Program
P.O. Box 1480
Window Rock, AZ 86515

Arcadis U.S., Inc.
630 Plaza Drive
Suite 100
Highlands Ranch
Colorado 80129
Tel 720 344 3500
Fax 720 344 3535
www.arcadis.com

ENVIRONMENT

Subject:
Environmental Review of Species of Concern Determination of "No-Effect"
BNSF Haystack No. 1 Abandoned Uranium Mine
McKinley County, New Mexico

Date:
January 25, 2021

Contact:
Douglas Partridge

Phone:
203.489.3008

Email:
Doug.Partridge@arcadis.com

Dear Ms. Kyselka:

On behalf of BNSF Railway Company (BNSF), Arcadis U.S., Inc. (Arcadis) prepared this letter to continue consultation with the Navajo Nation Department of Fish and Wildlife (NNDFW) regarding planned construction activities at the Haystack No.1 Mine (site) in McKinley County, New Mexico (Figure 1). Previous consultation associated with this project include:

- June 2020. Preliminary evaluation of species and potential effect associated with planned construction activities.
- December 2020. Coordinated pre-construction nest survey and gamma walkover scans.

The construction activities are associated with on-going time critical removal action (TCRA) work and is being completed under the oversight of U.S. Environmental Protection Agency (USEPA) and Navajo Nation Environmental Protection Agency (NNEPA), consistent with an Administrative Order of Consent (AOC) that was signed on May 15, 2017. USEPA's and NNEPA's respective project managers (Steve Calanog and Shelby Dayzie) have been copied on submission of this letter.

Project Description

The project includes seven locations within the Haystack No. 1 Abandoned Uranium Mines site where construction activities will occur. A Site Location Map is included as Figure 2 and shows each of the areas, including:

- Six TCRA areas; and
- One temporary consolidation waste pile with access road and staging area.

Project activities at the seven locations will include:

- Perform gamma walkover scans;
- Excavate material from six TCRA areas, as required by the AOC;
- Construct a temporary consolidation waste pile;
- Potentially collect and analyze surface soil samples; and
- Perform restoration.

The project will not include clearing or disturbance of vegetation in wetlands, waters, or riparian areas.

In support of this consultation, Arcadis has performed a biological survey at one of the six TCRA areas where activities are planned for February 2021. As detailed in an email to you on December 21, 2020, the NNEPA and USEPA have agreed that our TCRA of the Northeast Access Road needs to be performed so that road improvements may be performed prior to the mobile home delivery.

The area of the biological survey is provided in **Figure 2**, and was performed the week of January 11, 2021. Figure 2 includes the "Biological Survey Area" where comprehensive pedestrian walking surveys supported by binoculars was completed, in addition to "Biological Survey Route" which was traveled by car with frequent stops to survey suitable trees for potential nesting sites. The species of focus for the biological survey were consistent with those identified in the original consultation letter dated June 4, 2020 (**Attachment 1**).

Species Identified During Consultation

A Navajo Natural Heritage Program (NNHP) database indicated five potential bird species onsite or near the site that are included on the Navajo Endangered Species List (NESL):

- Golden eagle (*Aquila chrysaetos*) NESL Group 3 (G3)
- Ferruginous hawk (*Buteo regalis*) NESL G3
- Burrowing owl (*Athene cunicularia*) NESL Group 4 (G4)
- Mountain plover (*Charadius montanus*) NESL G4
- Peregrine falcon (*Falco peregrinus*) NESL G4

Determination of Effect

The species identified herein directed the biological field survey and the results and observations were utilized in making a formal determination of effect with respect to each species. No active or inactive nests were observed during the nest survey. As such, the identified sensitive species will not be significantly disturbed, and the project will not have an adverse impact on population structure of the identified species.

Based upon information presented the original consultation letter dated June 2020 (**Attachment 1**), and the biological survey performed during the week of January 11, 2021, the proposed activities to occur at one TCRA area in February 2021 will have "no effect" on the identified sensitive species of concern. This

is based upon consideration of (1) existing habitats on each site, (2) scope of proposed activities, and (3) results of the nest survey.

This determination of no effect also remains consistent with a previous biological consultation for two residential areas located slightly north of Haystack No. 1 Abandoned Uranium Mine. Biological surveys were previously completed, a similar determination of no effect was made, and biological clearance forms were received in September 2019.

Conclusion

This letter has been prepared consistent with guidance from NNDFW. Given the determination of "no-effect" with respect to all identified species, BNSF anticipates commencing construction activities at the above-mentioned sites in February 2021. BNSF and USEPA would appreciate concurrence from NNDFW with respect to the "no-effect" determination. If NNDFW has any additional questions or concerns regarding the scope of proposed activities or this determination, please do not hesitate to contact me at 206.484.2743, or email doug.partridge@arcadis.com.

Arcadis will contact you by phone shortly after submittal of this letter to help facilitate conclusion of this consultation process. We appreciate your continued assistance with this project.

Sincerely,

Arcadis U.S., Inc.



Doug Partridge, PWS
Principal Ecologist

Copies:
Drew Werth, Arcadis
Alison Harmon, Arcadis
Mike Makerov, BNSF
Steve Calanog, USEPA Region 9
Shelby Dayzie, NNEPA

Enclosures:

Figures

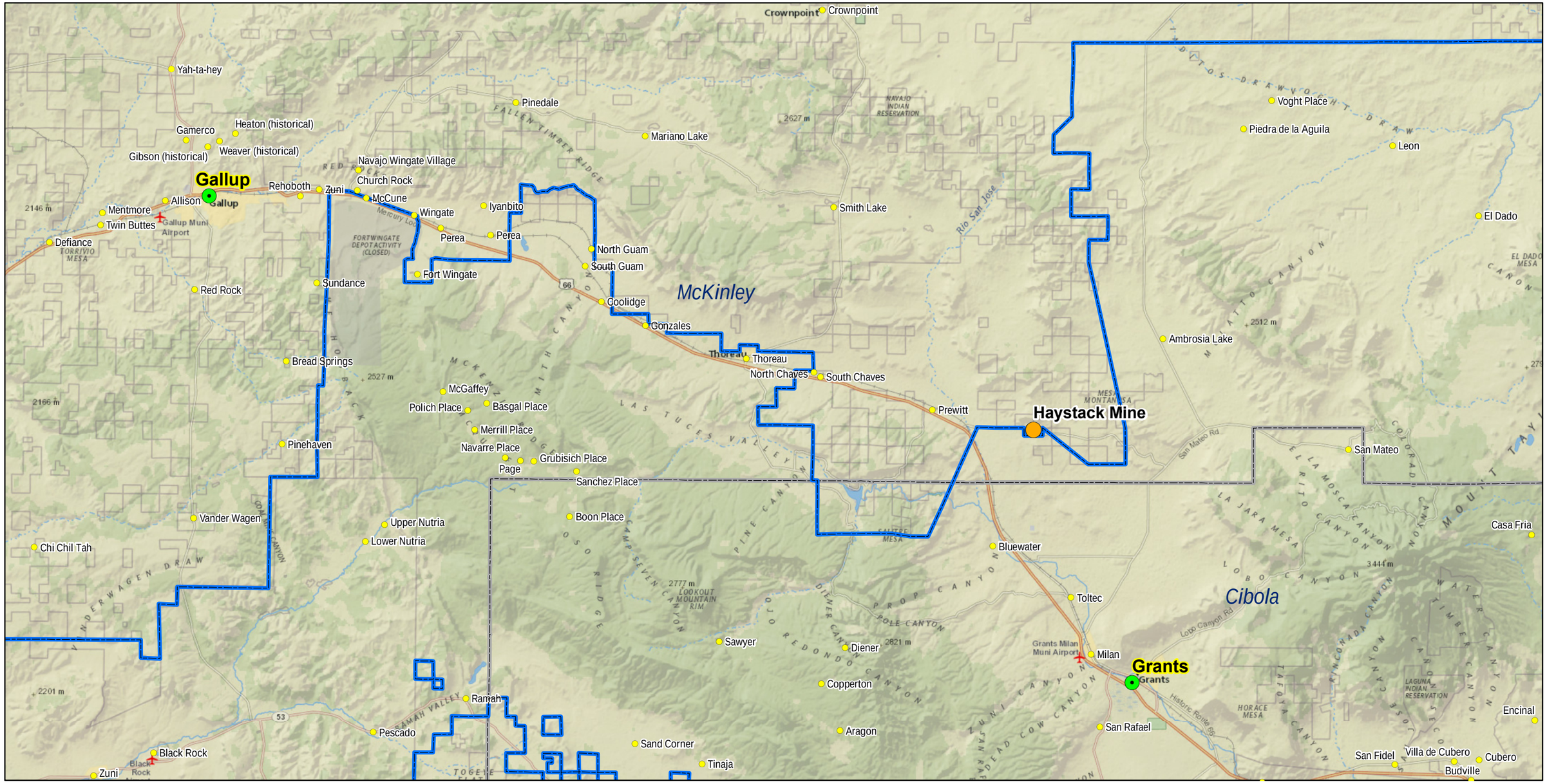
1 General Site Location Map

2 Site Map

Attachments

1 Previous Consultation Letter Dated June 4, 2020

FIGURES





Legend

- Haystack Mine Location
- Cities of Grants and Gallup Locations
- Surrounding Locations
- County Boundary
- Navajo Nation Boundary

0 5 10
Miles

Base Image Source: ESRI World Imagery 2016

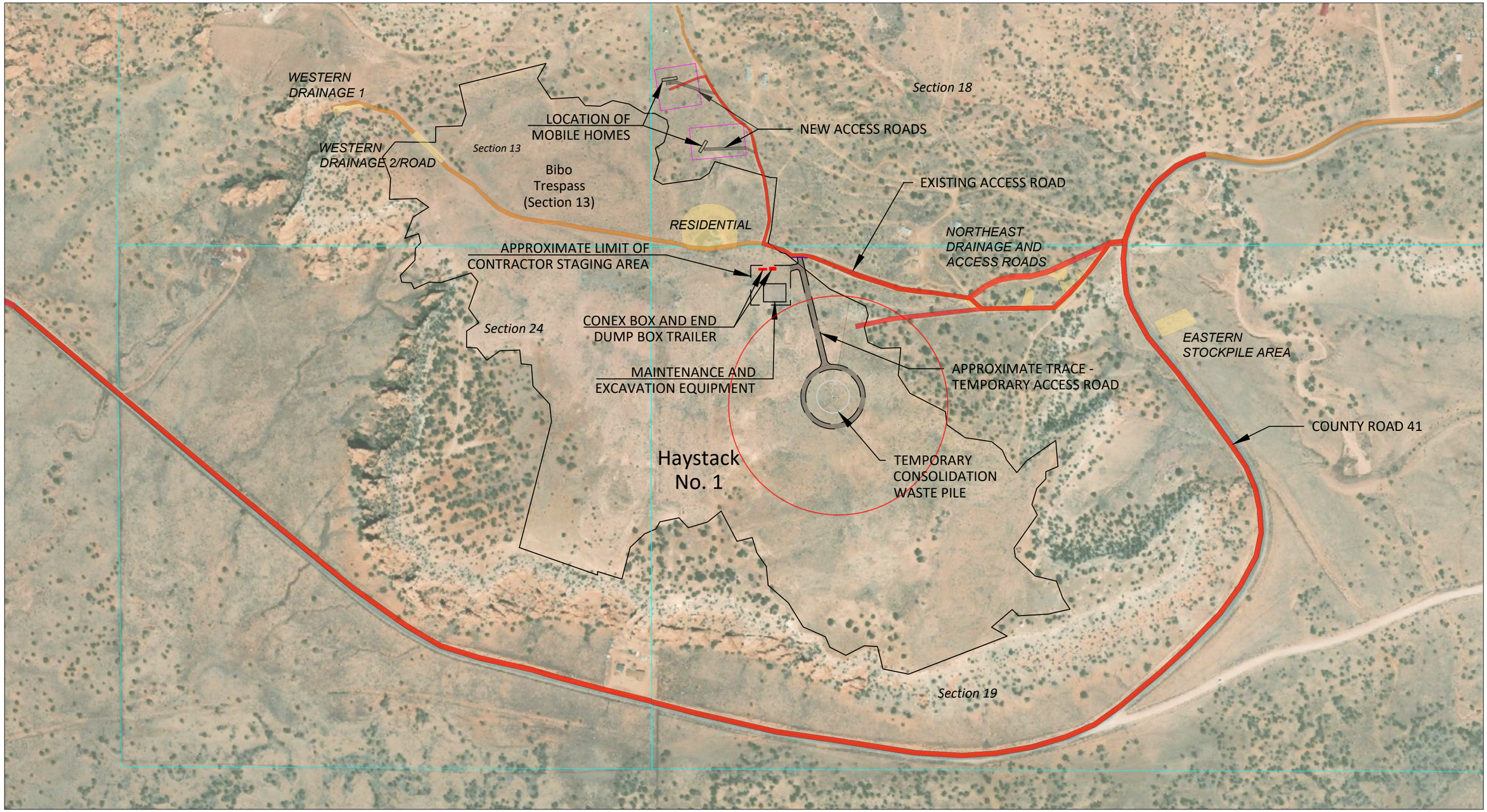
BNSF
HAYSTACK MINE, NEW MEXICO

GENERAL SITE LOCATION MAP

ARCADIS Design & Consultancy for natural and built assets

FIGURE 1

User: kgpeters Location: On-Site Citrix
Path: Z:\GISProjects_ENV\BNSF\BNSF_HAYSTACKMINE_NM\MXD\RemovalWorkPlan\Figure1_GeneralSiteLocationMap.mxd



Legend

- Abandoned Uranium Mine (AUM) Boundary
- Time Critical Removal Action Area (per AOC)
- Existing Access Road
- New Access Road
- Section Public Land Survey System (PLSS) Grid
- Biological Survey Route
- Location of New Residential Area
- Proposed Waste Pile
- Location of Contractor Facilities
- Biological Survey Area

N

0 400 800 Feet

BNSF
HAYSTACK MINE, NEW MEXICO
TCRA WASTE DISPOSAL FACILITY

SITE MAP

ARCADIS Design & Consultancy for natural and built assets

FIGURE 2

PATH: C:\Users\mmcgonagle\ARCADIS\BNSF Haystack AUM - General\Site Map\Final Construction DWGs\HaystackMine_TCRA Site Map.dwg LAYOUT: SITE MAP_ZOOMOUT SAVED: 1/19/2021 2:35 PM ACADVER: 23.0S (LMS TECH) PAGESETUP: ---- PLOTSTYLETABLE: MONOCHROME.CTB PLOTTED: 1/19/2021 2:41 PM BY: MCGONAGLE, MORGAN

ATTACHMENT 1

Previous Consultation Letter Dated June 4, 2020

ARCADIS Design & Consultancy for natural and built assets

Pam Kyselka
Navajo Nation Department of Fish and Wildlife
Natural Heritage Program
P.O. Box 1480
Window Rock, AZ 86515

Arcadis U.S., Inc.
630 Plaza Drive
Suite 100
Highlands Ranch
Colorado 80129
Tel 720 344 3500
Fax 720 344 3535
www.arcadis.com

ENVIRONMENT

Subject:
Environmental Review of Species of Concern and Biological Survey Approach
BNSF Haystack No. 1 Abandoned Uranium Mine
McKinley County, New Mexico

Date:
June 4, 2020

Contact:
Douglas Partridge

Phone:
203.489.3008

Email:
Doug.Partridge@arcadis.com

Dear Ms. Kyselka:

On behalf of BNSF Railway Company (BNSF), Arcadis U.S., Inc. (Arcadis) prepared this letter to consult with the Navajo Nation Department of Fish and Wildlife (NNDFW) regarding planned construction activities at the Haystack No.1 Mine (site) in McKinley County, New Mexico (Figure 1). The construction activities are associated with on-going time critical removal action (TCRA) work and is being completed under the oversight of U.S. Environmental Protection Agency (USEPA) and Navajo Nation Environmental Protection Agency (NNEPA), consistent with an Administrative Order of Consent (AOC) that was signed on May 15, 2017. USEPA's and NNEPA's respective project managers (Steve Calanog and Shelby Dayzie) have been copied on submission of this letter.

BNSF is committed to supporting site biological surveys prior to and in support of the construction activities detailed below. Following the transmission of this letter, Arcadis will reach out to NNDFW and schedule a phone consultation to discuss the outlined survey, identification of any particular area of interest with respect to identified species of concern, and the process whereby field activities could commence shortly after the completion of the biological survey if no species are identified.

Project Description

The project includes seven locations within the Haystack No. 1 Abandoned Uranium Mines site where construction activities will occur. A Site Location Map is included as Figure 2 and shows each of the areas, including:

- Six TCRA areas; and
- One temporary consolidation waste pile with access road and staging area.

Although not included as part of this biological consultation, please note that two residential areas located slightly north of Haystack No. 1 Abandoned Uranium Mine have already had biological surveys completed and biological clearance forms were received in September 2019 (review numbers 19NL-47 and 49; Attachment 1). The intent of the upcoming biological survey is to survey the seven additional areas.

Project activities at the seven locations will include:

- Perform gamma walkover scans;
- Excavate material from six TCRA areas, as required by the AOC;
- Construct a temporary consolidation waste pile;
- Potentially collect and analyze surface soil samples; and
- Perform restoration.

The project will not include clearing or disturbance of vegetation in wetlands, waters, or riparian areas.

Species Identified During Consultation

A Navajo Natural Heritage Program (NNHP) database search was completed for the site and the results are provided as Attachment 2. The NNHP is managed by the NNDFW. Search results indicated five potential bird species onsite or near the site that are included on the Navajo Endangered Species List (NESL):

- Golden eagle (*Aquila chrysaetos*) NESL Group 3 (G3)
- Ferruginous hawk (*Buteo regalis*) NESL G3
- Burrowing owl (*Athene cunicularia*) NESL Group 4 (G4)
- Mountain plover (*Charadius montanus*) NESL G4
- Peregrine falcon (*Falco peregrinus*) NESL G4.

The list above contains both known and potential species identified by the NNHP and includes species in Groups 3 and 4 as identified on the NESL. A brief description of these groups is provided below.

Group 3 Ranked Species – Endangered

Group 3 species are defined as “a species or subspecies whose prospects of survival or recruitment are likely to be in jeopardy in the foreseeable future.” The two species listed have ‘potential’ to occur on site.

Group 4 Ranked Species

Group 4 species include “any species or subspecies for which the NNDFW does not currently have sufficient information to support their being listed in G3 but has reason to consider them.” The three species listed have ‘potential’ to occur on site.

Table 1 summarizes the species and preferred habitat along with a preliminary determination of effect (for planning purposes only) and includes those species where a field survey would be recommended.

Proposed Biological Surveys

Arcadis is proposing to evaluate the presence of active raptor nests on or proximate to the project locations during the biological survey. The surveys will include walk over (i.e., pedestrian) site biological surveys prior to (i.e., within 1 month) of initiation of construction activities. If work is to occur outside of the active nesting period, as identified for each species in **Table 1**, then surveys will not occur. The survey will cover all proposed work areas as delineated in **Figure 2** and will be conducted by a qualified wildlife biologist.

During the walk over surveys, the team will identify areas or habitats of concern as well as any nesting raptors. The areas of concern will be digitized in the field with a sub-meter accurate global positioning system unit and photographed. Finally, the NNDFW reporting form will document when species of concern are identified.

Consultation Approach

If species and/or habitat are identified, BNSF is committed to continuing the consultation with NNDFW. The objective of continued consultation will be identifying best management practices or other strategies to complete the construction activities in a timely manner. If the species are not identified, then BNSF will submit a formal letter of no-effect to conclude this consultation. As such, BNSF will assume the consultation is completed upon submittal of the letter of no effect. This remains consistent with previous NNDFW consultations associated with on-going TCRA work in the region.

We look forward to working with NNDFW and appreciate your assistance with this project. We hope to address any questions or concerns during a phone conversation following review of this letter. If you need to reach me, please feel free to call 206.484.2743, or email doug.partridge@arcadis.com.

Sincerely,

Arcadis U.S., Inc.



Doug Partridge, PWS
Principal Ecologist

Copies:
Drew Werth, Arcadis
Alison Harmon, Arcadis
Mike Makerov, BNSF
Steve Calanog, USEPA Region 9
Shelby Dayzie, NNEPA

Enclosures:

Table

1 Threatened and Endangered Species Documented in the Project Area

Figures

1 General Site Location Map

2 Site Map

Attachments

1 Biological Resources Compliance Forms for Residential Lease Areas

2 Previous Navajo Natural Heritage Program Database Search Results

TABLE

Table 1
Threatened and Endangered Species Documented in the Project Area
Haystack No. 1 AUM Site
McKinley County, New Mexico

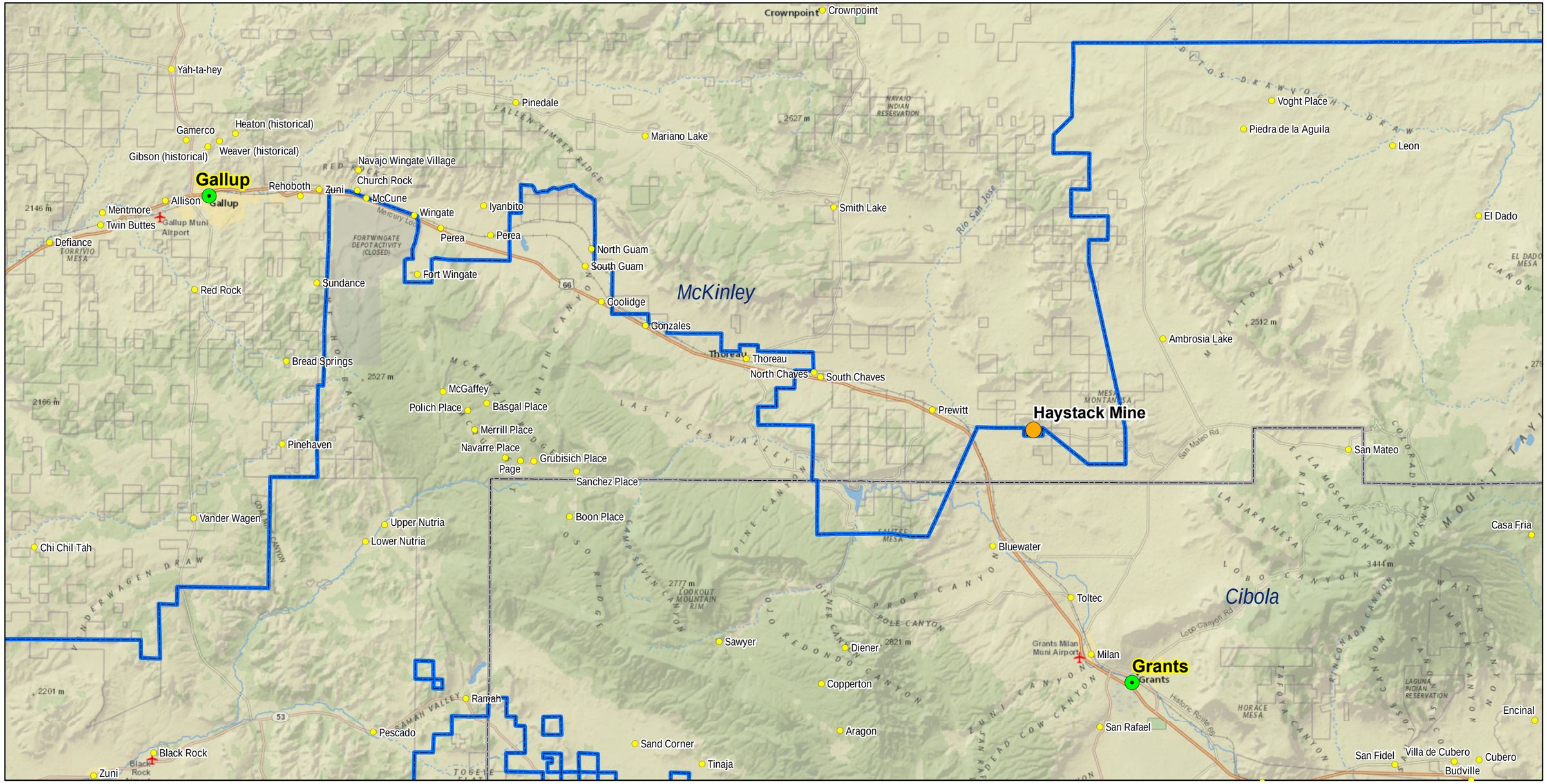
Common Name	Scientific Name	Navajo Nation Protection*	Habitat Evaluation	Determination of Effect
*Birds***				
Burrowing Owl	*Athene cunicularia*	G4	Found in open areas with sparse vegetation.	Habitat is not expected due to previous land use disturbances, as well as previous surveys. A survey for active burrows will be completed prior to construction work at additional work areas within the site. Assuming no active burrows are identified, the project will be determined to have No Effect. If work is to occur from September 1 through February 1, then project will not include survey and work will continue under No Effect determination based upon assumption owls will have migrated to wintering areas.
Ferruginous Hawk	*Buteo regalis*	G3	Primarily found in open areas such as grasslands that are arid or semiarid. May include outcrops, shallow canyons, or gullies.	Nesting not expected in the few isolated trees onsite. Foraging habitat is likely, but individuals will modify behavior to avoid construction areas. A nesting survey will be completed at additional work areas before construction work. Assuming no active nesting is identified, the project will be determined to have No Effect. If work is to occur from September 1 through February 1, then project will not include survey and work will continue under No Effect determination based upon assumption the nest is inactive and adults have migrated from breeding area.
Golden Eagle	*Aquila chrysaetos*	G3	Found in open country around mountains, hills, and cliffs. Nests on cliffs and steep escarpments.	Nesting not expected in the few isolated trees onsite. Foraging habitat is likely, but individuals will modify behavior to avoid construction areas. Active nests will be surveyed as part of recommended nesting surveys for other species. Assuming no active nesting is identified, the project will be determined to have No Effect. If work is to occur from August 1 through January 1, then nests are assumed to be vacated by young and then project will not include survey for work based upon a No Effect Determination.
Mountain Plover	*Charadrius montanus*	G4	Habitat is short grass prairie and shrub steppes.	Absence of habitat. No Effect.
Peregrine Falcon	*Falco peregrinus*	G4	Preferred habitat is open country and cliffs.	Nesting habitat not expected to be onsite. Foraging habitat is possible, but individuals will modify behavior to avoid construction areas. A nesting survey will be completed before construction work. Assuming no active nesting is identified, the project will be determined to have No Effect. If work is to occur from August 1 through February 1, then nests are assumed to be vacated by young and then project will not include survey for work based upon a No Effect Determination.

Notes:

*Species listed as G3 are endangered. A G4 designation indicates that Navajo Nation Fish and Wildlife does not have sufficient information to list the species as G3 but has reason to consider it endangered.

**All birds listed here are protected under the Migratory Bird Treaty Act.

FIGURES





Legend

- Haystack Mine Location
- Cities of Grants and Gallup Locations
- Surrounding Locations
- County Boundary
- Navajo Nation Boundary

0 5 10
Miles

Base Image Source: ESRI World Imagery 2016

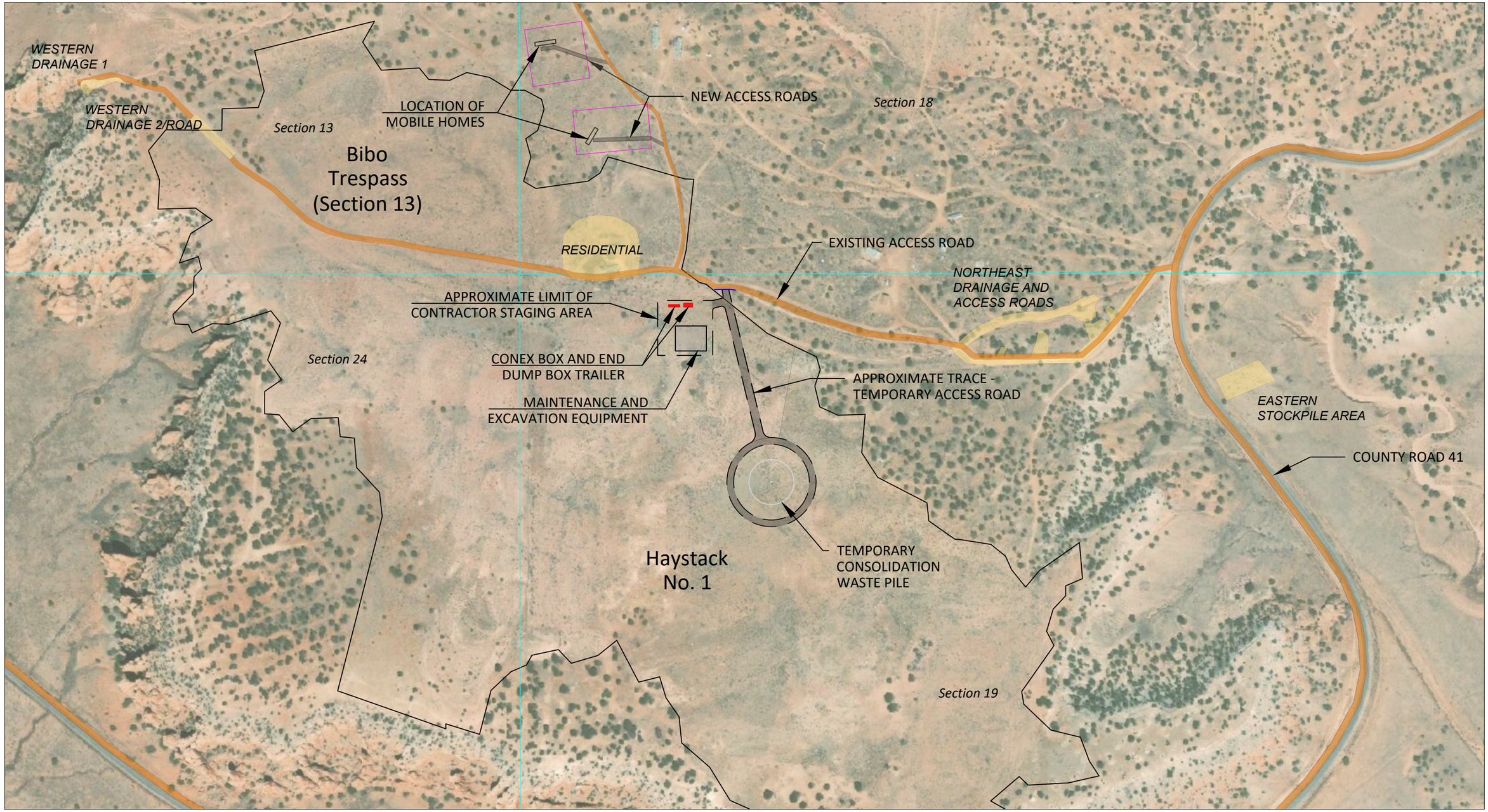
BNSF
HAYSTACK MINE, NEW MEXICO

GENERAL SITE LOCATION MAP

ARCADIS Design & Consultancy for natural and built assets

FIGURE 1

User: kgpeters Location: On-Site Citrix
Path: Z:\GISProjects_ENV\BNSF\BNSF_HAYSTACKMINE_NM\MXD\RemovalWorkPlan\Figure1_GeneralSiteLocationMap.mxd



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- Abandoned Uranium Mine (AUM) Boundary
- Time Critical Removal Action Area (per AOC)
- Existing Access Road
- New Access Road
- Section Public Land Survey System (PLSS) Grid
- Location of New Residential Area
- Proposed Waste Pile
- Location of Contractor Facilities

N

0 400 800 Feet

BNSF
HAYSTACK MINE, NEW MEXICO

SITE MAP

ARCADIS Design & Consultancy for natural and built assets

FIGURE
2

PATH: C:\Users\mmcgonagle\ARCADIS\BNSF Haystack AUM - General\Site Map\Final Construction DWGs\HaystackMine_TCRA Site Map.dwg LAYOUT: SITE MAP SAVED: 4/21/2020 12:41 PM ACADVER: 23.0S (LMS TECH) PAGESETUP: --- PLOTSTYLETABLE: MONOCHROME.CTB PLOTTED: 4/21/2020 12:41PM BY: MCGONAGLE, MORGAN

ATTACHMENT 1

Biological Resources Compliance Forms for Residential Lease Areas

NNDFW Review No. 19NRL-47

BIOLOGICAL RESOURCES COMPLIANCE FORM
NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE
P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480

It is the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts. This form does not preclude or replace consultation with the U.S. Fish and Wildlife Service if a Federally-listed species is affected.

PROJECT NAME & NO.: Residential Lease for Lolita Vandever - IA#277031

DESCRIPTION: Biological resources compliance for a 1.00-acre residential lease.

LOCATION: 232267E 3915632N (datum unknown), Baca/Prewitt Chapter, McKinley County, New Mexico

REPRESENTATIVE: Tina K Yazzie-Toledo, Realty Assistant, BIA Eastern Navajo Agency

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Request for review & concurrence/23 AUG 2019/BIA ENA

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/11 SEP 2019

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation:
- ☒ Approval
- ☐ Conditional Approval (with memo)
- ☐ Disapproval (with memo)
- ☐ Categorical Exclusion (with request letter)
- ☐ None (with memo)

Signature: Date: 9/11/19

Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife

*I understand and accept the conditions of compliance, and acknowledge that lack of signature may be grounds for the Department not recommending the above described project for approval to the Tribal Decision-maker.

Representative's signature Date

NNDFW Review No. 19NRL-49

BIOLOGICAL RESOURCES COMPLIANCE FORM
NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE
P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480

It is the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts. This form does not preclude or replace consultation with the U.S. Fish and Wildlife Service if a Federally-listed species is affected.

PROJECT NAME & NO.: Residential Lease for Tom Vandever Sr. & Lena Vandever - IA#277031

DESCRIPTION: Biological resources compliance for a 1.00-acre residential lease.

LOCATION: 232343E 3915581N (datum unknown), Baca/Prewitt Chapter, McKinley County, New Mexico

REPRESENTATIVE: Tina K Yazzie-Toledo, Realty Assistant, BIA Eastern Navajo Agency

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Request for review & concurrence/23 AUG 2019/BIA ENA

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/11 SEP 2019

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation:
- ☒ Approval
- ☐ Conditional Approval (with memo)
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- ☐ None (with memo)

Signature: Date: 9/11/19

Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife

*I understand and accept the conditions of compliance, and acknowledge that lack of signature may be grounds for the Department not recommending the above described project for approval to the Tribal Decision-maker.

Representative's signature Date

ATTACHMENT 2

Previous Navajo Natural Heritage Program Database Search Results

NNHP
Navajo Natural Heritage Program

PO Box 1480
Window Rock, AZ
86515

P 928.871.6472
F 928.871.7603

http://nnhp.nndfw.org

17arcd101

12-January-2017

Todd Udvig - Project Ecologist
Arcadis U.S., Inc.
430 First Avenue North
Suite 720
Minneapolis, MN 55401

SUBJECT: Haystack Area Abandoned Uranium Mine (AUM) Sites

Todd Udvig,

NNHP has performed an analysis of your project in comparison to known biological resources of the Navajo Nation and has included the findings in this letter. The letter is composed of seven parts. The sections as they appear in the letter are:

1. **Known Species** – a list of all species within relative proximity to the project
2. **Potential Species** – a list of potential species based on project proximity to respective suitable habitat
3. **Quadrangles** – an exhaustive list of quads containing the project
4. **Project Summary** – a categorized list of biological resources within relative proximity to the project grouped by individual project site(s) or quads
5. **Conditional Criteria Notes** – additional details concerning various species, habitat, etc.
6. **Personnel Contacts** – a list of employee contacts
7. **Resources** – identifies sources for further information

Known Species lists “species of concern” known to occur within proximity to the project area. Planning for avoidance of these species is expected. If no species are displayed then based upon the records of the Navajo Nation Department of Fish and Wildlife (NNDFW) there are no “species of concern” within proximity to the project. Refer to the Navajo Endangered Species List (NESL) Species Accounts for recommended avoidance measures, biology, and distribution of NESL species on the Navajo Nation (http://nnhp.nndfw.org/sp_account.htm).

Potential Species lists species that are potentially within proximity to the project area and need to be evaluated for presence/absence. If no species are found within the Known or Potential Species lists, the project is not expected to affect any federally listed species, nor significantly impact any tribally listed species or other species of concern. Potential for species has been determined primarily on habitat characteristics and species range information. A thorough habitat analysis, and if necessary, species specific surveys, are required to determine the potential for each species.

Species of concern include protected, candidate, and other rare or otherwise sensitive species, including certain native species and species of economic or cultural significance. For legally protected species, the following tribal and federal statuses are indicated: NESL, federal Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), and Eagle Protection Act (EPA). No legal protection is afforded species with only

ESA candidate, NESL group 4 status, and species listed on the Sensitive Species List. Please be aware of these species during surveys and inform the NNDFW of observations. Reported observations of these species and documenting them in project planning and management is important for conservation and may contribute to ensuring they will not be up listed in the future.

In any and all correspondence with NNDFW or NNHP concerning this project please cite the Data Request Code associated with this document. It can be found in this report on the top right corner of the every page. Additionally please cite this code in any biological evaluation documents returned to our office.

1. Known Species *(NESL=Navajo Endangered Species List, FE=Federally Endangered, FT=Federally Threatened, FC=Federal Candidate)*

Species

None

2. Potential Species

Species

AQCH = Aquila chrysaetos / Golden Eagle NESL G3
ATCU = Athene cunicularia / Burrowing Owl NESL G4
BURE = Buteo regalis / Ferruginous Hawk NESL G3
CHMO = Charadrius montanus / Mountain Plover NESL G4
FAPE = Falco peregrinus / Peregrine Falcon NESL G4

3. Quadrangles (7.5 Minute)

Quadrangles

Bluewater (35107-C8) / NM

4. Project Summary *(EO1 Mile/EO 3 Miles=elements occuring within 1 & 3 miles., MSO=mexican spotted owl PACs, POTS=potential species, RCP=Biological Areas)*

SITE	EO1MI	EO3MI	QUAD	MSO	POTS	AREAS
Bibo Trespass	None	None	Bluewater (35107-C8) / NM	None	FAPE, CHMO, BURE, ATCU, AQCH	Area 2, Area 3
Haystack	None	None	Bluewater (35107-C8) / NM	None	FAPE, CHMO, BURE, ATCU, AQCH	Area 2
Haystack No. 1	None	None	Bluewater (35107-C8) / NM	None	FAPE, CHMO, BURE, ATCU, AQCH	Area 2, Area 3
Section 24	None	None	Bluewater (35107-C8) / NM	None	FAPE, CHMO, BURE, ATCU, AQCH	Area 3

5. Conditional Criteria Notes *(Recent revisions made please read thoroughly. For certain species, and/or circumstances, please read and comply)*

A. **Biological Resource Land Use Clearance Policies and Procedures (RCP)** - The purpose of the RCP is to assist the Navajo Nation government and chapters ensure compliance with federal and Navajo laws which protect, wildlife resources, including plants, and their habitat resulting in an expedited land use clearance process. After years of research and study, the NNDFW has identified and mapped wildlife habitat and sensitive areas that cover the entire Navajo Nation.
The following is a brief summary of six (6) wildlife areas:
1.***Highly Sensitive Area*** – recommended no development with few exceptions.
2.***Moderately Sensitive Area*** – moderate restrictions on development to avoid sensitive species/habitats.
3.***Less Sensitive Area*** – fewest restrictions on development.
4.***Community Development Area*** – areas in and around towns with few or no restrictions on development.
5.***Biological Preserve*** – no development unless compatible with the purpose of this area.
6.***Recreation Area*** – no development unless compatible with the purpose of this area.
None - outside the boundaries of the Navajo Nation
This is not intended to be a full description of the RCP please refer to the our website for additional information at http://www.nndfw.org/clup.htm.

B. **Raptors** – If raptors are known to occur within 1 mile of project location: Contact Chad Smith at 871-7070 regarding your evaluation of potential impacts and mitigation.
o **Golden and Bald Eagles**- If Golden or Bald Eagle are known to occur within 1 mile of the project, decision makers need to ensure that they are not in violation of the Golden and Bald Eagle Nest Protection Regulations found at http://nnhp.nndfw.org/docs_reps/gben.pdf.
o **Ferruginous Hawks** – Refer to "Navajo Nation Department of Fish and Wildlife's Ferruginous Hawk Management Guidelines for Nest Protection" http://nnhp.nndfw.org/docs_reps.htm for relevant information on avoiding impacts to Ferruginous Hawks within 1 mile of project location.
o **Mexican Spotted Owl** - Please refer to the Navajo Nation Mexican Spotted Owl Management Plan http://nnhp.nndfw.org/docs_reps.htm for relevant information on proper project planning near/within spotted owl protected activity centers and habitat.

C. **Surveys** – Biological surveys need to be conducted during the appropriate season to ensure they are complete and accurate please refer to NN Species Accounts http://nnhp.nndfw.org/sp_account.htm. Surveyors on the Navajo Nation must be permitted by the Director, NNDFW. Contact Jeff Cole at (928) 871-7068 for permitting procedures. Questions pertaining to surveys should be directed to the NNDFW Zoologist (Chad Smith) for animals at 871-7070, and Botanist (Andrea Hazelton) for plants at (928)523-3221. Questions regarding biological evaluation should be directed to Jeff Cole at 871-7068.

D. **Oil/Gas Lease Sales** – Any settling or evaporation pits that could hold contaminants should be lined and covered. Covering pits, with a net or other material, will deter waterfowl and other migratory bird use. Lining pits will protect ground water quality.

E. **Power line Projects** – These projects need to ensure that they do not violate the regulations set forth in the Navajo Nation Raptor Electrocution Prevention Regulations found at http://nnhp.nndfw.org/docs_reps/repr.pdf.

F. **Guy Wires** – Does the project design include guy wires for structural support? If so, and if bird species may occur in relatively high concentrations in the project area, then guy wires should be equipped with highly visual markers to reduce the potential mortality due to bird-guy wire collisions. Examples of visual markers include aviation balls and bird flight diverters. Birds can be expected to occur in relatively high concentrations along migration routes (e.g., rivers, ridges or other distinctive linear topographic features) or where important habitat for breeding, feeding, roosting, etc. occurs. The U.S. Fish and Wildlife Service recommends marking guy wires with at least one marker per 100 meters of wire.

G. **San Juan River** – On 21 March 1994 (Federal Register, Vol. 59, No. 54), the U.S. Fish and Wildlife Service designated portions of the San Juan River (SJR) as critical habitat for Ptychocheilus lucius (Colorado pikeminnow) and Xyrauchen texanus (Razorback sucker). Colorado pikeminnow critical habitat includes the SJR and its 100-year floodplain from the State Route 371 Bridge in T29N, R13W, sec. 17 (New Mexico Meridian) to Neskahai Canyon in the San Juan arm of Lake Powell in T41S, R11E, sec. 26 (Salt Lake Meridian) up to the full pool elevation. Razorback sucker critical habitat includes the SJR and its 100-year floodplain from the Hogback Diversion in T29N, R16W, sec. 9 (New Mexico Meridian) to the full pool elevation at the mouth of Neskahai Canyon on the San Juan arm of Lake Powell in T41S, R11E, sec. 26 (Salt Lake Meridian). All actions carried out, funded or authorized by a federal agency which may alter the constituent elements of critical habitat must undergo section 7 consultation under the Endangered Species Act of 1973, as amended. Constituent elements are those physical and biological attributes essential to a species conservation and include, but are not limited to, water, physical habitat, and biological environment as required for each particular life stage of a species.

H. **Little Colorado River** - On 21 March 1994 (Federal Register, Vol. 59, No. 54) the U.S. Fish and Wildlife Service designated Critical Habitat along portions of the Colorado and Little Colorado Rivers (LCR) for Gila cypha (humpback chub). Within or adjacent to the Navajo Nation this critical habitat includes the LCR and its 100-year floodplain from river mile 8 in T32N R6E, sec. 12 (Salt and Gila River Meridian) to its confluence with the Colorado River in T32N R5E sec. 1 (S&GRM) and the Colorado River and 100-year floodplain from Nautuloid Canyon (River Mile 34) T36N R5E sec. 35 (S&GRM) to its confluence with the LCR. All actions carried out, funded or authorized by a federal agency which may alter the constituent elements of Critical Habitat must undergo section 7 consultation under the Endangered Species Act of 1973, as amended. Constituent elements are those physical and biological attributes essential to a species conservation and include, but are not limited to, water, physical habitat, and biological environment as required for each particular life stage of a species.

I. **Wetlands** – In Arizona and New Mexico, potential impacts to wetlands should also be evaluated. The U.S. Fish & Wildlife Service's National Wetlands Inventory (NWI) maps should be examined to determine whether areas classified as wetlands are located close enough to the project site(s) to be impacted. In cases where the maps are inconclusive (e.g., due to their small scale), field surveys must be completed. For field surveys, wetlands identification and delineation methodology contained in the "Corps of Engineers Wetlands Delineation Manual" (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. NWI maps are available for examination at the Navajo Natural Heritage Program (NNHP) office, or may be purchased through the U.S. Geological Survey (order forms are available through the NNHP). The NNHP has complete coverage of the Navajo Nation, excluding Utah, at 1:100,000 scale; and coverage at 1:24,000 scale in the southwestern portion of the Navajo Nation. In Utah, the U.S. Fish & Wildlife Service's National Wetlands Inventory maps are not yet available for the Utah portion of the Navajo Nation, therefore, field surveys should be completed to determine whether wetlands are located close enough to the project site(s) to be impacted. For field surveys, wetlands identification and delineation methodology contained in the "Corps of Engineers Wetlands Delineation Manual" (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. For more information contact the Navajo Environmental Protection Agency’s Water Quality Program.

J. **Life Length of Data Request** – The information in this report was identified by the NNHP and NNDFW's biologists and computerized database, and is based on data available at the time of this response. If project planning takes more than two (02) years from the date of this response, verification of the information provided herein is necessary. It should not be regarded as the final statement on the occurrence of any species, nor should it substitute for on-site surveys. Also, because the NNDFW information is continually updated, any given information response is only wholly appropriate for its respective request.

K. **Ground Water Pumping** - Projects involving the ground water pumping for mining operations, agricultural projects or commercial wells (including municipal wells) will have to provide an analysis on the effects to surface water and address potential impacts on all aquatic and/or wetlands species listed below. NESL Species potentially impacted by ground water pumping: Carex specuicola (Navajo Sedge), Cirsium rydbergii (Rydberg's Thistle), Primula specuicola (Cave Primrose), Platanthera zothecina (Alcove Bog Orchid), Puccinellia parishii (Parish Alkali Grass), Zigadenus vaginatus (Alcove Death Camas), Perityle specuicola (Alcove Rock Daisy), Symphyotrichum welshii (Welsh’s American-aster), Coccyzus americanus (Yellow-billed Cuckoo), Empidonax traillii extimus (Southwestern Willow Flycatcher), Rana pipiens (Northern Leopard Frog), Gila cypha (Humpback Chub), Gila robusta (Roundtail Chub), Ptychocheilus lucius (Colorado Pikeminnow), Xyrauchen texanus (Razorback Sucker), Cinclus mexicanus (American Dipper), Speyeria nokomis (Western Seep Fritillary), Aechmophorus clarkia (Clark's Grebe), Ceryle alcyon (Belted Kingfisher), Dendroica petechia (Yellow Warbler), Porzana carolina (Sora), Catostomus discobolus (Bluehead Sucker), Cottus bairdi (Mottled Sculpin), Oxyloma kanabense (Kanab Ambersnail)

6. Personnel Contacts

Wildlife Manager
Sam Diswood
928.871.7062
sdiswood@nndfw.org

Zoologist
Chad Smith
928.871.7070
csmith@nndfw.org

Botanist
Nora Talkington
ntalkington@nndfw.org

Biological Reviewer
Pamela Kyselka
928.871.7065
pkyselka@nndfw.org

GIS Supervisor
Dexter D Prall
928.645.2898
prall@nndfw.org

Wildlife Tech
Sonja Detsoi
928.871.6472
sdetsoi@nndfw.org

7. Resources

National Environmental Policy Act

Navajo Endangered Species List:
http://nnhp.nndfw.org/endangered.htm

Species Accounts:
http://nnhp.nndfw.org/sp_account.htm

Biological Investigation Permit Application
http://nnhp.nndfw.org/study_permit.htm

Navajo Nation Sensitive Species List
http://nnhp.nndfw.org/study_permit.htm

Various Species Management and/or Document and Reports
http://nnhp.nndfw.org/docs_reps.htm

Consultant List
(Coming Soon)

Dexter D Prall, GIS Supervisor - Natural Heritage Program
Navajo Nation Department of Fish and Wildlife

NNHP
Navajo Natural Heritage Program

PO Box 1480
Window Rock, AZ
86515

P 928.871.6472
F 928.871.7603

http://nnhp.nndfw.org

Invoice for 17arcd101

1/12/2017

Please make payable to NAVAJO NATION

Project Measurements

Total Number of Quads:	1
Number of Additional Quads:	0
Cost ($75 plus $5 each additional Quad):	$75.00

(Please cut along the dashed line and return with payment)

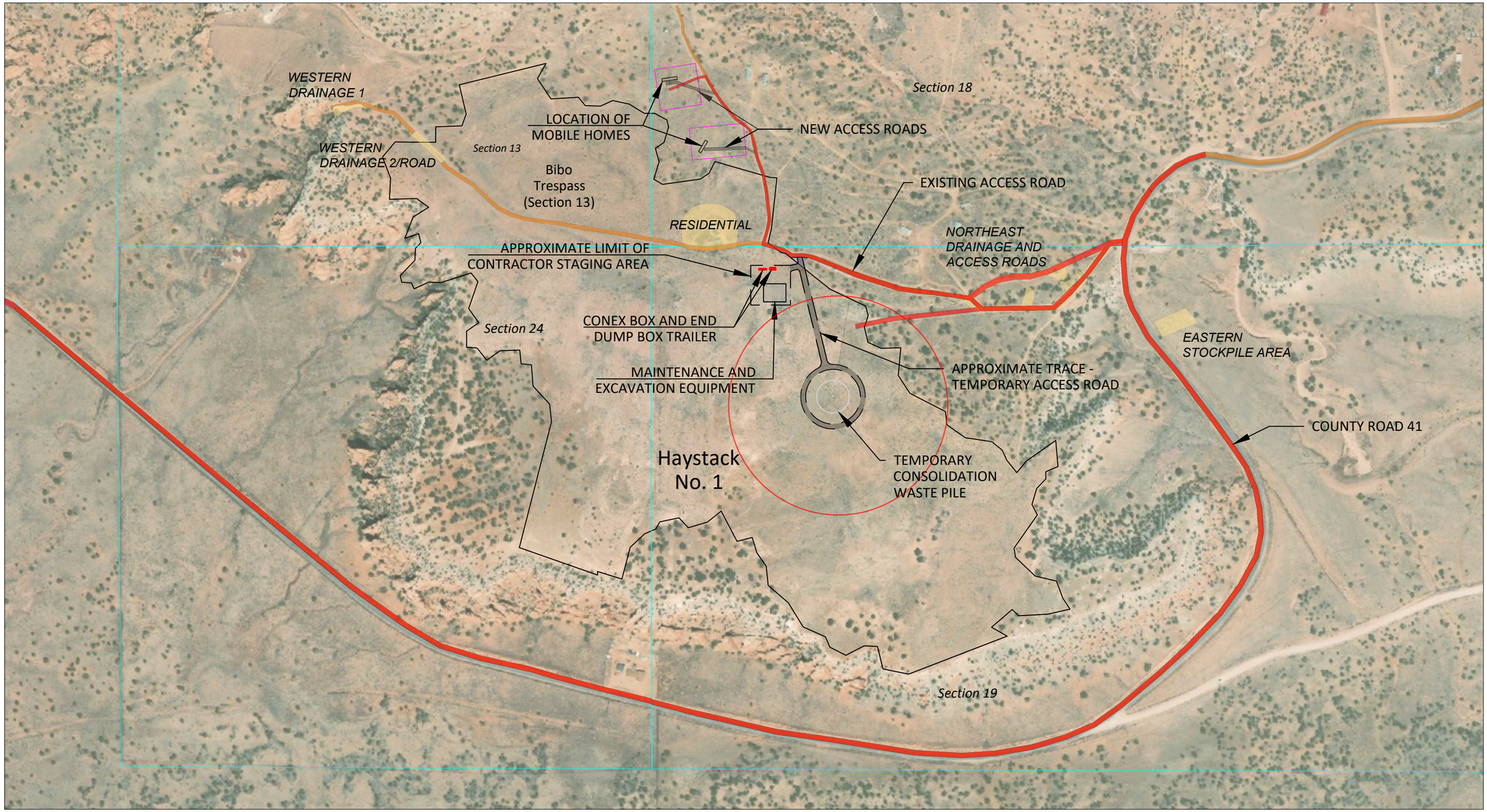
Navajo Natural Heritage Program
PO Box 1480
Window Rock, AZ 86515

1/12/2017

PLEASE PAY THIS AMOUNT

Payment for Data Response 17arcd101 — $75.00

Please make payable to NAVAJO NATION



Legend

- Abandoned Uranium Mine (AUM) Boundary
- Time Critical Removal Action Area (per AOC)
- Existing Access Road
- New Access Road
- Section Public Land Survey System (PLSS) Grid
- Biological Survey Route
- Location of New Residential Area
- Proposed Waste Pile
- Location of Contractor Facilities
- Biological Survey Area

N

0 400 800 Feet

BNSF
HAYSTACK MINE, NEW MEXICO
TCRA WASTE DISPOSAL FACILITY

SITE MAP

ARCADIS Design & Consultancy for natural and built assets

FIGURE 2

PATH: C:\Users\mmcgonagle\ARCADIS\BNSF Haystack AUM - General\Site Map\Final Construction DWGs\HaystackMine_TCRA Site Map.dwg LAYOUT: SITE MAP_ZOOMOUT SAVED: 1/19/2021 2:35 PM ACADVER: 23.0S (LMS TECH) PAGESETUP: ---- PLOTSTYLETABLE: MONOCHROME.CTB PLOTTED: 1/19/2021 2:41 PM BY: MCGONAGLE, MORGAN

Appendix C

Stormwater Pollution Prevention Plan

Stormwater Pollution Prevention Plan (SWPPP)
for Construction Activities at:
Haystack Mines Site
Removal Work Plan

Baca/Prewitt Chapter, Navajo Nation
McKinley County, New Mexico

SWPPP Prepared For:

Burlington Northern and Santa Fe (BNSF)Railway Company
740 E. Carnegie Drive
San Bernardino, CA 92408
(909) 386-4081

SWPPP Prepared By:

Arcadis U.S., Inc.
320 Commerce, Suite 200
Irvine, California 92602
Tel (714) 730 9052
Fax (714) 730 9345

SWPPP Preparation Date:

1/17/2020

Estimated Project Dates:

Project Start Date:

02/01/2020

Project Completion Date:

12/31/2020

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Appendix I SWPPP Training Log
Appendix J Delegation of Authority
Appendix K Endangered Species Documentation
Appendix L Historic Preservation Documentation
Appendix M Rainfall Record
Appendix N Typical Drawings for BMPs

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SECTION 1: CONTACT INFORMATION/RESPONSIBLE PARTIES

1.1 Operator(s)/ Contractor/ Subcontractor(s)

Operator(s):

Burlington Northern and Santa Fe (BNSF)Railway Company
Mike W. Makerov
740 East Carnegie Drive
San Bernardino, CA 92408
Tel: (909) 386-4081
Email: Mike.makerov@bnsf.com

Contractor(s):

Arcadis U.S., Inc.
Ali Harmon
123 North Third Street, Suite 705
Minneapolis, MN 55401
Tel: (612) 373 0229
Email: Ali. Harmon@arcadis.com

Subcontractor(s):

Iina Ba, Inc.
John Isham
1812 Schofield Lane
Farmington, NM 87401
Tel: (505) 327 1072
Email: jisham@iinaba.com

Emergency 24-Hour Contact:

Ali Harmon
123 North Third Street, Suite 705
Minneapolis, MN 55401
Tel: (612) 373 0229
Email: Ali. Harmon@arcadis.com

1.2 Stormwater Team

STORMWATER TEAM		
Name and/or position, and contact	**Responsibilities**	**I Have Read the CGP and Understand the Applicable Requirements**
Mike W. Makerov BNSF Project Manager Tel: (909) 386-4081 Email: Mike.makerov@bnsf.com	BNSF Project Manager	☒ Yes Date: 9/17/2019
Ali Harmon 123 North Third Street Suite 705 Minneapolis, MN 55401 Tel: (612) 373-0029 Email: Ali.Harmon@arcadis.com	Arcadis Project Manager	☒ Yes Date: 9/13/2019
John Isham 1812 Schofield Lane Farmington, NM 87401 Tel: (505) 327 1072 Email: jisham@iinaba.com	Iina Ba Project Manager	☒ Yes Date: 11/26/2019

SECTION 2: SITE EVALUATION, ASSESSMENT, AND PLANNING

2.1 Project/Site Information

Project Name and Address

Project/Site Name: Haystack Mines Site

Project Street/Location: Baca/Prewitt Chapter, Navajo Nation

City: Rural location within Coyote Canyon NW and Ear Rock Quadrangles, 5 miles east of Prewitt

State: New Mexico

ZIP Code:

County: McKinley County

Business days and hours for the project: M - F; 7:00 am to 8:00 pm

Project Latitude/Longitude: Latitude: 35.347477° Longitude: -107.946556°

Latitude/longitude data source:

☐ Map ☒ GPS ☐ Other (please specify): _____

Horizontal Reference Datum:

☐ NAD 27 ☒ NAD 83 ☐ WGS 84

Additional Project Information

Are you requesting permit coverage as a "federal operator" as defined in Appendix A of the 2017 CGP? ☐ Yes ☒ No

Is the project/site located on Indian country lands, or located on a property of religious or cultural significance to an Indian tribe? ☒ Yes ☐ No

If yes, provide the name of the Indian tribe associated with the area of Indian country (including the name of Indian reservation if applicable), or if not in Indian country, provide the name of the Indian tribe associated with the property: **NAVAJO NATION**

If you are conducting earth-disturbing activities in response to a public emergency, document the cause of the public emergency *(e.g., natural disaster, extreme flooding conditions)*, information substantiating its occurrence *(e.g., state disaster declaration)*, and a description of the construction necessary to reestablish effective public services: **NOT APPLICABLE**

2.2 Discharge Information

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? ☐ Yes ☒ No

Are there any waters of the U.S. within 50 feet of your project's earth disturbances? ☐ Yes ☒ No

Discharge Points

Point of Discharge ID	Name of receiving water	Is the receiving water impaired (on the CWA 303(d) list)?	Has a TMDL been completed for this receiving waterbody?	Is this receiving water designated as a Tier 2, Tier 2.5, or Tier 3 water?
001	Unnamed tributary to San Mateo Creek	☐ Yes ☒ No	☐ Yes ☒ No	☐ Yes ☒ No
002	Unnamed tributary to Mitchel Draw	☐ Yes ☒ No	☐ Yes ☒ No	☐ Yes ☒ No

2.3 Nature of the Construction Activities

2.3.1 General Description of Project

On behalf of BNSF Railway Company (BNSF), Arcadis U.S., Inc. (Arcadis) prepared this SWPPP for the Haystack Mines Site Time Critical Removal Action (TCRA) Work Plan (Work Plan). The Work Plan was prepared in accordance with the provisions of the interim TCRA Administrative Settlement Agreement and Order on Consent for Removal Action (AOC). The Work Plan will be implemented pursuant to the AOC (Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA] Docket No. 09-2017-02 and Docket No. 06-02-17) executed between the United States Environmental Protection Agency (USEPA) Region 9 and BNSF.

The TCRA areas are located in Sections 13, 18, and 19 in the Baca/Prewitt Chapter of the Navajo Nation, McKinley County, New Mexico (Site) as shown on **Figure 3**. One residence (with two primary structures) is located within the boundaries of a TCRA area and approximately 10 residences and a church are located within ½ mile of the overall site area.

The nature of construction activities described in the Work Plan include removal of surface material to the shallower of: the maximum depth for each area, which is provided below; the top of the bedrock or refusal; or the depth at which a surface survey yields a gamma count of less than 75,000 counts per minute (cpm). At BNSF's discretion, backfill or cover may be used in lieu of additional excavation to ensure that the surface survey yields a gamma count of less than 75,000 cpm. Restoration of the TCRA areas will be performed, as needed. Waste rock, soil, and other material removed from the TCRA areas will be placed in a consolidated waste pile(s). This consolidated waste pile(s) is planned for Haystack No. 1 AUM, within Section 19.

Arcadis anticipates using three primary removal methods to achieve the objectives of this TCRA and optional restoration tasks, with selection of preferred removal method for each site dependent on the particular site characteristics. From preliminary observations, the TCRA areas and potential test pits appear to vary in physical setting, distribution, and homogeneity of radiologically elevated material (e.g., isolated pieces of waste rock vs. elevated concentrations distributed throughout specific volumes of soils). By using three potential removal methods instead of selecting one, Arcadis' objective is to minimize disturbance, waste handling, and restoration efforts while still meeting the TCRA objectives. The three primary removal methods anticipated for TCRA removal activities are manual, vacuum, and mechanical removal:

1. Manual removal. This method may be applicable for material that consists of discrete waste rock (not including soil matrix) that exhibits radionuclide activity in excess of the removal objectives, and is either too large for vacuum removal or is not of sufficient content to warrant removal by mechanical or vacuum methods.
2. Vacuum removal. Vacuum removal may be applicable for material that consists of discrete waste rock and surficial soil that does not penetrate to depth, and of a size and quantity that does not warrant mechanical removal. Furthermore, this method will be appropriate for removal of material from within drip lines of trees that are intended to remain (to avoid damage to root systems), as well as to remove material from underneath structures or remote areas that do not allow heavy equipment access.

3. Mechanical removal. This method will be applicable to areas requiring bulk removal of waste rock and/or affected soil, and to depths, material size, and quantities that exceed the capacity of manual and vacuum removal.

Gamma survey instrumentation (i.e., Ludlum 2241 ratemeter with a 3-inch x 3-inch probe) will help guide the removal process.

Descriptions and objectives for each of the TCRA areas (**Figure 3**) are summarized below:

1. Northeast access road. This area is a residential access road with eroded surface drainage channels (**Figure 4**). Work in this area requires removal of surficial soil piles, to a maximum depth of 1 foot below ground surface (bgs), located along the southern fence line of the entrance road leading from Red Mountain Road (County Road 41) to the residences on Haystack Butte.
2. Northeast drainage. This area is a drainage channel extending along the northeast access road (**Figure 4**). Work in this area requires removal of surficial ore-bearing material, to a maximum depth of 1 foot bgs, along an approximately 100-foot section of drainage north of the northeast access road to its end point at County Road 41.
3. Residential area. This area consists of two trailers and other structures housing up to eight residents and parts of the surrounding field (**Figure 5**). Work in this area requires removal of surficial ore-bearing material, to a maximum depth of 2 feet bgs, in the area surrounding the residence located near the southwest corner of Section 18, and the one-acre area surrounding the residence.
4. Western Drainage 2/road. This area consists of an unimproved road (**Figure 6**). Work will consist of removal of surficial ore-bearing material along approximately 100 feet of road, to a maximum depth of 2 feet bgs.
5. Western Drainage 1. This area is immediately above the cliffs forming the western edge of Haystack Butte (**Figure 7**). Work in this area requires removal of surficial ore-bearing material to a maximum depth of 1 foot bgs and optional construction of storm water erosion controls, at the discretion of BNSF. The scope of TCRA activities in this area are limited to removal of waste rock at and or near the head of the drainage as accessed from the top of the cliff area.
6. East stockpile. This is a former stockpiling area (approximately 50 by 50 feet) for mine materials and is the one TCRA area below Haystack Butte (**Figure 8**). Work in this area will include a surface gamma scan comparable to that performed during the 2014 removal assessment (Weston 2015). If required, removal of surficial ore-bearing material will extend to a maximum depth of 2 feet bgs.
7. Various test pits located in the southern portion of Section 19 may be backfilled during the same time period that the TCRA activities are performed. The previously excavated material, typically located next to each test pit depression, will be used to backfill the depression if a surface gamma survey of the soil yields a gamma count of less than 75,000 cpm or is comparable to native material immediately adjacent to the test pit. If the previously excavated soil does not meet these criteria it will be placed in the consolidated waste pile, and the test pit depression will be backfilled with clean imported backfill.

2.3.2 Size of Construction Site

Size of Property	• Haystack No. 1 AUM - approximately 69 acres. • Bibo Trespass AUM - approximately 22 acres. • Section 24 AUM - approximately 27 acres.
Total Area Expected to be Disturbed by Construction Activities	Approximately 4.3 acres
Maximum Area Expected to be Disturbed at Any One Time	Approximately 4.3 acres

Type of Construction Site *(check all that apply):*

☒ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Industrial

☐ Institutional ☐ Highway or Road ☐ Utility ☒ Other: Remediation

Will there be demolition of any structure built or renovated before January 1, 1980? UNKNOWN	☐ Yes	☐ No	
If yes, do any of the structures being demolished have at least 10,000 square feet of floor space?	☐ Yes	☒ No	☐ N/A
Was the pre-development land use used for agriculture (see Appendix A for definition of "agricultural land")?	☐ Yes	☒ No	

2.3.3 Pollutant-Generating Activities

Liquid or soluble materials including fuel, oil, other petroleum products, other chemicals and hazardous substances will be properly stored, to prevent spills, leaks or other discharges. Restricted access to storage areas will be provided to prevent vandalism. Storage and disposal of solid and hazardous wastes will be in compliance with applicable regulations.

Pollutant-Generating Activity (e.g., paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations)	**Pollutants or Pollutant Constituents** (e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels)
Remediation and backfill	Sediment, contaminated substrates
Residential Construction	Paints, caulks, sealants, fluorescent light ballasts, solvents, oils, petroleum products, fuels

2.3.4 Construction Support Activities

Construction support activities for the project will include equipment staging and laydown areas, material storage areas, and temporary waste storage areas. Arcadis proposes to stage office trailer(s), sanitary facilities, tool crib, and heavy construction equipment in the Haystack No. 1 AUM boundary, within Section 19 (this area is subject to change prior to field activities). Access will be restricted to the staging area and any construction areas during the removal activities. Visitors will be met by the on-site Construction Manager.

Backfill for restoration will be obtained from commercially available sources; site or local borrow materials are not anticipated to be used. The backfill material will be placed in the designated footprint of excavation and will be spread and compacted using construction equipment. Backfill and grading will restore areas of excavation to approximate pre-removal grade. Permanent or final stabilization will be accomplished by establishing vegetative cover and/or installation of permanent stormwater controls. A seed mix, using local and native species, will be applied.

Excavated material from the TCRA areas will be hauled to a consolidation waste pile located within the Haystack No. 1 AUM, on Section 19 (the final location will be field-determined). Arcadis will check the footprint area prior to the placement of materials to ensure that vehicles can safely access and work within the storage area. Any necessary clearing and grubbing will be completed, as well as placement of erosion-control measures, prior to depositing excavated material within the waste pile area. If required for access, localized grading will be performed so construction equipment can safely access the area.

The final dimensions of the consolidation waste pile will be based on the total quantities requiring removal from the TCRA areas. The stockpile foundation will be graded using conventional construction equipment, including bulldozers, graders, and/or front-end loaders. Material excavated from the TCRA areas will be placed in the designated stockpile footprint and spread/compacted using construction equipment. The top surface will be sloped at approximately 3 percent or greater to ensure proper drainage, and the final slopes will be at a maximum grade of approximately 3:1 horizontal to vertical to minimize the potential for long-term erosion. Dust suppression measures to be implemented during these activities is described in Section 4.5 of this SWPPP.

Upon completion, the consolidation waste pile will be covered with a geotextile and soil to limit the potential for erosion. An erosion-control blanket may be utilized on the slopes, if necessary. If utilized, each blanket roll will be affixed to the soil with metal anchors as shown on **Figure 9**. Once complete, the consolidation waste pile area will be secured with a fence (e.g., five-strand barbed wire fence) and proper signage.

Contact information for construction support activity:

Iina Ba, Inc.
John Isham
1812 Schofield Lane
Farmington, NM 87401
Tel: (505) 327 1072
Email: jisham@iinaba.com

Site Location: The TCRA areas are located in Sections 13, 18, and 19 in the Baca/Prewitt Chapter of the Navajo Nation, McKinley County, New Mexico (Site) as shown on **Figure 3**.

2.4 Sequence and Estimated Dates of Construction Activities

Soil erosion and sedimentation controls will be installed prior to the start of major construction activities, such as excavation and stockpiling, clearing and grubbing, or any significant excavation within the limits of work.

The schedule for the TCRA construction activities is predicated on several tasks to be completed prior to construction including: access agreements, Cultural Resources survey (CRS), biological survey, and the preconstruction survey. Arcadis plans to provide a refined TCRA construction schedule at a future date, but has generally defined the following timelines:

- Pre-construction surveys. Surveys are anticipated to take 5 days and be completed 45 days after securing access.
- TCRA construction mobilization. TCRA construction mobilization is anticipated to take 3 days and be completed 45 days after the pre-construction surveys are complete and removal activities are finalized.
- TCRA construction activities. TCRA construction activities are anticipated to take 15 days and be completed immediately following mobilization.
- TCRA construction demobilization. TCRA construction demobilization is anticipated to take 3 days and be completed immediately following construction activities.
- Removal Completion Report. A Removal Completion Report is planned to be submitted 60 days after TCRA activities are complete.

Phase I

Preconstruction Surveys:

Cultural Resources Survey: A CRS of the Site was performed by Dinétahdóó Cultural Resources Management (DCRM). For the CRS, DCRM conducted a literature search, archeological inventory, and ethnographic interviews to identify potentially sensitive areas that may need protection during construction

Phase I

activities. The CRS report has been submitted to the Navajo Nation Heritage & Historic Preservation Office Department and the Department issued a Cultural Resources Compliance Form verifying that no historic properties will be affected by the TCRA activities. In the event of a discovery ("discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices), all operations in the immediate vicinity of the discovery will cease, and the Navajo Nation Historic Preservation Department will be notified at (928) 871-7198.

Biological Survey: A biological evaluation has been completed and submitted to the USEPA Region 9, USFWS, and NNDFW. The proposed construction activities may occur during the nesting season of the birds of interest. If construction activities occur during the nesting season and species of concern are identified within the TCRA boundaries, a field survey will be conducted during the nesting season and before construction activities to resolve any potential impacts before on-site work begins.

Preconstruction Radiological and Geological Survey: Within the TCRA boundaries, a preconstruction radiological and geological survey will be completed before construction activities to assess the distribution of radiologically elevated material within the TCRA areas and the optional restoration areas and to help verify lateral extents of removal activities. The radiological survey will include additional walkover gamma surveying to supplement the existing removal site evaluation data. Additionally, static gamma measurements will be taken in each TCRA area. The radiological assessment will evaluate, where possible, the presence of Todilto limestone and surrounding soil within the TCRA areas.

Estimated Start Date of Construction Activities for this Phase	3/2/2020
Estimated End Date of Construction Activities for this Phase	6/30/2020
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	3/2/2020
Estimated Date(s) when Stormwater Controls will be Removed	6/30/2020

Phase II

Removal activities: Three primary removal methods will be used to achieve the objectives of this TCRA and optional restoration tasks. From preliminary observations, the TCRA areas and potential test pits appear to vary in physical setting, distribution, and homogeneity of radiologically elevated material (e.g., isolated pieces of waste rock vs. volumes of homogenous elevated material). By using three potential removal methods instead of selecting one, Arcadis' objective is to minimize disturbance, waste handling, and restoration efforts while still meeting the TCRA objectives. The three primary removal methods anticipated for TCRA removal activities are manual, vacuum, and mechanical removal:

1. Manual removal. This method may be applicable for material that consists of discrete waste rock (not including soil matrix) that exhibits activity in excess of the removal objectives, and is either too large for vacuum removal or is not of sufficient content to warrant removal by mechanical or vacuum methods.
2. Vacuum removal. Vacuum removal may be applicable for material that consists of discrete waste rock and surficial soil that does not penetrate to depth, and of a size and quantity that does not warrant mechanical removal. Furthermore, this method will be appropriate for removal of material from within drip lines of trees that are intended to remain, avoid damage to root systems, as well as to remove material from remote areas that do not allow heavy equipment to access or from beneath structures.
3. Mechanical removal. This method will be applicable to areas requiring bulk removal of waste rock and/or affected soil, and to depths, material size, and quantities that exceed the capacity of manual and vacuum removal.

Phase II

Excavation work will be guided by field gamma scanning. Gamma survey instrumentation (i.e., Ludlum 2241 ratemeter with a 3-inch x 3-inch probe) will help guide the removal process.	
Estimated Start Date of Construction Activities for this Phase	3/2/2020
Estimated End Date of Construction Activities for this Phase	6/30/2020
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	3/2/2020
Estimated Date(s) when Stormwater Controls will be Removed	6/30/2020

Phase III

Confirmation gamma scanning: A confirmation gamma scan of the excavated area will be performed concurrent with excavation and after excavation of an area is complete, to confirm effective removal of TCRA waste. At least 10 static gamma count readings will be measured on a randomly selected grid system. Removal areas will be deemed acceptable when the TCRA objectives detailed in Section 1.4 of the Removal Work Plan are achieved. Gamma scanning methods will be used to confirm that each TCRA area meets the TCRA excavation and gamma confirmation objectives as put forth in the AOC (Appendix A in the Work Plan).	
Estimated Start Date of Construction Activities for this Phase	3/2/2020
Estimated End Date of Construction Activities for this Phase	6/30/2020
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	3/2/2020
Estimated Date(s) when Stormwater Controls will be Removed	6/3/2020

Phase IV

Optional Restoration: In addition to the required TCRA scope outlined above, various test pits located in the southern portion of Section 19 may be backfilled during the same time period that the TCRA activities are performed. The previously excavated material, typically located next to each test pit depression, will be used to backfill the depression if a surface gamma survey of the soil yields a gamma count of less than 75,000 cpm or is comparable to native material immediately adjacent to the test pit. If the previously excavated soil does not meet these criteria it will be placed in the consolidated waste pile and the test pit depression will be backfilled with clean imported backfill. Backfill for restoration will generally use commercially available import materials; site or local borrow materials are not anticipated to be used. The restoration material will be placed in the designated footprint and will be spread and compacted using construction equipment. Backfill and grading will restore removal areas to pre-removal condition with like kind and similar structure and vegetation. A seed mix, using local and native species, will be applied.	
Estimated Start Date of Construction Activities for this Phase	3/2/2020
Estimated End Date of Construction Activities for this Phase	6/30/2020
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	3/2/2020
Estimated Date(s) when Stormwater Controls will be Removed	6/30/2020

Phase V

Consolidation waste pile construction: Excavated material is planned to be placed in a consolidated waste pile to be located in Section 19 on Haystack Butte, within the Haystack No. 1 AUM. This area will be cleared of existing vegetation and prepared for construction. The conceptual soil consolidation area design will consist of sloped surfaces having maximum grade of 3H:1V. Arcadis will check the waste pile footprint area prior to the placement of materials to ensure that vehicles can safely access and work

Phase V

within the storage area. Any necessary clearing and grubbing will be completed, as well as placement of erosion-control measures, prior to depositing excavated material within the area. If required for access, localized grading will be performed so construction equipment can safely access the area. The final dimensions of the consolidation waste pile will be based on the total quantities requiring removal from the TCRA. A foundation will be graded using conventional construction equipment, including bulldozers, graders, and/or front-end loaders. The excavated material will be placed in the designated footprint and spread/compacted using construction equipment. The top surface will be sloped at a minimum of approximately 3 percent to ensure proper drainage and the slopes will be a maximum grade of approximately 3H:1V. Dust suppression that is required during these activities is described in Section 4.5. Upon completion, the consolidation waste pile will be covered with a geotextile and soil to limit the potential for erosion. An erosion-control blanket may be utilized on the slopes, if necessary. Each roll will be affixed to the soil with metal anchors as shown on **Figure 9**. Once complete, the consolidation waste pile will be secured with a fence (e.g., five-strand barbed wire fence) and proper signage.	
Estimated Start Date of Construction Activities for this Phase	3/2/2020
Estimated End Date of Construction Activities for this Phase	6/30/2020
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	3/2/2020
Estimated Date(s) when Stormwater Controls will be Removed	6/3/2020

2.5 Authorized Non-Stormwater Discharges

Type of Authorized Non-Stormwater Discharge	Likely to be Present at Your Site?
Discharges from emergency fire-fighting activities	☒ Yes ☐ No
Fire hydrant flushings	☐ Yes ☒ No
Landscape irrigation	☐ Yes ☒ No
Waters used to wash vehicles and equipment	☒ Yes ☐ No
Water used to control dust	☒ Yes ☐ No
Potable water including uncontaminated water line flushings	☒ Yes ☐ No
External building washdown (soaps/solvents are not used and external surfaces do not contain hazardous substances)	☐ Yes ☒ No
Pavement wash waters	☐ Yes ☒ No
Uncontaminated air conditioning or compressor condensate	☒ Yes ☐ No
Uncontaminated, non-turbid discharges of ground water or spring water	☐ Yes ☒ No
Foundation or footing drains	☐ Yes ☒ No
Construction dewatering water	☐ Yes ☒ No

2.6 Site Maps

The Site Map showing topographic features and where erosion and sediment controls will be installed is provided in **Appendix A.** The TCRA Work Plan **Figures 1 - 9** are also provided in **Appendix A**.

SECTION 3: DOCUMENTATION OF COMPLIANCE WITH OTHER FEDERAL REQUIREMENTS

3.1 Endangered Species Protection

Eligibility Criterion

Under which criterion listed in Appendix D of the CGP are you eligible for coverage under this permit?

☒ **Criterion C:** Discharges not likely to adversely affect ESA-listed species and/or designated critical habitat. ESA-listed species and/or designated critical habitat(s) under the jurisdiction of the USFWS and/or NMFS are likely to occur in or near your site's "action area," and you certify to EPA that your site's discharges and discharge-related activities are not likely to adversely affect ESA-listed threatened or endangered species and/or designated critical habitat. This certification may include consideration of any stormwater controls and/or management practices you will adopt to ensure that your discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat. To certify your eligibility under this criterion, indicate 1) the ESA-listed species and/or designated habitat located in your "action area" using the process outlined in Appendix D of this permit; 2) the distance between the site and the listed species and/or designated critical habitat in the action area (in miles); and 3) a rationale describing specifically how adverse effects to ESA-listed species will be avoided from the discharges and discharge-related activities. A copy of the site map from the SWPPP must be included showing the upland and in-water extent of your "action area" with this NOI.

Basis statement content/Supporting documentation: A basis statement supporting the selection of Criterion C should identify the information resources and expertise (e.g., state or federal biologists) used to arrive at this conclusion. Any supporting documentation should explicitly state that both ESA-listed species and designated critical habitat under the jurisdiction of the USFWS and/or NMFS were considered in the evaluation.

✓ *Resources used to make determination:*

Letter from Navajo Nation Historic Heritage Program (NNHP), dated 1/17/2017.

Biological resources information was received from USFWS, NNHP, and NMGF on 12/8/2016, 1/12/2017, and 6/6/2017.

https://ecos.fws.gov/ipac/location/4S7TTLJFW5CWPE3DMAPCRPIZYM/resources

https://ecos.fws.gov/ecp0/reports/species-by-current-range-county?fips=35031

http://bison-m.org/ReportPDFs/rptSpecies_558937433.pdf

✓ *ESA-listed Species/Critical Habitat in action area:*

See Biological Evaluation dated 7/27/2017 in **Appendix K**.

✓ *Distance between site and ESA-listed Species/Critical Habitat:*

See Biological Evaluation dated 7/27/2017 in **Appendix K**.

✓ *How adverse effects will be avoided:*

Construction activities may occur during the nesting season of the following birds: bald eagle, peregrine falcon, and gray vireo. If construction activities occur during the nesting season and species of concern are identified within the TCRA boundaries, a field survey will be conducted during the nesting season and before construction activities and a buffer maintained to minimize potential impacts.

3.2 Historic Preservation

A CRS of the Site was performed by Dinétahdóó Cultural Resources Management (DCRM). For the CRS, DCRM conducted a literature search, archeological inventory, and ethnographic interviews to identify

potentially sensitive areas that may need protection during construction activities. The CRS report has been submitted to the Navajo Nation Heritage & Historic Preservation Office Department and the Department issued a Cultural Resources Compliance Form verifying that no historic properties will be affected by the TCRA activities. In the event of a discovery ("discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices), all operations in the immediate vicinity of the discovery will cease, and the Navajo Nation Historic Preservation Department will be notified at (928) 871-7198.

Appendix E, Step 1

Do you plan on installing any of the following stormwater controls at your site? Check all that apply below, and proceed to Appendix E, Step 2.

☐ Dike

☐ Berm

☐ Catch Basin

☐ Pond

☐ Stormwater Conveyance Channel (e.g., ditch, trench, perimeter drain, swale, etc.)

☐ Culvert

☒ Other type of ground-disturbing stormwater control: Straw wattles or hay bales will protect soil from erosion caused by high winds or significant precipitation. Until the soil stabilizes, temporary erosion controls may be necessary to protect the soil in some work areas from erosion due to runoff from nearby areas. Straw wattles or hay bales and/or silt fences may be used to reduce the velocity of sheet and channel flow as it enters a work area and to trap sediment in flows leaving a work area.

Appendix E, Step 2

If you answered yes in Step 1, have prior surveys or evaluations conducted on the site already determined that historic properties do not exist, or that prior disturbances at the site have precluded the existence of historic properties? ☒ YES ☐ NO

- If yes, no further documentation is required for Section 3.2 of the Template.
- If no, proceed to Appendix E, Step 3.

Appendix E, Step 3

If you answered no in Step 2, have you determined that your installation of subsurface earth-disturbing stormwater controls will have no effect on historic properties? ☐ YES ☐ NO

If yes, provide documentation of the basis for your determination.

If no, proceed to Appendix E, Step 4.

Appendix E, Step 4

If you answered no in Step 3, did the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Office (THPO), or other tribal representative (whichever applies) respond to you within 15 calendar days to indicate whether the subsurface earth disturbances caused by the installation of stormwater controls affect historic properties? ☐ YES ☐ NO

If no, no further documentation is required for Section 3.2 of the Template.

If yes, describe the nature of their response:

- ☐ Written indication that no historic properties will be affected by the installation of stormwater controls.
- ☐ Written indication that adverse effects to historic properties from the installation of stormwater controls can be mitigated by agreed upon actions.
- ☐ No agreement has been reached regarding measures to mitigate effects to historic properties from the installation of stormwater controls.
- ☐ Other:

3.3 Safe Drinking Water Act Underground Injection Control Requirements

Do you plan to install any of the following controls? NO - NOT APPLICABLE

- ☐ Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)
- ☐ Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow
- ☐ Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)

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SECTION 4: EROSION AND SEDIMENT CONTROLS

4.1 Natural Buffers or Equivalent Sediment Controls

Buffer Compliance Alternatives

Are there any waters of the U.S. within 50 feet of your project's earth disturbances? ☒ YES ☐ NO

☒ I qualify for one of the exceptions in Part 2.2.1.b.

Buffer Exceptions

Which of the following exceptions to the buffer requirements applies to your site?

☐ There is no discharge of stormwater to the water of the U.S. that is located 50 feet from my construction disturbances.

(Note: If this exception applies, no further documentation is required for Section 4.1 of the Template.)

☒ No natural buffer exists due to preexisting development disturbances that occurred prior to the initiation of planning for this project.

(Note 1: If this exception applies, no further documentation is required for Section 4.1 of the Template.)

(Note 2: Where some natural buffer exists but portions of the area within 50 feet of the surface water are occupied by preexisting development disturbances, you must still comply with the one of the CGP Part 2.2.1.a compliance alternatives.)

☐ For a "linear construction sites" (defined in Appendix A), site constraints (e.g., limited right-of-way) make it infeasible to meet any of the CGP Part 2.2.1.a compliance alternatives. INCLUDE DOCUMENTATION HERE OF THE FOLLOWING: (1) WHY IT IS INFEASIBLE FOR YOU TO MEET ONE OF THE BUFFER COMPLIANCE ALTERNATIVES, AND (2) BUFFER WIDTH RETAINED AND/OR SUPPLEMENTAL EROSION AND SEDIMENT CONTROLS TO TREAT DISCHARGES TO THE SURFACE WATER

☐ The project qualifies as "small residential lot" construction (defined in Appendix A) (see Appendix G, Part G.3.2).

☐ For Alternative 1:

- INSERT WIDTH OF NATURAL BUFFER TO BE RETAINED
- INSERT APPLICABLE REQUIREMENTS BASED ON TABLE G-1
- INSERT DESCRIPTION OF HOW YOU WILL COMPLY WITH THESE REQUIREMENTS

☐ For Alternative 2:

- INSERT (1) THE ASSIGNED RISK LEVEL BASED ON APP. G APPLICABLE TABLE G-2 THROUGH G-6 AND (2) THE PREDOMINANT SOIL TYPE AND AVERAGE SLOPE AT YOUR SITE
- INSERT APPLICABLE REQUIREMENTS BASED ON APP. G, TABLE G-7
- INSERT DESCRIPTION OF HOW YOU WILL COMPLY WITH THESE REQUIREMENTS

☐ Buffer disturbances are authorized under a CWA Section 404 permit. INSERT DESCRIPTION OF ANY EARTH DISTURBANCES THAT WILL OCCUR WITHIN THE BUFFER AREA

(Note 1: If this exception applies, no further documentation is required for Section 4.1 of the Template.)

(Note 2: This exception only applies to the limits of disturbance authorized under the Section 404 permit, and does not apply to any upland portion of the construction project.)

☐ Buffer disturbances will occur for the construction of a water-dependent structure or water access area (e.g., pier, boat ramp, and trail). INSERT DESCRIPTION OF ANY EARTH DISTURBANCES THAT WILL OCCUR WITHIN THE BUFFER AREA

(Note 1: If this exception applies, no further documentation is required for Section 4.1 of this SWPPP.)

4.2 Perimeter Controls

Prior to earth disturbances, sediment controls will be installed along any perimeter areas of the site that will receive pollutant discharges. Straw wattles, hay bales and/or silt fences may be used to reduce the velocity of sheet and channel flow as it enters a work area and to trap sediment in flows leaving a work area.

Specific Perimeter Controls

PERIMETER CONTROLS	
Description: Silt fences, straw wattles, and hay bales	
Installation	3/2/2020
Maintenance Requirements	Sediment will be removed before it has accumulated to one-half of the above-ground height of any perimeter control.
Design Specifications	See BMP drawings in **Appendix N**.

4.3 Sediment Track-Out

Work will be conducted in a manner to minimize the potential for soil erosion and track out.

The Remedial Contractor will exercise care not to water the soil more than necessary to minimize track out and interferences with field gamma radiation measurements.

Specific Track-Out Controls

RESTRICTED ACCESS	
Description: Access will be restricted to the staging area and any construction areas during the removal activities. Visitors will be met by the on-site Construction Manager.	
Installation	3/2/2020
Maintenance Requirements	Where sediment has been tracked-out from the site onto paved roads, sidewalks, or other paved areas outside of the site, the deposited sediment will be removed by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Track-out will be removed by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. Hosing or sweeping racked-out sediment into any stormwater conveyance, storm drain inlet, or water of the U.S. is prohibited.
Design Specifications	See BMP drawings in **Appendix N**.

4.4 Stockpiled Sediment or Soil

A material staging area will be established, including appropriate BMPs.

Specific Stockpile Controls

ESTABLISH MATERIAL STAGING AREA WITH APPROPRIATE BMPs	
Description: Upon completion, the consolidation waste pile will be covered with a geotextile and soil to limit the potential for erosion. An erosion-control blanket may be utilized on the slopes, if necessary. Each roll will be affixed to the soil with metal anchors as shown on **Figure 9**. Once complete, the consolidation waste pile will be secured with a fence (e.g., five-strand barbed wire fence) and proper signage.	
Installation	3/2/2020
Maintenance Requirements	Dust suppression that is required during these activities is described in Section 4.5 of this SWPPP. Upon completion, the consolidation waste pile will be covered with a geotextile and soil to limit the potential for erosion. An erosion-control blanket may be utilized on the slopes, if necessary.
Design Specifications	The excavated material will be placed in the designated footprint for the consolidation waste pile and spread/compacted using construction equipment. The top surface will be sloped at a minimum of approximately 3 percent to ensure proper drainage and the slopes will be at a maximum grade of approximately 3H:1V. Each roll will be affixed to the soil with metal anchors as shown on **Figure 9**.

4.5 Minimize Dust

Dust control measures will be implemented to minimize migration of dust generated by construction activities.

Specific Dust Controls

RESTRICT VEHICLE SPEEDS AND APPLY WATER DURING MATERIAL REMOVAL	
Description: Dust control measures will primarily rely on vehicle speed controls and the application of water on working surfaces during material removal. A Dust Control Plan is included in Appendix C of the TCRA Work Plan. The Dust Control Plan will be finalized after coordination with the Remedial Contractor.	
Installation	3/2/2020
Maintenance Requirements	During placement in the waste pile, material will be moistened with water to reduce dust generation. Water will also be applied during grading activities in the consolidation waste pile area, as necessary, to reduce dust generation. The Remedial Contractor will exercise care not to water the soil more than necessary to minimize track out and interferences with field gamma radiation measurements.
Design Specifications	The Remedial Contractor will excavate and transport material in a manner that will minimize the generation of dust. The material may be moistened with water prior to excavation and sprayed, as necessary, during excavation. After the excavated material is placed in a dump truck, a 1-foot freeboard will be maintained in the truck box to minimize dusting during transport.

4.6 Minimize Steep Slope Disturbances

The Western Drainage 1 area is immediately above the cliffs forming the western edge of Haystack Butte (**Figure 7**). For project safety considerations, the scope of TCRA activities in this area are limited to removal of waste rock at and or near the head of the drainage as accessed from the top of the cliff area.

Specific Steep Slope Controls

STEEP SLOPE STORMWATER EROSION CONTROLS	
Description: Work in this area requires removal of surficial ore-bearing material to a maximum depth of 1 foot bgs and optional construction of stormwater erosion controls, at the discretion of BNSF.	
Installation	3/2/2020
Maintenance Requirements	An erosion-control blanket may be utilized on the slopes, if necessary.
Design Specifications	TCRA activities in this area are limited to removal of waste rock at and or near the head of the drainage as accessed from the top of the cliff area.

4.7 Topsoil

It is infeasible to comply with CGP Part 2.2.8 regarding preservation of topsoil because the nature of construction activities described in the Work Plan include removal of surface material to the shallower of: the maximum depth for each area, which is provided below; the top of the bedrock or refusal; or the depth at which a surface survey yields a gamma count of less than 75,000 counts per minute (cpm).

4.8 Soil Compaction

The restoration material will be placed in the designated footprint and will be spread and compacted using construction equipment. Backfill and grading will restore removal areas to approximate pre-removal grades.

Specific Soil Compaction Controls

RESTRICTED VEHICLE AND EQUIPMENT USE	
Description: In areas of the site where a seed mix is applied following final grading, vehicle and equipment use will be restricted to avoid soil compaction. Soils will be rehabilitated and conditioned as necessary to support vegetative growth before seeding or planting in areas of exposed soil that have been compacted.	
Installation	3/2/2020
Maintenance Requirements	Not applicable
Design Specifications	See BMP drawings in **Appendix N**.

4.9 Storm Drain Inlets

There are no storm drain inlets at the site.

4.10 Stormwater Conveyance Channels

There are no stormwater conveyance channels at the site.

4.11 Sediment Basins

There are no sediment basins at the site.

4.12 Chemical Treatment

There are no chemical treatment systems at the site.

4.13 Dewatering Practices

Dewatering is not anticipated to be required during the proposed activities.

4.14 Other Stormwater Controls

For erosion and sediment control, work will be conducted in a manner to minimize the potential for soil erosion and track out. Excavation will not be conducted during periods of excessive wind or heavy precipitation. Excavated areas will be scanned and cleared for restoration/backfilling. Excavated areas will be promptly backfilled, contoured, and compacted.

Straw wattles or hay bales will protect soil from erosion caused by high winds or significant precipitation. Until the soil stabilizes, temporary erosion controls may be necessary to protect the soil in some work areas from erosion due to runoff from nearby areas. Straw wattles, hay bales and/or silt fences may be used to reduce the velocity of sheet and channel flow as it enters a work area and to trap sediment in flows leaving a work area.

The performance of installed controls and the need for additional controls will be evaluated during inspections of areas where excavation has taken place. If the inspections reveal the need to enhance existing controls or to install controls where none exist, the needed controls will be installed.

4.15 Site Stabilization

Total Amount of Land Disturbance Occurring at Any One Time

☒ *Five Acres or less*

☐ *More than Five Acres*

TEMPORARY EROSION CONTROLS	
☒ *Vegetative* ☐ *Non-Vegetative* ☒ *Temporary* ☐ *Permanent*	
Description: Straw wattles or hay bales will protect soil from wind and water erosion and may be used to reduce the velocity of sheet and channel flow as it enters a work area to trap sediment in flows leaving a work area. Until the soil stabilizes, temporary erosion controls may be necessary to protect the soil in some work areas from erosion due to runoff from nearby areas. Permanent or final stabilization will be accomplished by establishing vegetative cover or installation of permanent stormwater controls. Backfill for restoration will generally use commercially available import materials; site or local borrow materials are not anticipated to be used. The restoration material will be placed in the designated footprint and will be spread and compacted using construction equipment. Backfill and grading will restore removal areas to approximate pre-removal grades. A seed mix, using local and native species, will be applied.	
Dry Period	The site is located in a semi-arid area. • Beginning date of seasonally dry period: 6/1/2019 • Ending date of seasonally dry period: 9/1/2019 • Site conditions during this period: Verify little precipitation
Installation and completion schedule	• Approximate installation date: 3/2/2020 • Approximate completion date: 6/30/2020
Maintenance Requirements	See BMPs in **Appendix K**.
Design Specifications	See BMPs in **Appendix K**.

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SECTION 5: POLLUTION PREVENTION STANDARDS

5.1 Potential Sources of Pollution

Construction Site Pollutants

Pollutant-Generating Activity	**Pollutants or Pollutant Constituents** (that could be discharged if exposed to stormwater)	**Location on Site** (or reference SWPPP site map where this is shown)
Sediment		Erosion of sediment from disturbed and undisturbed areas; vehicular tracking onto public roads
Concrete and concrete washout water		Not applicable
Vehicle and equipment wash water		Designated wash area
Fuel and petroleum products: • Gasoline • Diesel • Kerosene • Lubricants • Hydraulic oil		Designated fuel storage and fueling areas
Hazardous materials/wastes: • Plaster • Cleaning solvents • Asphalt • Glue and adhesives • Paints • Curing compounds • Wood preservatives • Antifreeze • Glycol • Fertilizers		Designated material storage areas
Hydrostatic testing discharges		Not applicable
Solid waste		Onsite dumpsters
Sanitary waste		Portable chemical toilets

5.2 Spill Prevention and Response

During construction, aboveground storage tanks (ASTs) may be used to store fuel for the construction equipment. Currently, there is no on-site oil storage; therefore, a Spill Prevention, Control and Countermeasures (SPCC) Plan has not yet been developed. An SPCC will be prepared as a separate document, if fuel storage tanks are present during construction.

Reportable spills are defined as those that:

- Threaten or are in a position to threaten waters of the state, such as surface or ground water.
- Cause immediate danger to human health or safety.
- Cause harm or threaten to harm wildlife or aquatic life.

- Are releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or Section 102 of CERCLA (see 40 CFR 302.4).

In the event of a reportable spill or release, the Site Manager will report the spill as soon as possible, but no later than 24 hours from the time the spill was identified. In the event of a spill of a hazardous substance, the operator is required to notify the National Response Center (NRC) at (800) 424-8802, the New Mexico Environment Department (NMED) at (505) 827-9329, and the local fire department to properly report the spill. A written description of the release must be provided to the EPA Regional Office, which includes the date and circumstances of the release, mitigation measures, and steps taken to prevent another release. In addition, the SWPPP must be revised within 7 calendar days after the release to reflect the release, stating the type and quantity of material released, the date of the release, the circumstances of the release, and actions to be taken to prevent further spills.

5.3 Fueling and Maintenance of Equipment or Vehicles

- No onsite equipment or vehicle maintenance is proposed.
- Fuels required for construction equipment and vehicles may be transported to site and if so, stored within paved and curbed areas with adequate secondary containment. Refueling of equipment and vehicles will be conducted within the paved and curbed area. Refueling will not be conducted within 100 feet of surface water or wetlands.
- Construction equipment and vehicles will be inspected daily for leaks, and necessary repairs will be made before returning the equipment to service. Fuels, lubricants, paint and any hazardous substances will be properly stored, including secondary containment, to prevent spills, leaks or other discharge.
- Drip pans and absorbents will be used under or around leaky vehicles.
- Equipment will not be refueled or lubricated within 100 feet of any waterway or wetland. Chemicals, paints, solvents, fuel, lubricating oils, and other potentially toxic or hazardous materials will not be stored within 100 feet of waterways or wetlands.
- Materials will be stored in the original containers with the original manufacturer labels. Safety Data Sheets will be maintained on-site.
- All onsite storage containers will be routinely inspected for leaks and receive regular preventive maintenance to reduce the chance of leakage.
- Any spills of liquid or dry materials that have occurred will be promptly cleaned up. Construction personnel will be trained regarding the correct procedures for spill cleanup. Spills of reportable quantities will be reported to the appropriate state or local government agency.
- Contractor will properly dispose of used oil filters or other oily wastes.
- All hazardous wastes will be properly contained and disposed of in accordance with applicable laws, rules, and regulations. No wastes of imported materials will be buried, dumped, or discharged to waters of the U.S. or wetlands.

Specific Pollution Prevention Practices

SECONDARY CONTAINMENT AND SPILL KITS
Description: Fueling activities will be located away from waters of the U.S. and stormwater conveyances so that stormwater coming into contact with these activities cannot reach waters of the U.S. Secondary containment (e.g., spill berms, decks, spill containment pallets) and cover will be provided where appropriate. Spill kits will be available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill.

SECONDARY CONTAINMENT AND SPILL KITS	
Adequate supplies of spill response materials will be available at all times to handle spills, leaks, and disposal of used liquids. If applicable, a Spill Prevention Control and Countermeasures (SPCC) Plan will be developed in compliance with 40 CFR part 112 and Section 311 of the CWA. Spills or contaminated surfaces will be cleaned up immediately, using dry clean up measures(do not clean contaminated surfaces by hosing the area down), to eliminate the source of the spill and to prevent a discharge or a continuation of an ongoing discharge.	
Installation	3/2/2020
Maintenance Requirements	Maintain spill kit supplies
Design Specifications	Not applicable

5.4 Washing of Equipment and Vehicles

- Wash-down areas will be protected from contact with stormwater runoff.
- Washing will be conducted without the use of detergents. Construction personnel will be trained regarding proper cleaning techniques.
- No detergents will be used for vehicle or equipment washing. Wash water will be contained and waste properly disposed of. No engine degreasing will be allowed on site.

Specific Pollution Prevention Practices

DESIGNATED WASH AREAS	
Description: External washing of equipment and vehicle will be limited to designated and contained wash areas. Wash areas will be paved and curbed to retain wash water.	
Installation	The Contractor will determine the location of the wash area and the location will be shown on the SWPPP maps.
Maintenance Requirements	Maintain wash areas to contain wash water and waste.
Design Specifications	To be Determined

5.5 Storage, Handling, and Disposal of Building Products, Materials, and Wastes

A material staging area will be established, including appropriate BMPs. Portable trailers will be used to contain expensive materials, such as valves, catalysts, instruments, required for construction and preparation of the units for operation.

Concrete washouts, if provided, will be limited to designated and contained wash areas. Wash areas will be paved and curbed to retain wash water.

Regular disposal for garbage, rubbish, construction wastes, and sanitary waste will be maintained at all times during construction. All trash and construction debris, and non-hazardous waste materials will be collected and stored in a securely lidded metal dumpster at the end of each day. Any alternative to a metal dumpster must be approved by the Project Engineer. The dumpster lids will be maintained in a closed position between deposits to prevent debris from blowing away. The dumpster will be emptied as necessary to function as intended for debris collection.

Litter and debris will be picked-up regularly to reduce the chance for materials to be carried off the site by wind or water. Waste materials will be taken to the appropriate facility for disposal or recycling. Collected sediment, concrete, trash, paper, plastic, fabric, construction and demolition debris and other wastes will be disposed of properly to comply with EPA disposal requirements. Construction personnel will be trained regarding the correct procedures for waste disposal.

Sanitary sewage facilities (portable chemical toilets) will be provided at all work locations. Sanitary waste will be collected and removed for disposal at an appropriate licensed sewage disposal facility. No sewage will be buried, dumped, or discharged to waters of the U.S. or wetlands.

No offsite waste disposal is anticipated during the removal activities. Waste generated during removal activities will be stored onsite in the consolidation waste pile area. Generation of equipment and personnel decontamination wastes will be restricted to the TCRA areas or to the waste consolidation area per SOP Equipment and Personnel Decontamination (Appendix B of Work Plan). General trash will be scanned by the site RSO or designated RSO before disposal as common trash.

5.5.1 Building Products

No onsite building products are proposed.

5.5.2 Pesticides, Herbicides, Insecticides, Fertilizers, and Landscape Materials

If used, fertilizers used will be applied only as specified. Once applied, fertilizer will be worked into the soil to limit exposure to stormwater runoff.

Specific Pollution Prevention Practices

DESIGNATED FERTILIZER STORAGE AREAS	
Description: If used, fertilizers will be properly stored and covered with plastic sheeting to minimize exposure to precipitation and stormwater. The contents of any partially used bags of fertilizer will be transferred to a sealable plastic bin to avoid spills.	
Installation	3/2/2020
Maintenance Requirements	Comply with application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label.
Design Specifications	To be Determined

5.5.3 Diesel Fuel, Oil, Hydraulic Fluids, Other Petroleum Products, and Other Chemicals

- Liquid or soluble materials including fuel, oil, other petroleum products, and other chemicals will be properly stored, to prevent spills, leaks or other discharges. Access to storage areas will be restricted to prevent vandalism.
- No onsite equipment or vehicle maintenance is proposed. Pollution prevention practices for fueling activities are outlined in Section 5.3 of this SWPPP.

Specific Pollution Prevention Practices

DESIGNATED FUEL AND CHEMICAL STORAGE AREAS	
Description: Diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals will be stored in specified areas within water-tight containers, and either (1) covered (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these containers to precipitation and to stormwater, or (2) implement a similarly effective means to minimize the discharge of pollutants from these areas (e.g., having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill), or provide secondary containment (e.g., spill berms, decks, spill containment pallets). Pollution prevention practices for fueling activities are outlined in Section 5.3 of this SWPPP.	
Installation	3/2/2020
Maintenance Requirements	Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.
Design Specifications	To be Determined

5.5.4 Hazardous or Toxic Waste

- Storage and disposal of solid and hazardous wastes will be in compliance with applicable regulations.
- No offsite disposal of hazardous or toxic waste is anticipated during the removal activities.
- Hazardous or toxic waste disposal will be in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state, tribal, and local requirements.
- Waste generated during removal activities will be stored onsite in the consolidation waste pile area. Generation of equipment and personnel decontamination wastes will be restricted to the TCRA areas or to the waste consolidation area per SOP Equipment and Personnel Decontamination (Appendix B of the TCRA Work Plan). General trash will be scanned by the site RSO or designated RSO before disposal as common trash.

Specific Pollution Prevention Practices

DESIGNATED WASTE STORAGE AREAS	
Description: Wastes will be stored in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion, and which are labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and other applicable federal, state, tribal, or local requirements.	
Installation	3/2/2020
Maintenance Requirements	Separate hazardous or toxic waste from construction and domestic waste. Clean up spills immediately, using dry clean-up methods, and dispose of used materials properly. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.
Design Specifications	Outside containers will be stored within appropriately-sized secondary containment(e.g., spill berms, decks, spill containment pallets) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., storing chemicals in a covered area, having a spill kit available on site).

5.5.5 Construction and Domestic Waste

- Waste containers (e.g., dumpster, trash receptacle) of sufficient size and number will be provided to contain construction and domestic wastes;
- Waste container lids will be kept closed when not in use and close lids at the end of the business day for those containers that are actively used throughout the day.
- For waste containers that do not have lids, provide either (1) cover (e.g., a tarp, plastic sheeting, temporary roof) to minimize exposure of wastes to precipitation, or (2) a similarly effective means designed to minimize the discharge of pollutants(e.g., secondary containment);
- Regular disposal for garbage, rubbish, construction wastes, and sanitary waste will be maintained at all times during construction. All trash and construction debris, and non-hazardous waste materials will be collected and stored in a securely lidded metal dumpster at the end of each day. Any alternative to a metal dumpster must be approved by the Project Engineer. The dumpster lids will be maintained in a closed position between deposits to prevent debris from blowing away. The dumpster will be emptied as necessary to function as intended for debris collection.
- Litter and debris will be picked-up regularly to reduce the chance for materials to be carried off the site by wind or water. Waste materials will be taken to the appropriate facility for disposal or recycling. Collected sediment, concrete, trash, paper, plastic, fabric, construction and demolition debris and other wastes will be disposed of properly to comply with EPA disposal requirements. Construction personnel will be trained regarding the correct procedures for waste disposal.

Specific Pollution Prevention Practices

WASTE CONTAINERS OF ADEQUATE SIZE AND NUMBER	
Description: INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED	
Installation	3/2/2020
Maintenance Requirements	On business days, clean up and dispose of waste in designated waste containers; and Waste will be cleaned up immediately if containers overflow
Design Specifications	Dumpsters

5.5.6 Sanitary Waste

- Domestic waste from sanitary sewage facilities (portable chemical toilets) will be provided at all work locations.
- For sanitary waste, position portable toilets so that they are secure and will not be tipped or knocked over and located away from waters of the U.S. and storm water conveyances.
- Sanitary waste will be collected and removed for disposal at an appropriate licensed sewage disposal facility. No sewage will be buried, dumped, or discharged to waters of the U.S. or wetlands.

Specific Pollution Prevention Practices

PORTABLE CHEMICAL TOILETS	
Description: Domestic waste from sanitary sewage facilities (portable chemical toilets) will be provided at all work locations.	
Installation	3/2/2020
Maintenance Requirements	Sanitary waste will be collected and removed for disposal at an appropriate licensed sewage disposal facility. No sewage will be buried, dumped, or discharged to waters of the U.S. or wetlands.
Design Specifications	Portable chemical toilets.

5.6 Washing of Applicators and Containers used for Paint, Concrete or Other Materials

No washing of paint applicators or containers used for paint, concrete or other materials is proposed.

SECTION 6: INSPECTION, MAINTENANCE, AND CORRECTIVE ACTION

6.1 Inspection Personnel and Procedures

Personnel Responsible for Inspections

Arcadis U.S., Inc.
Kleimin Pena
Tel: (323) 239-5193
Email: Kleimin.Pena@arcadis.com

Inspection Schedule

Standard Frequency:
☐ Every 7 days ☐ Every 14 days and within 24 hours of a 0.25" rain or the occurrence of runoff from snowmelt sufficient to cause a discharge
Increased Frequency (if applicable):
For areas of sites discharging to sediment or nutrient-impaired waters or to waters designated as Tier 2, Tier 2.5, or Tier 3 ☐ Every 7 days and within 24 hours of a 0.25" rain
Reduced Frequency (if applicable)
For stabilized areas ☐ Twice in first month, no more than 14 calendar days apart; then once per month after first month.
For stabilized areas on "linear construction sites" ☐ Twice during first month, no more than 14 calendar days apart; then once more within 24 hours of a 0.25" rain.
For arid, semi-arid, or drought-stricken areas during seasonally dry periods or during drought ☒ Once per month and within 24 hours of a 0.25" rain Insert beginning and ending dates of the seasonally-defined dry period for your area or the valid period of drought: ▪ Beginning date of seasonally dry period: 6/1/2020 ▪ Ending date of seasonally dry period: 9/1/2020
For frozen conditions where earth-disturbing activities are being conducted ☒ Once per month Insert beginning and ending dates of frozen conditions on your site: ▪ Beginning date of frozen conditions: 9/19/2019 ▪ Ending date of frozen conditions: 6/15/2020

Rain Gauge Location

The rain gauge will be located at the construction trailer.

Inspection Report Forms

The Inspection Report Form is provided in **Appendix G** of this SWPPP.

6.2 Corrective Action

Personnel Responsible for Corrective Actions

Arcadis U.S., Inc.
Kleimin Pena
Tel: (323) 239-5193
Email: Kleimin.Pena@arcadis.com

and

Iina Ba, Inc.
John Isham
Tel: (505) 327 1072
Email: jisham@iinaba.com

Corrective Action Forms

A Corrective Action Form is provided in **Appendix E** of this SWPPP.

6.3 Delegation of Authority

A Delegation of Authority Form is provided in **Appendix J** of this SWPPP. This form must be signed by the SWPPP Certifier to delegate Duly Authorized Representative(s) or Position(s).

SECTION 7: TRAINING

The SWPPP team staff will be trained per the training requirements in Section 6 of the 2017 CGP. Documentation of training will be maintained using the SWPPP Training Log in **Appendix I** of this SWPPP.

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SECTION 8: CERTIFICATION AND NOTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: Mike Winter Title: Arcadis Technical Lead

Signature:  Date: January 17, 2020

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SWPPP APPENDICES

Appendix A – Site Map and TCRA Work Plan Figures

Appendix B – Copy of 2017 CGP

Appendix C – NOI and EPA Authorization Email

Appendix D – Inspection Form

Appendix E – Corrective Action Form

Appendix F – SWPPP Amendment Log

Appendix G – Subcontractor Certifications

Appendix H – Grading and Stabilization Activities Log

Appendix I – SWPPP Training Log

Appendix J – Delegation of Authority

Appendix K – Endangered Species Documentation

Appendix L – Historic Preservation Documentation

Appendix M – Rainfall Record

Appendix N – Typical Drawings for BMPs

APPENDIX A – SITE MAP AND TCRA WORK PLAN FIGURES

Site Map A-1	Time Critical Removal Action Areas – BMPs
Figure 1	General Site Location Map
Figure 2	Site Map
Figure 3	Time Critical Removal Action Areas
Figure 4	Northeast Access Drainage and Access Road
Figure 5	Residential Area
Figure 6	Western Drainage 2/Road
Figure 7	Western Drainage 1
Figure 8	East Stockpile
Figure 9	Conceptual Design of Consolidation Waste Pile Erosion Controls

WESTERN DRAINAGE 1

WESTERN DRAINAGE 2 / ROAD

Bibo Trespass (Section 13)

SECTION 13

APPROXIMATE LOCATION OF NEW RESIDENTIAL AREA AND ACCESS ROAD

RESIDENTIAL

Unnamed Tributary to San Mateo Creek

SECTION 18

Section 18 SEQ

NORTHEAST DRAINAGE AND ACCESS ROADS

EASTERN STOCKPILE AREA

HAYSTACK RD

Section 24

SECTION 24

Haystack No. 1

Section 19

SECTION 19

Bluewater

Base Image Source: ESRI World Imagery 2016



Legend

- Abandoned Uranium Mine (AUM) Boundaries
- Approximate Area of Concern (per AOC)
- Time Critical Removal Action Area (per AOC)
- Topographic 5 Foot Contour Interval
- Unnamed Intermittent Drainages
- Direction of Stormwater Drainage
- Vehicle Tracking Control (VTC)
- Fiber Rolls/Straw Wattles (SCL)
- Silt Fence (SF)

Note:
BMPs are preliminary to be verified in field.

0 400 800
Feet

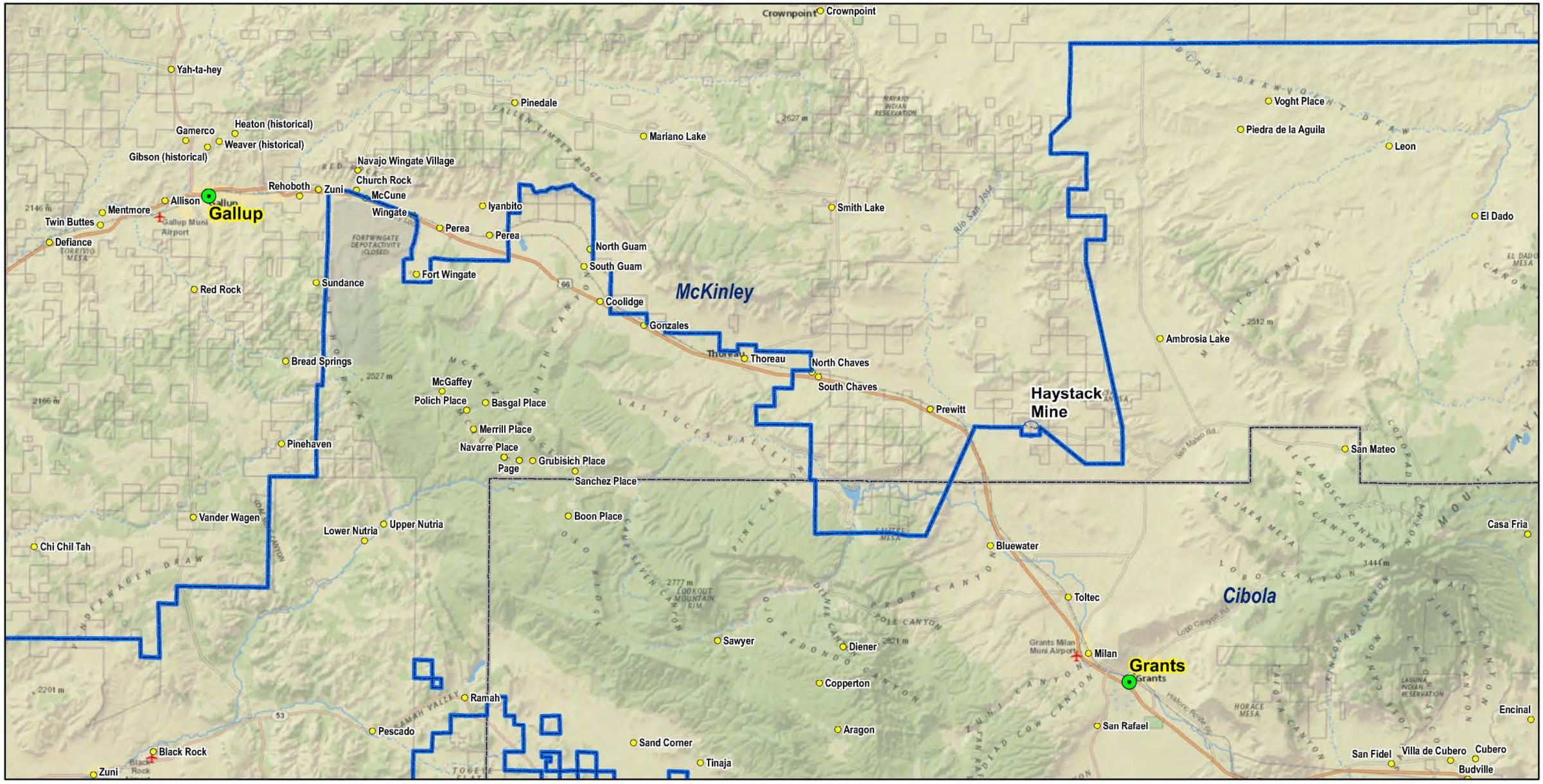
BNSF
HAYSTACK MINE, NEW MEXICO
REMOVAL WORK PLAN

TIME CRITICAL REMOVAL ACTION AREAS - TOPOGRAPHIC

ARCADIS Design & Consultancy for natural and built assets

SITE MAP
A-1

User: kgeiers Location: On-Site Citrix
Path: Z:\GIS\Projects_ENV\BNSF\BNSF_HAYSTACKMINE_NM\MXD\RemovalWorkPlan\Figure1_TimeCriticalRemovalActionAreas_Topographic2.mxd





Legend

- Haystack Mine Location
- Cities of Grants and Gallup Locations
- Surrounding Locations
- County Boundary
- Navajo Nation Boundary

0 5 10
Miles

Base Image Source: ESRI World Imagery 2016

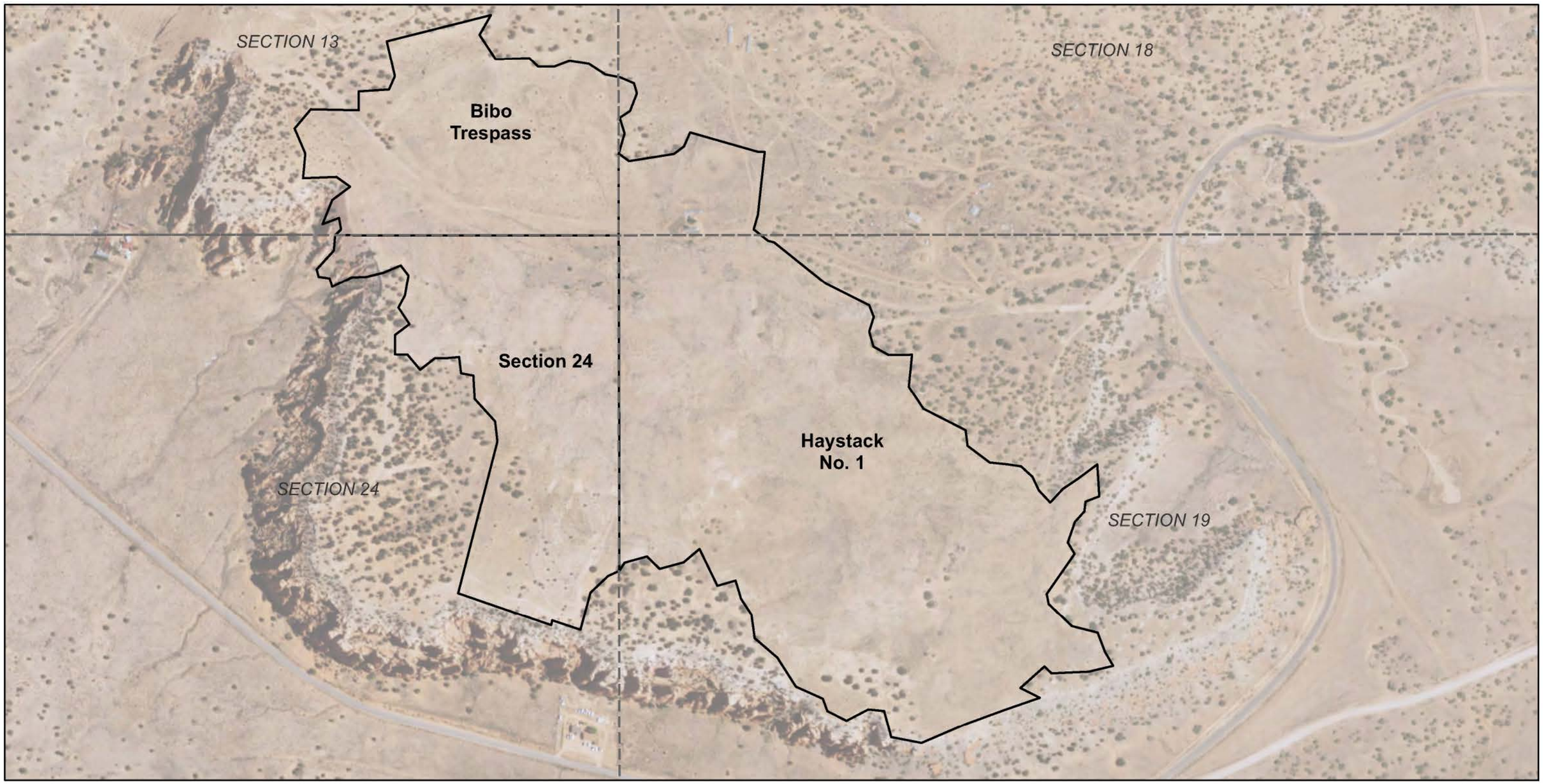
BNSF
HAYSTACK MINE, NEW MEXICO
REMOVAL WORK PLAN

GENERAL SITE LOCATION MAP

ARCADIS Design & Consultancy for natural and built assets

FIGURE 1

User: kgoeters Location: On-Site Citrix
Path: Z:\GIS\Projects_ENV\BNSF\BNSF_HAYSTACKMINE_NM\MXD\RemovalWorkPlan\Figure1_GeneralSiteLocationMap.mxd





Legend

- Abandoned Uranium Mines
- PLSS Section and Identification Number

0 500 1,000
Feet

Base Image Source: ESRI World Imagery 2016

BNSF
HAYSTACK MINE, NEW MEXICO
REMOVAL WORK PLAN

SITE MAP

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FIGURE
2

User: kgvdors Location: On-Site Citrix
Path: Z:\GIS\Projects_ENV\BNSF\BNSF_HAYSTACKMINE_NM\MXD\RemovalWorkPlan\Figure2_SiteMap.mxd

SECTION 13

SECTION 18

WESTERN DRAINAGE 1

WESTERN DRAINAGE 2 / ROAD

Bibo Trespass (Section 13)

RESIDENTIAL

NORTHEAST DRAINAGE AND ACCESS ROADS

EASTERN STOCKPILE AREA

Section 24

SECTION 24

Haystack No. 1

SECTION 19



Legend

- Abandoned Uranium Mine (AUM) Boundaries
- Time Critical Removal Action Area (per AOC)
- PLSS Section and Identification Number

0 500 1,000
Feet

Base Image Source: ESRI World Imagery 2016

BNSF
HAYSTACK MINE, NEW MEXICO
REMOVAL WORK PLAN

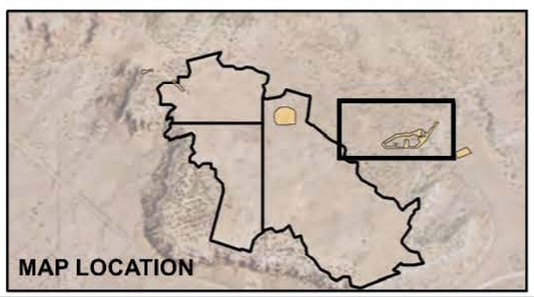
TIME CRITICAL REMOVAL ACTION AREAS

ARCADIS Design & Consultancy for natural and built assets

FIGURE 3

User: kpeters Location: On-Site Citrix
Path: Z:\GISProjects_ENV\BNSF\BNSF_HAYSTACKMINE_NM\MXD\RemovalWorkPlan\Figure3_TimeCriticalRemovalActionAreas_TCRA_Only.mxd





Legend

- Abandoned Uranium Mine (AUM) Boundaries
- Time Critical Removal Action Area (per AOC)

0 100 200
Feet

Base Image Source: ESRI World Imagery 2016

BNSF
HAYSTACK MINE, NEW MEXICO
REMOVAL WORK PLAN

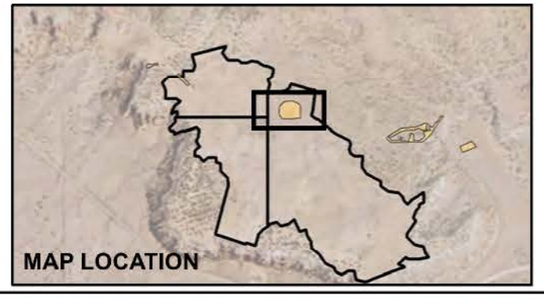
Northeast Access Drainage and Access Road

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FIGURE
4

User: kpeters Location: On-Site Citrix
Path: Z:\GIS\Projects_ENV\BNSF\BNSF_HAYSTACKMINE_NM\MXD\RemovalWorkPlan\Figure4_TimeCriticalRemovalActionAreas_mapset.mxd





Legend

- Abandoned Uranium Mine (AUM) Boundaries
- Time Critical Removal Action Area (per AOC)

0 60 120
Feet

Base Image Source: ESRI World Imagery 2016

BNSF
HAYSTACK MINE, NEW MEXICO
REMOVAL WORK PLAN

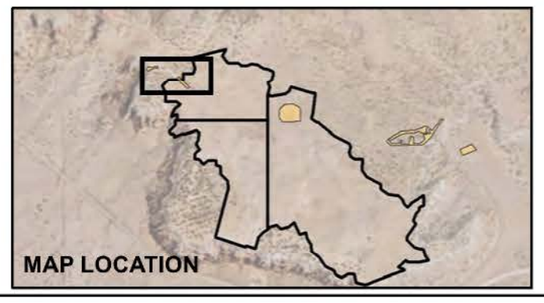
Residential Area

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FIGURE
5

User: kpeters Location: On-Site Citrix
Path: Z:\GIS\Projects_ENV\BNSF\BNSF_HAYSTACKMINE_NM\MXD\RemovalWorkPLan\Figure4_TimeCriticalRemovalActionAreas_mapset.mxd





Legend

- Abandoned Uranium Mine (AUM) Boundaries
- Time Critical Removal Action Area (per AOC)

N

0 60 120
Feet

Base Image Source: ESRI World Imagery 2016

BNSF
HAYSTACK MINE, NEW MEXICO
REMOVAL WORK PLAN

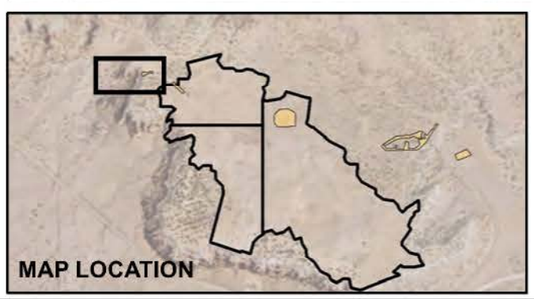
Western Drainage 2/Road

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FIGURE
6

User: kgeiters Location: On-Site Citrix
Path: Z:\GIS\Projects_ENV\BNSF\BNSF_HAYSTACKMINE_NM\MXD\RemovalWorkPlan\Figure4_TimeCriticalRemovalActionAreas_mapset.mxd





Legend

- Abandoned Uranium Mine (AUM) Boundaries
- Time Critical Removal Action Area (per AOC)

0 60 120
Feet

Base Image Source: ESRI World Imagery 2016

BNSF
HAYSTACK MINE, NEW MEXICO
REMOVAL WORK PLAN

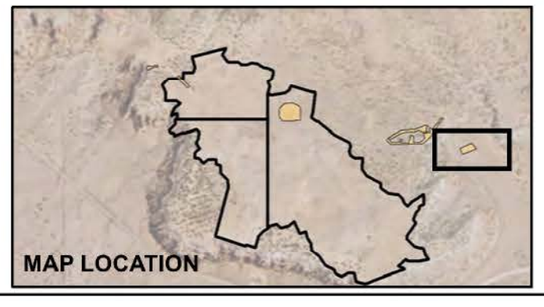
Western Drainage 1

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FIGURE
7

User: kgoldors Location: On-Site Citrix
Path: Z:\GIS\Projects_ENV\BNSF\BNSF - HAYSTACKMINE_NM\MXD\RemovalWorkPlan\Figure4_TimeCriticalRemovalActionAreas_mapset.mxd





Legend

- Abandoned Uranium Mine (AUM) Boundaries
- Time Critical Removal Action Area (per AOC)

0 60 120
Feet

Base Image Source: ESRI World Imagery 2016

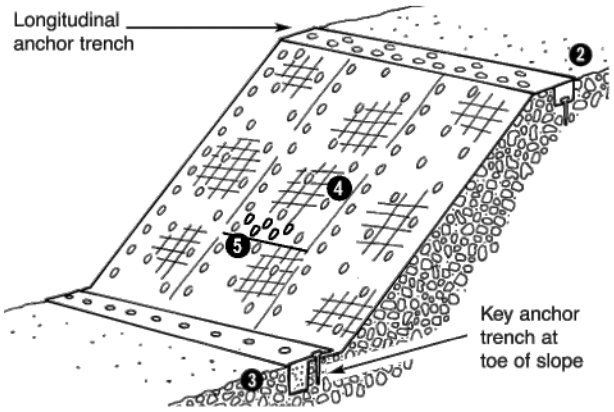
BNSF
HAYSTACK MINE, NEW MEXICO
REMOVAL WORK PLAN

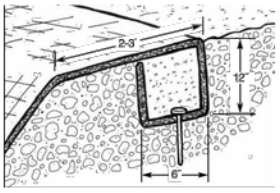
East Stockpile

ARCADIS Design & Consultancy for natural and built assets

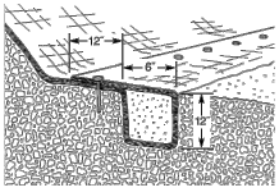
FIGURE
8

User: kgeiders Location: On-Site Citrix
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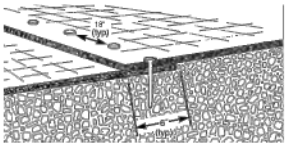




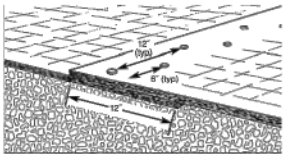
2-TOP OF SLOPE



3-TOE OF SLOPE



4-OVERLAP AT ROLL EDGE



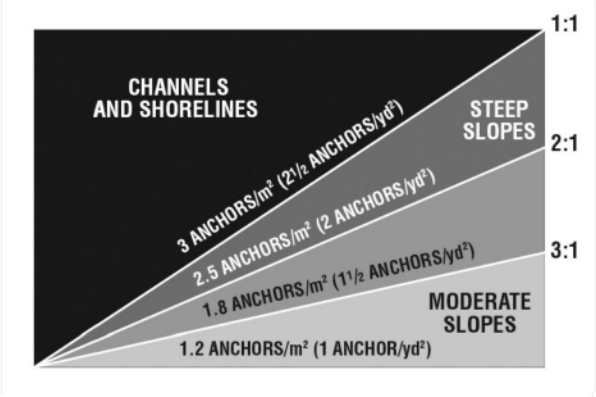
5-OVERLAP AT ROLL END

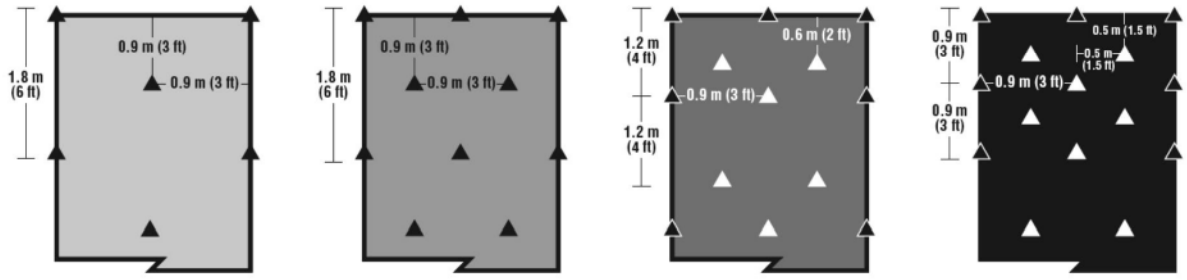
NOTES:

1. OVERLAPS 6" MINIMUM.
2. SPACE ANCHORS 18" ALONG OVERLAPS DOWN THE SLOPE
3. AT TOP OF SLOPE, SPACE ANCHORS 12" ALONG TRENCH.
4. ANCHOR PATTERN SHALL BE IN ACCORDANCE WITH DETAIL 2.

EROSION CONTROL BLANKET INSTALLATION ON SLOPE 1

NOT TO SCALE





EROSION CONTROL BLANKET ANCHOR PATTERN 2

NOT TO SCALE

BNSF
HAYSTACK MINE, NEW MEXICO
REMOVAL WORK PLAN

CONCEPTUAL DESIGN OF CONSOLIDATION WASTE PILE EROSION CONTROLS

NOT FOR CONSTRUCTION

ARCADIS Design & Consultancy for natural and built assets

FIGURE 9

G:\ENVCAD\TALLAHASS-FL\ACTIVE\A0008960.0005 00002\FIG 10.PDF
XREFS: IMAGES: PROJECTNAME: ---

APPENDIX B – COPY OF 2017 CGP

National Pollutant Discharge Elimination System
General Permit for Discharges from
Construction Activities

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et. seq., (hereafter CWA), as amended by the Water Quality Act of 1987, P.L. 100-4, "operators" of construction activities (defined in Appendix A) that meet the requirements of Part 1.1 of this National Pollutant Discharge Elimination System (NPDES) general permit, are authorized to discharge pollutants in accordance with the effluent limitations and conditions set forth herein. Permit coverage is required from the "commencement of construction activities" (see Appendix A) until one of the conditions for terminating CGP coverage has been met (see Part 8.2).

This permit becomes effective on **February 16, 2017**.

This permit and the authorization to discharge expire at 11:59pm, **February 16, 2022.**

Signed and issued this 11th day of January 2017

Deborah Szaro,
Acting Regional Administrator, EPA Region 1

Signed and issued this 11th day of January 2017

William K. Honker, P.E.,
Director, Water Division, EPA Region 6

Signed and issued this 11th day of January 2017

Javier Laureano, Ph.D.,
Director, Clean Water Division, EPA Region 2

Signed and issued this 11th day of January 2017

Karen Flournoy,
Director, Water, Wetlands, and Pesticides Division, EPA Region 7

Signed and issued this 11th day of January 2017

Jose C. Font,
Acting Director, Caribbean Environmental Protection Division, EPA Region 2.

Signed and issued this 11th day of January 2017

Darcy O'Connor,
Assistant Regional Administrator, Office of Water Protection, EPA Region 8

Signed and issued this 11th day of January 2017

Dominique Lueckenhoff,
Acting Director, Water Protection Division, EPA Region 3

Signed and issued this 11th day of January 2017

Kristin Gullatt
Deputy Director, Water Division, EPA Region 9

Signed and issued this 11th day of January 2017

César A. Zapata,
Deputy Director, Water Protection Division, EPA Region 4

Signed and issued this 11th day of January 2017

Daniel D. Opalski,
Director, Office of Water and Watersheds, EPA Region 10

Signed and issued this 11th day of January 2017

Christopher Korleski,
Director, Water Division, EPA Region 5

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1 HOW TO OBTAIN COVERAGE UNDER THE CONSTRUCTION GENERAL PERMIT (CGP)

To be covered under this permit, you must meet the eligibility conditions and follow the requirements for obtaining permit coverage in this Part.

1.1 ELIGIBILITY CONDITIONS

1.1.1 You are an "operator" of a construction site for which discharges will be covered under this permit. For the purposes of this permit and in the context of stormwater discharges associated with construction activity, an "operator" is any party associated with a construction project that meets either of the following two criteria:

a. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications *(e.g., in most cases this is the owner of the site);* or

b. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions *(e.g., they are authorized to direct workers at a site to carry out activities required by the permit; in most cases this is the general contractor (as defined in Appendix A) of the project).*

Where there are multiple operators associated with the same project, all operators must obtain permit coverage.[1] Subcontractors generally are not considered operators for the purposes of this permit.

1.1.2 Your site's construction activities:

a. Will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land; or

b. Have been designated by EPA as needing permit coverage under 40 CFR 122.26(a)(1)(v) or 40 CFR 122.26(b)(15)(ii);

1.1.3 Your site is located in an area where EPA is the permitting authority (see Appendix B);

1.1.4 Discharges from your site are not:

a. Already covered by a different NPDES permit for the same discharge; or

b. In the process of having coverage under a different NPDES permit for the same discharge denied, terminated, or revoked.[2,3]

1.1.5 You are able to demonstrate that you meet one of the criteria listed in Appendix D with respect to the protection of species that are federally listed as endangered or threatened under the Endangered Species Act (ESA) and federally designated critical habitat;

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[1] If the operator of a "construction support activity" (see Part 1.2.1c) is different than the operator of the main site, that operator must also obtain permit coverage. See Part 7.1 for clarification on the sharing of liability between and among operators on the same site and for conditions that apply to developing a SWPPP for multiple operators associated with the same site.

[2] Parts 1.1.4a and 1.1.4b do not include sites currently covered under the 2012 CGP that are in the process of obtaining coverage under this permit, nor sites covered under this permit that are transferring coverage to a different operator.

[3] Notwithstanding a site being made ineligible for coverage under this permit because it falls under the description of Parts 1.1.4a or 1.1.4b, above, EPA may waive the applicable eligibility requirement after specific review if it determines that coverage under this permit is appropriate.

1.1.6 You have completed the screening process in Appendix E relating to the protection of historic properties; and

1.1.7 You have complied with all requirements in Part 9 imposed by the applicable state, Indian tribe, or territory in which your construction activities and/or discharge will occur.

1.1.8 For "new sources" (as defined in Appendix A) only:

a. EPA has not, prior to authorization under this permit, determined that discharges from your site will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. Where such a determination is made prior to authorization, EPA may notify you that an individual permit application is necessary. However, EPA may authorize your coverage under this permit after you have included appropriate controls and implementation procedures designed to bring your discharge into compliance with this permit, specifically the requirement to meet water quality standards. In the absence of information demonstrating otherwise, EPA expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3, will result in discharges that will not cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard.

b. Discharges from your site to a Tier 2, Tier 2.5, or Tier 3 water[4] will not lower the water quality of the applicable water. In the absence of information demonstrating otherwise, EPA expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3.2, will result in discharges that will not lower the water quality of such waters.

1.1.9 If you plan to add "cationic treatment chemicals" (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, you may not submit your Notice of Intent (NOI) unless and until you notify your applicable EPA Regional Office (see Appendix L) in advance and the EPA Regional Office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to discharges that cause an exceedance of water quality standards.

1.2 TYPES OF DISCHARGES AUTHORIZED[5]

1.2.1 The following stormwater discharges are authorized under this permit provided that appropriate stormwater controls are designed, installed, and maintained (see Parts 2 and 3):

a. Stormwater discharges, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity under 40 CFR 122.26(b)(14) or 122.26(b)(15)(i);

[4] Note: Your site will be considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first water to which you discharge is identified by a state, tribe, or EPA as a Tier 2, Tier 2.5, or Tier 3 water. For discharges that enter a storm sewer system prior to discharge, the first water of the U.S. to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system. See list of Tier 2, Tier 2.5, and Tier 3 waters in Appendix F.

[5] See "Discharge" as defined in Appendix A. Note: Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the SWPPP, or during an inspection.

b. Stormwater discharges designated by EPA as needing a permit under 40 CFR 122.26(a)(1)(v) or 122.26(b)(15)(ii);

c. Stormwater discharges from construction support activities *(e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas)* provided that:

   i. The support activity is directly related to the construction site required to have permit coverage for stormwater discharges;

   ii. The support activity is not a commercial operation, nor does it serve multiple unrelated construction sites;

   iii. The support activity does not continue to operate beyond the completion of the construction activity at the site it supports; and

   iv. Stormwater controls are implemented in accordance with Part 2 and Part 3 for discharges from the support activity areas.

d. Stormwater discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining.

1.2.2 The following non-stormwater discharges associated with your construction activity are authorized under this permit provided that, with the exception of water used to control dust and to irrigate vegetation in stabilized areas, these discharges are not routed to areas of exposed soil on your site and you comply with any applicable requirements for these discharges in Parts 2 and 3:

a. Discharges from emergency fire-fighting activities;

b. Fire hydrant flushings;

c. Landscape irrigation;

d. Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;

e. Water used to control dust;

f. Potable water including uncontaminated water line flushings;

g. External building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances (as defined in Appendix A) *(e.g., paint or caulk containing polychlorinated biphenyls (PCBs));*

h. Pavement wash waters, provided spills or leaks of toxic or hazardous substances have not occurred (unless all spill material has been removed) and where soaps, solvents, and detergents are not used. You are prohibited from directing pavement wash waters directly into any water of the U.S., storm drain inlet, or stormwater conveyance, unless the conveyance is connected to a sediment basin, sediment trap, or similarly effective control;

i. Uncontaminated air conditioning or compressor condensate;

j. Uncontaminated, non-turbid discharges of ground water or spring water;

k. Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water; and

l. Construction dewatering water discharged in accordance with Part 2.4.

1.2.3 Also authorized under this permit are discharges of stormwater listed above in Part 1.2.1, or authorized non-stormwater discharges listed above in Part 1.2.2, commingled with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.

1.3 PROHIBITED DISCHARGES[6]

1.3.1 Wastewater from washout of concrete, unless managed by an appropriate control as described in Part 2.3.4;

1.3.2 Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;

1.3.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;

1.3.4 Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown; and

1.3.5 Toxic or hazardous substances from a spill or other release.

To prevent the above-listed prohibited non-stormwater discharges, operators must comply with the applicable pollution prevention requirements in Part 2.3.

1.4 SUBMITTING YOUR NOTICE OF INTENT (NOI)

All "operators" (as defined in Appendix A) associated with your construction site, who meet the Part 1.1 eligibility requirements, and who seek coverage under this permit, must submit to EPA a complete and accurate NOI in accordance with the deadlines in **Table 1** prior to commencing construction activities.

Exception: If you are conducting construction activities in response to a public emergency *(e.g., mud slides, earthquake, extreme flooding conditions, 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, you may discharge on the condition that a complete and accurate NOI is submitted within 30 calendar days after commencing construction activities (see Table 1) establishing that you are eligible for coverage under this permit. You must also provide documentation in your Stormwater Pollution Prevention Plan (SWPPP) to substantiate the occurrence of the public emergency.

1.4.1 Prerequisite for Submitting Your NOI

You must develop a SWPPP consistent with Part 7 before submitting your NOI for coverage under this permit.

1.4.2 How to Submit Your NOI

You must use EPA's NPDES eReporting Tool (NeT) to electronically prepare and submit your NOI for coverage under the 2017 CGP, unless you received a waiver from your EPA Regional Office.

To access NeT, go to https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting.

[6] EPA includes these prohibited non-stormwater discharges here as a reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2. Any unauthorized non-stormwater discharges must be covered under an individual permit or alternative general permit.

Waivers from electronic reporting may be granted based on one of the following conditions:

a. If your operational headquarters is physically located in a geographic area (*i.e., ZIP code or census tract*) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or

b. If you have limitations regarding available computer access or computer capability.

If the EPA Regional Office grants you approval to use a paper NOI, and you elect to use it, you must complete the form in Appendix J.

1.4.3 Deadlines for Submitting Your NOI and Your Official Date of Permit Coverage

Table 1 provides the deadlines for submitting your NOI and the official start date of your permit coverage, which differ depending on when you commence construction activities.

Table 1 NOI Submittal Deadlines and Official Start Date for Permit Coverage.

Type of Operator	NOI Submittal Deadline[7]	Permit Authorization Date[8]
Operator of a new site (*i.e., a site where construction activities commence on or after February 16, 2017*)	At least 14 calendar days before commencing construction activities.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.
Operator of an existing site (*i.e., a site with 2012 CGP coverage where construction activities commenced prior to February 16, 2017*)	No later than **May 17, 2017**.	
New operator of a permitted site (*i.e., an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site that is either a "new site" or an "existing site"*)	At least 14 calendar days before the date the transfer to the new operator will take place.	
Operator of an "emergency-related project" (*i.e., a project initiated in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services*)	No later than 30 calendar days after commencing construction activities.	You are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered 14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.

[7] If you miss the deadline to submit your NOI, any and all discharges from your construction activities will continue to be unauthorized under the CWA until they are covered by this or a different NPDES permit. EPA may take enforcement action for any unpermitted discharges that occur between the commencement of construction activities and discharge authorization.

[8] Discharges are not authorized if your NOI is incomplete or inaccurate or if you are not eligible for permit coverage.

1.4.4 Modifying your NOI

If after submitting your NOI you need to correct or update any fields, you may do so by submitting a "Change NOI" form using NeT. Waivers from electronic reporting may be granted as specified in Part 1.4.1. If the EPA Regional Office has granted you approval to submit a paper NOI modification, you may indicate any NOI changes on the same NOI form in Appendix J.

When there is a change to the site's operator, the new operator must submit a new NOI, and the previous operator must submit a Notice of Termination (NOT) form as specified in Part 8.3.

1.4.5 Your Official End Date of Permit Coverage

Once covered under this permit, your coverage will last until the date that:

a. You terminate permit coverage consistent with Part 8; or

b. You receive permit coverage under a different NPDES permit or a reissued or replacement version of this permit after expiring on February 16, 2022; or

c. You fail to submit an NOI for coverage under a revised or replacement version of this permit before the deadline for existing construction sites where construction activities continue after this permit has expired.

1.5 REQUIREMENT TO POST A NOTICE OF YOUR PERMIT COVERAGE

You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so that it is visible from the public road that is nearest to the active part of the construction site, and it must use a font large enough to be readily viewed from a public right-of-way.[9] At a minimum, the notice must include:

a. The NPDES ID (*i.e., permit tracking number assigned to your NOI*);

b. A contact name and phone number for obtaining additional construction site information;

c. The Uniform Resource Locator (URL) for the SWPPP (if available), or the following statement: "If you would like to obtain a copy of the Stormwater Pollution Prevention Plan (SWPPP) for this site, contact the EPA Regional Office at [*include the appropriate CGP Regional Office contact information found at https://www.epa.gov/npdes/contact-us-stormwater#regional*];" and

d. The following statement "If you observe indicators of stormwater pollutants in the discharge or in the receiving waterbody, contact the EPA through the following website: https://www.epa.gov/enforcement/report-environmental-violations."

[9] If the active part of the construction site is not visible from a public road, then place the notice of permit coverage in a position that is visible from the nearest public road and as close as possible to the construction site.

2 TECHNOLOGY-BASED EFFLUENT LIMITATIONS

You must comply with the following technology-based effluent limitations in this Part for all authorized discharges.[10]

2.1 GENERAL STORMWATER CONTROL DESIGN, INSTALLATION, AND MAINTENANCE REQUIREMENTS

You must design, install, and maintain stormwater controls required in Parts 2.2 and 2.3 to minimize the discharge of pollutants in stormwater from construction activities. To meet this requirement, you must:

2.1.1 Account for the following factors in designing your stormwater controls:

a. The expected amount, frequency, intensity, and duration of precipitation;

b. The nature of stormwater runoff and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. You must design stormwater controls to control stormwater volume, velocity, and peak flow rates to minimize discharges of pollutants in stormwater and to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points; and

c. The soil type and range of soil particle sizes expected to be present on the site.

2.1.2 Design and install all stormwater controls in accordance with good engineering practices, including applicable design specifications.[11]

2.1.3 Complete installation of stormwater controls by the time each phase of construction activities has begun.

a. By the time construction activity in any given portion of the site begins, install and make operational any downgradient sediment controls (*e.g., buffers, perimeter controls, exit point controls, storm drain inlet protection*) that control discharges from the initial site clearing, grading, excavating, and other earth-disturbing activities.[12]

b. Following the installation of these initial controls, install and make operational all stormwater controls needed to control discharges prior to subsequent earth-disturbing activities.

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[10] For each of the effluent limits in Part 2, as applicable to your site, you must include in your SWPPP (1) a description of the specific control(s) to be implemented to meet the effluent limit; (2) any applicable design specifications; (3) routine maintenance specifications; and (4) the projected schedule for its (their) installation/implementation. See Part 7.2.6.

[11] Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practices and must be explained in your SWPPP. You must also comply with any additional design and installation requirements specified for the effluent limits in Parts 2.2 and 2.3.

[12] Note that the requirement to install stormwater controls prior to each phase of construction activities for the site does not apply to the earth disturbance associated with the actual installation of these controls. Operators should take all reasonable actions to minimize the discharges of pollutants during the installation of stormwater controls.

2.1.4 Ensure that all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.

a. Comply with any specific maintenance requirements for the stormwater controls listed in this permit, as well as any recommended by the manufacturer.[13]

b. If at any time you find that a stormwater control needs routine maintenance, you must immediately initiate the needed maintenance work, and complete such work by the close of the next business day.

c. If at any time you find that a stormwater control needs repair or replacement, you must comply with the corrective action requirements in Part 5.

2.2 EROSION AND SEDIMENT CONTROL REQUIREMENTS

You must implement erosion and sediment controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater from construction activities.

2.2.1 Provide and maintain natural buffers and/or equivalent erosion and sediment controls when a water of the U.S. is located within 50 feet of the site's earth disturbances.

a. **Compliance Alternatives.** For any discharges to waters of the U.S. located within 50 feet of your site's earth disturbances, you must comply with one of the following alternatives:

i. Provide and maintain a 50-foot undisturbed natural buffer; or

ii. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or

iii. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

See Appendix G, Part G.2 for additional conditions applicable to each compliance alternative.

b. **Exceptions.** See Appendix G, Part G.2 for exceptions to the compliance alternatives.

2.2.2 Direct stormwater to vegetated areas and maximize stormwater infiltration and filtering to reduce pollutant discharges, unless infeasible.

2.2.3 Install sediment controls along any perimeter areas of the site that will receive pollutant discharges.[14]

a. Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control.

b. **Exception**. For areas at "linear construction sites" (as defined in Appendix A) where perimeter controls are infeasible *(e.g., due to a limited or restricted right-of-way),*

[13] Any departures from such maintenance recommendations made by the manufacturer must reflect good engineering practices and must be explained in your SWPPP.

[14] Examples of perimeter controls include filter berms, silt fences, vegetative strips, and temporary diversion dikes.

implement other practices as necessary to minimize pollutant discharges to perimeter areas of the site.

2.2.4 Minimize sediment track-out.

a. **Restrict vehicle use to properly designated exit points;**

b. Use appropriate stabilization techniques[15] at all points that exit onto paved roads.

   i. **Exception**: Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls[16] are implemented to minimize sediment track-out;

c. Implement additional track-out controls[17] as necessary to ensure that sediment removal occurs prior to vehicle exit; and

d. Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or water of the U.S.[18]

2.2.5 Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil:

a. Locate the piles outside of any natural buffers established under Part 2.2.1 and away from any stormwater conveyances, drain inlets, and areas where stormwater flow is concentrated;

b. Install a sediment barrier along all downgradient perimeter areas;[19]

c. For piles that will be unused for 14 or more days, provide cover[20] or appropriate temporary stabilization (consistent with Part 2.2.14);

d. You are prohibited from hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance, storm drain inlet, or water of the U.S.

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[15] Examples of appropriate stabilization techniques include the use of aggregate stone with an underlying geotextile or non-woven filter fabric, and turf mats.

[16] Examples of other exit point controls include preventing the use of exit points during wet periods; minimizing exit point use by keeping vehicles on site to the extent possible; limiting exit point size to the width needed for vehicle and equipment usage; using scarifying and compaction techniques on the soil; and avoiding establishing exit points in environmentally sensitive areas (*e.g., karst areas; steep slopes).*

[17] Examples of additional track-out controls include the use of wheel washing, rumble strips, and rattle plates.

[18] Fine grains that remain visible *(i.e., staining)* on the surfaces of off-site streets, other paved areas, and sidewalks after you have implemented sediment removal practices are not a violation of Part 2.2.4.

[19] Examples of sediment barriers include berms, dikes, fiber rolls, silt fences, sandbags, gravel bags, or straw bale.

[20] Examples of cover include tarps, blown straw and hydroseeding.

2.2.6 **Minimize dust.** On areas of exposed soil, minimize the generation of dust through the appropriate application of water or other dust suppression techniques.

2.2.7 **Minimize steep slope disturbances.** Minimize the disturbance of "steep slopes" (as defined in Appendix A).

2.2.8 **Preserve native topsoil, unless infeasible.**[21]

2.2.9 **Minimize soil compaction.**[22] In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed:

a. Restrict vehicle and equipment use in these locations to avoid soil compaction; and

b. Before seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.

2.2.10 **Protect storm drain inlets.**

a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater flow from your site to a water of the U.S., provided you have authority to access the storm drain inlet;[23] and

b. Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.

2.2.11 **Minimize erosion of stormwater conveyance channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters.** Use erosion controls and velocity dissipation devices[24] within and along the length of any stormwater conveyance channel and at any outlet to slow down runoff to minimize erosion.

2.2.12 **If you install a sediment basin or similar impoundment:**

a. Situate the basin or impoundment outside of any water of the U.S. and any natural buffers established under Part 2.2.1;

b. Design the basin or impoundment to avoid collecting water from wetlands;

c. Design the basin or impoundment to provide storage for either:

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[21] Stockpiling topsoil at off-site locations, or transferring topsoil to other locations, is an example of a practice that is consistent with the requirements in Part 2.2.8. Preserving native topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed. For example, some sites may be designed to be highly impervious after construction, and therefore little or no vegetation is intended to remain, or may not have space to stockpile native topsoil on site for later use, in which case, it may not be feasible to preserve topsoil.

[22] Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.

[23] Inlet protection measures can be removed in the event of flood conditions or to prevent erosion.

[24] Examples of velocity dissipation devices include check dams, sediment traps, riprap, and grouted riprap at outlets.

ii. The calculated volume of runoff from a 2-year, 24-hour storm (see Appendix H); or

iii. 3,600 cubic feet per acre drained.

d. Utilize outlet structures that withdraw water from the surface of the sediment basin or similar impoundment, unless infeasible;[25]

e. Use erosion controls and velocity dissipation devices to prevent erosion at inlets and outlets; and

f. Remove accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure the basin or impoundment remains in effective operating condition.

2.2.13 If using treatment chemicals (*e.g., polymers, flocculants, coagulants*):

a. **Use conventional erosion and sediment controls before and after the application of treatment chemicals.** Chemicals may only be applied where treated stormwater is directed to a sediment control *(e.g., sediment basin, perimeter control)* before discharge.

b. **Select appropriate treatment chemicals**. Chemicals must be appropriately suited to the types of soils likely to be exposed during construction and present in the discharges being treated *(i.e., the expected turbidity, pH, and flow rate of stormwater flowing into the chemical treatment system or area).*

c. **Minimize discharge risk from stored chemicals.** Store all treatment chemicals in leak-proof containers that are kept under storm-resistant cover and surrounded by secondary containment structures *(e.g., spill berms, decks, spill containment pallets)*, or provide equivalent measures designed and maintained to minimize the potential discharge of treatment chemicals in stormwater or by any other means *(e.g., storing chemicals in a covered area, having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill).*

d. **Comply with state/local requirements.** Comply with applicable state and local requirements regarding the use of treatment chemicals.

e. **Use chemicals in accordance with good engineering practices and specifications of the chemical provider/supplier.** Use treatment chemicals and chemical treatment systems in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document in your SWPPP specific departures from these specifications and how they reflect good engineering practice.

f. **Ensure proper training.** Ensure that all persons who handle and use treatment chemicals at the construction site are provided with appropriate, product-specific training. Among other things, the training must cover proper dosing requirements.

g. **Perform additional measures specified by the EPA Regional Office for the authorized use of cationic chemicals.** If you have been authorized to use cationic chemicals at your site pursuant to Part 1.1.9, you must perform all additional measures as

[25] The circumstances in which it is infeasible to design outlet structures in this manner are rare. Exceptions may include areas with extended cold weather, where using surface outlets may not be feasible during certain time periods (although they must be used during other periods). If you determine that it is infeasible to meet this requirement, you must provide documentation in your SWPPP to support your determination, including the specific conditions or time periods when this exception will apply.

conditioned by your authorization to ensure that the use of such chemicals will not cause an exceedance of water quality standards.

2.2.14 Stabilize exposed portions of the site. Implement and maintain stabilization measures (e.g., seeding protected by erosion controls until vegetation is established, sodding, mulching, erosion control blankets, hydromulch, gravel) that minimize erosion from exposed portions of the site in accordance with Parts 2.2.14a and 2.2.14b.

a. **Stabilization Deadlines:**[26]

Total Amount of Land Disturbance Occurring At Any One Time[27]	Deadline
i. **Five acres or less (≤5.0)** **Note: this includes sites disturbing more than five acres (>5.0) total over the course of a project, but that limit disturbance at any one time *(i.e., phase the disturbance)* to five acres or less (≤5.0)**	• Initiate the installation of stabilization measures immediately[28] in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;[29] and • Complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days after stabilization has been initiated.[30]

[26] EPA may determine, based on an inspection carried out under Part 4.8 and corrective actions required under Part 5.3, that the level of sediment discharge on the site makes it necessary to require a faster schedule for completing stabilization. For instance, if sediment discharges from an area of exposed soil that is required to be stabilized are compromising the performance of existing stormwater controls, EPA may require stabilization to correct this problem.

[27] Limiting disturbances to five (5) acres or less at any one time means that at no time during the project do the cumulative earth disturbances exceed five (5) acres. The following examples would qualify as limiting disturbances at any one time to five (5) acres or less:

1. The total area of disturbance for a project is five (5) acres or less.
2. The total area of disturbance for a project will exceed five (5) acres, but the operator ensures that no more than five (5) acres will be disturbed at any one time through implementation of stabilization measures. In this way, site stabilization can be used to "free up" land that can be disturbed without exceeding the five (5)-acre cap to qualify for the 14-day stabilization deadline. For instance, if an operator completes stabilization of two (2) acres of land on a five (5)-acre disturbance, then two (2) additional acres could be disturbed while still qualifying for the longer 14-day stabilization deadline.

[28] The following are examples of activities that would constitute the immediate initiation of stabilization:

1. Prepping the soil for vegetative or non-vegetative stabilization as long as seeding, planting, and/or installation of non-vegetative stabilization products takes place as soon as practicable, but no later than one (1) calendar day of completing soil preparation;
2. Applying mulch or other non-vegetative product to the exposed area;
3. Seeding or planting the exposed area;
4. Starting any of the activities in # 1 – 3 on a portion of the entire area that will be stabilized; and
5. Finalizing arrangements to have stabilization product fully installed in compliance with the deadlines for completing stabilization.

[29] The requirement to initiate stabilization immediately is triggered as soon as you know that construction work on a portion of the site is temporarily ceased and will not resume for 14 or more days, or as soon as you know that construction work is permanently ceased. In the context of this provision, "immediately" means as soon as practicable, but no later than the end of the next business day, following the day when the construction activities have temporarily or permanently ceased.

[30] If vegetative stabilization measures are being implemented, stabilization is considered "installed" when all activities necessary to seed or plant the area are completed. If non-vegetative stabilization measures are being implemented, stabilization is considered "installed" when all such measures are implemented or applied.

Total Amount of Land Disturbance Occurring At Any One Time[27]	Deadline
ii. **More than five acres (>5.0)**	• Initiate the installation of stabilization measures immediately[31] in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;[32] and • Complete the installation of stabilization measures as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.[33]

iii. **Exceptions:**

(a) Arid, semi-arid, and drought-stricken areas (as defined in Appendix A)**.** If it is the seasonally dry period or a period in which drought is occurring, and vegetative stabilization measures are being used:

(i) Immediately initiate and, within 14 calendar days of a temporary or permanent cessation of work in any portion of your site, complete the installation of temporary non-vegetative stabilization measures to the extent necessary to prevent erosion;

(ii) As soon as practicable, given conditions or circumstances on the site, complete all activities necessary to seed or plant the area to be stabilized; and

(iii) If construction is occurring during the seasonally dry period, indicate in your SWPPP the beginning and ending dates of the seasonally dry period and your site conditions. Also include the schedule you will follow for initiating and completing vegetative stabilization.

(b) Operators that are affected by unforeseen circumstances[34] that delay the initiation and/or completion of vegetative stabilization:

(i) Immediately initiate and, within 14 calendar days, complete the installation of temporary non-vegetative stabilization measures to prevent erosion;

(ii) Complete all soil conditioning, seeding, watering or irrigation installation, mulching, and other required activities related to the planting and initial establishment of vegetation as soon as conditions or circumstances allow it on your site; and

(iii) Document in the SWPPP the circumstances that prevent you from meeting the deadlines in Part 2.2.14a and the schedule you will follow for initiating and completing stabilization.

(c) Discharges to a sediment- or nutrient-impaired water or to a water that is identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes. Complete stabilization as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.

[31] See footnote 27

[32] See footnote 28

[33] See footnote 29

[34] Examples include problems with the supply of seed stock or with the availability of specialized equipment and unsuitability of soil conditions due to excessive precipitation and/or flooding.

b. **Final Stabilization Criteria** (for any areas not covered by permanent structures):

i. Establish uniform, perennial vegetation *(i.e., evenly distributed, without large bare areas)* that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas; and/or

ii. Implement permanent non-vegetative stabilization measures[35] to provide effective cover.

iii. **Exceptions:**

(a) Arid, semi-arid, and drought-stricken areas (as defined in Appendix A). Final stabilization is met if the area has been seeded or planted to establish vegetation that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas within three (3) years and, to the extent necessary to prevent erosion on the seeded or planted area, non-vegetative erosion controls have been applied that provide cover for at least three years without active maintenance.

(b) Disturbed areas on agricultural land that are restored to their preconstruction agricultural use. The Part 2.2.14b final stabilization criteria does not apply.

(c) Areas that need to remain disturbed. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed, and only the minimum area needed remains disturbed *(e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, materials).*

2.3 POLLUTION PREVENTION REQUIREMENTS[36]

You must implement pollution prevention controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater and to prevent the discharge of pollutants from spilled or leaked materials from construction activities.

2.3.1 For equipment and vehicle fueling and maintenance:

a. Provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuels and oils, from these activities;[37]

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[35] Examples of permanent non-vegetative stabilization measures include riprap, gravel, gabions, and geotextiles.

[36] Under this permit, you are not required to minimize exposure for any products or materials 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).

[37] Examples of effective means include:

- Locating activities away from waters of the U.S. and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach waters of the U.S.;
- Providing secondary containment (*e.g., spill berms, decks, spill containment pallets*) and cover where appropriate; and
- Having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill.

b. If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR part 112 and Section 311 of the CWA;

c. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;

d. Use drip pans and absorbents under or around leaky vehicles;

e. Dispose of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements; and

f. Clean up spills or contaminated surfaces immediately, using dry clean up measures (do not clean contaminated surfaces by hosing the area down), and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

2.3.2 For equipment and vehicle washing:

a. Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of wash waters;[38]

b. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water; and

c. For storage of soaps, detergents, or solvents, provide either (1) cover *(e.g., plastic sheeting, temporary roofs)* to minimize the exposure of these detergents to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

2.3.3 For storage, handling, and disposal of building products, materials, and wastes:

a. *For building materials and building products*[39], provide either (1) cover (*e.g., plastic sheeting, temporary roofs*) to minimize the exposure of these products to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

b. *For pesticides, herbicides, insecticides, fertilizers, and landscape materials:*

   i. In storage areas, provide either (1) cover (*e.g., plastic sheeting, temporary roofs*) to minimize the exposure of these chemicals to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas; and

   ii. Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label (see also Part 2.3.5).

c. *For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals*:

   i. Store chemicals in water-tight containers, and provide either (1) cover *(e.g., plastic sheeting, temporary roofs)* to minimize the exposure of these containers to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas *(e.g., having a spill kit available on site and ensuring personnel are available to respond expeditiously in*

[38] Examples of effective means include locating activities away from waters of the U.S. and stormwater inlets or conveyances and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls.

[39] Examples of building materials and building products typically present at construction sites include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.

the event of a leak or spill), or provide secondary containment *(e.g., spill berms, decks, spill containment pallets)*; and

ii. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.

d. *For hazardous or toxic wastes:*[40]

i. Separate hazardous or toxic waste from construction and domestic waste;

ii. Store waste in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion, and which are labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, tribal, or local requirements;

iii. Store all outside containers within appropriately-sized secondary containment (*e.g., spill berms, decks, spill containment pallets*) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas *(e.g., storing chemicals in a covered area, having a spill kit available on site);*

iv. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state, tribal, and local requirements;

v. Clean up spills immediately, using dry clean-up methods, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and

vi. Follow all other federal, state, tribal, and local requirements regarding hazardous or toxic waste.

e. *For construction and domestic wastes:*[41]

i. Provide waste containers *(e.g., dumpster, trash receptacle)* of sufficient size and number to contain construction and domestic wastes;

ii. Keep waste container lids closed when not in use and close lids at the end of the business day for those containers that are actively used throughout the day. For waste containers that do not have lids, provide either (1) cover *(e.g., a tarp, plastic sheeting, temporary roof)* to minimize exposure of wastes to precipitation, or (2) a similarly effective means designed to minimize the discharge of pollutants *(e.g., secondary containment)*;

iii. On business days, clean up and dispose of waste in designated waste containers; and

iv. Clean up immediately if containers overflow.

[40] Examples of hazardous or toxic waste that may be present at construction sites include paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.

[41] Examples of construction and domestic waste include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, demolition debris; and other trash or building materials.

f. *For sanitary waste*, position portable toilets so that they are secure and will not be tipped or knocked over, and located away from waters of the U.S. and stormwater inlets or conveyances.

2.3.4 For washing applicators and containers used for stucco, paint, concrete, form release oils, curing compounds, or other materials:

a. Direct wash water into a leak-proof container or leak-proof and lined pit designed so that no overflows can occur due to inadequate sizing or precipitation;

b. Handle washout or cleanout wastes as follows:

   i. Do not dump liquid wastes in storm sewers or waters of the U.S.;

   ii. Dispose of liquid wastes in accordance with applicable requirements in Part 2.3.3; and

   iii. Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part 2.3.3; and

c. Locate any washout or cleanout activities as far away as possible from waters of the U.S. and stormwater inlets or conveyances, and, to the extent feasible, designate areas to be used for these activities and conduct such activities only in these areas.

2.3.5 For the application of fertilizers:

a. Apply at a rate and in amounts consistent with manufacturer's specifications, or document in the SWPPP departures from the manufacturer specifications where appropriate in accordance with Part 7.2.6.b.ix;

b. Apply at the appropriate time of year for your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;

c. Avoid applying before heavy rains that could cause excess nutrients to be discharged;

d. Never apply to frozen ground;

e. Never apply to stormwater conveyance channels; and

f. Follow all other federal, state, tribal, and local requirements regarding fertilizer application.

2.3.6 Emergency Spill Notification Requirements

Discharges of toxic or hazardous substances from a spill or other release are prohibited, consistent with Part 1.3.5. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 as soon as you have knowledge of the release. You must also, within seven (7) calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. State, tribal, or local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

2.4 CONSTRUCTION DEWATERING REQUIREMENTS

Comply with the following requirements to minimize the discharge of pollutants in ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, in accordance with Part 1.2.2.[42]

2.4.1 Treat dewatering discharges with controls to minimize discharges of pollutants;[43]

2.4.2 Do not discharge visible floating solids or foam;

2.4.3 Use an oil-water separator or suitable filtration device (such as a cartridge filter) that is designed to remove oil, grease, or other products if dewatering water is found to contain these materials;

2.4.4 To the extent feasible, use vegetated, upland areas of the site to infiltrate dewatering water before discharge. You are prohibited from using waters of the U.S. as part of the treatment area;

2.4.5 At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part 2.2.11;

2.4.6 With backwash water, either haul it away for disposal or return it to the beginning of the treatment process; and

2.4.7 Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.

3 WATER QUALITY-BASED EFFLUENT LIMITATIONS

3.1 GENERAL EFFLUENT LIMITATION TO MEET APPLICABLE WATER QUALITY STANDARDS

Discharges must be controlled as necessary to meet applicable water quality standards. Discharges must also comply with any additional state or tribal requirements that are in Part 9.

In the absence of information demonstrating otherwise, EPA expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable water quality standards. If at any time you become aware, or EPA determines, that discharges are not being controlled as necessary to meet applicable water quality standards, you must take corrective action as required in Parts 5.1 and 5.2, and document the corrective actions as required in Part 5.4.

EPA may insist that you install additional controls (to meet the narrative water quality-based effluent limit above) on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality

[42] Uncontaminated, clear (non-turbid) dewatering water can be discharged without being routed to a control.

[43] Appropriate controls include sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, filtration systems (*e.g., bag or sand filters*), and passive treatment systems that are designed to remove sediment. Appropriate controls to use downstream of dewatering controls to minimize erosion include vegetated buffers, check dams, riprap, and grouted riprap at outlets.

standards. This includes situations where additional controls are necessary to comply with a wasteload allocation in an EPA-established or approved TMDL.

If during your coverage under a previous permit, you were required to install and maintain stormwater controls specifically to meet the assumptions and requirements of an EPA-approved or established TMDL (for any parameter) or to otherwise control your discharge to meet water quality standards, you must continue to implement such controls as part of your coverage under this permit.

3.2 DISCHARGE LIMITATIONS FOR SITES DISCHARGING TO SENSITIVE WATERS[44]

For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes, you must comply with the inspection frequency specified in 4.3 and you must comply with the stabilization deadline specified in Part 2.2.14.a.iii.(c).[45]

If you discharge to a water that is impaired for a parameter other than a sediment-related parameter or nutrients, EPA will inform you if any additional controls are necessary for your discharge to be controlled as necessary to meet water quality standards, including for it to be consistent with the assumptions of any available wasteload allocation in any applicable TMDL, or if coverage under an individual permit is necessary.

In addition, on a case-by-case basis, EPA may notify operators of new sites or operators of existing sites with increased discharges that additional analyses, stormwater controls, or other measures are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary.

If you discharge to a water that is impaired for polychlorinated biphenyls (PCBs) and are engaging in demolition of any structure with at least 10,000 square feet of floor space built or renovated before January 1, 1980, you must:

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[44] Sensitive waters include waters that are impaired and Tier 2, Tier 2.5, and Tier 3 waters.

"Impaired waters" are those waters identified by the state, tribe, or EPA as not meeting an applicable water quality standard and (1) requires development of a TMDL (pursuant to section 303(d) of the CWA; or (2) is addressed by an EPA-approved or established TMDL; or (3) is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1). Your construction site will be considered to discharge to an impaired water if the first water of the U.S. to which you discharge is an impaired water for the pollutants contained in the discharge from your site. For discharges that enter a storm sewer system prior to discharge, the first water of the U.S. to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system. For assistance in determining whether your site discharges to impaired waters, EPA has developed a tool that is available both within the electronic NOI form in NeT, and at https://www.epa.gov/npdes/epas-stormwater-discharge-mapping-tools.

Tiers 2, 2.5 and 3 refer to waters either identified by the state as high quality waters or Outstanding National Resource Waters under 40 CFR 131.12(a)(2) and (3). For the purposes of this permit, you are considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first water of the U.S. to which you discharge is identified by a state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3. For discharges that enter a storm sewer system prior to discharge, the water of the U.S. to which you discharge is the first water of the U.S. that receives the stormwater discharge from the storm sewer system. See list of Tier 2, Tier 2.5, and Tier 3 waters in Appendix F.

EPA may determine on a case-by-case basis that a site discharges to a sensitive water.

[45] If you qualify for any of the reduced inspection frequencies in Part 4.4, you may conduct inspections in accordance with Part 4.4 for any portion of your site that discharges to a sensitive water.

a. Implement controls[46] to minimize the exposure of PCB-containing building materials, including paint, caulk, and pre-1980 fluorescent lighting fixtures, to precipitation and to stormwater; and

b. Ensure that disposal of such materials is performed in compliance with applicable state, federal, and local laws.

4 SITE INSPECTION REQUIREMENTS

4.1 PERSON(S) RESPONSIBLE FOR INSPECTING SITE

The person(s) inspecting your site may be a person on your staff or a third party you hire to conduct such inspections. You are responsible for ensuring that the person who conducts inspections is a "qualified person."[47]

4.2 FREQUENCY OF INSPECTIONS.[48]

At a minimum, you must conduct a site inspection in accordance with one of the two schedules listed below, unless you are subject to the Part 4.3 site inspection frequency for discharges to sensitive waters or qualify for a Part 4.4 reduction in the inspection frequency:

4.2.1 At least once every seven (7) calendar days; *or*

4.2.2 Once every 14 calendar days *and* within 24 hours of the occurrence of a storm event of 0.25 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge.[49] To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.

4.3 INCREASE IN INSPECTION FREQUENCY FOR SITES DISCHARGING TO SENSITIVE WATERS.

For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes (see Part 3.2), instead of the inspection frequency specified in

[46] Examples of controls to minimize exposure of PCBs to precipitation and stormwater include separating work areas from non-work areas and selecting appropriate personal protective equipment and tools, constructing a containment area so that all dust or debris generated by the work remains within the protected area, using tools that minimize dust and heat (<212°F). For additional information, refer to Part 2.3.3 of the CGP Fact Sheet.

[47] A "qualified person" is a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.

[48] Inspections are only required during the site's normal working hours.

[49] "Within 24 hours of the occurrence of a storm event" means that you must conduct an inspection within 24 hours once a storm event has produced 0.25 inches within a 24-hour period, even if the storm event is still continuing. Thus, if you have elected to inspect bi-weekly in accordance with Part 4.2.2 and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

Part 4.2, you must conduct inspections in accordance with the following inspection frequencies:

Once every seven (7) calendar days *and* within 24 hours of the occurrence of a storm event of 0.25 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.

4.4 REDUCTIONS IN INSPECTION FREQUENCY

4.4.1 Stabilized areas.

a. You may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, then once per month in any area of your site where the stabilization steps in 2.2.14a have been completed. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in Parts 4.2 and 4.3, as applicable. You must document the beginning and ending dates of this period in your SWPPP.

b. **Exception.** For "linear construction sites" (as defined in Appendix A) where disturbed portions have undergone final stabilization at the same time active construction continues on others, you may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, in any area of your site where the stabilization steps in 2.2.14a have been completed. After the first month, inspect once more within 24 hours of the occurrence of a storm event of 0.25 inches or greater. If there are no issues or evidence of stabilization problems, you may suspend further inspections. If "wash-out" of stabilization materials and/or sediment is observed, following re-stabilization, inspections must resume at the inspection frequency required in Part 4.4.1a Inspections must continue until final stabilization is visually confirmed following a storm event of 0.25 inches or greater.

4.4.2 Arid, semi-arid, or drought-stricken areas (as defined in Appendix A).

If it is the seasonally dry period or a period in which drought is occurring, you may reduce the frequency of inspections to once per month and within 24 hours of the occurrence of a storm event of 0.25 inches or greater. You must document that you are using this reduced schedule and the beginning and ending dates of the seasonally dry period in your SWPPP. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.

4.4.3 Frozen conditions:

a. If you are suspending construction activities due to frozen conditions, you may temporarily suspend inspections on your site until thawing conditions (as defined in Appendix A) begin to occur if:

i. Runoff is unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable;

ii. Land disturbances have been suspended; and

iii. All disturbed areas of the site have been stabilized in accordance with Part 2.2.14a.

b. If you are still conducting construction activities during frozen conditions, you may reduce your inspection frequency to once per month if:

i. Runoff is unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable; and

ii. Except for areas in which you are actively conducting construction activities, disturbed areas of the site have been stabilized in accordance with Part 2.2.14a.

You must document the beginning and ending dates of this period in your SWPPP.

4.5 AREAS THAT MUST BE INSPECTED

During your site inspection, you must at a minimum inspect the following areas of your site:

4.5.1 All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part 2.2.14a;

4.5.2 All stormwater controls (including pollution prevention controls) installed at the site to comply with this permit;[50]

4.5.3 Material, waste, borrow, and equipment storage and maintenance areas that are covered by this permit;

4.5.4 All areas where stormwater typically flows within the site, including drainageways designed to divert, convey, and/or treat stormwater;

4.5.5 All points of discharge from the site; and

4.5.6 All locations where stabilization measures have been implemented.

You are not required to inspect areas that, at the time of the inspection, are considered unsafe to your inspection personnel.

4.6 REQUIREMENTS FOR INSPECTIONS

During your site inspection, you must at a minimum:

4.6.1 Check whether all stormwater controls *(i.e., erosion and sediment controls and pollution prevention controls)* are properly installed, appear to be operational, and are working as intended to minimize pollutant discharges;

[50] This includes the requirement to inspect for sediment that has been tracked out from the site onto paved roads, sidewalks, or other paved areas consistent with Part 2.2.4.

4.6.2 Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site;

4.6.3 Identify any locations where new or modified stormwater controls are necessary to meet the requirements of Parts 2 and/or 3;

4.6.4 Check for signs of visible erosion and sedimentation *(i.e., sediment deposits)* that have occurred and are attributable to your discharge at points of discharge and, if applicable, the banks of any waters of the U.S. flowing within or immediately adjacent to the site;

4.6.5 Identify any incidents of noncompliance observed;

4.6.6 If a discharge is occurring during your inspection:

a. Identify all discharge points at the site; and

b. Observe and document the visual quality of the discharge, and take note of the characteristics of the stormwater discharge, including color; odor; floating, settled, or suspended solids; foam; oil sheen; and other indicators of stormwater pollutants.

4.6.7 Based on the results of your inspection, complete any necessary maintenance under Part 2.1.4 and corrective action under Part 5.

4.7 INSPECTION REPORT

4.7.1 You must complete an inspection report within 24 hours of completing any site inspection. Each inspection report must include the following:

a. The inspection date;

b. Names and titles of personnel making the inspection;

c. A summary of your inspection findings, covering at a minimum the observations you made in accordance with Part 4.6, including any necessary maintenance or corrective actions;

d. If you are inspecting your site at the frequency specified in Part 4.2.2, Part 4.3, or Part 4.4.1b, and you conducted an inspection because of rainfall measuring 0.25 inches or greater, you must include the applicable rain gauge or weather station readings that triggered the inspection; and

e. If you determined that it is unsafe to inspect a portion of your site, you must describe the reason you found it to be unsafe and specify the locations to which this condition applies.

4.7.2 Each inspection report must be signed in accordance with Appendix I, Part I.11 of this permit.

4.7.3 You must keep a copy of all inspection reports at the site or at an easily accessible location, so that it can be made available at the time of an on-site inspection or upon request by EPA.

4.7.4 You must retain all inspection reports completed for this Part for at least three (3) years from the date that your permit coverage expires or is terminated.

4.8 INSPECTIONS BY EPA

You must allow EPA, or an authorized representative of EPA, to conduct the following activities at reasonable times. To the extent that you are utilizing shared controls that are not on site to comply with this permit, you must make arrangements for EPA to have access at all reasonable times to those areas where the shared controls are located.

4.8.1 Enter onto all areas of the site, including any construction support activity areas covered by this permit, any off-site areas where shared controls are utilized to comply with this permit, discharge locations, adjoining waterbodies, and locations where records are kept under the conditions of this permit;

4.8.2 Access and copy any records that must be kept under the conditions of this permit;

4.8.3 Inspect your construction site, including any construction support activity areas covered by this permit (see Part 1.2.1c), any stormwater controls installed and maintained at the site, and any off-site shared controls utilized to comply with this permit; and

4.8.4 Sample or monitor for the purpose of ensuring compliance.

5 CORRECTIVE ACTIONS

5.1 CONDITIONS TRIGGERING CORRECTIVE ACTION.

You must take corrective action to address any of the following conditions identified at your site:

5.1.1 A stormwater control needs repair or replacement (beyond routine maintenance required under Part 2.1.4); or

5.1.2 A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or

5.1.3 Your discharges are causing an exceedance of applicable water quality standards; or

5.1.4 A prohibited discharge has occurred (see Part 1.3).

5.2 CORRECTIVE ACTION DEADLINES

For any corrective action triggering conditions in Part 5.1, you must:

5.2.1 Immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events;

5.2.2 When the problem does not require a new or replacement control or significant repair, the corrective action must be completed by the close of the next business day;

5.2.3 When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 7-day timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP,

you must modify your SWPPP accordingly within seven (7) calendar days of completing this work.

5.3 CORRECTIVE ACTION REQUIRED BY EPA

You must comply with any corrective actions required by EPA as a result of permit violations found during an inspection carried out under Part 4.8.

5.4 CORRECTIVE ACTION REPORT

For each corrective action taken in accordance with this Part, you must complete a report in accordance with the following:

5.4.1 Within 24 hours of identifying the corrective action condition, document the specific condition and the date and time it was identified.

5.4.2 Within 24 hours of completing the corrective action (in accordance with the deadlines in Part 5.2), document the actions taken to address the condition, including whether any SWPPP modifications are required.

5.4.3 Each corrective action report must be signed in accordance with Appendix I, Part I.11 of this permit.

5.4.4 You must keep a copy of all corrective action reports at the site or at an easily accessible location, so that it can be made available at the time of an on-site inspection or upon request by EPA.

5.4.5 You must retain all corrective action reports completed for this Part for at least three (3) years from the date that your permit coverage expires or is terminated.

6 STAFF TRAINING REQUIREMENTS

Each operator, or group of multiple operators, must assemble a "stormwater team" to carry out compliance activities associated with the requirements in this permit.

6.1 Prior to the commencement of construction activities, you must ensure that the following personnel[51] on the stormwater team understand the requirements of this permit and their specific responsibilities with respect to those requirements:

a. Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention controls);

b. Personnel responsible for the application and storage of treatment chemicals (if applicable);

c. Personnel who are responsible for conducting inspections as required in Part 4.1; and

d. Personnel who are responsible for taking corrective actions as required in Part 5.

[51] If the person requiring training is a new employee who starts after you commence construction activities, you must ensure that this person has the proper understanding as required above prior to assuming particular responsibilities related to compliance with this permit.

For emergency-related projects, the requirement to train personnel prior to commencement of construction activities does not apply, however, such personnel must have the required training prior to NOI submission.

6.2 You are responsible for ensuring that all activities on the site comply with the requirements of this permit. You are not required to provide or document formal training for subcontractors or other outside service providers, but you must ensure that such personnel understand any requirements of this permit that may be affected by the work they are subcontracted to perform.

6.3 At a minimum, members of the stormwater team must be trained to understand the following if related to the scope of their job duties *(e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections*):

a. The permit deadlines associated with installation, maintenance, and removal of stormwater controls and with stabilization;

b. The location of all stormwater controls on the site required by this permit and how they are to be maintained;

c. The proper procedures to follow with respect to the permit's pollution prevention requirements; and

d. When and how to conduct inspections, record applicable findings, and take corrective actions.

6.4 Each member of the stormwater team must have easy access to an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

7 STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

7.1 GENERAL REQUIREMENTS

All operators associated with a construction site under this permit must develop a SWPPP consistent with the requirements in Part 7 prior to their submittal of the NOI.[52, 53] The SWPPP must be kept up-to-date throughout coverage under this permit.

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[52] The SWPPP does not establish the effluent limits that apply to your site's discharges; these limits are established in this permit in Parts 2 and 3.

[53] You have the option of developing a group SWPPP where you are one of several operators at your site. For instance, if both the owner and the general contractor of the construction site are operators and thus are both required to obtain a permit, the owner may be the party undertaking SWPPP development, and the general contractor (or any other operator at the site) can choose to use this same SWPPP, as long as the SWPPP addresses the general contractor's (or other operator's) scope of construction work and functions to be performed under the SWPPP. Regardless of whether there is a group SWPPP or several individual SWPPPs, all operators would be jointly and severally liable for compliance with the permit.

Where there are multiple operators associated with the same site through a common plan of development or sale, operators may assign to themselves various permit-related functions under the SWPPP provided that each SWPPP, or a group SWPPP, documents which operator will perform each function under the SWPPP. However, dividing the functions to be performed under each SWPPP, or a single group SWPPP, does not relieve an individual operator from liability for complying with the permit should another operator fail to implement any measures that are necessary for that individual operator to comply with the permit, e.g., the installation and maintenance of any shared controls. In addition, all operators must ensure, either directly or through coordination with other operators, that their activities do not cause a violation and/or render any other operators' controls and/or any shared controls ineffective. All operators who rely on a shared control to comply with the permit are jointly and severally liable for violations of the permit resulting from the failure to properly install, operate and/or maintain the shared control.

If a SWPPP was prepared under a previous version of this permit, the operator must review and update the SWPPP to ensure that this permit's requirements are addressed prior to submitting an NOI for coverage under this permit.

7.2 SWPPP CONTENTS

At a minimum, the SWPPP must include the information specified in this Part and as specified in other parts of this permit.

7.2.1 All Site Operators. Include a list of all other operators who will be engaged in construction activities at the site, and the areas of the site over which each operator has control.

7.2.2 Stormwater Team. Identify the personnel (by name or position) that are part of the stormwater team, as well as their individual responsibilities, including which members are responsible for conducting inspections.

7.2.3 Nature of Construction Activities.[54] Include the following:

a. A description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition;

b. The size of the property (in acres or length in miles if a linear construction site);

c. The total area expected to be disturbed by the construction activities (to the nearest quarter acre or nearest quarter mile if a linear construction site);

d. A description of any on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c);

e. The maximum area expected to be disturbed at any one time, including on-site and off-site construction support activity areas;

f. A description and projected schedule for the following:

   i. Commencement of construction activities in each portion of the site, including clearing and grubbing, mass grading, demolition activities, site preparation (*i.e., excavating, cutting and filling*), final grading, and creation of soil and vegetation stockpiles requiring stabilization;

   ii. Temporary or permanent cessation of construction activities in each portion of the site;

   iii. Temporary or final stabilization of exposed areas for each portion of the site; and

   iv. Removal of temporary stormwater controls and construction equipment or vehicles, and the cessation of construction-related pollutant-generating activities.

g. A list and description of all pollutant-generating activities[55] on the site. For each pollutant-generating activity, include an inventory of pollutants or pollutant constituents (*e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels*) associated with that activity, which could be discharged in stormwater from your construction site. You must take

[54] If plans change due to unforeseen circumstances or for other reasons, the requirement to describe the sequence and estimated dates of construction activities is not meant to "lock in" the operator to meeting these dates. When departures from initial projections are necessary, this should be documented in the SWPPP itself, or in associated records, as appropriate.

[55] Examples of pollutant-generating activities include paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations.

into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed or removed during construction;

h. Business days and hours for the project;

i. If you are conducting construction activities in response to a public emergency (see Part 1.4), a description of the cause of the public emergency *(e.g., mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services)*, information substantiating its occurrence *(e.g., state disaster declaration or similar state or local declaration)*, and a description of the construction necessary to reestablish affected public services.

7.2.4 Site Map. Include a legible map, or series of maps, showing the following features of the site:

a. Boundaries of the property;

b. Locations where construction activities will occur, including:

   i. Locations where earth-disturbing activities will occur (note any phasing), including any demolition activities;

   ii. Approximate slopes before and after major grading activities (note any steep slopes (as defined in Appendix A));

   iii. Locations where sediment, soil, or other construction materials will be stockpiled;

   iv. Any water of the U.S. crossings;

   v. Designated points where vehicles will exit onto paved roads;

   vi. Locations of structures and other impervious surfaces upon completion of construction; and

   vii. Locations of on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c).

c. Locations of all waters of the U.S. within and one mile downstream of the site's discharge point. Also identify if any are listed as impaired, or are identified as a Tier 2, Tier 2.5, or Tier 3 water;

d. Areas of federally listed critical habitat within the site and/or at discharge locations;

e. Type and extent of pre-construction cover on the site (*e.g., vegetative cover, forest, pasture, pavement, structures*);

f. Drainage patterns of stormwater and authorized non-stormwater before and after major grading activities;

g. Stormwater and authorized non-stormwater discharge locations, including:

   i. Locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets;[56] and

   ii. Locations where stormwater or authorized non-stormwater will be discharged directly to waters of the U.S.

h. Locations of all potential pollutant-generating activities identified in Part 7.2.3g;

[56] The requirement to show storm drain inlets in the immediate vicinity of the site on your site map only applies to those inlets that are easily identifiable from your site or from a publicly accessible area immediately adjacent to your site.

i. Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with this permit; and

j. Locations where polymers, flocculants, or other treatment chemicals will be used and stored.

7.2.5 Non-Stormwater Discharges. Identify all authorized non-stormwater discharges in Part 1.2.2 that will or may occur.

7.2.6 Description of Stormwater Controls.

a. For each of the Part 2.2 erosion and sediment control effluent limits, Part 2.3 pollution prevention effluent limits, and Part 2.4 construction dewatering effluent limits, as applicable to your site, you must include the following:

i. A description of the specific control(s) to be implemented to meet the effluent limit;

ii. Any applicable stormwater control design specifications (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon);[57]

iii. Routine stormwater control maintenance specifications; and

iv. The projected schedule for stormwater control installation/implementation.

b. You must also include any of the following additional information as applicable.

i. **Natural buffers and/or equivalent sediment controls** (see Part 2.2.1 and Appendix G). You must include the following:

(a) The compliance alternative to be implemented;

(b) If complying with alternative 2, the width of natural buffer retained;

(c) If complying with alternative 2 or 3, the erosion and sediment control(s) you will use to achieve an equivalent sediment reduction, and any information you relied upon to demonstrate the equivalency;

(d) If complying with alternative 3, a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size;

(e) For "linear construction sites" where it is infeasible to implement compliance alternative 1, 2, or 3, a rationale for this determination, and a description of any buffer width retained and/or supplemental erosion and sediment controls installed; and

(f) A description of any disturbances that are exempt under Part 2.2.1 that occur within 50 feet of a water of the U.S.

ii. **Perimeter controls for a "linear construction site"** (see Part 2.2.3). For areas where perimeter controls are not feasible, include documentation to support this determination and a description of the other practices that will be implemented to minimize discharges of pollutants in stormwater associated with construction activities.

Note: Routine maintenance specifications for perimeter controls documented in the SWPPP must include the Part 2.2.3a requirement that sediment be removed

[57] Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practice and must be explained in the SWPPP.

before it has accumulated to one-half of the above-ground height of any perimeter control.

iii. **Sediment track-out controls** (see Parts 2.2.4b and 2.2.4c). Document the specific stabilization techniques and/or controls that will be implemented to remove sediment prior to vehicle exit.

iv. **Sediment basins** (see Part 2.2.12). In circumstances where it is infeasible to utilize outlet structures that withdraw water from the surface, include documentation to support this determination, including the specific conditions or time periods when this exception will apply.

v. **Treatment chemicals** (see Part 2.2.13), you must include the following:

(a) A listing of the soil types that are expected to be exposed during construction in areas of the project that will drain to chemical treatment systems. Also include a listing of soil types expected to be found in fill material to be used in these same areas, to the extent you have this information prior to construction;

(b) A listing of all treatment chemicals to be used at the site and why the selection of these chemicals is suited to the soil characteristics of your site;

(c) If the applicable EPA Regional Office authorized you to use cationic treatment chemicals for sediment control, include the specific controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to an exceedance of water quality standards;

(d) The dosage of all treatment chemicals to be used at the site or the methodology to be used to determine dosage;

(e) Information from any applicable Safety Data Sheet (SDS);

(f) Schematic drawings of any chemically enhanced stormwater controls or chemical treatment systems to be used for application of the treatment chemicals;

(g) A description of how chemicals will be stored consistent with Part 2.2.13c;

(h) References to applicable state or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems; and

(i) A description of the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to use of the treatment chemicals at your site.

vi. **Stabilization measures** (see Part 2.2.14). You must include the following:

(a) The specific vegetative and/or non-vegetative practices that will be used;

(b) The stabilization deadline that will be met in accordance with Part 2.2.14.a.i-ii;

(c) If complying with the deadlines for sites in arid, semi-arid, or drought-stricken areas, the beginning and ending dates of the seasonally dry period and the schedule you will follow for initiating and completing vegetative stabilization; and

(d) If complying with deadlines for sites affected by unforeseen circumstances that delay the initiation and/or completion of vegetative stabilization, document the circumstances and the schedule for initiating and completing stabilization.

vii. **Spill prevention and response procedures** (see Part 1.3.5 and Part 2.3). You must include the following:

(a) Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for detection and response of spills or leaks; and

(b) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part 2.3.6 and established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available to all employees.

You may also reference the existence of Spill Prevention Control and Countermeasure (SPCC) plans developed for the construction activity under Part 311 of the CWA, or spill control programs otherwise required by an NPDES permit for the construction activity, provided that you keep a copy of that other plan on site.[58]

viii. **Waste management procedures** (see Part 2.3.3). Describe the procedures you will follow for handling, storing and disposing of all wastes generated at your site consistent with all applicable federal, state, tribal, and local requirements, including clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.

ix. **Application of fertilizers** (see Part 2.3.5). Document any departures from the manufacturer specifications where appropriate.

7.2.7 Procedures for Inspection, Maintenance, and Corrective Action. Describe the procedures you will follow for maintaining your stormwater controls, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Part 2.1.4, Part 4, and Part 5 of this permit. Also include:

a. The inspection schedule you will follow, which is based on whether your site is subject to Part 4.2 or Part 4.3, or whether your site qualifies for any of the reduced inspection frequencies in Part 4.4;

b. If you will be conducting inspections in accordance with the inspection schedule in Part 4.2.2, Part 4.3, or Part 4.4.1b, the location of the rain gauge or the address of the weather station you will be using to obtain rainfall data;

c. If you will be reducing your inspection frequency in accordance with Part 4.4.1b, the beginning and ending dates of the seasonally defined arid period for your area or the valid period of drought;

d. If you will be reducing your inspection frequency in accordance with Part 4.4.3, the beginning and ending dates of frozen conditions on your site; and

e. Any maintenance or inspection checklists or other forms that will be used.

[58] Even if you already have an SPCC or other spill prevention plan in existence, your plans will only be considered adequate if they meet all of the requirements of this Part, either as part of your existing plan or supplemented as part of the SWPPP.

7.2.8 Staff Training. Include documentation that the required personnel were, or will be, trained in accordance with Part 6.

7.2.9 Compliance with Other Requirements.

a. **Threatened and Endangered Species Protection.** Include documentation required in Appendix D supporting your eligibility with regard to the protection of threatened and endangered species and designated critical habitat.

b. **Historic Properties.** Include documentation required in Appendix E supporting your eligibility with regard to the protection of historic properties.

c. **Safe Drinking Water Act Underground Injection Control (UIC) Requirements for Certain Subsurface Stormwater Controls.** If you are using any of the following stormwater controls at your site, document any contact you have had with the applicable state agency[59] or EPA Regional Office responsible for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's implementing regulations at 40 CFR 144 -147. Such controls would generally be considered Class V UIC wells:

   i. Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system);

   ii. Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow; and

   iii. Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system).

7.2.10 SWPPP Certification. You must sign and date your SWPPP in accordance with Appendix I, Part I.11.

7.2.11 Post-Authorization Additions to the SWPPP. Once you are authorized for coverage under this permit, you must include the following documents as part of your SWPPP:

a. A copy of your NOI submitted to EPA along with any correspondence exchanged between you and EPA related to coverage under this permit;

b. A copy of the acknowledgment letter you receive from NeT assigning your NPDES ID (*i.e., permit tracking number*);

c. A copy of this permit (an electronic copy easily available to the stormwater team is also acceptable).

7.3 ON-SITE AVAILABILITY OF YOUR SWPPP

You must keep a current copy of your SWPPP at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by EPA; a state, tribal, or local agency approving stormwater management plans; the operator of a storm sewer system receiving discharges from the site; or representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).

[59] For state UIC program contacts, refer to the following EPA website: https://www.epa.gov/uic.

EPA may provide access to portions of your SWPPP to a member of the public upon request. Confidential Business Information (CBI) will be withheld from the public, but may not be withheld from EPA, USFWS, or NMFS.[60]

If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of your construction site.

7.4 SWPPP MODIFICATIONS

7.4.1 You must modify your SWPPP, including the site map(s), within seven (7) days of any of the following conditions:

a. Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP. This includes changes made in response to corrective actions triggered under Part 5. You do not need to modify your SWPPP if the estimated dates in Part 7.2.3f change during the course of construction;

b. To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;

c. If inspections or investigations by EPA or its authorized representatives determine that SWPPP modifications are necessary for compliance with this permit;

d. Where EPA determines it is necessary to install and/or implement additional controls at your site in order to meet the requirements of this permit, the following must be included in your SWPPP:

   i. A copy of any correspondence describing such measures and requirements; and

   ii. A description of the controls that will be used to meet such requirements.

e. To reflect any revisions to applicable federal, state, tribal, or local requirements that affect the stormwater controls implemented at the site; and

f. If applicable, if a change in chemical treatment systems or chemically enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application.

7.4.2 You must maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Part 7.2.10 above) and a brief summary of all changes.

7.4.3 All modifications made to the SWPPP consistent with Part 7.4 must be authorized by a person identified in Appendix I, Part I.11.b.

7.4.4 Upon determining that a modification to your SWPPP is required, if there are multiple operators covered under this permit, you must immediately notify any operators who may be impacted by the change to the SWPPP.

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[60] Information covered by a claim of confidentiality will be disclosed by EPA only to the extent of, and by means of, the procedures set forth in 40 CFR Part 2, Subpart B. In general, submitted information protected by a business confidentiality claim may be disclosed to other employees, officers, or authorized representatives of the United States concerned with implementing the CWA. The authorized representatives, including employees of other executive branch agencies, may review CBI during the course of reviewing draft regulations.

8 HOW TO TERMINATE COVERAGE

Until you terminate coverage under this permit, you must comply with all conditions and effluent limitations in the permit. To terminate permit coverage, you must submit to EPA a complete and accurate Notice of Termination (NOT), which certifies that you have met the requirements for terminating in Part 8.

8.1 MINIMUM INFORMATION REQUIRED IN NOT

8.1.1 NPDES ID (*i.e., permit tracking number)* provided by EPA when you received coverage under this permit;

8.1.2 Basis for submission of the NOT (see Part 8.2);

8.1.3 Operator contact information;

8.1.4 Name of site and address (or a description of location if no street address is available); and

8.1.5 **NOT certification.**

8.2 CONDITIONS FOR TERMINATING CGP COVERAGE

You must terminate CGP coverage only if one or more of the following conditions has occurred:

8.2.1 You have completed all construction activities at your site and, if applicable, construction support activities covered by this permit (see Part 1.2.1c), and you have met the following requirements:

a. For any areas that (1) were disturbed during construction, (2) are not covered over by permanent structures, and (3) over which you had control during the construction activities, you have met the requirements for final vegetative or non-vegetative stabilization in Part 2.2.14b;

b. You have removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long-term use following your termination of permit coverage;

c. You have removed all stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following your termination of permit coverage or those that are biodegradable; and

d. You have removed all potential pollutants and pollutant-generating activities associated with construction, unless needed for long-term use following your termination of permit coverage; or

8.2.2 You have transferred control of all areas of the site for which you are responsible under this permit to another operator, and that operator has submitted an NOI and obtained coverage under this permit; or

8.2.3 Coverage under an individual or alternative general NPDES permit has been obtained.

8.3 HOW TO SUBMIT YOUR NOT

You must use EPA's NPDES eReporting Tool (NeT) to electronically prepare and submit your NOT for the 2017 CGP.

To access NeT, go to https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting.

Waivers from electronic reporting may be granted as specified in Part 1.4.1. If the EPA Regional Office grants you approval to use a paper NOT, and you elect to use it, you must complete the form in Appendix K.

8.4 DEADLINE FOR SUBMITTING THE NOT

You must submit your NOT within 30 calendar days after any one of the conditions in Part 8.2 occurs.

8.5 EFFECTIVE DATE OF TERMINATION OF COVERAGE

Your authorization to discharge under this permit terminates at midnight of the calendar day that a complete NOT is submitted to EPA.

9 PERMIT CONDITIONS APPLICABLE TO SPECIFIC STATES, INDIAN COUNTRY LANDS, OR TERRITORIES

The provisions in this Part provide modifications or additions to the applicable conditions of this permit to reflect specific additional conditions required as part of the state or tribal CWA Section 401 certification process, or the Coastal Zone Management Act (CZMA) certification process, or as otherwise established by the permitting authority. The specific additional revisions and requirements only apply to activities in those specific states, Indian country, and areas in certain states subject to construction projects by Federal Operators. States, Indian country, and areas subject to construction by Federal Operators not included in this Part do not have any modifications or additions to the applicable conditions of this permit.

9.1 EPA REGION 1

9.1.1 NHR100000 State of New Hampshire

a. If you disturb 100,000 square feet or more of contiguous area, you must also apply for an Alteration of Terrain (AoT) permit from DES pursuant to RSA 485- A:17 and Env-Wq 1500. This requirement also applies to a lower disturbance threshold of 50,000 square feet or more when construction occurs within the protected shoreline under the Shoreland Water Quality Protection Act (see RSA 483-B and Env-Wq 1400). A permit application must also be filed if your project disturbs an area of greater than 2,500 square feet, is within 50 feet of any surface water, and has a flow path of 50 feet or longer disturbing a grade of 25 percent or greater. Project sites with disturbances smaller than those discussed above, that have the potential to adversely affect state surface waters, are subject to the conditions of an AoT General Permit by Rule.

b. You must determine that any excavation dewatering discharges are not contaminated before they will be authorized as an allowable non-stormwater discharge under this permit (see Part 1.2.2). The water is considered uncontaminated if there is no groundwater contamination within 1,000 feet of the groundwater dewatering location. Information on groundwater contamination can be generated over the Internet via the NHDES web site http://des.nh.gov/ by using the One Stop Data Mapper at http://des.nh.gov/onestop/gis.htm. If it is determined that the groundwater to be dewatered is near a remediation or other waste site you must

apply for the Remediation General Permit (see https://www3.epa.gov/region1/npdes/rgp.html.)

c. You must treat any uncontaminated excavation dewatering discharges as necessary to remove suspended solids and turbidity. The discharges must be sampled at least once per week during weeks when discharges occur. Samples must be analyzed for total suspended solids (TSS) or turbidity and must meet monthly average and daily maximum limits of 50 milligrams per liter (mg/L) and 100 mg/L, respectively for TSS or 33 mg/l and 67 mg/l, respectively for turbidity. TSS (a.k.a. Residue, Nonfilterable) or turbidity sampling and analysis must be performed in accordance with Tables IB and II in 40 CFR 136.3 (http://www.ecfr.gov/cgi-bin/text-idx?SID=0243e3c4283cbd7d8257eb6afc7ce9a2&mc=true&node=se40.25.136_13&rgn=div8). Records of any sampling and analysis must be maintained and kept with the SWPPP for at least three years after final site stabilization.

d. Construction site owners and operators must consider opportunities for post-construction groundwater recharge using infiltration best management practices (BMPs) during site design and preparation of the SWPPP. If your construction site is in a town that is required to obtain coverage under the NPDES General Permit for discharges from Municipal Separate Storm Sewer Systems (MS4) you may be required to use such practices. The SWPPP must include a description of any on-site infiltration that will be installed as a post-construction stormwater management measure or reasons for not employing such measures such as 1) The facility is located in a wellhead protection area as defined in RSA 485- C:2; or 2) The facility is located in an area where groundwater has been reclassified to GAA, GAI or GA2 pursuant to RSA 485-C and Env-DW 901; or 3) Any areas that would be exempt from the groundwater recharge requirements contained in Env-Wq 1507.04(e), including all land uses or activities considered to be a "High-load Area" (see Env-Wq 1502.26). For design considerations for infiltration measures see Volume II of the NH Stormwater Manual.

e. Appendix F contains a list of Tier 2, or high quality waters. Although there is no official list of tier 2 waters, it can be assumed that all NH surface waters are tier 2 for turbidity unless 1) the surface water that you are proposing to discharge into is listed as impaired for turbidity in the states listing of impaired waters (see Surface Water Quality - Watershed Report Cards at http://des.nh.gov/organization/divisions/water/wmb/swqa/report_cards.htm) or 2) sampling upstream of the proposed discharge location shows turbidity values greater than 10 NTU. A single grab sample collected during dry weather (no precipitation within 48 hours) is acceptable.

f. To ensure compliance with RSA 485-C, RSA 485-A, RSA 485-A:13, I(a), Env-Wq 1700 and Env-Wq 302, the following information may be requested by NHDES. This information must be kept on site unless you receive a written request from NHDES that it be sent to the address shown in Part 9.1.4 (g).

   i. A site map required in Part 7.2.4, showing the type and location of all post-construction infiltration BMPs utilized at the facility or the reason(s) why none were installed;

   ii. A list of all non-stormwater discharges that occur at the facility, including their source locations and the control measures being used (see Part 1.2.2).

iii. Records of sampling and analysis of TSS required for construction dewatering discharges (see Part 9.1.4 (c)).

g. All required or requested documents must be sent to:

NH Department of Environmental Services, Wastewater Engineering Bureau,
Permits & Compliance Section
P.O. Box 95
Concord, NH 03302-0095

9.2 EPA REGION 3

9.2.1 DCR100000 District of Columbia

a. The permittee must comply with the District of Columbia Water Pollution Control Act of 1984, as amended, (D.C. Official Code §8-103.01 *et seq.*) and its implementing regulations in Title 21, Chapters 11 and 19 of the District of Columbia Municipal Regulations. Nothing in this permit will be construed to preclude the institution of any legal action or relieve the permitee from any responsibilities, liabilities, or penalties established pursuant to District of Columbia laws and regulations.

b. The permittee must comply with the District of Columbia Stormwater Management, and Soil Erosion and Sediment Control in Chapter 5 of Title 21 of the District of Columbia Municipal Regulations.

c. The permittee must comply with the District of Columbia Flood Management control in Chapter 31 of Title 20 of the District of Columbia Municipal Regulations.

d. The Department may request a copy of the Stormwater Pollution Prevention Plan (SWPPP) and the permittee is required to submit the SWPPP to the Department with 14 days of such request. The Department may conduct an inspection of any facility covered by this permit to ensure compliance with District's law requirements including water quality.

9.2.2 DER10F000 Areas in the State of Delaware subject to construction by a Federal Operator

a. Federal agencies engaging in construction activities must submit, to DNREC, a sediment and stormwater management (S&S) plan and obtain approval from DNREC in accordance with 7 Del. C. §4010, 7 DE Admin. Code 5101, and 7 DE Admin. Code 7201.

b. Federal agencies engaging in construction activities must provide for construction review by a certified construction reviewer in accordance with 7 Del. C. §§4010 & 4013 and 7 DE Admin. Code 5101, subsection 6.1.6.

c. Federal agencies engaging in construction activities must certify that all responsible personnel involved in the construction project will have attended the blue card training prior to initiation of any land disturbing activity – *see* 7 Del. C. §§ 4002 & 4014 and 7 DE Admin. Code 5101.

9.3 EPA REGION 5

9.3.1 MNR10I000 Indian country within the State of Minnesota

9.3.1.1 Fond du Lac Band of Lake Superior Chippewa. The following conditions apply only to discharges on the Fond du Lac Band of Lake Superior Chippewa Reservation:

a. A copy of the Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the Office of Water Protection at least fifteen (15) days in advance of sending the Notice of Intent (NOI) to EPA. The SWPPP can be submitted electronically to richardgitar@FDLREZ.com or by hardcopy sent to:

   Fond du Lac Reservation
   Office of Water Protection
   1720 Big Lake Road
   Cloquet, MN 55720

   CGP applicants are encouraged to work with the FDL Office of Water Protection in the identification of all proposed receiving.

b. Copies of the Notice of Intent (NOI) and the Notice of Termination (NOT) must be sent to the Fond du Lac Office of Water Protection at the same time they are submitted to EPA.

c. The turbidity limit shall NOT exceed 10% of natural background within the receiving water(s) as determined by Office of Water Protection staff.

d. Turbidity sampling must take place within 24 hours of a ½-inch or greater rainfall event. The results of the sampling must be reported to the Office of Water Protection within 7 days of the sample collection. All sample reporting must include the date and time, location (GPS: UTM/Zone 15), and NTU. CGP applicants are encouraged to work with the Office of Water Protection in determining the most appropriate location(s) for sampling.

e. Receiving waters with open water must be sampled for turbidity prior to any authorized discharge as determined by Office of Water Protection staff. This requirement only applies to receiving waters in which no ambient turbidity data exists.

f. This Certification does not pertain to any new discharge to Outstanding Reservation Resource Waters (ORRW) as described in §105 b.3. of the Fond du Lac Water Quality Standards (Ordinance #12/98, as amended). Although additional waters may be designated in the future, currently Perch Lake, Rice Portage Lake, Miller Lake, Deadfish Lake, and Jaskari Lake are designated as ORRWs. New dischargers wishing to discharge to an ORRW must obtain an individual permit from EPA for stormwater discharges from large and small construction activities.

g. All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in the Water Quality Standards of the Fond du Lac Reservation, Ordinance 12/98, as amended. This includes, but is not limited to, the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of water of the Fond du Lac Reservation for any of the uses designated in the Water Quality Standards of the Fond du Lac Reservation. These uses include wildlife, aquatic life, warm water fisheries, cold water fisheries, subsistence fishing (netting), primary contact recreation, secondary contact recreation, cultural, wild rice areas, aesthetic waters, agriculture, navigation, and commercial.

h. Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the Fond du Lac Reservation. All spills must be reported to the appropriate emergency management

agency (National Response Center AND the State Duty Officer), and measures shall be taken immediately to prevent the pollution of waters of the Fond du Lac Reservation, including groundwater. The Fond du Lac Office of Water Protection must also be notified immediately of any spill regardless of size.

i. This certification does not authorize impacts to cultural, historical, or archeological features or sites, or properties that may be eligible for such listing.

9.3.1.2 Grand Portage Band of Lake Superior Chippewa. The following conditions apply only to discharges on the Grand Portage Band of Lake Superior Chippewa Reservation:

a. The CGP authorization is for construction activities that may occur within the exterior boundaries of the Grand Portage Reservation in accordance to the Grand Portage Land Use Ordinance. The CGP regulates stormwater discharges associated with construction sites of one acre or more in size. Only those activities specifically authorized by the CGP are authorized by this certification (the "Certification"). This Certification does not authorize impacts to cultural, historical, or archeological features or sites, or properties that may be eligible for listing as such.

b. All construction stormwater discharges authorized by the CGP must comply with the Water Quality Standards and Water Resources Ordinance, as well as Applicable Federal Standards (as defined in the Water Resources Ordinance). As such, appropriate steps must be taken to ensure that petroleum products or other chemical pollutants are prevented from entering the Waters of the Reservation (as defined in the Water Resources Ordinance). All spills must be reported to the appropriate emergency-management agency, and measures must be taken to prevent the pollution of the Waters of the Reservation, including groundwater.

c. The 2017 CGP requires inspections and monitoring reports of the construction site stormwater discharges by a qualified person. Monitoring and inspection reports must comply with the minimum requirements contained in the 2017 CGP. The monitoring plan must be prepared and incorporated into the Stormwater Pollution Prevention Plan (the "SWPPP"). A copy of the SWPPP must be submitted to the Board at least 30 days in advance of sending the requisite Notice of Intent to EPA. The SWPPP should be sent to:

    Grand Portage Environmental Resources Board
    P.O. Box 428
    Grand Portage, MN 55605

    Copies of the Notice of Intent and Notice of Termination required under the CGP must be submitted to the Board at the address above at the same time they are submitted to the EPA.

d. If requested by the Grand Portage Environmental Department, the permittee must provide additional information necessary for a case-by-case eligibility determination to assure compliance with the Water Quality Standards and any Applicable Federal Standards.

e. Discharges that the Board has determined to be or that may reasonably be expected to be contributing to a violation of Water Quality Standards or Applicable Federal Standards are not authorized by this Certification.

f. The Board retains full authority provided by the Water Resources Ordinance to ensure compliance with and to enforce the provisions of the Water Resource Ordinance and Water Quality Standards, Applicable Federal Standards, and these Certification conditions.

g. Appeals related to Board actions taken in accordance with any of the preceding conditions may be heard by the Grand Portage Tribal Court.

9.3.2 WIR10I000 Indian country within the State of Wisconsin, except the Sokaogon Chippewa (Mole Lake) Community

9.3.2.1 Bad River Band of Lake Superior Tribe of Chippewa Indians: The following conditions apply only to discharges on the Bad River Band of the Lake Superior Tribe of Chippewa Indians Reservation:

a. Only those activities specifically authorized by the CGP are authorized by this Certification. This Certification does not authorize impacts to cultural properties, or historical sites, or properties that may be eligible for listing as such.[61, 62]

b. Operators are not eligible to obtain authorization under the CGP for all new discharges to an Outstanding Tribal Resource Water (or Tier 3 water).[63] Outstanding Tribal Resource Waters, or Tier 3 waters, include the following: Kakagon Slough and the lower wetland reaches of its tributaries that support wild rice, Kakagon River, Bad River Slough, Honest John Lake, Bog Lake, a portion of Bad River, from where it enters the Reservation through the confluence with the White River, and Potato River.[64]

c. Projects utilizing cationic treatment chemicals[65] within the Bad River Reservation boundaries are not eligible for coverage under the CGP.[66]

d. All projects which are eligible for coverage under the CGP and are located within the exterior boundaries of the Bad River Reservation shall be implemented in such a manner that is consistent with the Tribe's Water Quality Standards (WQS).[67]

e. An operator proposing to discharge to an Outstanding Resource Water (or Tier 2.5 water) under the CGP must comply with the antidegradation provisions of the Tribe's WQS. Outstanding Resource Waters, or Tier 2.5 waters, include the following: a portion of Bad River, from downstream the confluence with the White River to Lake Superior, White River, Marengo River, Graveyard Creek, Bear Trap Creek, Wood Creek, Brunsweiler River, Tyler Forks, Bell Creek, and Vaughn Creek.[68] The antidegradation

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[61] Bad River Band of Lake Superior Tribe of Chippewa Indians Water Quality Standards adopted by Resolution No. 7-6-11-441 (hereafter, Tribe's WQS).

[62] 36 C.F.R. § 800.16(l)(2).

[63] Tribe's WQS: See provisions E.3.ii. and E.4.iv.

[64] Tribe's WQS: See provision E.2.iii.

[65] See definition of cationic treatment chemicals in Appendix A of the CGP.

[66] Tribe's WQS: See provisions E.6.ii.a. and E.6.ii.c.

[67] See footnote 61.

[68] Tribe's WQS: See provision E.2.ii.

demonstration materials described in provision E.4.iii. must be submitted to the following address:

Bad River Tribe's Natural Resources Department
Attn: Water Resources Specialist
P.O. Box 39
Odanah, WI 54861

f. An operator proposing to discharge to an Exceptional Resource Water (or Tier 2 water) under the CGP must comply with the antidegradation provisions of the Tribe's WQS. Exceptional Resource Waters, or Tier 2 waters, include the following: any surface water within the exterior boundaries of the Reservation that is not specifically classified as an Outstanding Resource Water (Tier 2.5 water) or an Outstanding Tribal Resource Water (Tier 3 water).[69] The antidegradation demonstration materials described in provision E.4.ii. must be submitted to the following address:

Bad River Tribe's Natural Resources Department
Attn: Water Resources Specialist
P.O. Box 39
Odanah, WI 54861

g. A discharge to a surface water within the Bad River Reservation boundaries shall not cause or contribute to an exceedance of the turbidity criterion included in the Tribe's WQS, which states: Turbidity shall not exceed 5 NTU over natural background turbidity when the background turbidity is 50 NTU or less, or turbidity shall not increase more than 10% when the background turbidity is more than 50 NTU.[70]

h. All projects which are eligible for coverage under the CGP within the exterior boundaries of the Bad River Reservation must comply with the Bad River Reservation Wetland and Watercourse Protection Ordinance, or Chapter 323 of the Bad River Tribal Ordinances, including the erosion and sedimentation control, natural buffer, and stabilization requirements. Questions regarding Chapter 323 and requests for permit applications can be directed to the Wetlands Specialist in the Tribe's Natural Resources Department at (715) 682-7123 or wetlands@badriver-nsn.gov.

i. An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must notify the Tribe prior to the commencing earth-disturbing activities.[71, 72] The operator must submit a copy of the Notice of Intent (NOI) to the following addresses at the same time it is submitted to the U.S. EPA:

Bad River Tribe's Natural Resources Department
Attn: Water Resources Specialist
P.O. Box 39
Odanah, WI 54861

[69] Tribe's WQS: See provision E.2.i.

[70] Tribe's WQS: See provision E.7.iii.

[71] See footnote 61.

[72] See footnote 62.

Bad River Tribe's Natural Resources Department
Attn: Tribal Historic Preservation Officer (THPO)
P.O. Box 39
Odanah, WI 54861

The operator must also submit a copy of the Notice of Termination (NOT) to the above addresses at the same time it is submitted to the U.S. EPA.

j. The THPO must be provided 30 days to comment on the project.[73]

k. The operator must obtain THPO concurrence in writing. This written concurrence will outline measures to be taken to prevent or mitigate effects to historic properties. For more information regarding the specifics of the cultural resources process, see 36 CFR Part 800. A best practice for an operator is to consult with the THPO during the planning stages of an undertaking.[74]

l. An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the following address at the same time as submitting the NOI: [75]

Bad River Tribe's Natural Resources Department
Attn: Water Resources Specialist
P.O. Box 39
Odanah, WI 54861

m. Any corrective action reports that are required under the CGP must be submitted to the following address within one (1) working day of the report completion: [76]

Bad River Tribe's Natural Resources Department
P.O. Box 39
Odanah, WI 54861

n. An operator shall be responsible for meeting any additional permit requirements imposed by the U.S. EPA necessary to comply with the Tribe's antidegradation policies if the discharge point is located upstream of waters designated by the Tribe.[77]

9.3.2.2 Lac du Flambeau Band of Lake Superior Tribe of Chippewa Indians: The following conditions apply only to discharges on the Lac du Flambeau Band of the Lake Superior Tribe of Chippewa Indians Reservation:

a. A copy of the Stormwater Pollution Prevention Plan must be submitted to the following office, for the Traival environmental review process, at least thirty (30) days in advance of sending the Notice of Intent (NOI) to EPA:

Lac du Flambeau
Tribal Land Management

[73] 36 C.F.R. § 800.3(c)(4).

[74] 36 C.F.R. § 800.3(b).

[75] See footnote 61.

[76] See footnote 61.

[77] See footnote 61.

P.O. Box 279
Lac du Flambeau, WI 54538

CGP applicants are encouraged to work with the LdF Water Resources Program in the identification of all proposed receiving waters.

b. Copies of the NOI and the Notice of Termination (NOT) must be sent to the LdF Water Resources Program at the same time they are submitted to EPA.

c. All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in the Water Quality Standards of the Lac du Flambeau Reservation. This includes, but is not limited to, the prevention of any discharge that cause a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of water of the Lac du Flambeau Reservation for any of the uses designated in the Water Quality Standards of the Lac du Flambeau Reservation.

d. Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the Lac du Flambeau Reservation. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the Lac du Flambeau reservation, including groundwater.

e. This certification does not authorize impacts to cultural, historical, or archeological features or sties, or properties that may be eligible for such listing.

f. Due to the significant ecological and cultural importance of the Lac du Flambeau Reservation, any operator requesting a permit for a point source discharge of pollutants (i.e., discharge) associated with the Stormwater Discharge will need a stormwater pollution prevention plan in place that does not violate Lac du Flambeau Water Quality Standards to protect Reservation Waters.

9.4 EPA REGION 6

9.4.1 NMR100000 State of New Mexico, except Indian country

a. If construction dewatering activities are anticipated at a site, permittees must complete the following steps:

i. Investigative information must be documented in the facility SWPPP.

ii. Refer to the GWQB Mapper at https://gis.web.env.nm.gov/GWQB/ AND the PSTB Mapper (Go Mapper) at https://gis.web.env.nm.gov/GoNM/ and check if the following sources are located within the noted distance from your anticipated construct site groundwater dewatering activity:

Project Location Relative to a Source of Potential Groundwater Contamination	***Constituents likely to be required for testing***
Within 0.5 mile of an open Leaking Underground Storage Tank (LUST) site	*BTEX (Benzene, Toluene, Ethylbenzene, and Xylene) plus additional parameters depending on site conditions.**

Project Location Relative to a Source of Potential Groundwater Contamination	*Constituents likely to be required for testing*
Within 0.5 mile of an open Voluntary Remediation site	*All parameters listed in Appendix A (or an alternate list approved by the NMED SWQB)***
Within 0.5 mile of an open RCRA Corrective Action Site	
Within 0.5 mile of an open Abatement Site	
Within 0.5 mile of an open Brownfield Site	
Within 1.0 mile or more of a Superfund site or National Priorities List (NPL) site with associated groundwater contamination.	

**For further assistance determining whether dewatering may encounter impacted groundwater, the permittee may contact the NMED Ground Water Quality Bureau at: 505-827-2965.*

***EPA approved-sufficiently sensitive methods must be used - approved methods are listed in 40 CFR Part 136.3.*

iii. If dewatering activities are anticipated, information on flow and potential to encounter impacted groundwater must be provided directly to NMED at the following address:

Program Manager, Point Source Regulation Section
NMED Surface Water Quality Bureau
PO Box 5469, Santa Fe, NM 87502

Information may also be emailed - the contact information for the program manager is located on the website at: www.env.nm.gov/swqb/PSR.

iv. Permittee must test the quality of the water being considered for discharge. Permittees must contact the Point Source Regulation Section Program Manager for information on constituents that must be monitored.

v. Permittee must send test result data to EPA Region 6 and the NMED Surface Water Quality Bureau. If the test data exceed standards, it cannot be discharged from the construction site into surface waters under this permit. Discharge to surface waters must be conducted under a separate NPDES individual permit to ensure proper treatment and disposal.

vi. If disposal will be to the ground surface or in an unlined pond, the permittee must submit an NOI/ to the NMED Ground Water Quality Bureau.

b. Operators are not eligible to obtain authorization under this permit for all new and existing storm water discharges to outstanding national resource waters (ONRWs) (also referred to as "Tier 3" waters.)

i. Although state WQS provide for temporary and short-term degradation of water quality in an ONRW under very limited circumstances if approved by the Water Quality Control Commission as specified at 20.6.4.8.A NMAC, the approval process required for these activities does not lend itself for use for projects covered under this general permit. This condition is necessary to ensure that no degradation is allowed in ONRWs by requiring proposed storm water discharges to be reviewed under the individual permit process. Tier 3 waters are defined in Appendix F of the proposed permit.

c. Operators who intend to obtain authorization under this permit for new and existing storm water discharges from construction sites must satisfy the following condition: The SWPPP must include site-specific interim and permanent stabilization, managerial, and structural solids, erosion and sediment control best management practices (BMPs) and/or other controls that are designed to prevent to the maximum extent practicable an increase in the sediment yield and flow velocity from pre-construction, pre-development conditions to assure that applicable standards in 20.6.4.NMAC, including the antidegradation policy, or TMDL waste load allocations (WLAs) are met. This requirement applies to discharges both during construction and after construction operations have been completed. The SWPPP must identify and document the rationale for selecting these BMPs and/or other controls. The SWPPP must also describe design specifications, construction specifications, maintenance schedules (including a long term maintenance plan), criteria for inspections, and expected performance and longevity of these BMPs. For sites greater than 5 acres in size, BMP selection must be made based on the use of appropriate soil loss prediction models (i.e. SEDCAD, RUSLE, SEDIMOT, MULTISED, etc.) OR equivalent generally accepted (by professional erosion control specialists) soil loss prediction tools.

   i. For all sites, the operator(s) must demonstrate, and include documentation in the SWPPP, that implementation of the site-specific practices will assure that the applicable standards or TMDL WLAs are met, and will result in sediment yields and flow velocities that, to the maximum extent practicable, will not be greater than the sediment yield levels and flow velocities from preconstruction, pre-development conditions.

   ii. All SWPPPs must be prepared in accordance with good engineering practices by qualified (e.g. CPESC certified, engineers with appropriate training) erosion control specialists familiar with the use of soil loss prediction models and design of erosion and sediment control systems based on these models (or equivalent soil loss prediction tools). Qualifications of the preparer (e.g., professional certifications, description of appropriate training) must be documented in the SWPPP. The operator(s) must design, implement, and maintain BMPs in the manner specified in the SWPPP.

d. State regulations at 20.6.2.1203 NMAC state: *With respect to any discharge from any facility of oil or other water contaminant, in such quantity as may with reasonable probability injure or be detrimental to human health, animal or plant life, or property, or unreasonably interfere with the public welfare or the use of property, the following notifications and corrective actions are required*:

   i. As soon as possible after learning of such a discharge, but in no event more than twenty-four (24) hours thereafter, any person in charge of the facility shall orally notify the Chief of the Ground Water Quality Bureau of the department, or his counterpart in any constituent agency delegated responsibility for enforcement of these rules as ta any facility subject to such delegation.

   Permittees can call 505-827-9329 for emergencies at any time and 505-476-6000 for non-emergencies during business hours from 5am-5pm, Monday through Friday.

e. NMED does not allow permittees to use the Equivalent Analysis Waiver.

9.4.2 NMR10I000 Indian country within the State of New Mexico, except Navajo Reservation Lands that are covered under Arizona permit AZR10000I and Ute Mountain Reservation Lands that are covered under Colorado permit COR10000I.

9.4.2.1 Pueblo of Isleta. The following conditions apply only to discharges on the Pueblo of Isleta Reservation:

a. CGP at 1.3 Prohibited discharges: Stormwater discharges associated with construction activity that EPA or the Pueblo of Isleta, prior to authorization under this perm it, determines will cause, have the reasonable potential to cause, or may reasonably be expected to contribute to a violation or excursion of any applicable water quality standard, including the antidegradation policy, or the impairment of a designated use of receiving waters are not authorized by this permit.

b. CGP at 1.4.1 How to Submit Your NOI: The operator shall provide a copy of the Notice of Intent ("NOI") to the Pueblo of Isleta at the same time it is submitted to the U.S. Environmental Protection Agency, for projects occurring within the exterior boundaries of the Pueblo of Isleta. The operator shall also notify the Pueblo of Isleta when it has submitted the Notice of Termination ("NOT"). The NOI and NOT shall be sent to the Pueblo of Isleta at the following address:

Water Quality Control Officer
Pueblo of Isleta
Environment Division
PO Box 1270
Isleta, NM 87022
(505) 869-7565
E-mail: POI36871@isletapueblo.com

Overnight/Express Mail Delivery
Pueblo of Isleta
Environment Division
6 Sagebrush St.
Albuquerque, NM 87105

c. CGP at 1.5 Requirement to post a notice of your permit coverage: Amend to read: "You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so that it is visible from the public road or tribal road that is nearest to the active part of the construction site…"

d. CGP at 7.2.6 Description of stormwater controls: The SWPPP will be considered to be incomplete if the operator has not coordinated requirements under this Part with the Pueblo of Isleta Public Services Department.

e. CGP I.12.6.1 at pg.I-6 of 8. The Pueblo of Isleta requests notification within 10 hours (rather than 24 hrs.) if health or the environment become endangered.

f. CGP at I.12.2 Anticipated noncompliance: Amend to read: "You must give advance notice to EPA and the Pueblo of Isleta at the address indicated in 1.4.1(a) of any planned changes in the permitted facility or activity which may results in noncompliance with permit requirements."

g. CGP at I.12.6.1: Any noncompliance for projects within the exterior boundaries of the Pueblo of Isleta which may endanger health or the environment shall be reported directly to the EPA Regional Office [(see contacts at https://www.epa.gov/npdes/contact-us-stormwater#regional) I and to the Pueblo of Isleta Water Quality Control Officer. Any information must be provided orally with n 12 hours of the time you become aware of the circumstances. Other requirements of

this Part for a written submission apply. Electronic communication (E-mail) shall be provided as soon as practical. Verbal notice shall be provided to:

Water Quality Control Officer
Pueblo of Isleta
E-mail: POI36871@isletapueblo.com
(505) 869-7565
(505) 263-5425 cellular
(505) 869-3030 Police Dispatch

h. CGP at 2.2 Erosion and sediment control requirements: Erosion and sediment controls shall be designed to retain sediment on-site.

i. CGP at 2.2 Under Sediment control requirements, Standard Permit Condition Duty to Mitigate Volumes of sediment at or over (five) 5 cubic yards must be removed and placed for disposal within a tribally approved sediment Disposal Site, located on Pueblo of Isleta lands. CGP 2.2 at pg. 8.

j. Under Minimize erosion, a permittee must secure permission from the Pueblo or affected Pueblo of Isleta land assignment owner if a dissipation device needs to be placed up- or down- elevation of a given construction site. CGP 2.2.11 at pg. 11.

k. CGP at 2.3.6 Emergency spill notification requirements: You must notify the Pueblo of Isleta Water Quality Control Officer and National Response Center (NRC) [at (800) 424-8802 or, in the Washington, DC metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302] as soon as you have knowledge of the release. Verbal and electronic notice shall be provided as specified in I.12.6.1

l. CGP at C.3 Equivalent analysis waiver: Parties wishing to apply for an Equivalent Analysis Waiver (see Appendix D, Section C) must provide a copy of the waiver analysis to the Pueblo of Isleta Water Quality Control Officer at the address indicated in 1.4.1 (a).

9.4.2.2 Pueblo of Sandia. The following conditions apply only to discharges on the Pueblo of Sandia Reservation:

a. Only those activities specifically authorized by the CGP are authorized by the Pueblo of Sandia's Water Quality certification. The Pueblo of Sandia's Water Quality Certification does not authorize impact to cultural properties, historical sites or properties that may be eligible as such.

b. Copies of all Notices of Intent (NOI) submitted to the EPA must also be sent concurrently to the Pueblo of Sandia at the following address. Discharges are not authorized by this permit unless an accurate and complete NOI has been submitted to the Pueblo of Sandia, either by mail or electronically.

Regular U.S. Delivery Mail:
Pueblo of Sandia Environment Department
Attention: Scott Bulgrin, Water Quality Manager
481 Sandia Loop
Bernalillo, New Mexico 87004

Electronically:
sbulgrin@sandiapueblo.nsn.us

c. Any correspondences between the applicant and EPA related to analytical data, written reports, corrective action, enforcement, monitoring, or an adverse incident written reports should likewise be routed to the Pueblo of Sandia at the above address.

d. The Stormwater Pollution Prevention Plan (SWPPP) must be available to the Pueblo of Sandia Environment Department either electronically or hard copy upon request for review. The SWPPP must be made available at least fourteen (14) days before construction begins. The fourteen (14) day period will give Pueblo staff time to become familiar with the project site, prepare for construction site inspections, and determine compliance with the Pueblo of Sandia Water Quality Standards. Failure to provide a SWPPP to the Pueblo of Sandia may result in the delay or denial of the construction project.

e. If requested by the Pueblo of Sandia Environment Department, the permittee must provide additional information necessary for a case-by-case eligibility determination to assure compliance with the Pueblo of Sandia Water Quality Standards and/or applicable Federal Standards not authorized by this certification.

f. An "Authorization to Proceed Letter" with site specific mitigation requirements may be sent out to the permittee when a review of the NOI and SWPPP, on a case- by-case basis is completed by the Pueblo of Sandia Environment Department. This approval will allow the application to proceed if all mitigation requirements are met.

g. The Pueblo of Sandia will not allow Small construction Waivers (Appendix C) or the Rainfall Erosivity Waiver (Appendix C.1) to be granted for any small construction activities.

h. Before submitting a Notice of Termination (NOT) to the EPA, permittees must clearly demonstrate to the Pueblo of Sandia Environment Department through a site visit or documentation that requirements for site stabilization have been met and any temporary erosion control structures have been removed. A short letter stating the NOT is acceptable and all requirements have been met will be sent to the permittee to add to the permittee's NOT submission to EPA.

i. Copies of all NOT submitted to the EPA must also be sent concurrently to the Pueblo of Sandia through the mail or electronically.

> Regular U.S. Delivery Mail:
> Pueblo of Sandia Environment Department
> Attention: Scott Bulgrin, Water Quality Manager 481 Sandia Loop
> Bernalillo, New Mexico 87004
>
> Electronically:
> sbulgrin@sandiapueblo.nsn.us

j. The Pueblo of Sandia may require the permittee to perform water quality monitoring for pH, turbidity, and total suspended solids (TSS) during the permit term if the discharge is to a surface water leading to the Rio Grande for the protection of public health and the environment.

9.4.2.3 Pueblo of Santa Ana. The following conditions apply only to discharges on the Pueblo of Santa Ana Reservation:

a. The operator shall provide a copy of the Notice of Intent (NOI) to the Pueblo of Santa Ana (the Pueblo), at the same time it is submitted to the U.S. Environmental Protection Agency (EPA), for projects with discharges onto the lands of the Pueblo as defined in the Pueblo of Santa Ana Water Quality Standards.

b. The operator shall provide a copy of the Stormwater Pollution Prevention Plan (SWPPP), at the same time that an NOI is submitted to the EPA, to the Pueblo for projects with discharges onto the lands of the Pueblo as defined in the Pueblo of Santa Ana Water Quality Standards.

c. The operator shall provide a copy of the SWPPP, copies of inspections reports, and copies of corrective action reports to the Pueblo at the address below for review, upon request.

d. The NOI, SWPPP and Notice of Termination (NOT) shall be sent to the Pueblo at the following address:

Pueblo of Santa Ana Department of Natural Resources,
Attention: Water Quality Program Specialist
2 Dove Road
Santa Ana Pueblo, NM, 87004

e. Discharges are not authorized by this permit unless an accurate and complete NOI and SWPPP have been submitted to the Pueblo. Failure to provide an accurate and complete NOI and SWPPP may result in a denial of the discharge permit or groundbreaking or construction delay.

f. The operator will not proceed with site work until authorized by the Pueblo. The Pueblo requires review of the complete and final SWPPP by the Pueblo before authorization to proceed. The Pueblo will provide an "authorization to proceed" notice after review and approval of the SWPPP.

g. Before submitting a NOT, permittees must certify to the Pueblo's Department of Natural Resources in writing that requirements for site stabilization have been met, and any temporary erosion control structures have been removed. Documentation of the Pueblo's review that such requirements have been reviewed and met will be provided for the permittee to add to the permittee's NOT submission to EPA. Copies of all NOT submitted to the EPA must also be sent to the Pueblo at the address provided above.

9.4.2.4 Pueblo of Santa Clara. The following conditions apply only to discharges on the Pueblo of Santa Clara Reservation:

a. The operator must provide a copy of the Notice of Intent (NOI) and Notice of Termination (NOT) to the Santa Clara Pueblo Governor's Office at the same time it is provided to the US Environmental Protection Agency.

b. A copy of the Storm water Pollution Prevention Plan shall be made available to the Pueblo of Santa Clara staff upon request.

9.4.2.5 Pueblo of Tesuque. The following conditions apply only to discharges on the Pueblo of Tesuque Reservation:

a. The operator shall provide a copy of the Notice of Intent (NOI) to the Pueblo of Tesuque Governor's Office and Environment Department at same time it is submitted to the Environmental Protection Agency, for projects occurring within the exterior boundaries of our tribal lands. The operator shall also notify the Pueblo of Tesuque Governor's Office and Environment Department when it submitted the Notice of Termination. The NOI and NOT shall be sent to the Pueblo of Tesuque Governor's Office and Environment Department at the following address:

Pueblo of Tesuque
Office of the Governor
Route 42 Box 360-T
Santa Fe, NM 87506 or
email: governor@puebloftesuque.org

b. The operator shall also provide a copy of the Stormwater Pollution Prevention Plan, copies of inspections reports, and copies of corrective action reports to staff in the Pueblo of Tesuque Environment Department.

9.4.2.6 Taos Pueblo. The following conditions apply only to discharges on the Taos Pueblo Reservation:

a. The operator shall provide a copy of the Notice of Intent (NOI) to the Taos Pueblo Governor's Office, War Chief's Office and Environmental Office, at the same time it is submitted to the U.S. Environmental Protection Agency, for projects occurring within the exterior boundaries of Taos Pueblo. The operator shall also notify Taos Pueblo when it has submitted the Notice of Termination (NOT). The NOI and NOT shall be sent to the Taos Pueblo at the following addresses:

i. Taos Pueblo Governor's Office
P.O. Box 1846
Taos NM 87571

ii. Taos Pueblo War Chief's Office
P.O. Box 2596
Taos NM 87571

iii. Environmental Office
Attn: Program Manger
P.O. Box 1846
Taos NM 87571

b. Taos Pueblo requests that in the event Indian artifacts or human remains are inadvertently discovered on projects occurring near or on Taos Pueblo lands that consultation with the tribal Governor's Office occur at the earliest possible time.

c. The operator shall provide a copy of the Stormwater Pollution Prevention Plan, copies of inspections reports, and copies of corrective action reports to staff in the Taos Pueblo Environmental Office for review and copy, upon request.

9.4.2.7 Ohkay Owingeh. The following conditions apply only to discharges on the Ohkay Owingeh Reservation:

a. Prior to commencement of any construction activity on Ohkay Owingeh Lands requiring permit coverage under EPA's Construction General Permit, the operator(s) shall submit to Ohkay Owingeh Office of Environmental Affairs, a copy of the electronic "Notice of Intent," submitted to the Environmental Protection Agency, immediately following EPA's electronic notification that the NOI has been received. A copy of the Stormwater Pollution Prevention Plan(s) must be made available to the Ohkay Owingeh Office of Environmental Affairs upon the tribe's request either electronically or hard copy. Operator(s) shall also submit to Ohkay Owingeh Office of Environmental Affairs a copy of the electronic Notice of Termination (NOT) submitted to the Environmental Protection Agency. Documents shall be submitted to Ohkay Owingeh at the following address:

Ohkay Owingeh Office of Environment Affairs
Attention: Environmental Programs Manager
P.O. Box 717
Ohkay Owingeh, New Mexico 87566
Office # 505.852.4212
Fax # 505.852.1432
Electronic mail: naomi.archuleta@ohkay.org

b. Ohkay Owingeh will not allow the Rainfall Erosivity Waivers (see Appendix C) to be granted for any small construction activities.

c. All vegetation used to prevent soil loss, seeding or planting of the disturbed area(s) to meet the vegetative stabilization requirements must utilize native seeds/vegetation commonly known to the area. All temporary erosion control structures, such as silt fences must be removed as soon as stabilization requirements are met.

9.4.3 OKR10I000 Indian country within the State of Oklahoma

9.4.3.1 Pawnee Nation. The following conditions apply only to discharges within Pawnee Indian country:

a. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Pawnee Nation at the same time it is submitted to the Environmental Protection Agency to the following address:

Pawnee Nation Department of Environmental Conservation and Safety
P.O. Box 470
Pawnee, OK 74058
Or email to mmatlock@pawneenation.org

b. The Storm Water Pollution Prevention Plan must be available to Departmental inspectors upon request.

c. The Department must be notified at 918.762.3655 immediately upon discovery of any noncompliance with any provision of the permit conditions.

9.4.4 OKR10F000 Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, including activities associated with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09).

a. For activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Lee Creek or any water or watershed designated "ORW" in Oklahoma's Water Quality Standards, this permit may only be used to authorize discharges from temporary construction activities. Certification is denied for any on-going activities such as sand and gravel mining or any other mineral mining.

b. For activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Lee Creek or any water or watershed designated "ORW" in Oklahoma's Water Quality Standards, certification is denied for any discharges originating from support activities, including concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, or borrow areas.

c. In order to company with Oklahoma's Water Quality Standards, these conditions and restrictions also apply to any construction projects located wholly or partially on Indian Country lands within the State of Oklahoma.

9.5 EPA REGION 8

9.5.1 MTR10I000 Indian country within the State of Montana

9.5.1.1 The Confederated Salish and Kootenai Tribes of the Flathead Nation. The following conditions apply only to discharges on the Confederated Salish and Kootenai Tribes of the Flathead Nation Reservation:

a. Permittees must submit the Stormwater Pollution Prevention Plan (SWPPP) to the Confederated Salish and Kootenai Tribes at least 30 days before construction starts.

b. Before submitting the Notice of Termination (NOT), permittees must clearly demonstrate to an appointed Tribal staff person during an onsite inspection that requirements for site stabilization have been met.

c. The permittee must send a copy of the Notice of Intent (NOI) and the NOT to CSKT.

d. Permittees may submit their SWPPPs, NOIs and NOTs electronically to: clintf@cskt.org.

e. Written SWPPPs, NOIs and NOTs may be mailed to:

Clint Folden, Water Quality Regulatory Specialist
Confederated Salish and Kootenai Tribes
Natural Resources Department
P.O. Box 278
Pablo, MT 59855

9.6 EPA REGION 9

9.6.1 CAR10I000 Indian country within the State of California

9.6.1.1 Twenty-Nine Palms Band of Mission Indians. The following conditions apply only to discharges on the Twenty-Nine Palms Band of Mission Indians Reservation:

a. At the time the applicant submits its Notice of Intent (NOI) to the EPA, the applicant must concurrently submit written notification of the NOI and a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Twenty-Nine Palms Band of Mission Indians at the address below:

Tribal Environmental Coordinator
Twenty-Nine Palms Band of Mission Indians
46-200 Harrison Place
Coachella, CA 92236

b. The applicant must also concurrently submit to the Tribal Environmental Coordinator written notification of any other forms or information submitted to the EPA, including waivers, reporting, and Notice of Termination (NOT).

c. Permitted entities under the CGP must keep the Tribal EPA informed of authorized discharges under the CGP by submitting written information about the type, quantity, frequency and location, intended purpose, and potential human health and/or environmental effects of their activities. These requirements are pursuant to Section 4 of the Twenty-Nine Palms Band of Mission Indians Water Pollution Control Ordinance (022405A). This information may be submitted to Tribal EPA in the form of Stormwater Pollution Prevention Plans (SWPPPs), monitoring reports, or other reports as required

under the CGP. Spills, leaks, or unpermitted discharges must be reported in writing to Tribal EPA within 24 hours of the incident.

9.6.2 GUR100000 Island of Guam. The following conditions apply only to discharges on the Island of Guam:

a. Any earth-moving operations which require a permit must be obtained from the Department of Public Works (DPW) with clearance approval from various Government of Guam Agencies including Guam EPA prior to the start of any earth-moving activity.

b. In the event that the construction sites are within the Guam Sole Source Aquifer, the construction site owner and operator must consider opportunities to facilitate groundwater recharge for construction and post-construction implementing infiltration Best Management Practices. Stormwater disposal systems shall be designed and operated within the boundaries of the project. Stormwater systems shall not be permitted within any Wellhead Protection Zone unless the discharge meets the Guam Water Quality Standards within the zone. Waters discharged within the identified category G-2 recharge zone shall receive treatment to the degree required to protect the drinking water quality prior to it entering the category G-1 resource zone.

c. All conditions and requirements set forth in the 22 Guam Administrative Rules and Regulations (GARR), Division II, Water Control, Chapter 10, Guam Soil Erosion and Sediment Control Regulations (GSESCR) that are more protective than the CGP regarding construction activities must be complied with.

d. All standards and requirements set forth in the 22 GARR, Division II, Water Control, Chapter 5, *Guam Water Quality Standards (GWQS) 2001 Revisions*, must be complied with to include reporting GWQS exceedance to Guam EPA.

e. All operators/owners of any property development or earth moving activities shall comply with the erosion control pre-construction and post-construction BMP design performance standards and criteria set forth in the 2006 CNMI and Guam Stormwater Management Manual.

f. All conditions and requirements regarding dewatering activities set forth in 22 Guam Administrative Rules and Regulations Chapter 7, Water Resources Development and Operating Regulations must be complied with to include securing permits with Guam EPA prior to the start of any dewatering activities.

g. If a project to be developed is covered under the Federal Stormwater Regulations (40 CFR Parts 122 & 123), a Notice of Intent (NOI) to discharge stormwater to the surface and marine waters of Guam must be submitted to the U.S. EPA and a copy furnished to Guam EPA, pursuant to Section 10, 104(B)(5)(d) 22GAR, Division II, Chapter 10.

h. Guam EPA shall apply the Buffer Requirements listed in Appendix G of the CGP NPDES Permit for construction activities as it pertains to Waters of the U.S. in Guam. Guam EPA shall also apply the same buffer requirements for sinkholes in Guam.

i. When Guam EPA, through its permit review process, identifies that the proposed construction activity is close proximity to marine waters, contractors and owners will be informed that any activity that may impair water quality are required to stop

during peak coral spawning periods as per the Guam Coral Spawning Construction Moratoriums.

j. The Proposed Construction General Permit must set appropriate measures and conditions to protect Guam's Threatened and Endangered Species and Outstanding Resource Waters of exceptional recreational or ecological significance as determined by the Guam EPA Administrator as per *Guam Water Quality Standards 2001 Revisions,* §5102, Categories of Waters, D. Outstanding Resource Waters.

k. When Guam EPA through its permit review process identifies that proposed construction activity is in close proximity to any Section 303d impaired waters, which includes marine waters and surface waters, shall ensure that construction activity does not increase the impaired water's ambient parameters.

l. When Rainfall Erosivity and TMDL Waivers reflected in the CGP, Appendix C, are submitted to the U.S. EPA, Guam EPA will review waivers on a project by project basis.

m. Prior to submission of the Notice of Termination (NOT) to the U.S. EPA, permittees must clearly demonstration to Guam EPA that the project site has met all soil stabilization requirements and removal of any temporary erosion control as outlined in the GSESCR.

9.7 EPA REGION 10

9.7.1 IDR100000 State of Idaho, except Indian country

a. *Idaho's Antidegradation Policy*. The WQS contain an antidegradation policy providing three levels of protection to water bodies in Idaho (IDAPA 58.01.02.051).

1. Tier I Protection. The first level of protection applies to all water bodies subject to Clean Water Act jurisdiction and ensures that existing uses of a water body and the level of water quality necessary to protect those existing uses will be maintained and protected (IDAPA 58.01.02.051.01; 58.01.02.052.01). Additionally, a Tier 1 review is performed for all new or reissued permits or licenses (IDAPA 58.01.02.052.05).

2. Tier II Protection. The second level of protection applies to those water bodies considered high quality and ensures that no lowering of water quality will be allowed unless deemed necessary to accommodate important economic or social development (IDAPA 58.01.02.051.02; 58.01.02.052.08).

3. Tier III Protection. The third level of protection applies to water bodies that have been designated outstanding resource waters and requires that activities not cause a lowering of water quality (IDAPA 58.01.02.051.03; 58.01.02.052.09).

   DEQ is employing a water body by water body approach to implementing Idaho's antidegradation policy. This approach means that any water body fully supporting its beneficial uses will be considered high quality (IDAPA 58.01.02.052.05.a). Any water body not fully supporting its beneficial uses will be provided Tier I protection for that use, unless specific circumstances warranting Tier II protection are met (IDAPA 58.01.02.052.05.c). The most recent federally approved Integrated Report and supporting data are used to determine support status and the tier of protection (IDAPA 58.01.02.052.05).

b. *Pollutants of Concern.* The primary pollutants of concern associated with stormwater discharges from construction activities are sediment, typically measured as total suspended solids and turbidity. Other potential pollutants include the following:

phosphorus, nitrogen, pesticides, organics, metals, PCBs, petroleum products, construction chemicals, and solid wastes.

c. *Receiving Water Body Level of Protection.* The CGP provides coverage to construction activities throughout the entire State of Idaho. Because of the statewide applicability, all of the jurisdictional waters within Idaho could potentially receive discharges either directly or indirectly from activities covered under the CGP. DEQ applies a water body by water body approach to determine the level of antidegradation a water body will receive.

All waters in Idaho that receive discharges from activities authorized under the CGP will receive, at minimum Tier I antidegradation protection because Idaho's antidegradation policy applies to all waters of the state. Water bodies that fully support their aquatic life or recreational uses are considered to be *high quality waters* and will receive Tier II antidegradation protection.

Although Idaho does not currently have any Tier III designated outstanding resource waters (ORWs) designated, it is possible for a water body to be designated as an ORW during the life of the CGP. Because of this potential, the antidegradation review also assesses whether the permit complies with the outstanding resource water requirements of Idaho's antidegradation policy.

To determine the support status of the receiving water body, persons filing a Notice of Intent (NOI) for coverage under this general permit must use the most recent EPA-approved Integrated Report, available on Idaho DEQ's website: http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment/integrated-report/.

High quality waters are identified in Categories 1 and 2 of the Integrated Report. If a water body is in either Category 1 or 2, it is a Tier II water body.

Unassessed waters are identified as Category 3 of DEQ's Integrated Report. These waters require a case-by-case determination to be made by DEQ based on available information at the time of the application for permit coverage. If a water body is unassessed, the applicant is directed to contact DEQ for assistance in filing the NOI.

Impaired waters are identified in Categories 4 and 5 of the Integrated Report. Category 4(a) contains impaired waters for which a TMDL has been approved by EPA. Category 4(b) contains impaired waters for which controls other than a TMDL have been approved by EPA. Category 5 contains waters which have been identified as "impaired," for which a TMDL is needed. These waters are Tier I waters, for the use which is impaired. With the exception, if the aquatic life uses are impaired for any of these three pollutants—dissolved oxygen, pH, or temperature—and the biological or aquatic habitat parameters show a health, balanced biological community, then the water body shall receive Tier II protection, in addition to Tier I protection, for aquatic life uses (IDAPA 58.01.02.052.05.c.i.).

DEQ's webpage also has a link to the state's map-based Integrated Report which presents information from the Integrated Report in a searchable, map-based format: http://www.deq.idaho.gov/assistance-resources/maps-data/.

Water bodies can be in multiple categories for different causes. If assistance is needed in using these tools, or if additional information/clarification regarding the

support status of the receiving water body is desired, the operator is directed to make contact with the appropriate DEQ regional office of the State office in the table below:

Regional and State Office	Address	Phone Number	Email
Boise	1445 N. Orchard Rd., Boise 83706	208-373-0550	Kati.carberry@deq.idaho.gov
Coeur d'Alene	2110 Ironwood Parkway, Coeur D'Alene 83814	208-769-1422	June.bergquist@deq.idaho.gov
Idaho Falls	900 N. Skyline, Suite B., Idaho Falls 83402	208-528-2650	Troy.saffle@deq.idaho.gov
Lewiston	1118 "F" St., Lewiston 83501	208-799-4370	Mark.sellet@deq.idaho.gov
Pocatello	444 Hospital way, #300 Pocatello 83201	208-236-6160	Lynn.vanevery@deq.idaho.gov
Twin Falls	650 Addison Ave., W., Suite 110, Twin Falls 83301	208-736-2190	Balthasar.buhidar@deq.idaho.gov
State Office	1410 N. Hilton Rd., Boise 83706	208-373-0502	Nicole.deinarowicz@deq.idaho.gov

d. *Turbidity Monitoring.* The permittee must conduct turbidity monitoring during construction activities and thereafter on days where there is a direct discharge of pollutants from an unstabilized portion of the site which is causing a visible plume to a water of the U.S.

A properly and regularly calibrated turbidimeter is required for measurements analyzed in the field (preferred method), but grab samples may be collected and taken to a laboratory for analysis. If the permittee can demonstrate that there will be no direct discharge from the construction site, then turbidity monitoring is not required. When monitoring is required, a sample must be taken at an undisturbed area immediately upstream of the project area to establish background turbidity levels for the monitoring event. Background turbidity, location, date and time must be recorded prior to monitoring downstream of the project area. A sample must also be taken immediately downstream from any point of discharge and *within* any visible plume. The turbidity, location, date and time must be recorded. The downstream sample must be taken immediately following the upstream sample in order to obtain meaningful and representative results.

Results from the compliance point sampling or observation[78] must be compared to the background levels to determine whether project activities are causing an exceedance of state WQS. If the downstream turbidity is 50 NTUs or more than the upstream turbidity, then the project is causing an exceedance of WQS. *Any exceedance of the turbidity standard must be reporting to the appropriate DEQ regional office within 24 hours. The following six (6) steps should be followed to ensure compliance with the turbidity standard:*

1. If a visible plume is observed, quantify the plume by collecting turbidity measurements from within the plume and compare the results to Idaho's instantaneous numeric turbidity criterion (50 NTU over the background).
2. If turbidity is less than 50 NTU instantaneously over the background turbidity; continue monitoring as long as the plume is visible. If turbidity exceeds background turbidity by more than 50 NTU instantaneously then stop all earth disturbing construction activities and proceed to step 3.
3. Take immediate action to address the cause of the exceedance. That may include inspection the condition of project BMPs. If the BMPs are functioning to their fullest capability, then the permittee must modify project activities and/or BMPs to correct the exceedance.
4. Notify the appropriate DEQ regional office within 24 hours.
5. Possibly increase monitoring frequency until state water quality standards are met.
6. Continue earth disturbing construction activities once turbidity readings return to within 50 NTU instantaneously and 25 NTU for more than ten consecutive days over the background turbidity.

Copies of daily logs for turbidity monitoring must be available to DEQ upon request. The report must describe all exceedances and subsequent actions taken, including the effectiveness of the action.

e. *Reporting of Discharges Containing Hazardous Materials or Petroleum Products.* All spills of hazardous material, deleterious material or petroleum products which may impact waters (ground and surface) of the state shall be immediately reported. Call 911 if immediate assistance is required to control, contain or clean up the spill. If no assistance is needed in cleaning up the spill, contact the appropriate DEQ regional office in the table below during normal working hours or Idaho State Communications Center after normal working hours. If the spilled volume is above federal reportable quantities, contact the National Repose Center.

For immediate assistance: Call 911

National Response Center: (800) 424-8802

Idaho State Communications Center: (800) 632-8000

[78] A visual observation is only acceptable to determine whether BMPs are functioning properly. If a plume is observed, the project may be causing an exceedance of WQS and the permittee must collect turbidity data and inspect the condition of the projects BMPs. If the BMPs appear to be functioning to their fullest capability and the turbidity is 50 NTUs or more than the upstream turbidity, then the permittee must modify the activity or implement additional BMPs (this may also include modifying existing BMPs).

Regional office	Toll Free Phone Number	Phone Number
Boise	888-800-3480	208-373-0550
Coeur d'Alene	877-370-0017	208-769-1422
Idaho Falls	800-232-4635	208-528-2650
Lewiston	977-547-3304	208-799-4370
Pocatello	888-655-6160	208-236-6160
Twin Falls	800-270-1663	208-736-2190

9.7.2 IDR10I000 Indian country within the State of Idaho, except Duck Valley Reservation lands (see Region 9)

9.7.2.1 Shoshone-Bannock Tribes. The following conditions apply only to discharges on the Shoshone-Bannock Reservation:

f. Each operator shall submit a signed hard copy of the Notice of Intent (NOI) to the Shoshone-Bannock Tribes Water Resources Department at the same time it is submitted electronically to the Environmental Protection Agency (EPA) and shall provide the Shoshone-Bannock Tribes Water Resources Department the acknowledgement of receipt of the NOI from the EPA within 7 calendar days of receipt from the EPA.

9.7.3 WAR10F000 Areas in the State of Washington, except those located on Indian country, subject to construction activity by a Federal Operator. The following conditions apply only to discharges on federal facilities in the State of Washington:

a. Discharges shall not cause or contribute to a violation of surface water quality standards (Chapter 173-201A WAC), groundwater quality standards (Chapter 173-200 WAC), sediment management standards (Chapter 173-204 WAC), and human health-based criteria in the National Toxics Rule (40 CFR Part 131.36). Discharges that are not in compliance with these standards are not authorized.

b. Prior to the discharge of stormwater and non-storm water to waters of the State, the Permittee must apply all known, available, and reasonable methods of prevention, control, and treatment (AKART). This includes the preparation and implementation of an adequate SWPPP, with all appropriate BMPs installed and maintained in accordance with the SWPPP and the terms and conditions of this permit.

c. Permittees who discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, phosphorus, or pH must comply with the following numeric effluent limits:

Parameter Identified in 303{d) Listing	Parameter Sampled	Unit	Analytical Method	Numeric Effluent Limit
• Turbidity • Fine Sediment • Phosphorus	Turbidity	NTU	SM2130 or EPA 180.1	25 NTUs at the point where the stormwater is discharged from the site.
High pH	pH	Su	pH meter	In the range of 6.5 – 8.5

d. All references and requirements associated with Section 303(d) of the Clean Water Act mean the most current EPA approved listing of impaired waters that exists on February 16, 2017, or the date when the operator's complete permit application is received by EPA, whichever is later.

e. Discharges to waterbodies subject to an applicable Total Maximum Daily Load (TMDL) for turbidity, fine sediment, high pH, or phosphorus, shall be consistent with the assumptions and requirements of the TMDL.

   i. Where an applicable TMDL sets specific waste load allocations or requirements for discharges covered by this permit, discharges shall be consistent with any specific waste load allocations or requirements establish by the applicable TMDL.

   ii. Where an applicable TMDL has established a general waste load allocation for construction stormwater discharges, but no specific requirements have been identified, compliance with this permit will be assumed to be consistent with the approved TMDL.

   iii. Where an applicable TMDL has not specified a waste load allocation for construction stormwater discharges, but has not excluded these discharges, compliance with this permit will be assumed to be consistent with the approved TMDL.

   iv. Where an applicable TMDL specifically precludes or prohibits discharges from construction activity, the operator is not eligible for coverage under this permit.

   v. Applicable TMDL means a TMDL for turbidity, fine sediment, high pH, or phosphorus, which has been completed and approved by EPA prior to February 16, 2017, or prior to the date the operator's complete NOI is received by EPA, whichever is later.

9.7.4 WAR10I000 Indian country within the State of Washington

9.7.4.1 Confederated Tribes of the Colville Reservation. The following conditions apply only to discharges on the Colville Indian Reservation (CIR) and on other Tribal trust lands or allotments of the Confederated Tribes of the Colville Reservation:

a. A copy of the Stormwater Pollution Prevention Plan must be submitted to the following office at least thirty (30) days in advance of sending the Notice of Intent (NOI) to EPA:

   Environmental Trust Department
   Confederated Tribes of the Colville Reservation
   PO Box 150
   Nesepelem, WA 99155

b. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be sent to the ETD at the same time they are submitted to EPA.

c. Discharges to Omak Creek, the Okanogan River, and Columbia River downstream of Chief Joseph Dam may affect threatened or endangered species, and shall only be permitted in adherence with Appendix D of the CGP.

d. All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in Chapter 4-8 Water Quality Standards of the Colville Law and Order Code, as amended.

e. Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the CIR. All spills must be reported to the appropriate emergency management agency and the ETD, and measures shall be taken immediately to prevent the pollution of waters of the CIR, including groundwater.

f. Stormwater site inspections shall be conducted at least once every 7 calendar days, within 24-hours of the occurrence of a rain event of 0.25 inches or greater in a 24-hour period, and daily during periods of saturated ground surface or snowmelt with accompanying surface runoff.

g. Results of discharge sampling must be reported to the ETD within 7 days of sample collection. All sample reporting must include the date and time, location, and individual performing the sampling.

h. Any corrective action reports that are required under the CGP must be submitted to the ETD at the above address within one (1) working day of the report completion.

i. This certification does not authorize impacts to cultural, historical, or archeological features or sites, or proprieties that may be eligible for such listing.

9.7.4.2 Lummi Nation. The following conditions apply only to discharges on the Lummi Reservation:

a. The Lummi Nation reserves the right to modify this 401 certification if the final version of the NPDES General Permit for Storm Water Discharges Associated with Construction Activity (CGP) on tribal lands in the State of Washington (Permit No. WAR10I000) is substantively different than the draft version of the proposed permit that was made available for public comments during April 2016. The Lummi Nation will determine if the final version of the NPDES CGP is substantively different than the draft version following review of the final version once the EPA makes it available.

b. This certification does not exempt and is provisional upon compliance with other applicable statutes and codes administered by federal and Lummi tribal agencies. Pursuant to Lummi Code of Laws (LCL) 17.05.020(a), the operator must also obtain a land use permit from the Lummi Planning Department as provided in Title 15 of the Lummi Code of Laws and regulations adopted thereunder.

c. Pursuant to LCL 17.05.020(a), each operator shall develop and submit a Storm Water Pollution Prevention Plan to the Lummi Water Resources Division for review and approval by the Water Resources Manager prior to beginning any discharge activities.

d. Pursuant to LCL Title 17, each operator shall be responsible for achieving compliance with the Water Quality Standards for Surface Waters of the Lummi Indian Reservation (Lummi Administrative Regulations [LAR] 17 LAR 07.010 through 17 LAR 07.210 together with supplements and amendments thereto).

e. Each operator shall submit a signed hard copy of the Notice of Intent (NOI) to the Lummi Water Resources Division at the same time it is submitted electronically to the Environmental Protection Agency (EPA) and shall provide the Lummi Water Resources Division the acknowledgement of receipt of the NOI from the EPA and the associated NPDES tracking number provided by the EPA within 7 calendar days of receipt from the EPA.

f. Each operator shall submit a signed hard copy of the Notice of Termination (NOT) to the Lummi Water Resources Division at the same time it is submitted electronically to the EPA and shall provide the Lummi Water Resources Division the EPA acknowledgement of receipt of the NOT.

g. Storm Water Pollution Prevention Plans, Notice of Intent, Notice of Termination and associated correspondence with the EPA shall be submitted to:

Lummi Natural Resources Department
ATTN: Water Resources Manager
2665 Kwina Road
Bellingham, WA 98226-9298

9.7.4.3 Makah Tribe. The following conditions apply only to discharges on the Makah Reservation:

a. The operator shall be responsible for achieving compliance with the Makah Tribe's Water Quality Standards.

b. The operator shall submit a Storm Water Pollution Prevention Plan to the Makah Tribe Water Quality Program and Makah Fisheries Habitat Division for review and approval at least thirty (30) days prior to beginning any discharge activities.

c. The operator shall submit a copy of the Notice of Intent to the Makah Tribe Water Quality Program and Makah Fisheries Habitat Division at the same time it is submitted to EPA.

d. Storm Water Pollution Prevention Plans and Notices of Intent shall be submitted to:

Aaron Parker
Makah Fisheries Management Water Quality Specialist
(360) 645-3162
Cell 206-356-0319
Aaron.parker@makah.com
PO Box 115
Neah Bay WA 98357

9.7.4.4 Puyallup Tribe of Indians. The following conditions apply only to discharges on the Puyallup Tribe of Indians Reservation:

a. Each permittee shall be responsible for achieving compliance with the Puyallup Tribe's Water Quality Standards, including antidegradation provisions. The Puyallup Natural Resources Department will conduct an antidegradation review for permitted activities that have the potential to lower water quality. The antidegradation review will be consistent with the Tribe's Antidegradation Implementation Procedures. The Tribe may also impose additional controls on a site-specific basis, or request EPA to require the operator obtain coverage under an individual permit, if information in the NOI or from other sources indicates that the operator's discharges are not controlled as necessary to meet applicable water quality standards.

b. The permittee shall be responsible for meeting any additional permit requirements imposed by EPA necessary to comply with the Puyallup Tribe's antidegradation policies if the discharge point is located within 1 linear mile upstream of waters designated by the Tribe.

c. Each permittee shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to Char Naylor (char.naylor@puyalluptribe.com) and Russ Ladley (russ.ladley@puyalluptribe.com) by email or at the address listed below at the same time it is submitted to EPA.

    Puyallup Tribe of Indians
    3009 E. Portland Avenue
    Tacoma, WA 98404
    ATTN: Russ Ladley and Char Naylor

d. All supporting documentation and certifications in the NOI related to coverage under the general permit for Endangered Species Act purposes shall be submitted to the Tribe's Resource Protection Manager (russ.ladley@puyalluptribe.com) and Char Naylor (char.naylor@puyalluptribe.com) for review.

e. If EPA requires coverage under an individual or alternative permit, the permittee shall submit a copy of the permit to Russ Ladley and Char Naylor at the address listed above.

f. The permittee shall submit all stormwater pollution prevention plans to Char Naylor for review and approval prior to beginning any activities resulting in a discharge to tribal waters.

g. The permittee shall conduct benchmark monitoring for turbidity (or transparency) and, in the event of significant concrete work or engineered soils, pH monitoring as well. Monitoring, benchmarks, and reporting requirements contained in Condition S.4. (pp.13-20) of the Washington State Construction Stormwater General Permit, effective January 1, 2016, shall apply, as applicable.

h. The permittee shall notify Char Naylor (253-680-5520) and Russ Ladley (253-680-5560) prior to conducting inspections at construction sites generating storm water discharged to tribal waters.

i. Treat dewatering discharges with controls necessary to minimize discharges of pollutants in order to minimize the discharge of pollutants to groundwater or surface waters from stormwater that is removed from excavations, trenches, foundations, vaults, or other storage areas. Examples of appropriate controls include sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, and filtration systems (e.g., bag or sand filters) that are designed to remove sediment.

    To the extent feasible, utilize vegetated, upland areas of the site to infiltrate dewatering water before discharge. At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part 2.2.11 of EPA's 2016 General Construction Stormwater Permit. Examples of velocity dissipation devices include check dams, sediment traps, riprap, and grouted riprap at outlets.

j. The permittee shall provide and maintain natural buffers to the maximum extent possible (and/or equivalent erosion and sediment controls) when tribal waters are located within 100 feet of the site's earth disturbances. If infeasible to provide and maintain an undisturbed 100 foot natural buffer, erosion and sediment controls to achieve the sediment load reduction equivalent to a 100-foot undisturbed natural buffer shall be required.

9.7.4.5 Spokane Tribe of Indians. The following conditions apply only to discharges on the Spokane Tribe Reservation:

a. Pursuant to Tribal Law and Order Code (TLOC) Chapter 30 each operator shall be responsible for achieving compliance with the Surface Water Quality Standards of the Spokane Tribe. The operator shall notify the Spokane Tribe, Water Control Board (WCB) of any spills of hazardous material and;

b. Each operator shall submit a signed hard copy of the Notice of Intent (NOI) to the WCB at the same time it is submitted to EPA.

c. The permittee shall allow the Tribal Water Control Board or its designee to inspect and sample at the construction site as needed.

d. Each operator shall submit a signed copy of the Notice of Termination (NOT) to the WCB at the same time it is submitted to EPA.

The correspondence address for the Spokane Tribe Water Control Board is:

Water Control Board
c/o. Brian Crossley
P0 Box 480
Wellpinit WA 99040
(509)626-4409
crossley@spokanetribe.com

9.7.4.6 Swinomish Indian Tribal Community. The following conditions apply only to discharges on the Swinomish Reservation:

a. Owners and operators seeking coverage under this permit who intend to discharge to Regulated Surface Waters must submit a copy of the Notice of Intent (NOI) to the DEP at the same time the NOI is submitted to EPA.

b. Owners and operators seeking coverage under this permit must also submit a Stormwater Pollution Prevention Plan to the DEP for review and approval by DEP prior to beginning any discharge activities.

c. Owners and operators must also submit to the DEP Changes in NOI and/or Notices of Termination at the same time they are submitted to EPA.

9.7.4.7 Tulalip Tribes. The following conditions apply only to discharges on the Tulalip Reservation:

a. This certification does not exempt and is provisional upon compliance with other applicable statues and codes administered by federal and Tulalip tribal agencies. Pursuant to Tulalip Tribes code of law, the operator must also obtain a land use permit from the Tulalip Tribes Planning Department as provided in Title 7 of the Tulalip Tribal Code (http://www.codepublishing.com/WA/Tulalip/?Tulalip02/Tulalip0205.html).

b. Each CGP operator shall be responsible for achieving compliance with Tulalip Tribes Water Quality Standards.

c. Each CGP operator shall submit their Stormwater Pollution Prevention Plan (SWPPP) to the:

Tulalip Natural & Cultural Resources Department
Tulalip Tribes
6406 Marine Drive
Tulalip, WA 98271

Appendix I - Standard Permit Conditions

Standard permit conditions in Appendix I are consistent with the general permit provisions required under 40 CFR 122.41.

I.1 Duty To Comply.

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

I.1.1 You must comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards, even if the permit has not yet been modified to incorporate the requirement.

I.1.2 Penalties for Violations of Permit Conditions: The Director will adjust the civil and administrative penalties listed below in accordance with the Civil Monetary Penalty Inflation Adjustment Rule (61 FR 252, December 31, 1996, pp. 69359-69366, as corrected in 62 FR 54, March 20, 1997, pp.13514-13517) as mandated by the Debt Collection Improvement Act of 1996 for inflation on a periodic basis. This rule allows EPA's penalties to keep pace with inflation. The Agency is required to review its penalties at least once every 4 years thereafter and to adjust them as necessary for inflation according to a specified formula. The civil and administrative penalties following were adjusted for inflation starting in 1996.

I.1.2.1 *Criminal Penalties.*

a. *Negligent Violations.* The CWA provides that any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to criminal penalties of not less than $2,500 nor more than $25,000 per day of violation, or imprisonment of 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 criminal penalties of not more than $50,000 per day of violation or by imprisonment of not more than two years, or both.

b. *Knowing Violations.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 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 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both.

c. *Knowing Endangerment.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he or she is placing another person in imminent danger of death or serious bodily injury shall upon conviction be subject to a fine of not more than $250,000 or by imprisonment of 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 and can fined up to $2,000,000 for second or subsequent convictions.

d. *False Statement.* The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit 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. The Act further provides that any person who 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 per violation, or by imprisonment for not more than 6 months per violation, or by both.

I.1.2.2 *Civil Penalties.* The CWA 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 a civil penalty not to exceed the maximum amount authorized by Section 309(d) of the Act, as adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.

I.1.2.3 *Administrative Penalties.* The CWA 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

a. *Class I Penalty.* Not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act, as adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note), as amended (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.

b. *Class II Penalty.* Not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act, as adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note), as amended, (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.

I.2 Duty to Reapply.

If you wish to continue an activity regulated by this permit after the expiration date of this permit, you must apply for and obtain authorization as required by the new permit once EPA issues it.

I.3 Need to Halt or Reduce Activity Not a Defense.

It shall not be a defense for you in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

I.4 Duty to Mitigate.

You must take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

I.5 Proper Operation and Maintenance.

You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by you to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by you only when the operation is necessary to achieve compliance with the conditions of this permit.

I.6 Permit Actions.

This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

I.7 Property Rights.

This permit does not convey any property rights of any sort, or any exclusive privileges.

I.8 Duty to Provide Information.

You must furnish to EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), within a reasonable time, any information that EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. You must also furnish to EPA or an authorized representative upon request, copies of records required to be kept by this permit.

I.9 Inspection and Entry.

You must allow EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), upon presentation of credentials and other documents as may be required by law, to:

I.9.1 Enter upon your premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

I.9.2 Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

I.9.3 Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

I.9.4 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.

I.10 Monitoring and Records.

I.10.1 Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.

I.10.2 You must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date the permit expires or the date the permittee's authorization is terminated. This period may be extended by request of EPA at any time.

I.10.3 Records of monitoring information must include:

I.10.3.1 The date, exact place, and time of sampling or measurements;

I.10.3.2 The individual(s) who performed the sampling or measurements;

I.10.3.3 The date(s) analyses were performed

I.10.3.4 The individual(s) who performed the analyses;

I.10.3.5 The analytical techniques or methods used; and

I.10.3.6 The results of such analyses.

I.10.4 Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit.

I.10.5 The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit 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.

I.11 Signatory Requirements.

I.11.1 All applications, including NOIs, must be signed as follows:

I.11.1.1 For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

I.11.1.2 For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

I.11.1.3 For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

I.11.2 Your SWPPP, including changes to your SWPPP, inspection reports, and any other compliance documentation required under this permit, must be signed by a person described in Appendix I, Subsection I.11.1 above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

I.11.2.1 The authorization is made in writing by a person described in Appendix I, Subsection I.11.1;

I.11.2.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

I.11.2.3 The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.

I.11.3 Changes to Authorization. If an authorization under this permit is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new NOI must be submitted to EPA. See Table 1 in Part 1.4.2 of the permit. However, if the only change that is occurring is a change in contact information or a change in the facility's address, the operator need only make a modification to the existing NOI submitted for authorization.

I.11.4 Any person signing documents in accordance with Appendix I, Subsections I.11.1 or I.11.2 above must include the following certification:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

I.11.5 For persons signing NOIs electronically, in addition to meeting other applicable requirements in Appendix I, Subsection I.11, such signatures must meet the same signature, authentication, and identity-proofing standards set forth at 40 CFR § 3.2000(b) for electronic reports (including robust second-factor authentication).

I.11.6 The CWA provides that any person who 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 per violation, or by imprisonment for not more than 6 months per violation, or by both.

I.12 Reporting Requirements.

I.12.1 Planned changes. You must give notice to EPA as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

I.12.1.1 The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

I.12.1.2 The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).

I.12.2 Anticipated noncompliance. You must give advance notice to EPA of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

I.12.3 Transfers. This permit is not transferable to any person except after notice to EPA. Where a facility wants to change the name of the permittee, the original permittee (the first owner or operators) must submit a Notice of Termination pursuant to Part 8. The new owner or operator must submit a Notice of Intent in accordance with Part 1.7 and Table 1. See also requirements in Appendix I, Subsections I.11.1 and I.11.2.

I.12.4 Monitoring reports. Monitoring results must be reported at the intervals specified elsewhere in this permit.

I.12.4.1 Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by EPA for reporting results of monitoring of sludge use or disposal practices.

I.12.4.2 If you monitor any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by EPA.

I.12.5 Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.

I.12.6 Twenty-four hour reporting. In addition to reports required elsewhere in this permit:

I.12.6.1 You must report any noncompliance which may endanger health or the environment directly to the EPA Regional Office (see contacts at https://www2.epa.gov/national-pollutant-discharge-elimination-system-npdes/contact-us-stormwater#regional). Any information must be provided orally within 24 hours from the time you become aware of the circumstances. A written submission must also be provided within five days of the time you become aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

I.12.6.2 The following shall be included as information which must be reported within 24 hours under this paragraph.

a. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR 122.41(m)(3)(ii))

b. Any upset which exceeds any effluent limitation in the permit

c. Violation of a maximum daily discharge limit for any numeric effluent limitation. (See 40 CFR 122.44(g).)

I.12.6.3 EPA may waive the written report on a case-by-case basis for reports under Appendix I, Subsection I.12.6.2 if the oral report has been received within 24 hours.

I.12.7 Other noncompliance. You must report all instances of noncompliance not reported under Appendix I, Subsections I.12.4, I.12.5, and I.12.6, at the time monitoring reports are submitted. The reports must contain the information listed in Appendix I, Subsection I.12.6.

I.12.8 Other information. Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application

or in any report to the Permitting Authority, you must promptly submit such facts or information.

I.13 Bypass.

I.13.1 Definitions.

I.13.1.1 Bypass means the intentional diversion of waste streams from any portion of a treatment facility See 40 CFR 122.41(m)(1)(i).

I.13.1.2 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. See 40 CFR 122.41(m)(1)(ii).

I.13.2 Bypass not exceeding limitations. You 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. These bypasses are not subject to the provisions of Appendix I, Subsections I.13.3 and I.13.4. See 40 CFR 122.41(m)(2).

I.13.3 Notice.

I.13.3.1 Anticipated bypass. If you know in advance of the need for a bypass, you must submit prior notice, if possible at least ten days before the date of the bypass. See 40 CFR 122.41(m)(3)(i).

I.13.3.2 Unanticipated bypass. You must submit notice of an unanticipated bypass as required in Appendix I, Subsection I.12.6 (24-hour notice). See 40 CFR 122.41(m)(3)(ii).

I.13.4 Prohibition of bypass. See 40 CFR 122.41(m)(4).

I.13.4.1 Bypass is prohibited, and EPA may take enforcement action against you for bypass, unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. 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

c. You submitted notices as required under Appendix I, Subsection I.13.3.

I.13.4.2 EPA may approve an anticipated bypass, after considering its adverse effects, if EPA determines that it will meet the three conditions listed above in Appendix I, Subsection I.13.4.1.

I.14 Upset.

I.14.1 Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your 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. See 40 CFR 122.41(n)(1).

I.14.2 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 Appendix I, Subsection I.14.3 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. See 40 CFR 122.41(n)(2).

I.14.3 Conditions necessary for a demonstration of upset. See 40 CFR 122.41(n)(3). A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

I.14.3.1 An upset occurred and that you can identify the cause(s) of the upset;

I.14.3.2 The permitted facility was at the time being properly operated; and

I.14.3.3 You submitted notice of the upset as required in Appendix I, Subsection I.12.6.2.b (24 hour notice).

I.14.3.4 You complied with any remedial measures required under Appendix I, Subsection I.4.

I.14.4 Burden of proof. In any enforcement proceeding, you, as the one seeking to establish the occurrence of an upset, have the burden of proof. See 40 CFR 122.41(n)(4).

I.15 Retention of Records.

Copies of the SWPPP and all documentation required by this permit, including records of all data used to complete the NOI to be covered by this permit, must be retained for at least three years from the date that permit coverage expires or is terminated. This period may be extended by request of EPA at any time.

I.16 Reopener Clause.

I.16.1 Procedures for modification or revocation. Permit modification or revocation will be conducted according to 40 CFR §122.62, §122.63, §122.64 and §124.5.

I.16.2 Water quality protection. If there is evidence indicating that the stormwater discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, you may be required to obtain an individual permit, or the permit may be modified to include different limitations and/or requirements.

I.16.3 Timing of permit modification. EPA may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines that may be promulgated in the course of the current permit cycle.

I.17 Severability.

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. EPA's intent is that the permit is to remain in effect to the extent possible; in the event that any part of this permit is invalidated, EPA will advise the regulated community as to the effect of such invalidation.

APPENDIX C – COPY OF NOI AND EPA AUTHORIZATION EMAIL

APPENDIX D – INSPECTION FORM

Construction Site Stormwater Inspection Report

General Information		
Project Name/ Location:		
NPDES Tracking No. :		
Date of Inspection:		**Start/End Time**
Inspector's Name(s) :		
Inspector's Title(s) :		
Inspector's Contact Information:		
Inspector's Qualifications:		
Describe present phase of construction:		

Type of Inspection: ❑ Regular❑ Pre-storm event ❑ During storm event ❑ Post-storm event

Weather Information		
Has there been a storm event since the last inspection? ❑Yes ❑No **If yes, provide the following information.**		
Storm Start Date & Time:	**Storm Duration (hrs):**	**Approximate Amount of Precipitation (in):**
Weather at time of this inspection? ❑ Clear ❑ Cloudy ❑ Rain ❑ Sleet ❑ Fog ❑ Snowing ❑ High Wind ❑ Other: Temperature:		
Have any discharges occurred since the last inspection? ❑Yes ❑No **If yes, describe:**		
Are there any discharges at the time of inspection? ❑Yes ❑No **If yes, describe:**		

SITE-SPECIFIC BMPs				
	BMP	**BMP Installed?**	**BMP Maintenance Required?**	**Corrective Action Needed and Notes**
1		❑Yes ❑No	❑Yes ❑No	
2		❑Yes ❑No	❑Yes ❑No	
3		❑Yes ❑No	❑Yes ❑No	
4		❑Yes ❑No	❑Yes ❑No	
5		❑Yes ❑No	❑Yes ❑No	
6		❑Yes ❑No	❑Yes ❑No	
7		❑Yes ❑No	❑Yes ❑No	
8		❑Yes ❑No	❑Yes ❑No	
9		❑Yes ❑No	❑Yes ❑No	
10		❑Yes ❑No	❑Yes ❑No	
11		❑Yes ❑No	❑Yes ❑No	
12		❑Yes ❑No	❑Yes ❑No	
13		❑Yes ❑No	❑Yes ❑No	
14		❑Yes ❑No	❑Yes ❑No	
15		❑Yes ❑No	❑Yes ❑No	
16		❑Yes ❑No	❑Yes ❑No	

OVERALL SITE ISSUES				
	BMP/activity	**Implemented?**	**Maintenance Required?**	**Corrective Action Needed and Notes**
1	Are all slopes and disturbed areas not actively being worked properly stabilized?	❑Yes ❑No	❑Yes ❑No	
2	Are natural resource areas (e.g., streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	❑Yes ❑No	❑Yes ❑No	
3	Are perimeter controls and sediment barriers adequately installed (keyed into substrate) and maintained?	❑Yes ❑No	❑Yes ❑No	
4	Are discharge points and receiving waters free of any sediment deposits?	❑Yes ❑No	❑Yes ❑No	
5	Are storm drain inlets properly protected?	❑Yes ❑No	❑Yes ❑No	
6	Is the construction exit preventing sediment from being tracked into the street?	❑Yes ❑No	❑Yes ❑No	
7	Is trash/litter from work areas collected and placed in covered dumpsters?	❑Yes ❑No	❑Yes ❑No	
8	Are washout facilities (e.g., paint, stucco, concrete) available, clearly marked, and maintained?	❑Yes ❑No	❑Yes ❑No	

OVERALL SITE ISSUES				
	BMP/activity	**Implemented?**	**Maintenance Required?**	**Corrective Action Needed and Notes**
9	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks, or any other deleterious material?	❑Yes ❑No	❑Yes ❑No	
10	Are materials that are potential stormwater contaminants stored inside or under cover?	❑Yes ❑No	❑Yes ❑No	
11	Are non-stormwater discharges (e.g., wash water, dewatering) properly controlled?	❑Yes ❑No	❑Yes ❑No	
12	(Other)	❑Yes ❑No	❑Yes ❑No	
Non-Compliance				
Describe any incidents of non-compliance not described above:				

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APPENDIX E – COPY OF CORRECTIVE ACTION LOG

CORRECTIVE ACTION LOG				
Inspection Date	**Inspector Name(s)**	**Description of BMP Deficiency**	**Corrective Action Needed (including planned date/responsible person)**	**Date Action Taken/Responsible person**

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APPENDIX F – SWPPP AMENDMENT LOG

SWPPP AMENDMENT LOG

Revision No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	

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APPENDIX G – SUBCONTRACTOR CERTIFICATIONS

SUBCONTRACTOR CERTIFICATION

STORMWATER POLLUTION PREVENTION PLAN

Project Number: _____

Project Title: _____

Operator(s): _____

As a subcontractor, you are required to comply with the Stormwater Pollution Prevention Plan (SWPPP) for any work that you perform on-site. Any person or group who violates any condition of the SWPPP may be subject to substantial penalties or loss of contract. You are encouraged to advise each of your employees working on this project of the requirements of the SWPPP. A copy of the SWPPP is available for your review at the office trailer.

Each subcontractor engaged in activities at the construction site that could impact stormwater must be identified and sign the following certification statement:

I certify under the penalty of law that I have read and understand the terms and conditions of the SWPPP for the above designated project and agree to follow the practices described in the **SWPPP**.

This certification is hereby signed in reference to the above named project:

Company: _____

Address: _____

Telephone Number: _____

Type of construction service to be provided: _____

_____

_____

Signature: _____

Title: _____

Date: _____

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APPENDIX H – GRADING AND STABILIZATION ACTIVITIES LOG

GRADING AND STABILIZATION ACTIVITIES LOG

Date Grading Activity Initiated	**Description of Grading Activity**	**Description of Stabilization Measure and Location**	**Date Grading Activity Ceased** (Indicate Temporary or Permanent)	**Date When Stabilization Measures Initiated**
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary	INSERT DATE

Date Grading Activity Initiated	**Description of Grading Activity**	**Description of Stabilization Measure and Location**	**Date Grading Activity Ceased** (Indicate Temporary or Permanent)	**Date When Stabilization Measures Initiated**
			☐ Permanent	
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE

APPENDIX I – SWPPP TRAINING LOG

STORMWATER POLLUTION PREVENTION TRAINING LOG

Project Name:

Project Location:

Instructor's Name(s):

Instructor's Title(s):

Course Location: _____ Date: _____

Course Length (hours): _____

Stormwater Training Topic: *(check as appropriate)*

- ☐ **Sediment and Erosion Controls**
- ☐ **Stabilization Controls**
- ☐ **Pollution Prevention Measures**
- ☐ **Emergency Procedures**
- ☐ **Inspections/Corrective Actions**

Specific Training Objective:_____

_____

Attendee Roster: *(attach additional pages as necessary)*

No.	Name of Attendee	Company
1		
2		
3		
4		
5		
6		
7		
8		

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APPENDIX J – DELEGATION OF AUTHORITY FORM

DELEGATION OF AUTHORITY

I, _____ (name), hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the Construction General Permit (CGP), at the _____ construction site. The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

_____ (name of person or position)

_____ (company)

_____ (address)

_____ (city, state, zip)

_____ (phone)

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in Appendix I of EPA's CGP, and that the designee above meets the definition of a "duly authorized representative" as set forth in Appendix I.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: _____

Company: _____

Title: _____

Signature: _____

Date: _____

APPENDIX K – ENDANGERED SPECIES DOCUMENTATION

ARCADIS Design & Consultancy for natural and built assets

Mr. Steve Calanog
Federal On-Scene Coordinator
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105

Arcadis U.S., Inc.
320 Commerce
Suite 200
Irvine
California 92602
Tel 714 730 9052
Fax 714 730 9345
www.arcadis.com

ENVIRONMENT

Subject:
Biological Evaluation
Administrative Settlement Agreement and Order on Consent
CERCLA Dockets No. 09-2017-02 and 06-02-17
Haystack No. 1 AUM Site
McKinley County, New Mexico

Date:
July 27, 2017

Contact:
Maher Zein, PhD, PE

Phone:
714.508.2667

Email:
maher.zein@arcadis.com

Our ref:
CA000860

Dear Mr. Calanog:

This letter is submitted on behalf of BNSF Railway Company (BNSF) to present the U.S. Environmental Protection Agency (EPA) with the results of a U.S. Fish and Wildlife Service (USFWS), Navajo Natural Heritage Program (NNHP), and New Mexico Department of Game and Fish (NMGF) biological resources information review for the BNSF Haystack No. 1 AUM Site, located in McKinley County, New Mexico (the Site). Per Section VIII, Paragraph 32c of the Administrative Settlement Agreement and Order on Consent (AOC, effective on May 15, 2017), inquiries into the three aforementioned agencies shall be submitted within 15 days of the AOC effective date (no later than May 30, 2017) and the results of this evaluation shall be provided to the U.S. EPA within 30 days of receipt of the requested information. Biological resources information was received from USFWS, NNHP, and NMGF on December 8, 2016, January 12, 2017, and June 6, 2017, respectively (Attachments 1, 2, and 3, respectively).

U.S. FISH AND WILDLIFE SERVICE BIOLOGICAL EVALUATION RESULTS

A USFWS Information for Planning and Conservation (IPaC) database review was conducted on December 8, 2016. The species identified during the IPaC database review are presented in Attachment 1 and are summarized below:

- Threatened – Birds: Mexican spotted owl (*Strix occidentalis lucinda)* and yellow-billed cuckoo (*Coccyzus americanus*)
- Threatened – Plants: Zuni fleabane (*Erigeron rhizomatus*)
- Endangered – Birds: Southwestern willow flycatcher (*Empidonax traillii extimus*)
- Endangered – Fish: Zuni bluehead sucker (*Catostomus discobolus yarrow*).

There was no critical habitat listed. Even though the species are listed as present or potentially present onsite, habitat for these species must be present. Habitat for most of the species listed above is not present at the Site (e.g., water bodies for fish). Table 1 summarizes the identified species and preferred habitat, along with the potential presence or absence of the habitat at the Site. Species where a field survey would be recommended to determine their presence based on habitat at the Site(s) are also identified in Table 1.

NAVAJO NATURAL HERITAGE PROGRAM BIOLOGICAL EVALUATION RESULTS

A NNHP database search was completed for the Site and the results are provided as Attachment 2. The NNHP is managed by the Navajo Nation Department of Fish and Wildlife. Search results indicated five potential bird species onsite or near the Site that are included on the Navajo Endangered Species List (NESL):

- Golden eagle (*Aquila chrysaetos*) NESL Group 3 (G3)
- Ferruginous hawk (*Buteo regalis*) NESL G3
- Burrowing owl (*Athene cunicularia*) NESL Group 4 (G4)
- Mountain plover (*Charadius montanus*) NESL G4
- Peregrine falcon (*Falco peregrinus*) NESL G4.

Species listed as G3 are species whose survival or recruitment is likely to be in jeopardy in the foreseeable future. G4 species are species where there is currently not enough information available to the Navajo Nation to be listed as a Group 2 or G3 species. Therefore, and as noted in the NESL, G4 species are not afforded legal protection. Based on the database search, only two G3 species may be present in the area immediately surrounding the Site (Table 1).

To formally determine if the project will have “No Effect” on the above-listed species, Arcadis recommends the implementation of a formal nesting survey on and immediately adjacent to the Site, specifically focused on the golden eagle and ferruginous hawk, if construction activities were to occur during the nesting season (Spring/Summer). The survey shall be completed during the nesting season. While these species are not expected to be present onsite based on a habitat evaluation from aerial photographs, a ground survey is recommended to formally confirm this assumption. In addition, Arcadis recommends inclusion of all five species in the nesting survey. If the proposed construction activities are planned outside the nesting season of these species, a nesting survey will not be required.

NEW MEXICO DEPARTMENT OF GAME AND FISH BIOLOGICAL EVALUATION RESULTS

NMGF maintains county lists for New Mexico Wildlife of Concern. A review for McKinley County, where the Site is located, was conducted by Arcadis on May 29, 2017. The detailed results are included as Attachment C[1] and are summarized below.

- Threatened – Birds: Bald eagle (*Haliaeetus leucocephalus*), peregrine falcon (*Falco peregrinus*), arctic peregrine falcon (*Falco peregrinus tundrius*), Costa's hummingbird (*Calypte costae*), and gray vireo (*Vireo vicinior*)
- Endangered – Plants: Zuni fleabane (*Erigeron rhizomatus*), Parish's alkali grass (*Puccinellia parishii*), and Goodding's onion (*Allium gooddingii*)
- Endangered – Birds: Southwestern willow flycatcher (*Empidonax traillii extimus*) and least tern (*Sternula antillarum)*
- Endangered – Fish: Zuni bluehead sucker (*Catostomus discobolus yarrowi*).

Similar to the evaluation for federally-listed species, a species presence on a county list does not necessarily mean that suitable habitat exists and supports a species at the Site. A detailed analysis by species is included in Table 1. This table also includes those species where a field survey would be recommended. Based upon absence of nests on or proximate to the Site, the project will be determined to have "No Effect" for the evaluated species.

To formally determine if the project will have "No Effect" on the multiple bird species listed, Arcadis recommends a formal nesting survey on and immediately proximate to the Site if construction activities were to occur during the nesting season (Spring/Summer). The surveys should be completed within the respective nesting season. While these species are not expected based upon evaluation of habitat from aerial photograph interpretation, a ground survey is recommended to formally confirm these assumptions. The surveys should focus on bald eagle, peregrine falcon, and gray vireo. If the proposed construction activities are planned outside the nesting season of these birds, a nesting survey will not be required.

RECOMMENDATIONS

Arcadis recommends completion of a pre-construction nesting survey to determine whether bird nests are present on or immediately adjacent to the Site if construction activities were to occur during the nesting season (Spring/Summer). While not expected, if any bird nests are identified, they will be recorded and their location(s) will be mapped. Based on habitat, evidence of other USFWS, NNHP, or NMGF species will also be recorded during the field survey. The field survey will be conducted during the nesting season and before construction activities so that proper planning or corrective actions (if required) can be implemented. If the proposed construction activities are planned to occur outside the nesting season of the birds of interest, a nesting survey will not be required.

[1] Threatened and endangered plant species occurring within McKinley County were referenced using the New Mexico Rare Plants Website (http://nmrareplants.unm.edu/). A formal report that included only threatened and endangered plant species by county was not available, and; therefore; is not included in Attachment C.

Additionally, Section 13 of the Site, an area subject to the AOC-requested removal activities, is reportedly owned by the Bureau of Land Management (BLM) but is administered by the Bureau of Indian Affairs. Accordingly, Arcadis has submitted an inquiry into BLM to evaluate additional biological resources information related to the areas of the Site that may be disturbed during construction activities. At a minimum, potential disturbed areas will also be surveyed for potential habitats of the Gunnison's prairie dog (*Cynomys gunnisoni*), and other species of interest to the BLM. Once the BLM has provided a response, this report will be submitted to the New Mexico Office of Natural Resources Trustee (ONRT).

Sincerely,

Arcadis U.S., Inc.

Maher Zein, PhD, PE
Certified Project Manager

Copies:
Warren Zehner – U.S. EPA Region 6
Dr. Donald Benn, Navajo Nation EPA
Vivian Craig – Navajo Nation EPA
Jeff Lewellin – New Mexico Environment Department
DJ Ennis – New Mexico Mining and Minerals Division
Doug McReynolds – BNSF
Martina Schlauch Jones, Todd O'Brien, and Drew Werth – Arcadis

Enclosures:

Table

1 Threatened and Endangered Species Documented in the Project Area

Attachments

1 U.S. Fish and Wildlife Service Information for Planning and Conservation Search Results
2 Navajo Nation Heritage Program Database Search Results
3 New Mexico Department of Game and Fish Database Search Results

TABLE

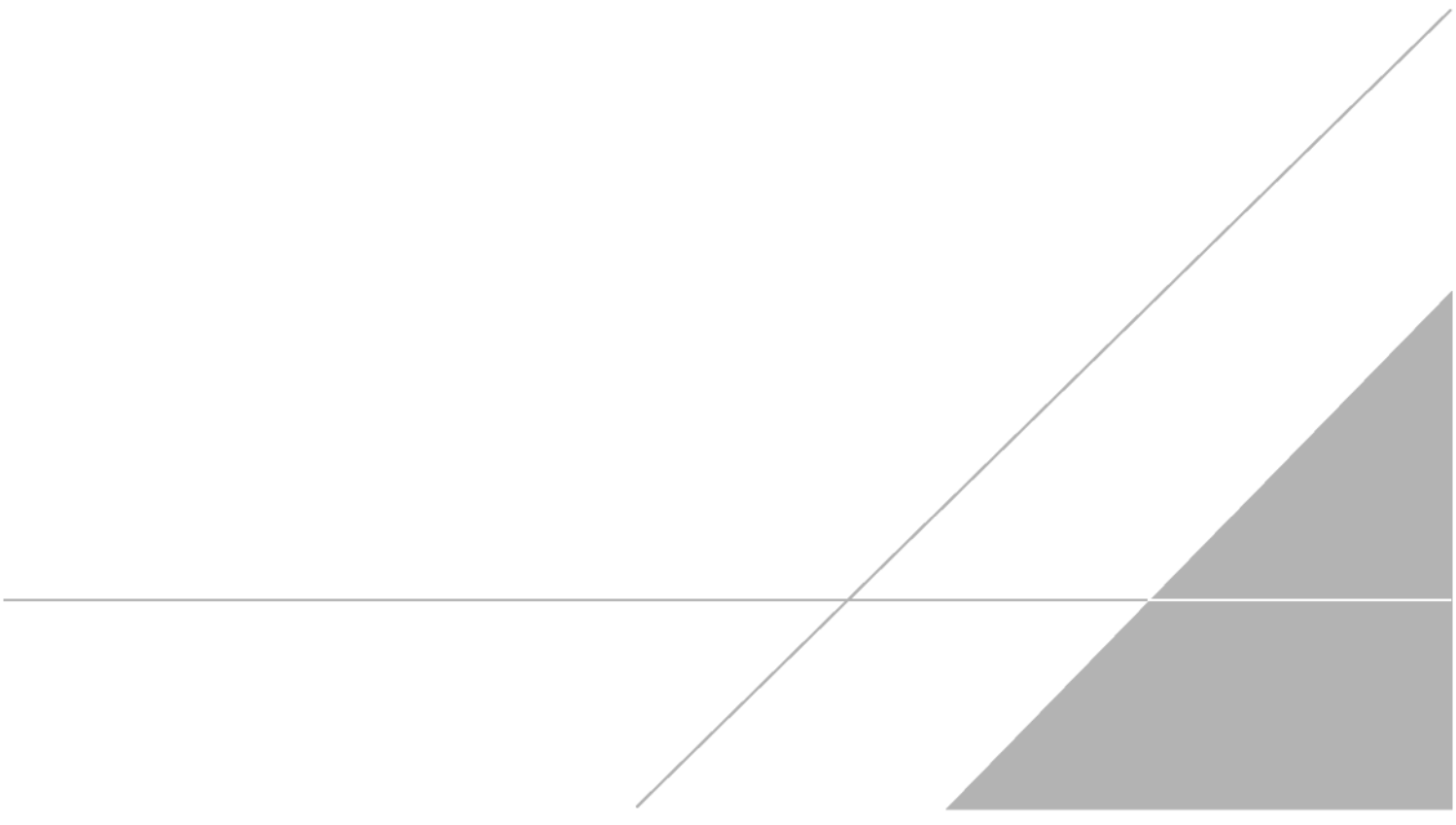


Table 1
Threatened and Endangered Species Documented in the Project Area
Haystack No. 1 AUM Site
McKinley County, New Mexico

Common Name	Scientific Name	Federal Protection	State Protection	Navajo Nation Protection*	Habitat Evaluation	Determination of Effect
Plants						
Goodding's Onion	*Allium gooddingii*	NA	Endangered	NA**	Normally found at base of steep slopes and moist drainage bottoms in the shade of spruce fir and mixed conifer forest, as well as aspen stands between 6,500 and 9,400 feet amsl. Primarily occurs in National Forest lands.	Absence of habitat. No Effect.
Parish's Alkali Grass	*Puccinellia parishii*	NA	Endangered	NA**	Typically found at alkaline springs, seeps, and seasonally wet areas that occur at the heads of drainages or on gentle slopes at 2,600 to 7,200 feet amsl. The species requires continuously damp soils during its late winter to spring growing period.	Absence of habitat. No Effect.
Zuni Fleabane	*Erigeron rhizomatus*	Threatened	Endangered	NA**	Typically found on hillslopes at elevations between 7,300 and 8,000 feet amsl. Site elevation is approximately 7,000 feet amsl.	Absence of habitat. No Effect.
Fish						
Zuni Bluehead Sucker	*Catostomus discobolus yarrowi*	Endangered	Endangered	NA**	Requires perennial waterbody that is not found onsite.	Absence of habitat. No Effect.
Birds***						
Arctic Peregrine Falcon	*Falco peregrinus tundrius*	NA	Threatened	NA**	Typically breeds in the Arctic tundra and inhabits coastlines and mountains from Florida to South America in the winter.	Species not expected to nest in New Mexico. Foraging habitat possible for migrating individuals, but individuals will modify behavior to avoid construction areas. Assuming no active nesting is identified, the project will be determined to have No Effect.
Bald Eagle	*Haliaeetus leucocephalus*	NA	Threatened	NA**	Primarily water-oriented, and most populations occurring in New Mexico are found near streams and lakes. There are some dry land areas where these eagles occur regularly, most notably in the region between the Pecos Valley and the Sandia, Manzano, Capitan, Sacramento mountains, and on the Mogollon Plateau. The birds typically night-roost in groups in trees, usually in protected sites such as canyons.	Nesting not expected in the few isolated trees onsite, and lack of water body. Foraging habitat possible, but individuals will modify behavior to avoid construction areas. A nesting survey is recommended before construction work. Assuming no active nesting is identified, the project will be determined to have No Effect.
Burrowing Owl	*Athene cunicularia*	NA	NA	G4	Found in open areas with sparse vegetation.	Habitat is not expected due to previous land use disturbances. A nesting survey is recommended prior to construction work. Assuming no active nesting is identified, the project will be determined to have No Effect.
Costa's Hummingbird	*Calypte costae*	NA	Threatened	NA**	Typically a desert scrub species of the southwestern United States and northern Mexico, with only a limited and irregular presence in southern New Mexico. It relies on nectar-producing native vegetation along the interface of desert and foothill/montane shrub habitats.	Absence of suitable habitat (i.e., diverse flowering native vegetation). A nesting survey is recommended prior to construction work. Assuming no active nesting is identified, the species is expected to modify behavior to avoid the construction areas, and; therefore, the project will have No Effect.
Ferruginous Hawk	*Buteo regalis*	NA	NA	G3	Primarily found in open areas such as grasslands that are arid or semiarid. May include outcrops, shallow canyons, or gullies.	Nesting not expected in the few isolated trees onsite. Foraging habitat is likely, but individuals will modify behavior to avoid construction areas. A nesting survey is recommended before construction work. Assuming no active nesting is identified, the project will be determined to have No Effect.

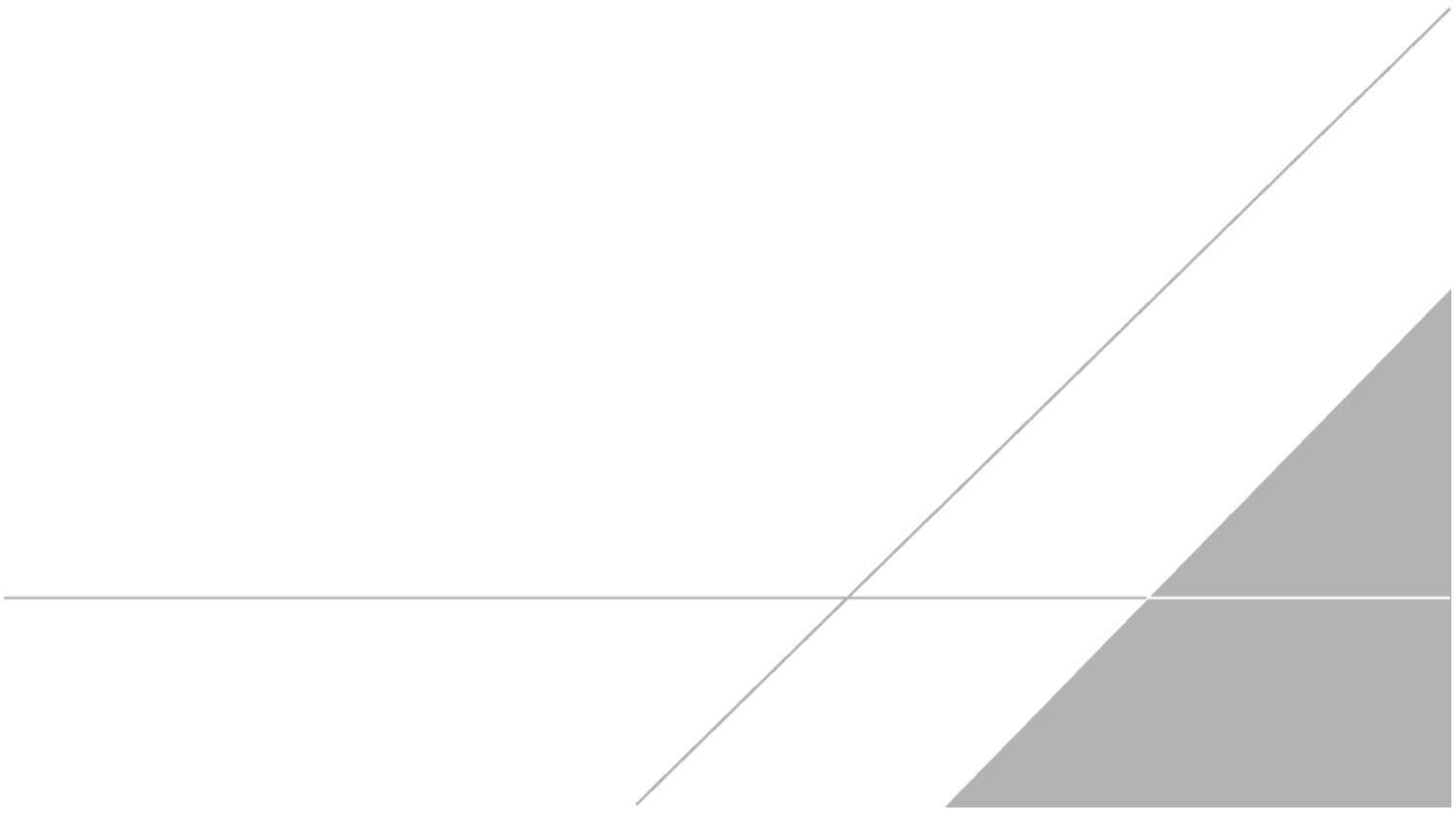
Table 1
Threatened and Endangered Species Documented in the Project Area
Haystack No. 1 AUM Site
McKinley County, New Mexico

Common Name	Scientific Name	Federal Protection	State Protection	Navajo Nation Protection*	Habitat Evaluation	Determination of Effect
Golden Eagle	*Aquila chrysaetos*	Bald and Golden Eagle Protection Act	NA	G3	Found in open country around mountains, hills, and cliffs. Nests on cliffs and steep escarpments.	Nesting not expected in the few isolated trees onsite. Foraging habitat is likely, but individuals will modify behavior to avoid construction areas. A nesting survey is recommended before construction work. Assuming no active nesting is identified, the project will be determined to have No Effect.
Gray Vireo	*Vireo vicinior*	NA	Threatened	NA**	A small, gray songbird, found in the dry foothills and bajadas west of the Great Plains in New Mexico, and is associated with juniper, piñon pine, and oak	Nesting and/or foraging habitat is not expected. Previously identified in southwestern corner of County. A nesting survey is recommended prior to construction work. Assuming no active nesting is identified, the project will be determined to have No Effect.
Least Tern	*Sternula antillarum*	Endangered	Endangered	NA**	Occurs on coastal flats and river sandbars. In New Mexico, they breed regularly only at Bitter Lake National Wildlife Refuge, and occur occasionally elsewhere along the Pecos River Valley. Transients observed at Holloman Wetlands.	Absence of habitat. No Effect.
Mexican Spotted Owl	*Strix occidentalis lucida*	Threatened	NA	NA**	Uses rocky canyons as habitat and for nesting.	Nesting habitat not expected to be onsite. Foraging habitat is possible, but individuals will modify behavior to avoid construction areas. A nesting survey is recommended before construction work. Assuming no active nesting is identified, the project will be determined to have No Effect.
Mountain Plover	*Charadrius montanus*	NA	NA	G4	Habitat is short grass prairie and shrub steppes.	Absence of habitat. No Effect.
Peregrine Falcon	*Falco peregrinus*	NA	Threatened	G4	Preferred habitat is open country and cliffs.	Nesting habitat not expected to be onsite. Foraging habitat is possible, but individuals will modify behavior to avoid construction areas. A nesting survey is recommended before construction work. Assuming no active nesting is identified, the project will be determined to have No Effect.
Southwestern Willow Flycatcher	*Empidonax traillii extimus*	Endangered	Endangered	NA**	Found in moist microclimate and vegetative conditions. Requires dense riparian vegetation for breeding.	Absence of habitat. No Effect.
Yellow-billed Cuckoo	*Coccyzus americanus*	Threatened	NA	NA**	Found in wooded habitat with dense cover and water nearby.	Absence of habitat. No Effect.

Notes:
*Species listed as G3 are endangered. A G4 designation indicates that Navajo Nation Fish and Wildlife does not have sufficient information to list the species as G3 but has reason to consider it endangered.
**Not identified by Navajo Nation Fish and Wildlife to occur on or proximate to the Site
***All birds listed here are protected under the Migratory Bird Treaty Act.
amsl = above mean sea level
NA = not applicable

ATTACHMENT 1

U.S. Fish & Wildlife Service Information for Planning and Conservation Search Results



IPaC **U.S. Fish & Wildlife Service**

Endangered species

Listed species

[1] are managed by the Endangered Species Program of the U.S. Fish and Wildlife Service. The species below are potentially affected by activities in this location.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information.

This resource list is for informational purposes only and should not be used for planning or analyzing project level impacts.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by creating a project and making a request from the Regulatory Review section.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency.

A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list either from the Regulatory Documents section in IPaC or from the local field office directly.

Birds

Mexican Spotted Owl CH Strix Occidentalis Lucida	Threatened
Southwestern Willow Flycatcher CH Empidonax Traillii Extimus	Endangered
Yellow-billed Cuckoo CH Coccyzus Americanus	Threatened

Not for consultation

Fishes

Zuni Bluehead Sucker CH Catostomus Discobolus Yarrowi	Endangered

Flowering Plants

Zuni Fleabane Erigeron Rhizomatus	Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

ATTACHMENT 2

Navajo Nation Heritage Database Search Results

NNHP
Navajo Natural Heritage Program

PO Box 1480
Window Rock, AZ
86515

P 928.871.6472
F 928.871.7603

http://nnhp.nndfw.org

17arcd101

12-January-2017

Todd Udvig - Project Ecologist
Arcadis U.S., Inc.
430 First Avenue North
Suite 720
Minneapolis, MN 55401

SUBJECT: Haystack Area Abandoned Uranium Mine (AUM) Sites

Todd Udvig,

NNHP has performed an analysis of your project in comparison to known biological resources of the Navajo Nation and has included the findings in this letter. The letter is composed of seven parts. The sections as they appear in the letter are:

1. **Known Species** – a list of all species within relative proximity to the project
2. **Potential Species** – a list of potential species based on project proximity to respective suitable habitat
3. **Quadrangles** – an exhaustive list of quads containing the project
4. **Project Summary** – a categorized list of biological resources within relative proximity to the project grouped by individual project site(s) or quads
5. **Conditional Criteria Notes** – additional details concerning various species, habitat, etc.
6. **Personnel Contacts** – a list of employee contacts
7. **Resources** – identifies sources for further information

Known Species lists "species of concern" known to occur within proximity to the project area. Planning for avoidance of these species is expected. If no species are displayed then based upon the records of the Navajo Nation Department of Fish and Wildlife (NNDFW) there are no "species of concern" within proximity to the project. Refer to the Navajo Endangered Species List (NESL) Species Accounts for recommended avoidance measures, biology, and distribution of NESL species on the Navajo Nation (http://nnhp.nndfw.org/sp_account.htm).

Potential Species lists species that are potentially within proximity to the project area and need to be evaluated for presence/absence. If no species are found within the Known or Potential Species lists, the project is not expected to affect any federally listed species, nor significantly impact any tribally listed species or other species of concern. Potential for species has been determined primarily on habitat characteristics and species range information. A thorough habitat analysis, and if necessary, species specific surveys, are required to determine the potential for each species.

Species of concern include protected, candidate, and other rare or otherwise sensitive species, including certain native species and species of economic or cultural significance. For legally protected species, the following tribal and federal statuses are indicated: NESL, federal Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), and Eagle Protection Act (EPA). No legal protection is afforded species with only

ESA candidate, NESL group 4 status, and species listed on the Sensitive Species List. Please be aware of these species during surveys and inform the NNDFW of observations. Reported observations of these species and documenting them in project planning and management is important for conservation and may contribute to ensuring they will not be up listed in the future.

In any and all correspondence with NNDFW or NNHP concerning this project please cite the Data Request Code associated with this document. It can be found in this report on the top right corner of the every page. Additionally please cite this code in any biological evaluation documents returned to our office.

1. Known Species *(NESL=Navajo Endangered Species List, FE=Federally Endangered, FT=Federally Threatened, FC=Federal Candidate)*

Species

None

2. Potential Species

Species

AQCH = Aquila chrysaetos / Golden Eagle NESL G3
ATCU = Athene cunicularia / Burrowing Owl NESL G4
BURE = Buteo regalis / Ferruginous Hawk NESL G3
CHMO = Charadrius montanus / Mountain Plover NESL G4
FAPE = Falco peregrinus / Peregrine Falcon NESL G4

3. Quadrangles (7.5 Minute)

Quadrangles

Bluewater (35107-C8) / NM

4. Project Summary *(EO1 Mile/EO 3 Miles=elements occuring within 1 & 3 miles., MSO=mexican spotted owl PACs, POTS=potential species, RCP=Biological Areas)*

SITE	EO1MI	EO3MI	QUAD	MSO	POTS	AREAS
Bibo Trespass	None	None	Bluewater (35107-C8) / NM	None	FAPE, CHMO, BURE, ATCU, AQCH	Area 2, Area 3
Haystack	None	None	Bluewater (35107-C8) / NM	None	FAPE, CHMO, BURE, ATCU, AQCH	Area 2
Haystack No. 1	None	None	Bluewater (35107-C8) / NM	None	FAPE, CHMO, BURE, ATCU, AQCH	Area 2, Area 3
Section 24	None	None	Bluewater (35107-C8) / NM	None	FAPE, CHMO, BURE, ATCU, AQCH	Area 3

5. Conditional Criteria Notes *(Recent revisions made please read thoroughly. For certain species, and/or circumstances, please read and comply)*

A. **Biological Resource Land Use Clearance Policies and Procedures (RCP)** - The purpose of the RCP is to assist the Navajo Nation government and chapters ensure compliance with federal and Navajo laws which protect, wildlife resources, including plants, and their habitat resulting in an expedited land use clearance process. After years of research and study, the NNDFW has identified and mapped wildlife habitat and sensitive areas that cover the entire Navajo Nation.
The following is a brief summary of six (6) wildlife areas:
1.***Highly Sensitive Area*** – recommended no development with few exceptions.
2.***Moderately Sensitive Area*** – moderate restrictions on development to avoid sensitive species/habitats.
3.***Less Sensitive Area*** – fewest restrictions on development.
4.***Community Development Area*** – areas in and around towns with few or no restrictions on development.
5.***Biological Preserve*** – no development unless compatible with the purpose of this area.
6.***Recreation Area*** – no development unless compatible with the purpose of this area.
None - outside the boundaries of the Navajo Nation
This is not intended to be a full description of the RCP please refer to the our website for additional information at http://www.nndfw.org/clup.htm.

B. **Raptors** – If raptors are known to occur within 1 mile of project location: Contact Chad Smith at 871-7070 regarding your evaluation of potential impacts and mitigation.
o **Golden and Bald Eagles**- If Golden or Bald Eagle are known to occur within 1 mile of the project, decision makers need to ensure that they are not in violation of the Golden and Bald Eagle Nest Protection Regulations found at http://nnhp.nndfw.org/docs_reps/gben.pdf.
o **Ferruginous Hawks** – Refer to "Navajo Nation Department of Fish and Wildlife's Ferruginous Hawk Management Guidelines for Nest Protection" http://nnhp.nndfw.org/docs_reps.htm for relevant information on avoiding impacts to Ferruginous Hawks within 1 mile of project location.
o **Mexican Spotted Owl** - Please refer to the Navajo Nation Mexican Spotted Owl Management Plan http://nnhp.nndfw.org/docs_reps.htm for relevant information on proper project planning near/within spotted owl protected activity centers and habitat.

C. **Surveys** – Biological surveys need to be conducted during the appropriate season to ensure they are complete and accurate please refer to NN Species Accounts http://nnhp.nndfw.org/sp_account.htm. Surveyors on the Navajo Nation must be permitted by the Director, NNDFW. Contact Jeff Cole at (928) 871-7068 for permitting procedures. Questions pertaining to surveys should be directed to the NNDFW Zoologist (Chad Smith) for animals at 871-7070, and Botanist (Andrea Hazelton) for plants at (928)523-3221. Questions regarding biological evaluation should be directed to Jeff Cole at 871-7068.

D. **Oil/Gas Lease Sales** – Any settling or evaporation pits that could hold contaminants should be lined and covered. Covering pits, with a net or other material, will deter waterfowl and other migratory bird use. Lining pits will protect ground water quality.

E. **Power line Projects** – These projects need to ensure that they do not violate the regulations set forth in the Navajo Nation Raptor Electrocution Prevention Regulations found at http://nnhp.nndfw.org/docs_reps/repr.pdf.

F. **Guy Wires** – Does the project design include guy wires for structural support? If so, and if bird species may occur in relatively high concentrations in the project area, then guy wires should be equipped with highly visual markers to reduce the potential mortality due to bird-guy wire collisions. Examples of visual markers include aviation balls and bird flight diverters. Birds can be expected to occur in relatively high concentrations along migration routes (e.g., rivers, ridges or other distinctive linear topographic features) or where important habitat for breeding, feeding, roosting, etc. occurs. The U.S. Fish and Wildlife Service recommends marking guy wires with at least one marker per 100 meters of wire.

G. **San Juan River** – On 21 March 1994 (Federal Register, Vol. 59, No. 54), the U.S. Fish and Wildlife Service designated portions of the San Juan River (SJR) as critical habitat for Ptychocheilus lucius (Colorado pikeminnow) and Xyrauchen texanus (Razorback sucker). Colorado pikeminnow critical habitat includes the SJR and its 100-year floodplain from the State Route 371 Bridge in T29N, R13W, sec. 17 (New Mexico Meridian) to Neskahai Canyon in the San Juan arm of Lake Powell in T41S, R11E, sec. 26 (Salt Lake Meridian) up to the full pool elevation. Razorback sucker critical habitat includes the SJR and its 100-year floodplain from the Hogback Diversion in T29N, R16W, sec. 9 (New Mexico Meridian) to the full pool elevation at the mouth of Neskahai Canyon on the San Juan arm of Lake Powell in T41S, R11E, sec. 26 (Salt Lake Meridian). All actions carried out, funded or authorized by a federal agency which may alter the constituent elements of critical habitat must undergo section 7 consultation under the Endangered Species Act of 1973, as amended. Constituent elements are those physical and biological attributes essential to a species conservation and include, but are not limited to, water, physical habitat, and biological environment as required for each particular life stage of a species.

H. **Little Colorado River** - On 21 March 1994 (Federal Register, Vol. 59, No. 54) the U.S. Fish and Wildlife Service designated Critical Habitat along portions of the Colorado and Little Colorado Rivers (LCR) for Gila cypha (humpback chub). Within or adjacent to the Navajo Nation this critical habitat includes the LCR and its 100-year floodplain from river mile 8 in T32N R6E, sec. 12 (Salt and Gila River Meridian) to its confluence with the Colorado River in T32N R5E sec. 1 (S&GRM) and the Colorado River and 100-year floodplain from Nautuloid Canyon (River Mile 34) T36N R5E sec. 35 (S&GRM) to its confluence with the LCR. All actions carried out, funded or authorized by a federal agency which may alter the constituent elements of Critical Habitat must undergo section 7 consultation under the Endangered Species Act of 1973, as amended. Constituent elements are those physical and biological attributes essential to a species conservation and include, but are not limited to, water, physical habitat, and biological environment as required for each particular life stage of a species.

I. **Wetlands** – In Arizona and New Mexico, potential impacts to wetlands should also be evaluated. The U.S. Fish & Wildlife Service's National Wetlands Inventory (NWI) maps should be examined to determine whether areas classified as wetlands are located close enough to the project site(s) to be impacted. In cases where the maps are inconclusive (e.g., due to their small scale), field surveys must be completed. For field surveys, wetlands identification and delineation methodology contained in the "Corps of Engineers Wetlands Delineation Manual" (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. NWI maps are available for examination at the Navajo Natural Heritage Program (NNHP) office, or may be purchased through the U.S. Geological Survey (order forms are available through the NNHP). The NNHP has complete coverage of the Navajo Nation, excluding Utah, at 1:100,000 scale; and coverage at 1:24,000 scale in the southwestern portion of the Navajo Nation. In Utah, the U.S. Fish & Wildlife Service's National Wetlands Inventory maps are not yet available for the Utah portion of the Navajo Nation, therefore, field surveys should be completed to determine whether wetlands are located close enough to the project site(s) to be impacted. For field surveys, wetlands identification and delineation methodology contained in the "Corps of Engineers Wetlands Delineation Manual" (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. For more information contact the Navajo Environmental Protection Agency's Water Quality Program.

J. **Life Length of Data Request** – The information in this report was identified by the NNHP and NNDFW's biologists and computerized database, and is based on data available at the time of this response. If project planning takes more than two (02) years from the date of this response, verification of the information provided herein is necessary. It should not be regarded as the final statement on the occurrence of any species, nor should it substitute for on-site surveys. Also, because the NNDFW information is continually updated, any given information response is only wholly appropriate for its respective request.

K. **Ground Water Pumping** - Projects involving the ground water pumping for mining operations, agricultural projects or commercial wells (including municipal wells) will have to provide an analysis on the effects to surface water and address potential impacts on all aquatic and/or wetlands species listed below. NESL Species potentially impacted by ground water pumping: Carex specuicola (Navajo Sedge), Cirsium rydbergii (Rydberg's Thistle), Primula specuicola (Cave Primrose), Platanthera zothecina (Alcove Bog Orchid), Puccinellia parishii (Parish Alkali Grass), Zigadenus vaginatus (Alcove Death Camas), Perityle specuicola (Alcove Rock Daisy), Symphyotrichum welshii (Welsh's American-aster), Coccyzus americanus (Yellow-billed Cuckoo), Empidonax traillii extimus (Southwestern Willow Flycatcher), Rana pipiens (Northern Leopard Frog), Gila cypha (Humpback Chub), Gila robusta (Roundtail Chub), Ptychocheilus lucius (Colorado Pikeminnow), Xyrauchen texanus (Razorback Sucker), Cinclus mexicanus (American Dipper), Speyeria nokomis (Western Seep Fritillary), Aechmophorus clarkia (Clark's Grebe), Ceryle alcyon (Belted Kingfisher), Dendroica petechia (Yellow Warbler), Porzana carolina (Sora), Catostomus discobolus (Bluehead Sucker), Cottus bairdi (Mottled Sculpin), Oxyloma kanabense (Kanab Ambersnail)

6. Personnel Contacts

Wildlife Manager
Sam Diswood
928.871.7062
sdiswood@nndfw.org

Zoologist
Chad Smith
928.871.7070
csmith@nndfw.org

Botanist
Nora Talkington
ntalkington@nndfw.org

Biological Reviewer
Pamela Kyselka
928.871.7065
pkyselka@nndfw.org

GIS Supervisor
Dexter D Prall
928.645.2898
prall@nndfw.org

Wildlife Tech
Sonja Detsoi
928.871.6472
sdetsoi@nndfw.org

7. Resources

National Environmental Policy Act

Navajo Endangered Species List:
http://nnhp.nndfw.org/endangered.htm

Species Accounts:
http://nnhp.nndfw.org/sp_account.htm

Biological Investigation Permit Application
http://nnhp.nndfw.org/study_permit.htm

Navajo Nation Sensitive Species List
http://nnhp.nndfw.org/study_permit.htm

Various Species Management and/or Document and Reports
http://nnhp.nndfw.org/docs_reps.htm

Consultant List
(Coming Soon)

Dexter D Prall, GIS Supervisor - Natural Heritage Program
Navajo Nation Department of Fish and Wildlife

NNHP
Navajo Natural Heritage Program

PO Box 1480
Window Rock, AZ
86515

P 928.871.6472
F 928.871.7603

http://nnhp.ndfw.org

Invoice for 17arcd101

1/12/2017

Please make payable to NAVAJO NATION

Project Measurements

Total Number of Quads:	1
Number of Additional Quads:	0
Cost ($75 plus $5 each additional Quad):	$75.00

(Please cut along the dashed line and return with payment)

Navajo Natural Heritage Program
PO Box 1480
Window Rock, AZ 86515

1/12/2017

PLEASE PAY THIS AMOUNT

Payment for Data Response 17arcd101 — $75.00

Please make payable to NAVAJO NATION

ATTACHMENT 3

New Mexico Department of Game and Fish Database Search Results



Report County TES Table for

McKinley

NEW MEXICO WILDLIFE OF CONCERN

For complete up-dated information on federal-listed species, including plants, see the US Fish & Wildlife Service website at http://ecos.fws.gov/ipac/wizard/chooseLocation!prepare.action. For information on state-listed plants, contact the NM Energy, Minerals and Natural Resources Department, Division of Forestry, or go to http://nmrareplants.unm.edu/. If your project is on Bureau of Land Management, contact the local BLM Field Office for information on species of particular concern. If your project is on a National Forest, contact the Forest Supervisor's office for species information. E = Endangered; T = Threatened; s = sensitive; SOC = Species of Concern; C = Candidate; Exp = Experimental non-essential population; P = Proposed

Export to Excel

Common Name	Scientific Name	NMGF	US FWS	Critical Habitat
Canada Lynx	Lynx canadensis		T	
Bald Eagle	Haliaeetus leucocephalus	T		
Peregrine Falcon	Falco peregrinus	T		
Arctic Peregrine Falcon	Falco peregrinus tundrius	T		
Least Tern	Sternula antillarum	E	E	
Yellow-billed Cuckoo (western pop)	Coccyzus americanus occidentalis		T	
Mexican Spotted Owl	Strix occidentalis lucida		T	Y
Costa's Hummingbird	Calypte costae	T		
Southwestern Willow Flycatcher	Empidonax traillii extimus	E	E	Y
Gray Vireo	Vireo vicinior	T		
Zuni Bluehead Sucker	Catostomus discobolus yarrowi	E	E	Y

APPENDIX L – HISTORIC PROPERTIES DOCUMENTATION

THE NAVAJO NATION
HERITAGE & HISTORIC PRESERVATION DEPARTMENT
PO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 FAX: (928) 871-7886

CULTURAL RESOURCES COMPLIANCE FORM

ROUTE COPIES TO:	**NNHPD NO.: HPD-18-1061**
☑ DCRM	**OTHER PROJECT NO.: DCRM 2018-66**

PROJECT TITLE:
A Cultural Resources Inventory of 243 Acres of Abandoned Uranium Mine Areas in Haystack, McKinley County, New Mexico, for Arcadis

LEAD AGENCY:	US EPA
SPONSOR:	Drew Werth, Project Manager, Arcadis U.S. Inc., 630 Plaza Drive, Suite 600, Highlands Ranch, Colorado 80129

PROJECT DESCRIPTION:

Per the Administrative Settlement Agreement and Order on Consent for Removal Action (AOC; Comprehensive Environmental Response, Compensation, and Liability Act Docket No. 09-2017-02 and Docket No. 06-02-17) executed between the USEPA and BNSF, Arcadis will perform radiation surveys of the mine areas, potentially excavate material from the areas of concern, and consolidate the excavated material (e.g., within the former reclaimed mine area on Section 19). The area of effect totals approximately 173.02 acres (70.02 ha).

LAND STATUS:	Indian Allotment, BIA, Private
CHAPTER:	Baca/Prewitt
LOCATION:	Project is located on the Coyote Canyon NW & Ear Rock Quadrangles, McKinley County, New Mexico NMPM

T.	13	*N.,*	*R.*	11	*W-*	*Sec.*	13, 24
T.	13	*N.,*	*R.*	10	*W-*	*Sec.*	18, 19

UTM COORDINATES: Zone 12, NAD 83	See Report
PROJECT ARCHAEOLOGIST:	Jeremy Begay, Matthew Martin, Jeffrey Begay, Arlo Werito
NAVAJO ANTIQUITIES PERMIT NO.:	B16953
DATE INSPECTED:	11/08/16 – 11/08/18
DATE OF REPORT:	12/04/18
TOTAL ACREAGE INSPECTED:	243.0 - ac
METHOD OF INVESTIGATION:	Class III pedestrian inventory with transects spaced 10 m apart.
LIST OF CULTURAL RESOURCES FOUND:	(3) SITES ON INDIAN ALLOTMENT OR BIA RESERVE LANDS NM-R-48-41, NM-R-48-42, OCA TOD:210 (19) ISOLATED OCCURRENCES (IO)
LIST OF ELIGIBLE PROPERTIES:	NONE
LIST OF UNEVALUATED PROPERTIES:	NONE

-DOCUMENT IS VOID IF ALTERED-

LIST OF NON-ELIGIBLE PROPERTIES:	**(3) SITES** NM-R-48-41, NM-R-48-42, OCA TOD:210 **(19) ISOLATED OCCURRENCES (IO)**
LIST OF ARCHAEOLOGICAL RESOURCES:	**NONE**

EFFECT/CONDITIONS OF COMPLIANCE: NO HISTORIC PROPERTIES AFFECTED.

SITES NM-R-48-41, NM-R-48-42, OCA TOD:210:
No further treatment is required.

In the event of a discovery [*"discovery"* means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7198.

FORM PREPARED BY: **Tamara Billie**
FINALIZED: January 7, 2019

Notification to Proceed Recommended ☑ Yes ☐ No

Conditions: ☐ Yes ☑ No

Richard M. Begay 1/9/19

Richard M. Begay, Dept. Mgr./THPO — Date
The Navajo Nation
Heritage & Historic Preservation Department

Navajo Region Approval ☒ Yes ☐ No

2-1-19

BIA – Navajo Regional Office — Date

-DOCUMENT IS VOID IF ALTERED-

APPENDIX M – RAINFALL RECORD

RAINFALL RECORD

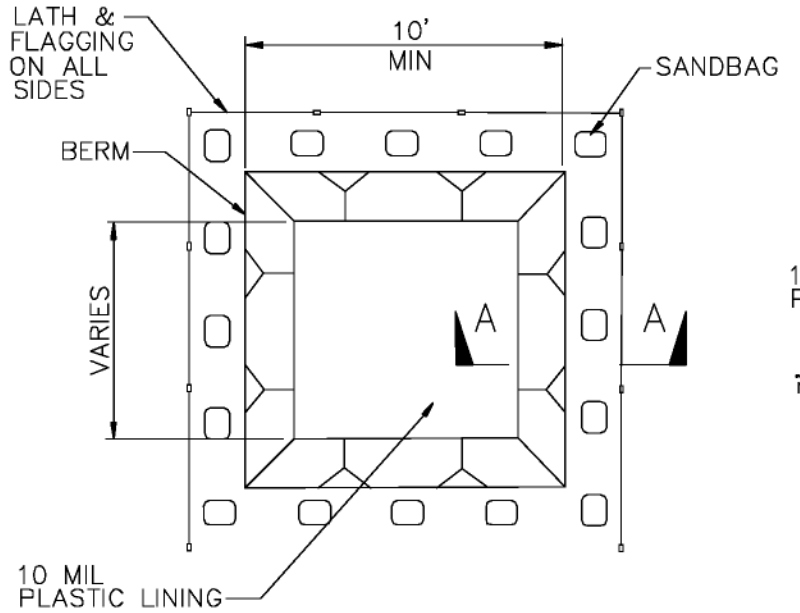
Record the rainfall gauge readings at the beginning and end of each workday.

Month/Year			Month/Year			Month/Year		
Day	**Start time**	**End time**	**Day**	**Start time**	**End time**	**Day**	**Start time**	**End time**
1			1			1		
2			2			2		
3			3			3		
4			4			4		
5			5			5		
6			6			6		
7			7			7		
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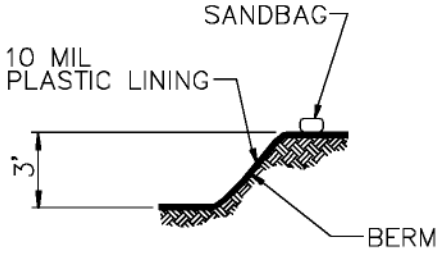
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APPENDIX N – TYPICAL DRAWINGS FOR BMPS

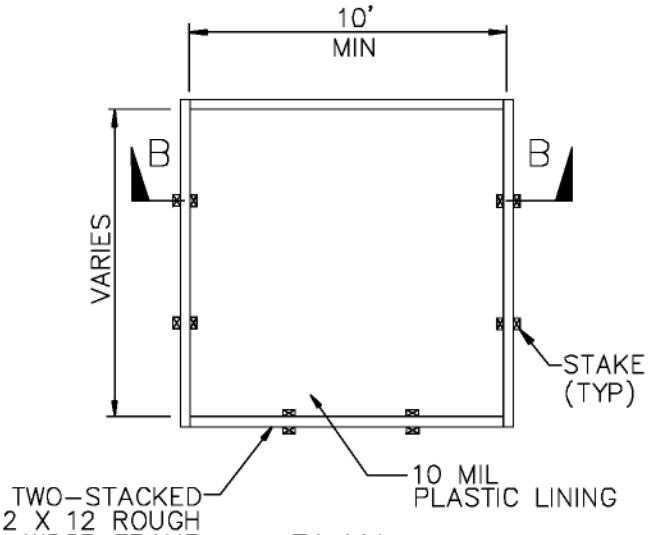
Source: California Stormwater Quality Association. 2011. California Stormwater BMP Handbook Portal: Construction Located at: https://www.casqa.org/resources/bmp-handbooks/construction.



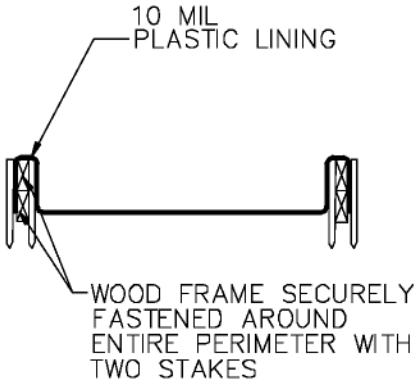
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TYPE "BELOW GRADE"



SECTION A–A
NOT TO SCALE



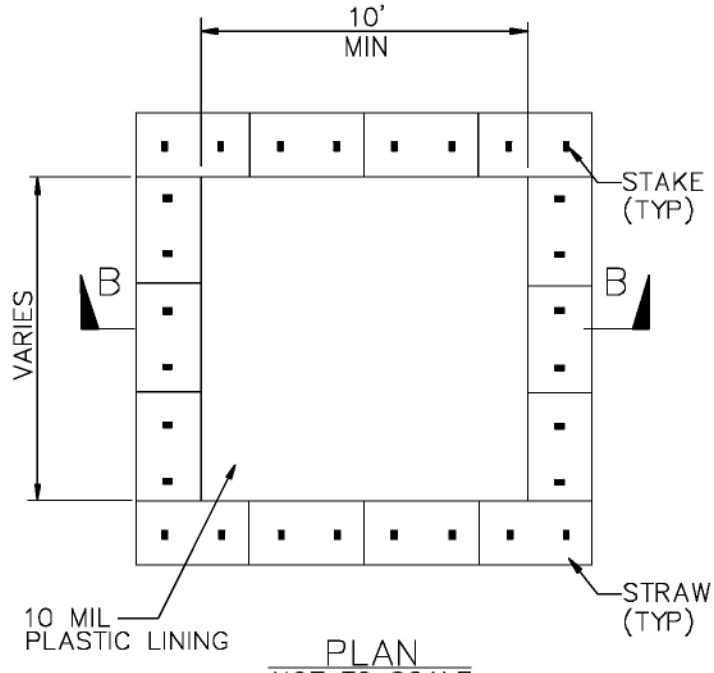
PLAN
NOT TO SCALE
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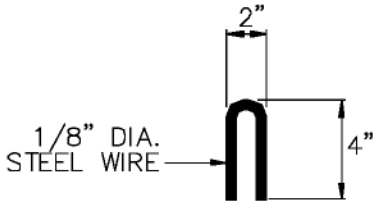
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NOTES

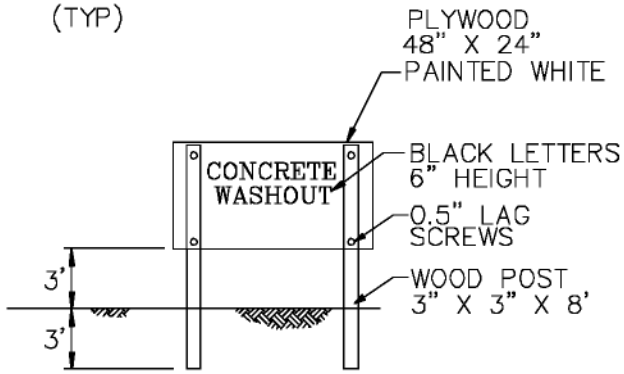
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2. THE CONCRETE WASHOUT SIGN SHALL BE INSTALLED WITHIN 30 FT. OF THE TEMPORARY CONCRETE WASHOUT FACILITY.



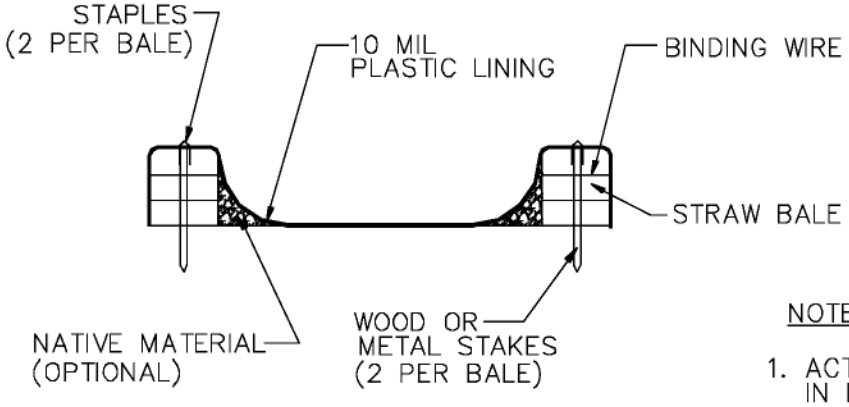
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NOT TO SCALE
TYPE "ABOVE GRADE"
WITH STRAW BALES



STAPLE DETAIL



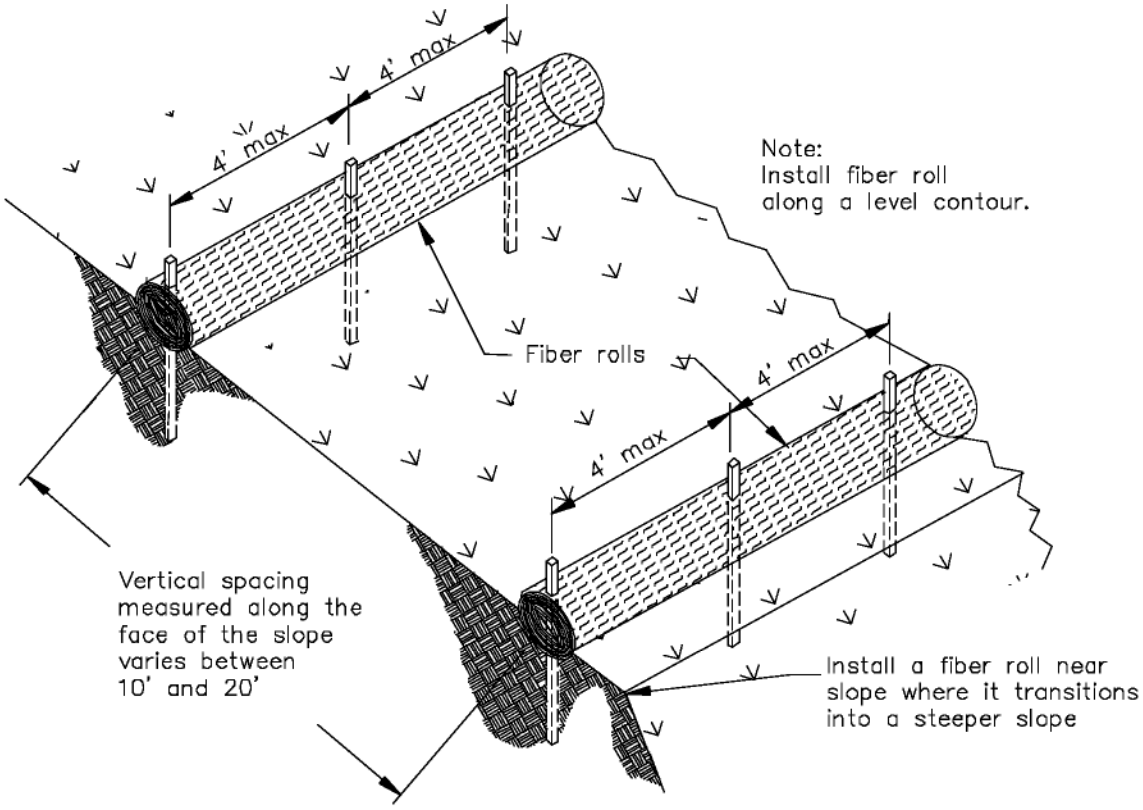
CONCRETE WASHOUT
SIGN DETAIL
(OR EQUIVALENT)



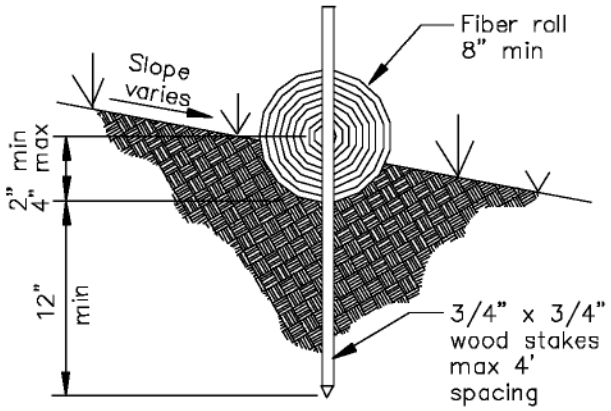
SECTION B–B
NOT TO SCALE

NOTES

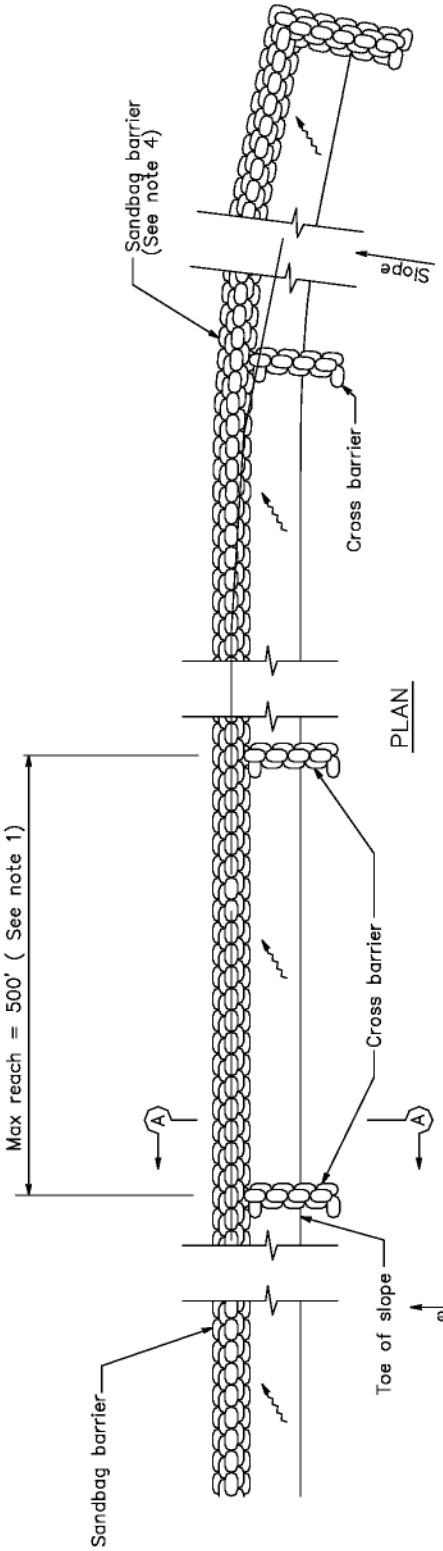
1. ACTUAL LAYOUT DETERMINED IN FIELD.
2. THE CONCRETE WASHOUT SIGN SHALL BE INSTALLED WITHIN 30 FT. OF THE TEMPORARY CONCRETE WASHOUT FACILITY.



TYPICAL FIBER ROLL INSTALLATION
N.T.S.



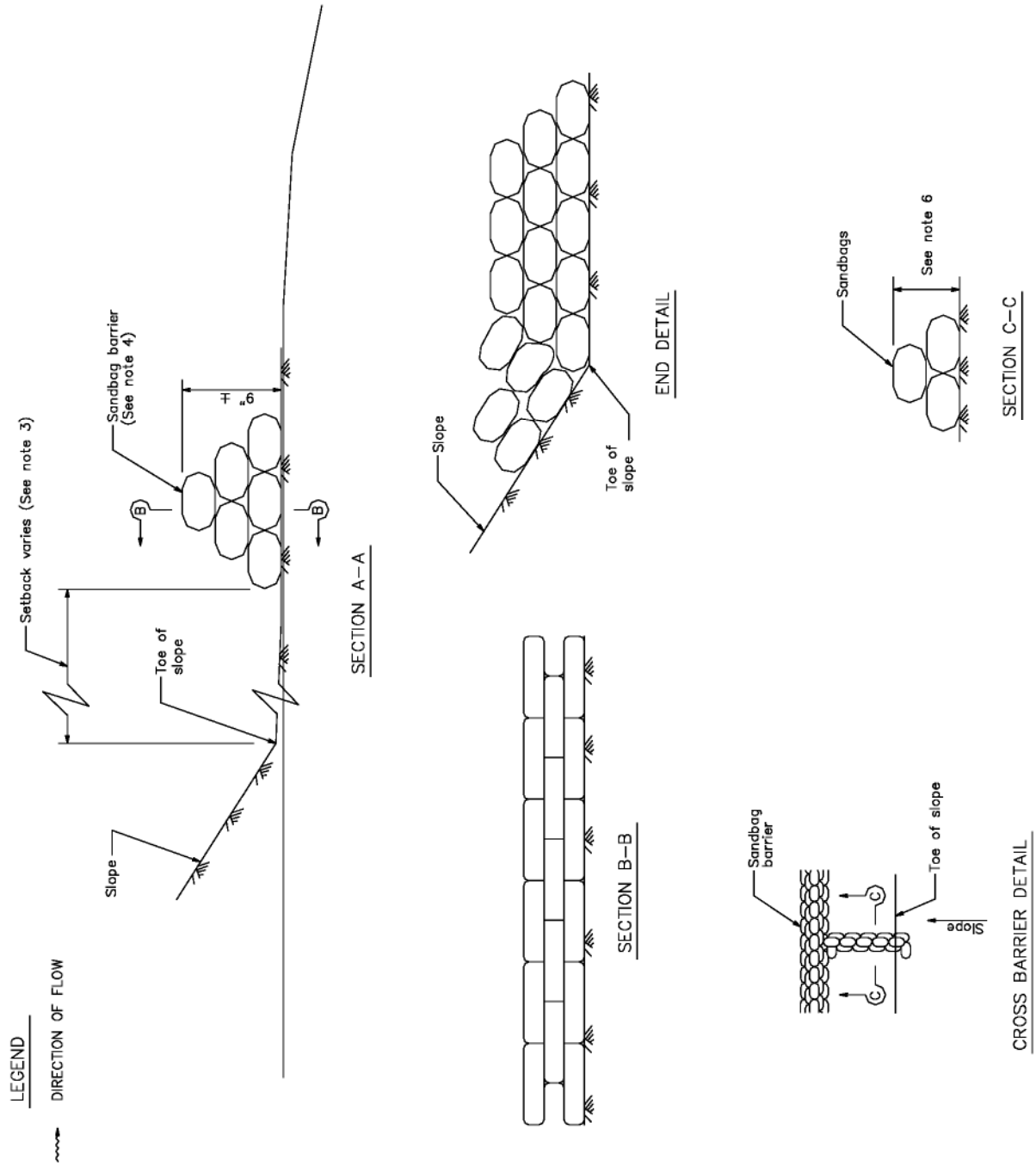
ENTRENCHMENT DETAIL
N.T.S.

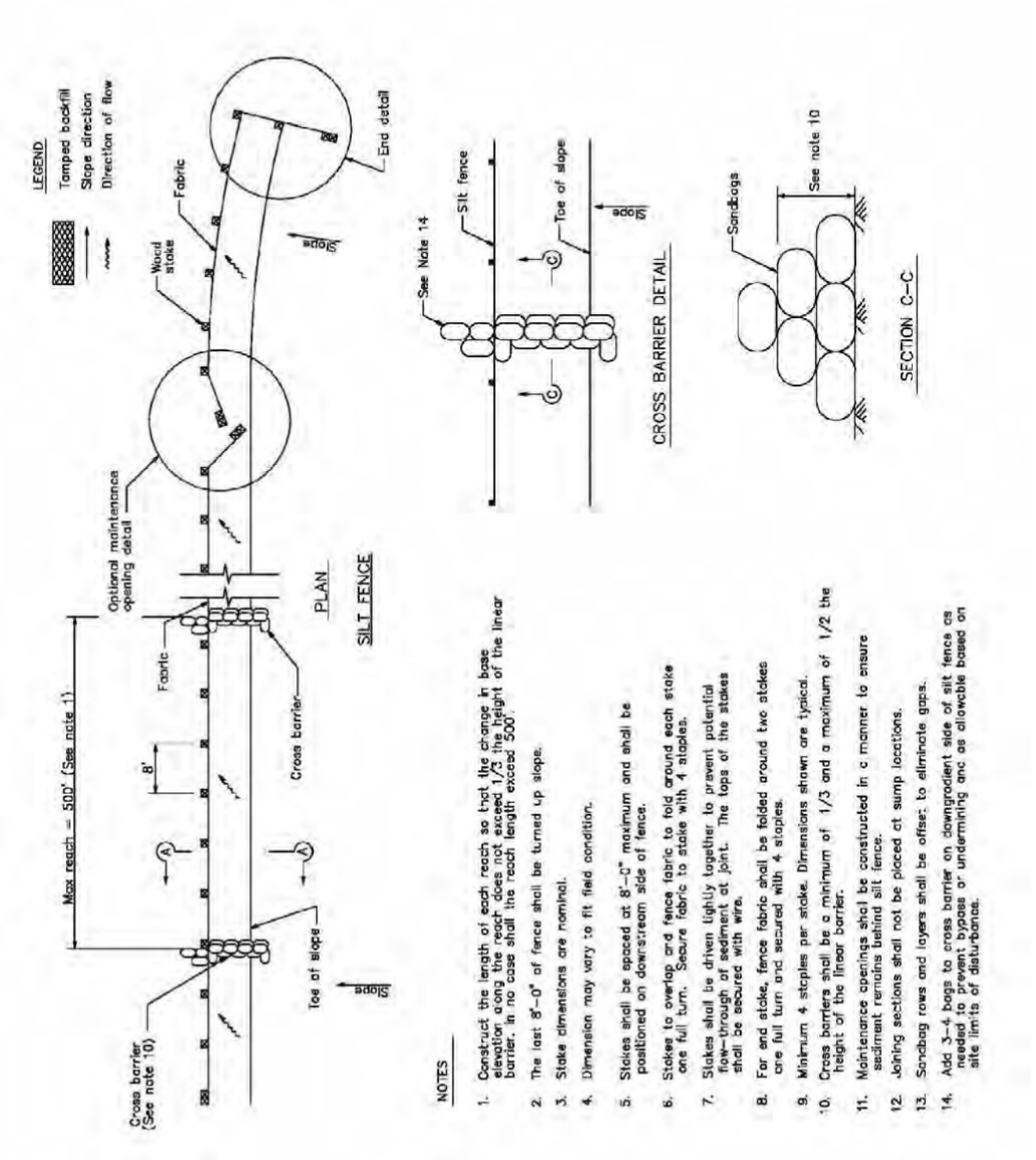


SANDBAG BARRIER

NOTES

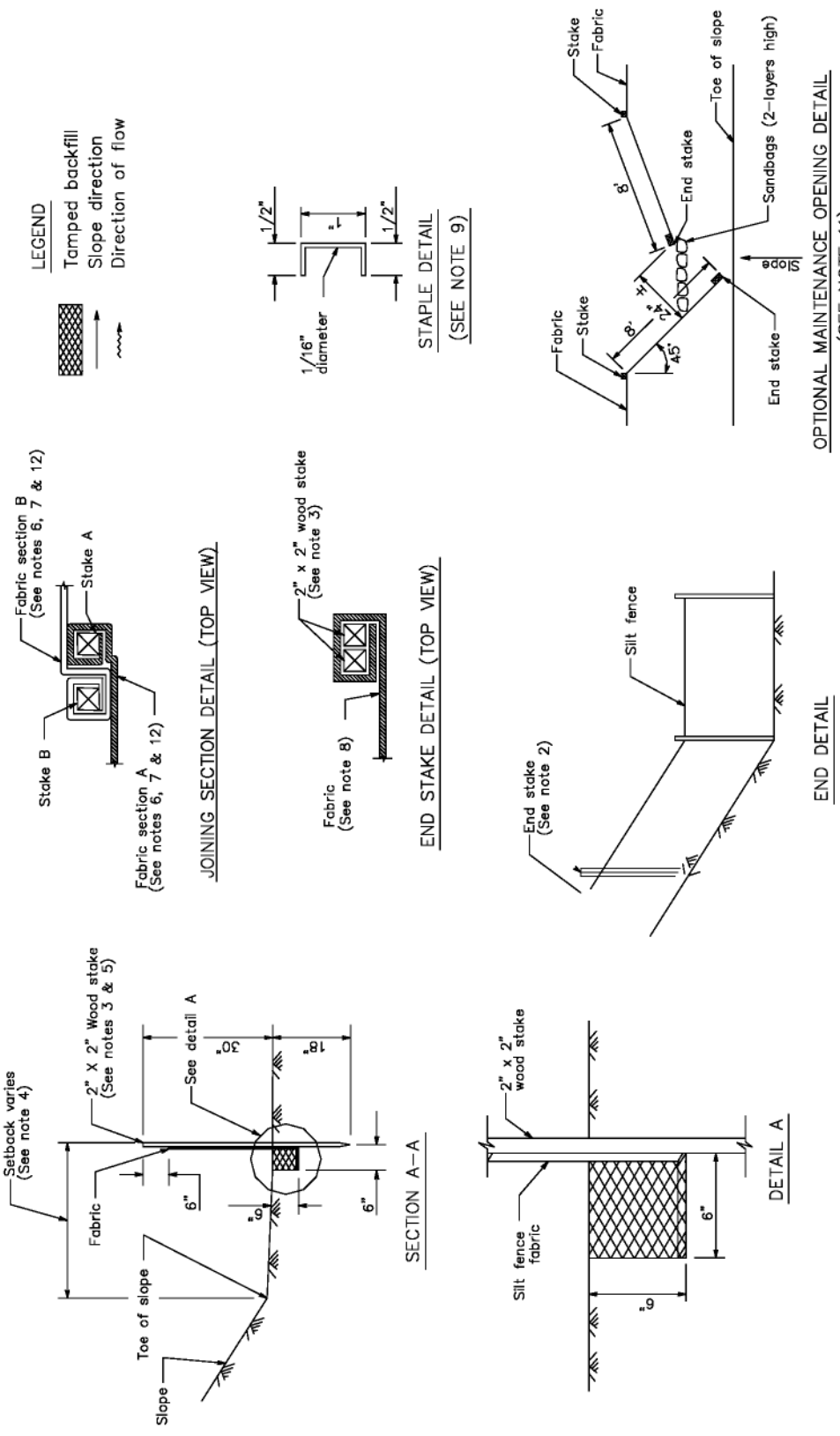
1. Construct the length of each reach so that the change in base elevation along the reach does not exceed 1/2 the height of the linear barrier. In no case shall the reach length exceed 500'.
2. Place sandbags tightly.
3. Dimension may vary to fit field condition.
4. Sandbag barrier shall be a minimum of 3 bags high.
5. The end of the barrier shall be turned up slope.
6. Cross barriers shall be a min of 1/2 and a max of 2/3 the height of the linear barrier.
7. Sandbag rows and layers shall be staggered to eliminate gaps.


LEGEND
DIRECTION OF FLOW
Setback varies (See note 3)
Sandbag barrier (See note 4)
H
9"
B
B
Toe of slope
Slope
SECTION A–A
Slope
Toe of slope
END DETAIL
SECTION B–B
Sandbags
See note 6
SECTION C–C
Sandbag barrier
C
C
Toe of slope
Slope
CROSS BARRIER DETAIL

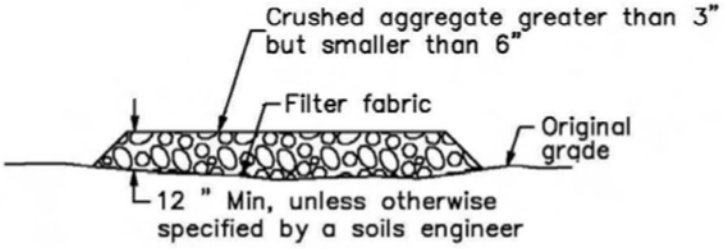


NOTES

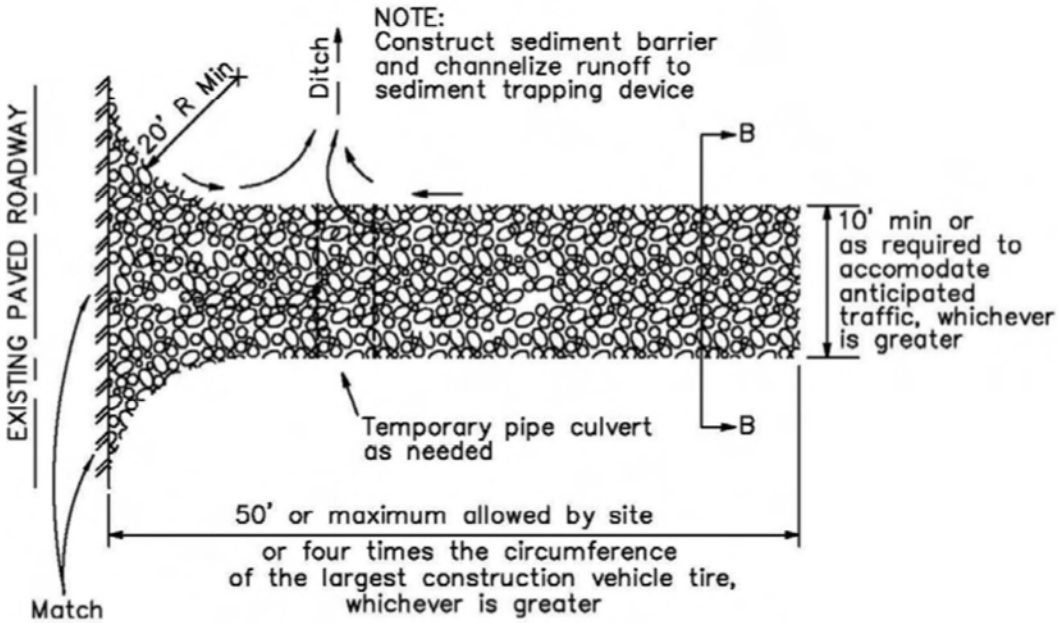
1. Construct the length of each reach so that the change in base elevation along the reach does not exceed 1/3 the height of the linear barrier. In no case shall the reach length exceed 500'.
2. The last 8'-0" of fence shall be turned up slope.
3. Stake dimensions are nominal.
4. Dimension may vary to fit field condition.
5. Stakes shall be spaced at 8'-0" maximum and shall be positioned on downstream side of fence.
6. Stakes to overlap and fence fabric to fold around each stake one full turn. Secure fabric to stake with 4 staples.
7. Stakes shall be driven tightly together to prevent potential flow-through of sediment at joint. The tops of the stakes shall be secured with wire.
8. For end stake, fence fabric shall be folded around two stakes one full turn and secured with 4 staples.
9. Minimum 4 staples per stake. Dimensions shown are typical.
10. Cross barriers shall be a minimum of 1/3 and a maximum of 1/2 the height of the linear barrier.
11. Maintenance openings shall be constructed in a manner to ensure sediment remains behind silt fence.
12. Joining sections shall not be placed at sump locations.
13. Sandbag rows and layers shall be offset to eliminate gaps.
14. Add 3-4 bags to cross barrier on downgradient side of silt fence as needed to prevent bypass or undermining and as allowable based on site limits of disturbance.


LEGEND
Tamped backfill
Slope direction
Direction of flow
1/2"
1"
1/16" diameter
1/2"
STAPLE DETAIL
(SEE NOTE 9)
Stake
Fabric
8'
End stake
Toe of slope
Sandbags (2-layers high)
Slope
Fabric
Stake
8'
4'
45°
End stake
OPTIONAL MAINTENANCE OPENING DETAIL
(SEE NOTE 11)
Fabric section B
(See notes 6, 7 & 12)
Stake A
Stake B
Fabric section A
(See notes 6, 7 & 12)
JOINING SECTION DETAIL (TOP VIEW)
2" x 2" wood stake
(See note 3)
Fabric
(See note 8)
END STAKE DETAIL (TOP VIEW)
Silt fence
End stake
(See note 2)
END DETAIL
Setback varies
(See note 4)
2" X 2" Wood stake
(See notes 3 & 5)
See detail A
30"
18"
6"
6"
6"
Fabric
Toe of slope
Slope
SECTION A-A
2" x 2"
wood stake
Silt fence
fabric
6"
6"
DETAIL A

Stabilized Construction Entrance/Exit TC-1

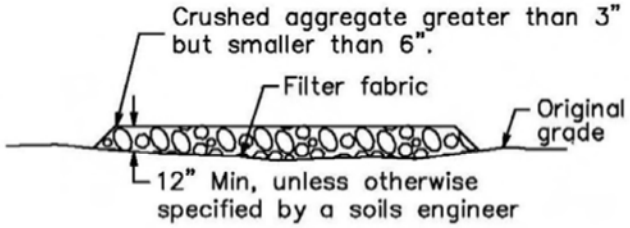


SECTION B–B
NTS

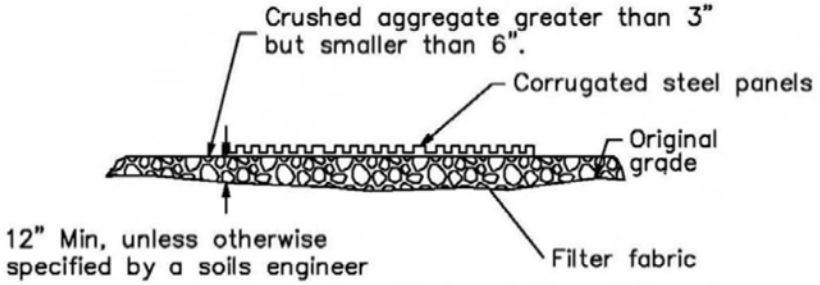


PLAN
NTS

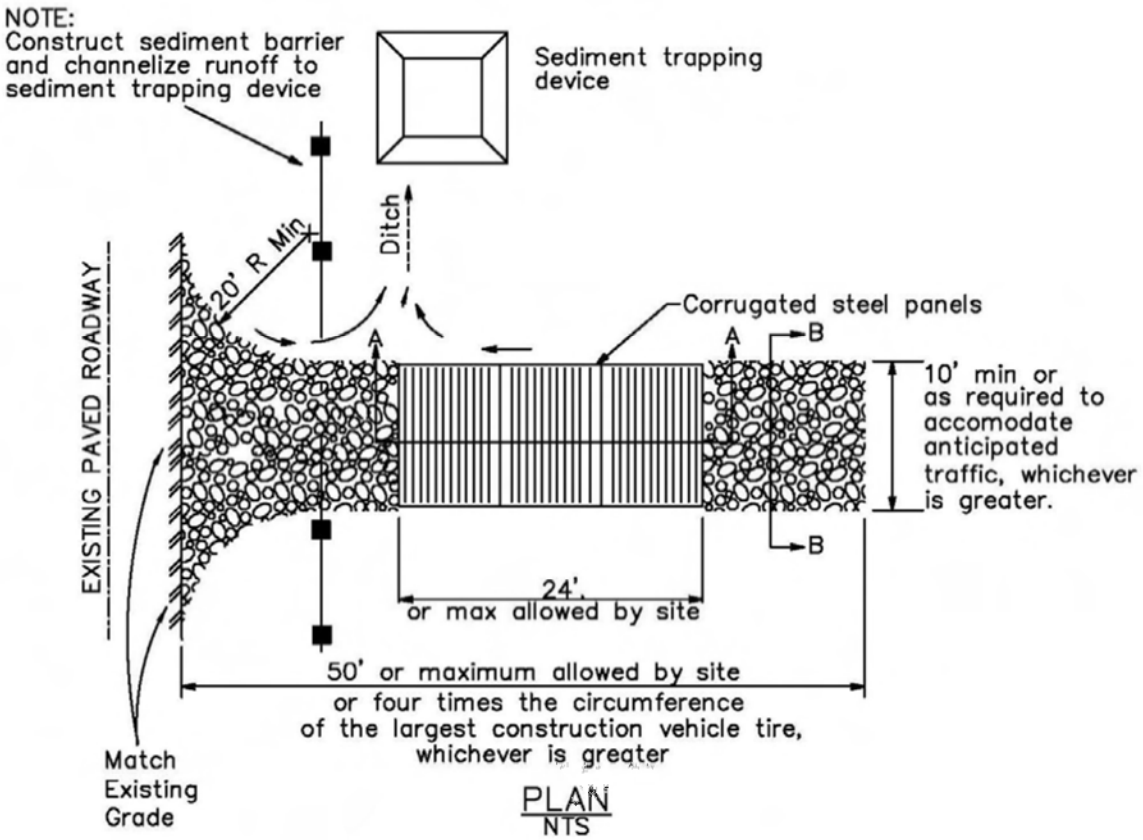
Stabilized Construction Entrance/Exit TC-1



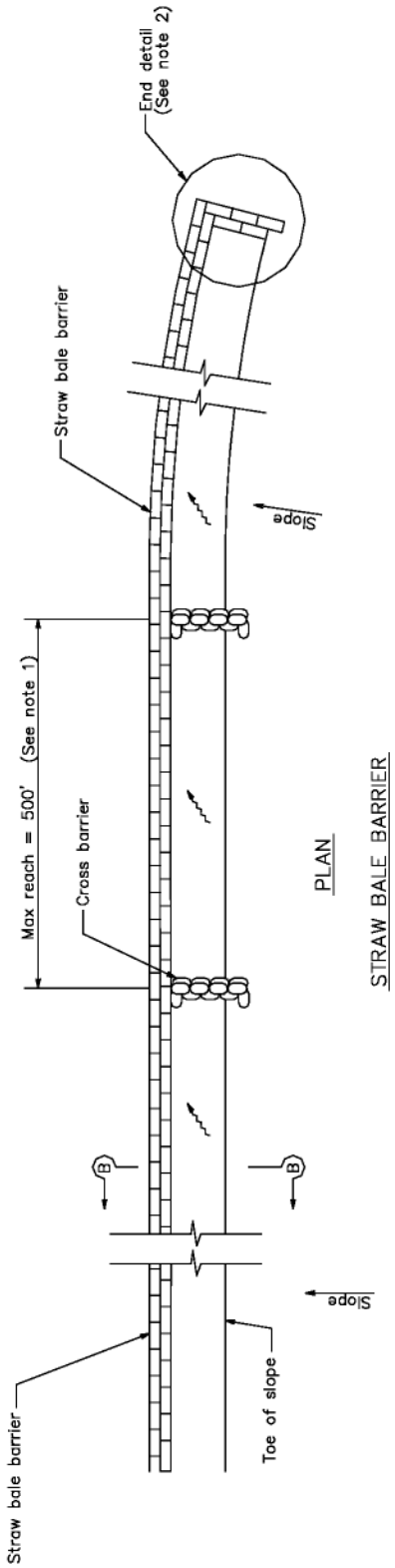
SECTION B–B
NTS



SECTION A–A
NOT TO SCALE



PLAN
NTS



PLAN

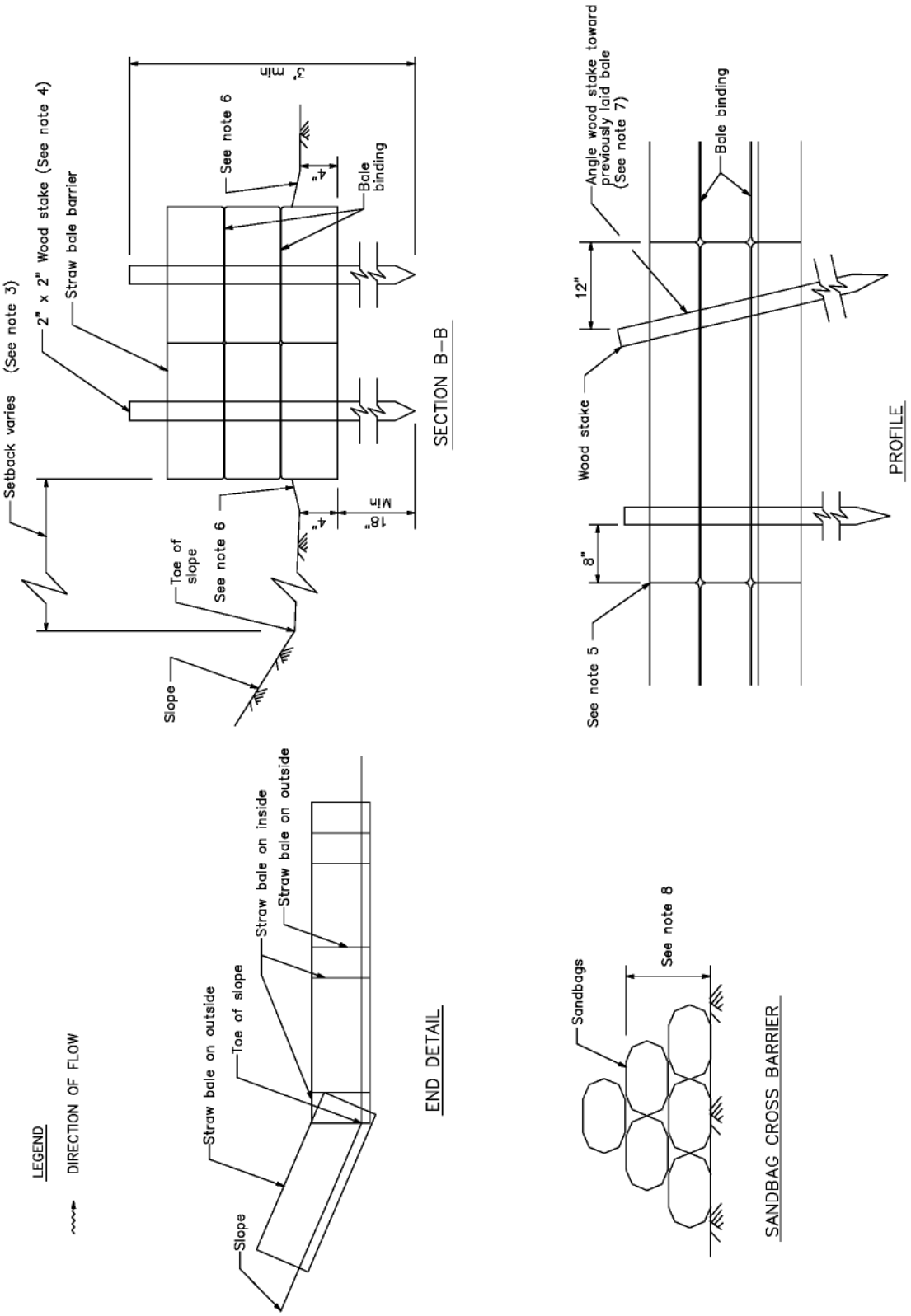
STRAW BALE BARRIER

LEGEND

DIRECTION OF FLOW

NOTES

1. Construct the length of each reach so that the change in base elevation along the reach does not exceed 1/2 the height of the linear barrier. In no case shall the reach length exceed 500'.
2. The end of barrier shall be turned up slope.
3. Dimension may vary to fit field condition.
4. Stake dimensions are nominal.
5. Place straw bales tightly together.
6. Tamp embedment spoils against sides of installed bales.
7. Drive angled wood stake before vertical stake to ensure tight abutment to adjacent bale.
8. Sandbag cross barriers should be a min of 1/2 and a max of 2/3 the height of the linear barrier.
9. Sandbag rows and layers should be offset to eliminate gaps.


Setback varies (See note 3)
2" x 2" Wood stake (See note 4)
Straw bale barrier
3' min
See note 6
4"
Bale binding
SECTION B-B
Min
18"
4"
Toe of slope
See note 6
Slope
Angle wood stake toward previously laid bale (See note 7)
Bale binding
12"
Wood stake
8"
See note 5
PROFILE
LEGEND
DIRECTION OF FLOW
Straw bale on inside
Straw bale on outside
Straw bale on outside
Toe of slope
Slope
END DETAIL
Sandbags
See note 8
SANDBAG CROSS BARRIER

Appendix D

Photograph Log



Photograph: 1

Description:
Grading manufactured home pad

Location:
Northern homesite

Photograph taken by:
Keith Hansen

Date: 2/9/2021



Photograph: 2

Description:
Manufactured home in place

Location:
Southern homesite

Photograph taken by:
Keith Hansen

Date: 2/11/2021



Photograph: 3

Description:
Septic tank installation

Location:
Southern homesite

Photograph taken by:
Keith Hansen

Date: 2/16/2021



Photograph: 4

Description:
Infiltration line installation

Location:
Northern homesite

Photograph taken by:
Keith Hansen

Date: 2/19/2021



Photograph: 5

Description:
Water line excavation

Location:
Southern homesite

Photograph taken by:
Keith Hansen

Date: 2/17/2021



Photograph: 6

Description:
Electric meter pole installation

Location:
Northern homesite

Photograph taken by:
Keith Hansen

Date: 2/18/2021



Photograph: 7

Description:
Rear ramp installation; propane tank installed

Location:
Northern homesite

Photograph taken by:
Keith Hansen

Date: 2/26/2021



Photograph: 8

Description:
Blow dirt installed

Location:
Southern homesite

Photograph taken by:
Paul Knightly

Date: 9/3/2021



Photograph: 9

Description:
Swale installed

Location:
Northern homesite

Photograph taken by:
Paul Knightly

Date: 12/10/2021



Photograph: 10

Description:
Trailer demolition

Location:
Residential Area

Photograph taken by:
Audrey Yorke

Date: 2/21/2022



Photograph: 11

Description:
Loading debris

Location:
Residential Area

Photograph taken by:
Audrey Yorke

Date: 2/21/2022



Photograph: 12

Description:
Regrading of TCRA
Residential area

Location:
Residential Area

Photograph taken by:
Audrey Yorke

Date: 2/23/2022



Photograph: 13

Description:
Water line abandonment for old homes

Location:
Residential Area

Photograph taken by:
Audrey Yorke

Date: 3/22/2022



Photograph: 14

Description:
Gravel placement for road improvements

Location:
Northeast Access Road

Photograph taken by:
Anna Duewiger

Date: 2/8/2021



Photograph: 15

Description:
TCRA material removal by manual methods; pink represents elevated material

Location:
Western Drainage 1 Area

Photograph taken by:
Audrey Yorke

Date: 3/23/2022



Photograph: 16

Description:
Excavation of elevated material

Location:
Western Drainage 2/Road

Photograph taken by:
Audrey Yorke

Date: 3/25/2022



Photograph: 17

Description:
Water truck for dust mitigation

Location:
Western Drainage 2/Road

Photograph taken by:
Audrey Yorke

Date: 3/28/2022



Photograph: 18

Description:
Excavation complete

Location:
Eastern Stockpile Area

Photograph taken by:
Audrey Yorke

Date: 4/7/2022



Photograph: 19

Description:
Backfill complete

Location:
Western Drainage 2/Road

Photograph taken by:
Audrey Yorke

Date: 4/5/2022



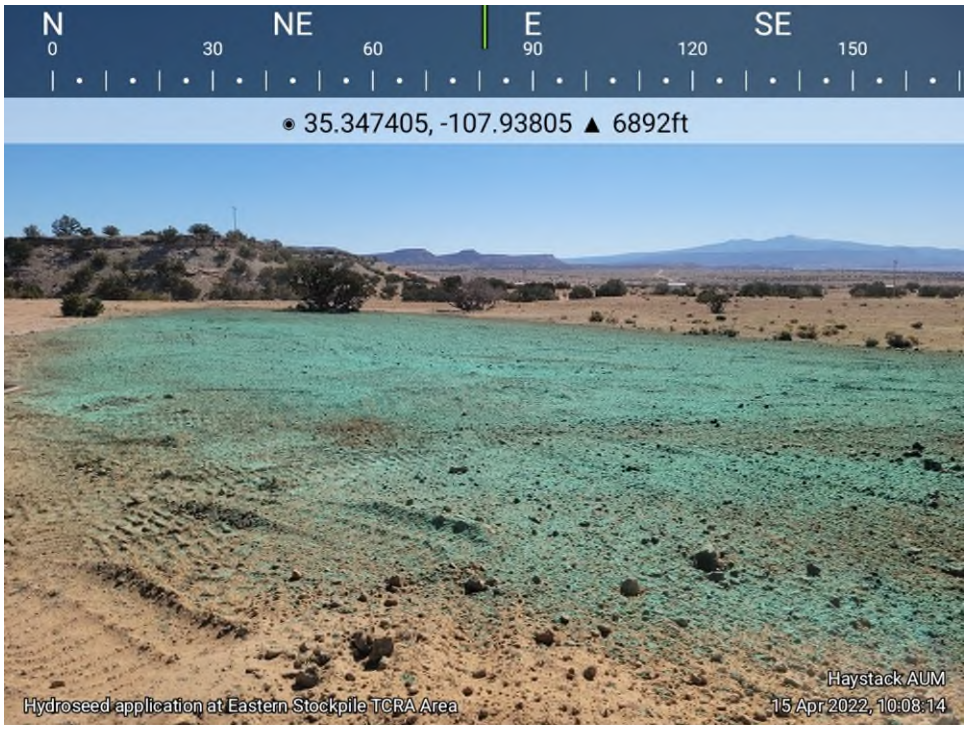
Photograph: 20

Description:
Backfilling in progress.

Location:
Eastern Stockpile

Photograph taken by:
Audrey Yorke

Date: 4/12/2022



Photograph: 21

Description:
Hydroseed application complete

Location:
Eastern Stockpile

Photograph taken by:
Audrey Yorke

Date: 4/15/2022



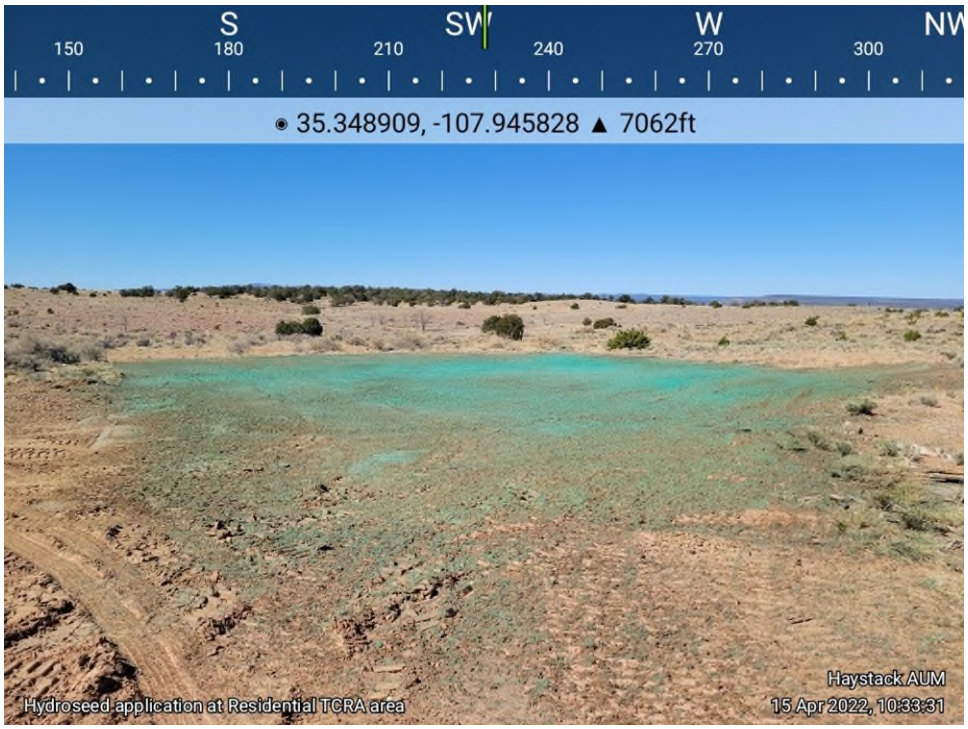
Photograph: 22

Description:
Backfilling in progress.

Location:
Residential Area

Photograph taken by:
Audrey Yorke

Date: 4/11/2022



Photograph: 23

Description:
Hydroseed application complete

Location:
Residential Area

Photograph taken by:
Audrey Yorke

Date: 4/15/2022



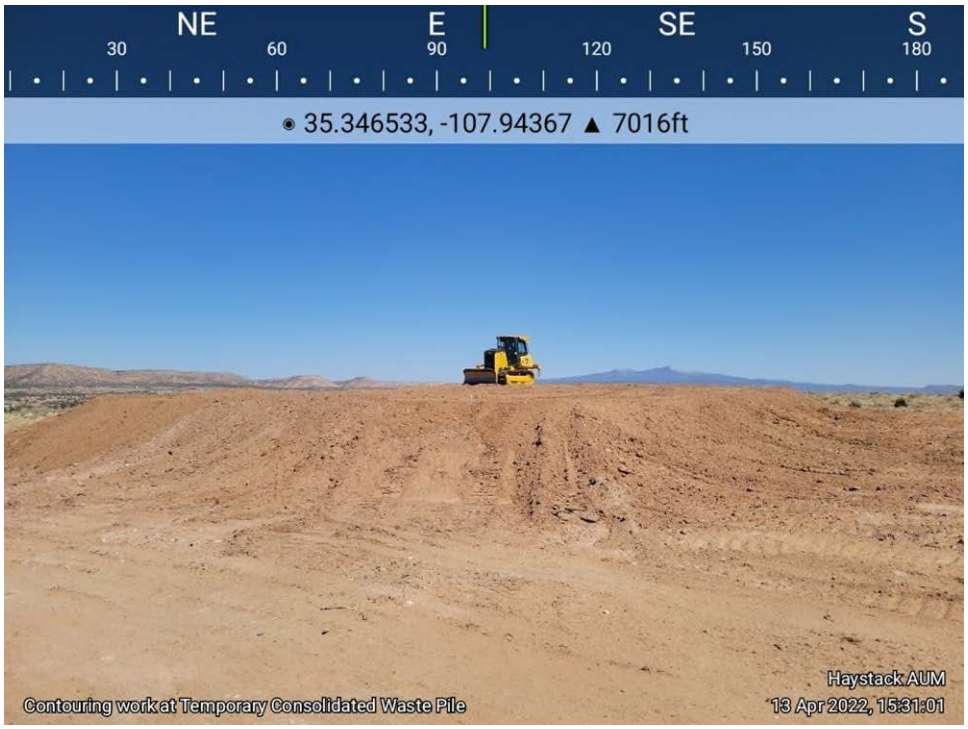
Photograph: 24

Description:
Temporary consolidation waste pile

Location:
Temporary consolidation waste pile

Photograph taken by:
Audrey Yorke

Date: 4/1/2022



Photograph: 25

Description:
Grading in progress

Location:
Temporary consolidation waste pile

Photograph taken by:
Audrey Yorke

Date: 4/13/2022



Photograph: 26

Description:
Hydroseed application complete

Location:
Temporary consolidation waste pile

Photograph taken by:
Audrey Yorke

Date: 4/15/2022

Appendix E

Backfill Manifests

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94415
DATE: 3/24/2022 TIME: 7:34 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
48E	1	21.66

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0	CF'S T Tampico	21.66

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
38.66	17.00	21.66
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
1	21.66	21.66	0.00

DRIVER ON / OFF VEHICLE
LOCATION
NW OF MILAN

Rcvd By: Aaron Yazzie Weighmaster:

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94416
DATE: 3/24/2022 TIME: 7:35 AM

SOLD TO:	CUSTOMER NO / JOB ORDER NUMBER	DELIVERED TO:
IIANABA	080 / 080	HAYSTACK MTN. GERALD BEGAY 505-215-7417 WILL MEET DRIVER ON I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
52E	1	20.31

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0	CFS T Tampico	41.97

PLANT NO: 7855
OPERATOR: Pal Silva

WEIGHT IN: Tons

GROSS	TARE	NET
37.31	17.00	20.31
0.00		0.00

COMMENTS / DIRECTIONS

PO#: HAYSTACK

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
2	41.97	41.97	0.00

DRIVER ON / OFF VEHICLE

LOCATION: NW OF MILAN

CASH SALE

TOTAL	

Rcvd By: Andrew Yazzie Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94425
DATE: 3/24/2022 TIME: 9:40 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
49E	2	46.21

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0	CFS T Tampico	65.26

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
40.29	17.00	23.29
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
3	65.26	65.26	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: _____ Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94426
DATE: 3/24/2022 TIME: 9:43 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
44E	2	46.29

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0	CF'S T Tampico	87.77

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
40.41	17.90	22.51
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
4	87.77	87.77	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: Andrew Yazzie Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

** DUPLICATE COPY **

TICKET #: 94429
DATE: 3/24/2022 TIME: 9:54 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
52E	2	42.86

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0	CF'S T Tampico	110.32

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
39.55	17.00	22.55
0.00		0.00

COMMENTS / DIRECTIONS

PO#: HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
5	110.32	110.32	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: Audrey Yazzie Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94432
DATE: 3/24/2022 TIME: 10:01 AM

SOLD TO:
IIANABA

CUSTOMER NO
080

JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
48E	2	43.35

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0	CF'S T Tampico	132.01

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
38.69	17.00	21.69
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
6	132.01	132.01	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: _____ Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

** DUPLICATE COPY **

TICKET #: 94437
DATE: 3/24/2022 TIME: 10:19 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
47E	2	46.36

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0	CF'S T Tampico	155.91

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN:

GROSS	TARE	NET
40.85	16.95	23.90
0.00		0.00

Tons

COMMENTS / DIRECTIONS

PO#: HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
~~6~~ 7	~~132.01~~ 155.91	132.01	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: Audrey Yazzie Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94647
DATE: 3/29/2022 TIME: 10:17 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
51E	3	65.09

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0	CF'S T Tampico	20.25

PLANT NO
7855
OPERATOR
Pal Silva

WEIGHT IN: Tons

GROSS	TARE	NET
38.55	18.30	20.25
0.00		0.00

COMMENTS / DIRECTIONS

PO#: HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
1	20.25	176.16	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: _____ Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94648
DATE: 3/29/2022 TIME: 10:22 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
48E	3	70.94

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0	CF'S T Tampico	41.98

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
38.73	17.00	21.73
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
2	41.98	197.89	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: _____ Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94651
DATE: 3/29/2022 TIME: 10:28 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
47E	3	73.19

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0	CF'S T Tampico	65.30

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
40.32	17.00	23.32
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
3	65.30	221.21	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: Andrew Yazzie Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94652
DATE: 3/29/2022 TIME: 10:30 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
49E	3	74.28

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0	CF'S T Tampico	89.18

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
40.88	17.00	23.88
0.00		0.00

COMMENTS / DIRECTIONS

PO#: HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
4	89.18	245.09	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: _____ Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94654
DATE: 3/29/2022 TIME: 10:38 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
44E	3	62.47

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0	CF'S T Tampico	111.71

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
40.48	17.95	22.53
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
5	~~22.53~~ 111.71	22.53	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: _____ Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94666
DATE: 3/29/2022 TIME: 12:19 PM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
51E	4	85.16

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0	CF'S T Tampico	131.78

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
38.32	18.25	20.07
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
6	~~20.07~~ 131.78	20.07	0.00

Rcvd By: Audrey Yazzie Weighmaster:

VHCC. LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94667
DATE: 3/29/2022 TIME: 12:22 PM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
48E	4	92.95

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0	CF'S T Tampico	153.79

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
38.96	16.95	22.01
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
7	153.79	309.70	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: _____ Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94669
DATE: 3/29/2022 TIME: 12:28 PM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
47E	4	96.18

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0	CF'S T Tampico	176.78

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
39.94	16.95	22.99
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
8	176.78	332.69	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: Andrew Yazzie Weighmaster:

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94671
DATE: 3/29/2022 TIME: 12:32 PM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
49E	4	97.20

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0	CF'S T Tampico	199.70

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
39.87	16.95	22.92
0.00		0.00

COMMENTS / DIRECTIONS

PO#: HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
9	199.70	355.61	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: Audrey Yazzie Weighmaster: _____

VHCC. LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94672
DATE: 3/29/2022 TIME: 12:40 PM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
44E	4	85.41

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0	CF'S T Tampico	222.64

PLANT NO
7855
OPERATOR
Pal Silva

WEIGHT IN: Tons

GROSS	TARE	NET
40.84	17.90	22.94
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
10	~~22.94~~ 222.64	22.94	0.00

DRIVER ON / OFF VEHICLE
LOCATION
NW OF MILAN

Rcvd By: _____ Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94680
DATE: 3/29/2022 TIME: 2:06 PM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
51E	5	107.57

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0	CF'S T Tampico	245.05

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
40.66	18.25	22.41
0.00		0.00

COMMENTS / DIRECTIONS

PO#: HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
11	245.05	400.96	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: Audrey Yazzie Weighmaster: _____

VHCC. LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94681
DATE: 3/29/2022 TIME: 2:10 PM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
48E	5	115.34

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0	CPS T Tampico	267.44

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
39.34	16.95	22.39
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
12	267.44	423.35	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: Audrey Yazzie Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94682
DATE: 3/29/2022 TIME: 2:12 PM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
47E	5	118.83

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0	CF'S T Tampico	290.09

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
39.60	16.95	22.65
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
13	290.09	446.00	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: Audrey Yerlee Weighmaster: _____

HOLIDAY NURSERY

P O BOX 577
224 S VALLEY VIEW RD
GALLUP, NM 87301
505-863-5791

Po# 22-133

CUSTOMER'S ORDER NO.	PHONE	DATE
	505-327-1072	4/4/22

NAME

ADDRESS Tina BA Inc

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE. RET'D.	PAID OUT

QTY.	DESCRIPTION	PRICE	AMOUNT
	Proj. # 22-015-03		
11	yds. Fill Dirt	@ 25	$ 275 00
4-5-22	11 11 11		
11	yds. " "	@ 25	275 00
		TAX	
		TOTAL	

RECEIVED BY Tony Baca

C PRODUCT 610

All claims and returned goods must be accompanied by this bill.

68588

Thank You

HOLIDAY NURSERY

P O BOX 577
224 S VALLEY VIEW RD
GALLUP, NM 87301
505-863-5791

PO

CUSTOMER'S ORDER NO.	PHONE	DATE
22-133	505-327-1072	4-5-22

NAME

ADDRESS Iina Ba Inc

Project # 22-015-03

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE. RET'D.	PAID OUT

QTY.	DESCRIPTION	PRICE	AMOUNT
11	Yds. Fill Dirt @	25-	275 00
~~4-6-22~~ 15	Fill Dirt @ Darrin Shows	25-	375 00
11-6-22 15	Fill Dirt @	25	375 00
11-6-22 15	Fill Dirt @	25	375 00
		TAX	
RECEIVED BY Terry Boggs		TOTAL	

All claims and returned goods must be accompanied by this bill.

C PRODUCT 610

68590

Thank You

HOLIDAY NURSERY

P O BOX 577
224 S VALLEY VIEW RD
GALLUP, NM 87301
505-863-5791

CUSTOMER'S ORDER NO. PO 22-133 | PHONE 505-327-1072 | DATE 4/6/22

NAME Ina Be Inc

ADDRESS

Project # 22-015-03

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE. RET'D.	PAID OUT

QTY.	DESCRIPTION	PRICE	AMOUNT
AK 15	yds. Fill Dirt C	25	375 00
		TAX	
		TOTAL	

RECEIVED BY

C PRODUCT 610 All claims and returned goods must be accompanied by this bill.

Thank You

68595

VERNON HAMILTON CONSTRUCTION CO.

P.O. BOX 1110 • GALLUP, NM 87305
www.vernonhamiltoncon.com
PHONE: 505-722-7855

MATERIAL TICKET

HAUL TICKET DATE 4-7 20 22

TYPE OF MATERIAL Top Soil

CUSTOMER Iianaba PO# 22-143

LOCATION Haystack

TRUCK OWNER VHCC

TRUCK NO. 51 DRIVER INITIALS TY

GROSS 71000

TARE 33600

NET 37400 (18.7)

3004 RECEIVED BY Audrey Yazzie

VERNON HAMILTON CONSTRUCTION CO.

P.O. BOX 1110 • GALLUP, NM 87305
www.vernonhamiltoncon.com
PHONE: 505-722-7855

MATERIAL TICKET

HAUL TICKET DATE 4-7 20 22

TYPE OF MATERIAL Top Soil

CUSTOMER Navajo PO# 22-143

LOCATION Haystack

TRUCK OWNER VHCC

TRUCK NO. 44 DRIVER INITIALS MJ

GROSS 69400

TARE 35900

NET 33500 (16.75)

3005 RECEIVED BY Audrey Yazzie

Pot# 22-144 3373

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-6-22

Seller / Buyer: TINA BA

Picked up at: MR3

Destination: Haystack, NM

Truck # / Carrier: RSR6

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

12:21 AM 04/06/2022

Axle 1 46520 lb
Axle 2 41140 lb

Tare

12:22 AM 04/06/2022
ID: 26
Weight 1 46520 lb
Weight 2 41140 lb
Gross: 87660 lb
Tare: 38260 lb
Net: 49400 lb

Net 24.70

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

PO# 22-144 3374

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-6-22

Seller / Buyer: ITNA BA

Picked up at: MR3

Destination: Hay Stack

Truck # / Carrier: RS 30

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

12:31 AM 04/06/2022

Axle 1 40860 lb
Axle 2 38460 lb

Tare

12:31 AM 04/06/2022
ID: 30
Weight 1 40860 lb
Weight 2 38460 lb
Gross: 79320 lb
Tare: 37620 lb
Net: 41700 lb

Net 20.85

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: alw

Pott 22-144

3379

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-6-22

Seller / Buyer: IINA BA

Picked up at: MR3

Destination: Haystack

Truck # / Carrier: RS26

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

02:47 AM 04/06/2022

Axle 1 41920 lb
Axle 2 40060 lb

Tare

02:48 AM 04/06/2022
ID: 26
Weight 1 41920 lb
Weight 2 40060 lb
Gross: 81980 lb
Tare: 38260 lb
Net: 43720 lb

Net 21.86

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: _____

3380

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-6-22

Seller / Buyer: CINA Bu

Picked up at: NR3

Destination: Markstach

Truck # / Carrier: RS30

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

02:54 AM 04/06/2022

Axle 1 43120 lb
Axle 2 41060 lb

Tare

02:54 AM 04/06/2022
ID: 30
Weight 1 43120 lb
Weight 2 41060 lb
Gross: 84180 lb
Tare: 37620 lb
Net: 46560 lb

Net

23.28

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

PO# 22-144 3381

MICHELE'S READYMIX ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: _____

Seller / Buyer: INARA

Picked up at: MR3

Destination: Mex Stock

Truck # / Carrier: RS31

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

02:58 AM 04/06/2022

Axle 1 42460 lb
Axle 2 35900 lb

Tare

02:59 AM 04/06/2022
ID: 31
Weight 1 42460 lb
Weight 2 35900 lb
Gross: 78360 lb
Tare: 37180 lb
Net: 41180 lb

Net

20.59

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: _____

PO# 22-144

3387

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4/7/22

Seller / Buyer: J Tinaja

Picked up at: MTS

Destination: Hay Stack

Truck # / Carrier: T524

Commodity / Cost: Fill dirt

WEIGHED ON A CERTIFIED SCALE

Gross

Dump 17

07:43 PM 04/06/2022

Axle 1 46640 lb
Axle 2 33960 lb

Tare

07:44 PM 04/06/2022
ID: 26
Weight 1 46640 lb
Weight 2 33960 lb
Gross: 80600 lb
Tare: 38260 lb
Net: 42340 lb

Net

Tons 21.17

DRIVER ☐ ON ☐ OFF

WEIGHER/WEIGHMASTER: _____

3388

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4/7/22

Seller / Buyer: JTMATS-1

Picked up at: MTE 3

Destination: Hay Stack

Truck # / Carrier: 1230

Commodity / Cost: F.M dirt

WEIGHED ON A CERTIFIED SCALE

Gross

07:47 PM 04/06/2022

Axle 1 43000 lb
Axle 2 38440 lb

Tare

07:48 PM 04/06/2022
ID: 30
Weight 1 43000 lb
Weight 2 38440 lb
Gross: 81440 lb
Tare: 37620 lb
Net: 43820 lb

Net

Tons 21.9

DRIVER ☑ ON ☐ OFF

WEIGHER/WEIGHMASTER:

Ft 22.144

3389

READYMIX
MICHELE'S
ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4/7/22

Seller / Buyer: TJ [illegible]

Picked up at: MRS

Destination: Hay Stack

Truck # / Carrier: RS31

Commodity / Cost: Fill dirt

WEIGHED ON A CERTIFIED SCALE

Gross

07:52 PM 04/06/2022

Axle 1 45660 lb
Axle 2 37780 lb

Tare

07:53 PM 04/06/2022
ID: 31
Weight 1 45660 lb
Weight 2 37780 lb
Gross: 83440 lb
Tare: 37180 lb
Net: 46260 lb

Net

Tons 23.13

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: [illegible]

PO# 22-144

3394

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4/7/22

Seller / Buyer: TJ NABA

Picked up at: MR3

Destination: Hay Stack

Truck # / Carrier: RS26

Commodity / Cost: Filldirt

WEIGHED ON A CERTIFIED SCALE

Gross

10:03 PM 04/06/2022

Axle 1 40840 lb
Axle 2 39900 lb

Tare

10:04 PM 04/06/2022
ID: 26
Weight 1 40840 lb
Weight 2 39900 lb
Gross: 80740 lb
Tare: 38260 lb
Net: 42480 lb

Net

21.24 Tons

DRIVER ☑ ON ☐ OFF

WEIGHER/WEIGHMASTER:

Po# 22-144

3395

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4/7/22

Seller / Buyer: ITWATBA

Picked up at: WRC3

Destination: Hwy Stock

Truck # / Carrier: RS30

Commodity / Cost: fill dirt

WEIGHED ON A CERTIFIED SCALE

AR

Gross

10:08 PM 04/06/2022

Axle 1 41000 lb
Axle 2 37420 lb

Tare

10:08 PM 04/06/2022
ID: 30
Weight 1 41000 lb
Weight 2 37420 lb
Gross: 78420 lb
Tare: 37620 lb
Net: 40800 lb

Net

Tons 20.40

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: [signature]

PO# 22-149

3396

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4/7/22

Seller / Buyer: TJ NABA

Picked up at: NR3

Destination: Hay Stack

Truck # / Carrier: RS 31

Commodity / Cost: Fill dirt

WEIGHED ON A CERTIFIED SCALE

Gross

10:12 PM 04/06/2022

Axle 1 40500 lb
Axle 2 38800 lb

Tare

10:12 PM 04/06/2022
ID: 31
Weight 1 40500 lb
Weight 2 38800 lb
Gross: 79300 lb
Tare: 37180 lb

Net

Net: 42120 lb

21.06 Tons

DRIVER ☑ ON ☐ OFF

WEIGHER/WEIGHMASTER: [signature]

3401

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-7-22

Seller / Buyer: II NABIA / VHW

Picked up at: 7R3

Destination: Haystack

Truck # / Carrier: H44

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

12:53 PM 04/06/2022

Axle 1 39380 lb
Axle 2 35240 lb

Tare

12:54 PM 04/06/2022
ID: 44
Weight 1 39380 lb
Weight 2 35240 lb
Gross: 74620 lb
Tare: 35600 lb
Net: 39020 lb

Net

19.51

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: _____

3402

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-7-21

Seller / Buyer: IIWABA - KHCC

Picked up at: MR3

Destination: Haystack

Truck # / Carrier: H51

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

01:00 PM 04/06/2022

Axle 1 38180 lb
Axle 2 35840 lb

Tare

01:01 PM 04/06/2022
ID: 51
Weight 1 38180 lb
Weight 2 35840 lb
Gross: 74020 lb
Tare: 33840 lb
Net: 40180 lb

Net

Thirty Yards 20.09

DRIVER ☑ ON ☐ OFF

WEIGHER/WEIGHMASTER: _____

3405

MICHELE'S READY MIX ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-7-22

Seller / Buyer: TINA BA

Picked up at: MR3

Destination: Hwy Stock

Truck # / Carrier: RS 36

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

02:25 PM 04/06/2022

Axle 1 41540 lb
Axle 2 38080 lb

Tare

02:25 PM 04/06/2022
ID: 26
Weight 1 41540 lb
Weight 2 38080 lb
Gross: 79620 lb
Tare: 38260 lb
Net: 41360 lb

Net 20.68

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

3406

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-7-22

Seller / Buyer: TINA BA

Picked up at: 4R3

Destination: May Stitch

Truck # / Carrier: R530

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

DOT 22-144

Gross

02:28 PM 04/06/2022

Axle 1 40420 lb
Axle 2 37700 lb

Tare

02:28 PM 04/06/2022
ID: 30
Weight 1 40420 lb
Weight 2 37700 lb
Gross: 78120 lb
Tare: 37620 lb
Net: 40500 lb

Net 20.25

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

3407

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-7-22

Seller / Buyer: FINA13A

Picked up at: MR3

Destination: Maxstuck

Truck # / Carrier: RS31

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

PO# 22-144

Gross

02:37 PM 04/06/2022

Axle 1 40360 lb
Axle 2 37440 lb

Tare

02:37 PM 04/06/2022
ID: 31
Weight 1 40360 lb
Weight 2 37440 lb
Gross: 77800 lb
Tare: 37180 lb
Net: 40620 lb

Net 20.31

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

3412

READY MIX
MICHELE'S
ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-7-22

Seller / Buyer: TINAJAS VHC

Picked up at: MK3

Destination: Haystack

Truck # / Carrier: H 44

Commodity / Cost: Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

03:25 PM 04/06/2022

Axle 1 39020 lb
Axle 2 38500 lb

Tare

03:26 PM 04/06/2022
ID: 44
Weight 1 39020 lb
Weight 2 38500 lb
Gross: 77520 lb
Tare: 35600 lb
Net: 41920 lb

Net

20.96

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: _____

3413

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-7-22

Seller / Buyer: IVANHA

Picked up at: NR3

Destination: E Hay Stack

Truck # / Carrier: H-51

Commodity / Cost: Dirt ~~P.C.S.~~ Fill

WEIGHED ON A CERTIFIED SCALE

Gross

03:30 PM 04/06/2022

Axle 1 36540 lb
Axle 2 37960 lb

Tare

03:30 PM 04/06/2022
ID: 51
Weight 1 36540 lb
Weight 2 37960 lb
Gross: 74500 lb
Tare: 33840 lb
Net: 40660 lb

Net

Dan Lyons 20.33

DRIVER ☒ ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: _____

3424

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-7-22

Seller / Buyer: IINABA ~~####~~

Picked up at: MR3

Destination: Hay Stack

Truck # / Carrier: R531

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

PO# 22-141

Gross

05:59 PM 04/06/2022

Axle 1 45080 lb
Axle 2 36820 lb

Tare

06:00 PM 04/06/2022
ID: 31
Weight 1 45080 lb
Weight 2 36820 lb
Gross: 81900 lb
Tare: 37180 lb
Net: 44720 lb

Net

Sand 22.36

DRIVER ☑ ON ☐ OFF

WEIGHER/WEIGHMASTER: B

3426

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-7-22

Seller / Buyer: IINMBN

Picked up at: MR3

Destination: Haystack

Truck # / Carrier: R3 30

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

06:03 PM 04/06/2022

Axle 1 45120 lb
Axle 2 37600 lb

Tare

06:04 PM 04/06/2022
ID: 30
Weight 1 45120 lb
Weight 2 37600 lb
Gross: 82720 lb
Tare: 37620 lb
Net: 45100 lb

Net

22.55

DRIVER ☐ ON ☐ OFF

WEIGHER/WEIGHMASTER: _____

3428

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-8-22

Seller / Buyer: IINBIT

Picked up at: MB3

Destination: Hwy State

Truck # / Carrier: 31

Commodity / Cost: Fill dirt

WEIGHED ON A CERTIFIED SCALE

Gross

09:55 AM 04/07/2022

Axle 1 41820 lb
Axle 2 36960 lb

Tare

09:55 AM 04/07/2022
ID: 31
Weight 1 41820 lb
Weight 2 36960 lb
Gross: 78780 lb
Tare: 37180 lb
Net: 41600 lb

Net

20.8 T

DRIVER ☑ ON ☐ OFF

WEIGHER/WEIGHMASTER:

3429

MICHELE'S READYMIX ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4/8/22

Seller / Buyer: TJ HABIT

Picked up at: MR3

Destination: Hay Stack

Truck # / Carrier: R530

Commodity / Cost: T.U Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

09:59 AM 04/07/2022

Axle 1 40880 lb
Axle 2 37640 lb

Tare

10:00 AM 04/07/2022
ID: 30
Weight 1 40880 lb
Weight 2 37640 lb
Gross: 78520 lb
Tare: 37620 lb
Net: 40900 lb

Net

20.45

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

Pott 22-144 3430

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4.8.22

Seller / Buyer: IINABA

Picked up at: MC3

Destination: Hay Stack

Truck # / Carrier: RS H44

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

~~Pott 144 - 155~~

Gross

10:02 AM 04/07/2022

Axle 1 38340 lb
Axle 2 37900 lb

Tare

10:02 AM 04/07/2022
ID: 44
Weight 1 38340 lb
Weight 2 37900 lb
Gross: 76240 lb
Tare: 35600 lb
Net: 40640 lb

Net

20.32

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

Pot 203431/44

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-5-22

Seller / Buyer: I I NHPI

Picked up at: MR3

Destination: Hay Stack

Truck # / Carrier: 8549

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

10:05 AM 04/07/2022

Gross

Axle 1 37800 lb
Axle 2 37660 lb

10:06 AM 04/07/2022
ID: 49
Weight 1 37800 lb
Weight 2 37660 lb
Gross: 75460 lb
Tare: 48280 lb
Net: 27180 lb

Tare

Net 13.59

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

PO# 22-144

3432

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4.8.22

Seller / Buyer: I-40 NMDOT

Picked up at: MP 3

Destination: Hay-Stack

Truck # / Carrier: RS 31

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

12:37 PM 04/07/2022

Axle 1 41640 lb
Axle 2 37760 lb

Tare

12:37 PM 04/07/2022
ID: 31
Weight 1 41640 lb
Weight 2 37760 lb
Gross: 79400 lb
Tare: 37180 lb
Net: 42220 lb

Net

21.11

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: _____

Pot # 22 144 3433

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-8-22

Seller / Buyer: IINMBB

Picked up at: MR3

Destination: Hay Stack

Truck # / Carrier: RS30

Commodity / Cost: Filldirt

WEIGHED ON A CERTIFIED SCALE

Gross

12:41 PM 04/07/2022

Axle 1 42500 lb
Axle 2 38960 lb

Tare

12:41 PM 04/07/2022
ID: 30
Weight 1 42500 lb
Weight 2 38960 lb
Gross: 81460 lb
Tare: 37620 lb
Net: 43840 lb

Net

21.92

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: _____

3434

MICHELE'S READYMIX ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-8-22

Seller / Buyer: IINABA

Picked up at: MR3

Destination: Haystack

Truck # / Carrier: H-14

Commodity / Cost: F.11 Det

WEIGHED ON A CERTIFIED SCALE

Gross

12:43 PM 04/07/2022

Axle 1 39720 lb
Axle 2 36160 lb

Tare

12:44 PM 04/07/2022
ID: 44
Weight 1 39720 lb
Weight 2 36160 lb
Gross: 75880 lb
Tare: 35600 lb
Net: 40280 lb

Net

20.14

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: _____

Ref# 22-1443435

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-8-22

Seller / Buyer: TINABA

Picked up at: MR3

Destination: Hay Stack

Truck # / Carrier: #49

Commodity / Cost: F.U. Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

12:46 PM 04/07/2022

Axle 1 36600 lb
Axle 2 41160 lb

Tare

12:46 PM 04/07/2022
ID: 49
Weight 1 36600 lb
Weight 2 41160 lb
Gross: 77760 lb
Tare: ~~40360 lb~~
Net: ~~29400 lb~~
29400

Net

~35,000 14.74

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: _____

3436

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-8-22

Seller / Buyer: FINA BA

Picked up at: NM3

Destination: Hay Stack

Truck # / Carrier: H44

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

DOT 22-144

Gross

02:55 PM 04/07/2022

Axle 1 38680 lb
Axle 2 37840 lb

Tare

02:55 PM 04/07/2022
ID: 44
Weight 1 38680 lb
Weight 2 37840 lb
Gross: 76520 lb
Tare: 35600 lb
Net: 40920 lb

Net 20.46

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: _____

3437

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-8-22

Seller / Buyer: TINA BA

Picked up at: 1123

Destination: Haystack

Truck # / Carrier: 449

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

PO# 22-144

Gross

03:05 PM 04/07/2022

Axle 1	37220 lb
Axle 2	38640 lb

Tare

03:06 PM 04/07/2022
ID: 49

Weight 1	37220 lb
Weight 2	38640 lb
Gross:	75860 lb
Tare:	35100 lb
Net:	40760 lb

Net 20.38

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

3438

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-8-22

Seller / Buyer: FINNBIT

Picked up at: MR23

Destination: Hay Stack

Truck # / Carrier: RS31

Commodity / Cost: F-11 Diet

WEIGHED ON A CERTIFIED SCALE

Gross

03:49 PM 04/07/2022

Axle 1	45640 lb
Axle 2	37600 lb

Tare

03:49 PM 04/07/2022

ID:	31
Weight 1	45640 lb
Weight 2	37600 lb
Gross:	83240 lb
Tare:	37180 lb
Net:	46060 lb

Net

23.03

DRIVER ☑ ON ☐ OFF

WEIGHER/WEIGHMASTER:

Po. 22-14439

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-8-21

Seller / Buyer: I I NABA

Picked up at: MB3

Destination: Hay Stack

Truck # / Carrier: RS 30

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

03:53 PM 04/07/2022

Axle 1 46320 lb
Axle 2 37320 lb

Tare

03:54 PM 04/07/2022
ID: 30
Weight 1 46320 lb
Weight 2 37320 lb
Gross: 83640 lb
Tare: 37620 lb
Net: 46020 lb

Net

23.01

DRIVER ☑ ON ☐ OFF

WEIGHER/WEIGHMASTER:

3441

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-11-22

Seller / Buyer: FINA BA

Picked up at: MR3

Destination: Haystack

Truck # / Carrier: R531

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Pot 22-144

Gross

10:11 AM 04/10/2022

Axle 1 41540 lb
Axle 2 36600 lb

Tare

10:11 AM 04/10/2022
ID: 31
Weight 1 41540 lb
Weight 2 36600 lb
Gross: 78140 lb
Tare: 37180 lb
Net 40960 lb

Net 20.48

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

3442

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-11-22

Seller / Buyer: IENA BA

Picked up at: MR3

Destination: Mariarch

Truck # / Carrier: RS30

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

POB 22-144

Gross

08:37 AM 04/11/2022

Axle 1 41280 lb
Axle 2 35400 lb

Tare

08:37 AM 04/11/2022
ID: 30
Weight 1 41280 lb
Weight 2 35400 lb
Gross: 76680 lb
Tare: 37620 lb
Net: 39060 lb

Net 19.53

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

3443

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-11-22

Seller / Buyer: JINABA

Picked up at: MR3

Destination: Mcystuch

Truck # / Carrier: RS 32

Commodity / Cost: Fillpirt

WEIGHED ON A CERTIFIED SCALE

PO# 22-144

Gross

08:40 AM 04/11/2022

Axle 1 48360 lb
Axle 2 30440 lb

Tare

08:41 AM 04/11/2022
ID: 32
Weight 1 48360 lb
Weight 2 30440 lb
Gross: 78800 lb
Tare: 36300 lb
Net: 42500 lb

Net 21.25

Tim Dagg

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: _____

3446

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-11-22

Seller / Buyer: IINA RA

Picked up at: MR3

Destination: Haystack

Truck # / Carrier: RSS2

Commodity / Cost: Fill Dirt

Pc # 22-140

WEIGHED ON A CERTIFIED SCALE

Gross

10:55 AM 04/11/2022

Axle 1 47280 lb
Axle 2 28040 lb

Tare

10:56 AM 04/11/2022
ID: 32
Weight 1 47280 lb
Weight 2 28040 lb
Gross: 75320 lb
Tare: 36300 lb
Net: 39020 lb

Net

19.51 Tons

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

3447

MICHELE'S READYMIX ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-11-22

Seller / Buyer: INA BA

Picked up at: MR3

Destination: Haystack

Truck # / Carrier: RS3

Commodity / Cost: F.I Pit

Po # 22-14

WEIGHED ON A CERTIFIED SCALE

Gross

10:59 AM 04/11/2022

Axle 1 42080 lb
Axle 2 35620 lb

Tare

11:00 AM 04/11/2022
ID: 31
Weight 1 42080 lb
Weight 2 35620 lb
Gross: 77700 lb
Tare: 37180 lb
Net: 40520 lb

Net

20.26 TONS

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

3448

MICHELE'S READYMIX ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-11-22

Seller / Buyer: TINA BA

Picked up at: MRB

Destination: Hay Stack

Truck # / Carrier: RS 30

Commodity / Cost: Fill Dirt

PO# 22-144

WEIGHED ON A CERTIFIED SCALE

Gross

11:03 AM 04/11/2022

Axle 1 42220 lb
Axle 2 34600 lb

Tare

11:04 AM 04/11/2022
ID: 30
Weight 1 42220 lb
Weight 2 34600 lb
Gross: 76820 lb
Tare: 37620 lb
Net: 39200 lb

Net

19.60
Tons

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

3451

MICHELE'S READYMIX ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-11-22

Seller / Buyer: TINNA BA

Picked up at: MR3

Destination: Hay Stack

Truck # / Carrier: RS 32

Commodity / Cost: Fill Dirt

Po # 22-14

WEIGHED ON A CERTIFIED SCALE

Gross

01:26 PM 04/11/2022

Axle 1 46940 lb
Axle 2 29060 lb

Tare

01:27 PM 04/11/2022
ID: 32
Weight 1 46940 lb
Weight 2 29060 lb
Gross: 76000 lb
Tare: 36300 lb
Net: 39700 lb

Net

TONS
19.85

Terry Bays

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

3452

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-11-22

Seller / Buyer: ITNG BA

Picked up at: MR3

Destination: Hay Stack

Truck # / Carrier: RS 31

Commodity / Cost: Fill Dirt

Po# 22-419

WEIGHED ON A CERTIFIED SCALE

Gross

01:30 PM 04/11/2022

Axle 1 42740 lb
Axle 2 40680 lb

Tare

01:31 PM 04/11/2022
ID: 31
Weight 1 42740 lb
Weight 2 40680 lb
Gross: 83420 lb
Tare: 37180 lb
Net: 46240 lb

Net

23.12 TONS

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

3453

MICHELE'S READYMIX ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-11-22

Seller / Buyer: INABA

Picked up at: MR3

Destination: Hay stack

Truck # / Carrier: RS 30

Commodity / Cost: Fill Dirt

Pat 22-144

WEIGHED ON A CERTIFIED SCALE

Gross

01:37 PM 04/11/2022

Axle 1 42760 lb
Axle 2 40500 lb

Tare

01:37 PM 04/11/2022
ID: 30
Weight 1 42760 lb
Weight 2 40500 lb
Gross: 83260 lb
Tare: 37620 lb
Net: 45640 lb

Net

22.82 TONS

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

3461

MICHELE'S READYMIX ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-11-22

Seller / Buyer: I.I.NA BA

Picked up at: MR3

Destination: Marstuch

Truck # / Carrier: RS 32

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

PO# 22-144

Gross

04:33 PM 04/11/2022

Axle 1 51220 lb
Axle 2 29160 lb

Tare

04:34 PM 04/11/2022
ID: 32
Weight 1 51220 lb
Weight 2 29160 lb
Gross: 80380 lb
Tare: 36300 lb
Net: 44080 lb

Net 22.04

Tim Bago

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: [signature]

3462

MICHELE'S READYMIX ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4 12 22

Seller / Buyer: INABA

Picked up at: MR3

Destination: Hay Stack

Truck # / Carrier: R526

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

08:22 AM 04/12/2022

Axle 1 41980 lb
Axle 2 38680 lb

Tare

08:23 AM 04/12/2022
ID: 26
Weight 1 41980 lb
Weight 2 38680 lb
Gross: 80660 lb
Tare: 38260 lb
Net: 42400 lb

Net

21.2

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: _____

3463

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-12-22

Seller / Buyer: I I AMBM

Picked up at: MR3

Destination: Hasler Stock

Truck # / Carrier: RS. 30

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

08:25 AM 04/12/2022

Axle 1 40740 lb
Axle 2 37980 lb

Tare

08:26 AM 04/12/2022
ID: 30
Weight 1 40740 lb
Weight 2 37980 lb
Gross: 78720 lb
Tare: 37620 lb
Net: 41100 lb

Net

20.6

DRIVER ☑ ON ☐ OFF

WEIGHER/WEIGHMASTER: _____

Po# 22-140

3464

MICHELE'S READYMIX ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-12-22

Seller / Buyer: I I NM317

Picked up at: MR3

Destination: Hay Stack

Truck # / Carrier: RS31

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

08:29 AM 04/12/2022

Axle 1 40360 lb
Axle 2 38660 lb

Tare

08:29 AM 04/12/2022
ID: 31
Weight 1 40360 lb
Weight 2 38660 lb
Gross: 79020 lb
Tare: 37180 lb
Net: 41840 lb

Net

Sam F + Z

20.92

DRIVER ☑ ON ☐ OFF

WEIGHER/WEIGHMASTER:

PO # 22-1411 3468

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 04/12/22

Seller / Buyer: TINAB

Picked up at: MR3

Destination: Hay Stack

Truck # / Carrier: RS 32

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

09:26 AM 04/12/2022

Axle 1 49980 lb
Axle 2 28980 lb

Tare

09:27 AM 04/12/2022
ID: 32
Weight 1 49980 lb
Weight 2 28980 lb
Gross: 78960 lb
Tare: 36300 lb
Net: 42660 lb

Net

TON 21.33 Tim Begay

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: _____

PO# 22-144

3469

MICHELE'S READYMIX ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 04/12/22

Seller / Buyer: TNABA

Picked up at: HR3

Destination: Hay Stack

Truck # / Carrier:

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

11:10 AM 04/12/2022

Axle 1 47540 lb
Axle 2 41540 lb

Tare

11:11 AM 04/12/2022
ID: 31
Weight 1 47540 lb
Weight 2 41540 lb
Gross: 89080 lb
Tare: 37180 lb
Net: 51900 lb

Net

TON 25.95

DRIVER ☑ ON ☐ OFF

WEIGHER/WEIGHMASTER:

Path 22 - RTH

3471

MICHELE'S READYMIX ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 04/12/22

Seller / Buyer: FUABA

Picked up at: MR3

Destination: Hwy Stock

Truck # / Carrier: QR 24

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

Axle 2 44220 lb
Axle 3 38720 lb

12:05 PM 04/12/2022
ID: 26
Gross: 82940 lb
Tare: 38260 lb
Net: 44680 lb

Tare

Net

TOW 22.34

DRIVER ☐ ON ☐ OFF

WEIGHER/WEIGHMASTER:

3476

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 04/12/22

Seller / Buyer: ENABA

Picked up at: MR3

Destination: Hay Stack

Truck # / Carrier: RS2

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

12:21 PM 04/12/2022

Axle 1 48100 lb
Axle 2 30880 lb

Tare

12:22 PM 04/12/2022
ID: 32
Weight 1 48100 lb
Weight 2 30880 lb
Gross: 78980 lb
Tare: 36300 lb
Net: 42680 lb

Net

TON 21.34

Tim Boggs

DRIVER ☑ ON ☐ OFF

WEIGHER/WEIGHMASTER: Gina Lopez

3477

MICHELE'S READYMIX ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 04/12/22

Seller / Buyer: HUABA

Picked up at: MR3

Destination: Hay Stack

Truck # / Carrier: R530

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

12:24 PM 04/12/2022

Axle 1	40560 lb
Axle 2	29640 lb

Tare

12:25 PM 04/12/2022

ID:	30
Weight 1	40560 lb
Weight 2	29640 lb
Gross:	70200 lb
Tare:	37620 lb
Net:	32580 lb

Net

TON 16.29

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: Susan Long

3481

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 04/12/22

Seller / Buyer: IINABA

Picked up at: MC3

Destination: Hwy Yard

Truck # / Carrier: RS31

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

01:24 PM 04/12/2022

Axle 1 43040 lb
Axle 2 35920 lb

Tare

01:24 PM 04/12/2022
ID: 31
Weight 1 43040 lb
Weight 2 35920 lb
Gross: 78960 lb
Tare: 37180 lb
Net: 41780 lb

Net

TON 20.89

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

PO# 22-144

3484

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 04/12/22

Seller / Buyer: TLNAPA

Picked up at: MRS

Destination: Hay Stack

Truck # / Carrier: RS52

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

02:35 PM 04/12/2022

Gross

Axle 1 52540 lb
Axle 2 33940 lb

02:36 PM 04/12/2022
ID: 32
Weight 1 52540 lb
Weight 2 33940 lb
Gross: 86480 lb
Tare: 36300 lb
Net: 50180 lb

Tare

Net 700 - 530

Tony Sosa

TW 25.09

DRIVER ☐ ON ☐ OFF

WEIGHER/WEIGHMASTER:

Pott 22-1414

3485

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 04/12/22

Seller / Buyer: TNABA

Picked up at: MR3

Destination: Haystack

Truck # / Carrier: PS24

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

02:40 PM 04/12/2022

Axle 1 44240 lb
Axle 2 37820 lb

Tare

02:41 PM 04/12/2022
ID: 26
Weight 1 44240 lb
Weight 2 37820 lb
Gross: 82060 lb
Tare: 38260 lb
Net: 43800 lb

Net

Dan S

TN 21.90

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: Jason Lopez

PO# 22-1414 3486

MICHELE'S READYMIX ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 04/12/22

Seller / Buyer: TINABA

Picked up at: MK3

Destination: Hay Stack

Truck # / Carrier: RS30

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

02:45 PM 04/12/2022

Axle 1 43780 lb
Axle 2 40120 lb

Tare

02:46 PM 04/12/2022
ID: 30
Weight 1 43760 lb
Weight 2 40120 lb
Gross: 83900 lb
Tare: 37620 lb
Net: 46280 lb

Net

TON 23.14

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

PO# 22-1441 3488

MICHELE'S READYMIX ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 04/12/22

Seller / Buyer: NNABA

Picked up at: MR3

Destination: Hay Stack

Truck # / Carrier: RS 31

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

03:59 PM 04/12/2022

Axle 1	44100 lb
Axle 2	42060 lb

Tare

04:00 PM 04/12/2022

ID:	31
Weight 1	44100 lb
Weight 2	42060 lb
Gross:	86160 lb
Tare:	37180 lb
Net:	48980 lb

Net

TON 24.49

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

Poth 22-144 3490

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-13-22

Seller / Buyer: ITNPBN

Picked up at: MK3

Destination: Hay Stack

Truck # / Carrier: RS20

Commodity / Cost: Fill dirt

WEIGHED ON A CERTIFIED SCALE

Gross

10:16 AM 04/13/2022

Axle 1 43100 lb
Axle 2 37060 lb

Tare

10:17 AM 04/13/2022
ID: 26
Weight 1 43100 lb
Weight 2 37060 lb
Gross: 80160 lb
Tare: 38260 lb
Net: 41900 lb

Net

20.95

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: _____

RH 22-144 3491

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-13-22

Seller / Buyer: II NMBT

Picked up at: MRB

Destination: Haystack

Truck # / Carrier: RS,30 Holcim

Commodity / Cost: Flyash

WEIGHED ON A CERTIFIED SCALE

Gross

10:18 AM 04/13/2022

Axle 1 41040 lb
Axle 2 39920 lb

Tare

10:19 AM 04/13/2022
ID: 30
Weight 1 41040 lb
Weight 2 39920 lb
Gross: 80960 lb
Tare: 37620 lb
Net: 43340 lb

Net

21.67

DRIVER ☐ ON ☐ OFF

WEIGHER/WEIGHMASTER: _____

3492

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-13-22

Seller / Buyer: FINNBA

Picked up at: M23

Destination: Hay Stack

Truck # / Carrier: RS 31

Commodity / Cost: fill dirt

WEIGHED ON A CERTIFIED SCALE

PO# 22-144

Gross

10:21 AM 04/13/2022

Axle 1 41160 lb
Axle 2 38920 lb

Tare

10:21 AM 04/13/2022
ID: 31
Weight 1 41160 lb
Weight 2 38920 lb
Gross: 80080 lb
Tare: 37180 lb
Net: 42900 lb

Net

AZ 21.45

DRIVER ☐ ON ☐ OFF

WEIGHER/WEIGHMASTER: _____

3493

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-13-22

Seller / Buyer: JJ NAPA

Picked up at: MB3

Destination: Haystack

Truck # / Carrier:

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

POH 22-1427

Gross

10:23 AM 04/13/2022

Axle 1 50440 lb
Axle 2 31300 lb

Tare

10:24 AM 04/13/2022
ID: 32
Weight 1 50440 lb
Weight 2 31300 lb
Gross: 81740 lb
Tare: 36300 lb
Net: 45440 lb

Net

22.72

Tuni Bagg

DRIVER ☑ ON ☐ OFF

WEIGHER/WEIGHMASTER:

PO # 22 144 3494

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-13-22

Seller / Buyer: I I NABA

Picked up at: MR3

Destination: Hay Stack

Truck # / Carrier: H 49

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

10:25 AM 04/13/2022

Axle 1 39440 lb
Axle 2 38460 lb

Tare

10:26 AM 04/13/2022
ID: 49
Weight 1 39440 lb
Weight 2 38460 lb
Gross: 77900 lb
Tare: 35100 lb
Net: 42800 lb

Net

21.40

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: _____

3495

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-13-22

Seller / Buyer: TINAJA

Picked up at: MR23

Destination: Hay Stack

Truck # / Carrier: 451

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

PO# 44-127

Gross

10:28 AM 04/13/2022

Axle 1 39680 lb
Axle 2 37180 lb

Tare

10:28 AM 04/13/2022
ID: 51
Weight 1 39680 lb
Weight 2 37180 lb
Gross: 76860 lb
Tare: 33920 lb
Net: 42940 lb

Net

Dan Weir

21.47

DRIVER ☑ ON ☐ OFF

WEIGHER/WEIGHMASTER: [signature]

Po# 414 122 3496

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4.13.22

Seller / Buyer: II NABA

Picked up at: MR3

Destination: Hay Stack

Truck # / Carrier: H 47

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

10:31 AM 04/13/2022

Axle 1 38560 lb
Axle 2 37700 lb

Tare

10:31 AM 04/13/2022
ID: 47
Weight 1 38560 lb
Weight 2 37700 lb
Gross: 76260 lb
Tare: 35020 lb
Net: 41240 lb

Net 20.62

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: [signature]

Po. -22-1414 3497

MICHELE'S READYMIX ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4.13.22

Seller / Buyer: JJ Nitbit

Picked up at: MR3

Destination: Hay Stack

Truck # / Carrier: RS 24

Commodity / Cost: Fill dirt

WEIGHED ON A CERTIFIED SCALE

Gross

12:50 PM 04/13/2022

Axle 1 44520 lb
Axle 2 38200 lb

Tare

12:51 PM 04/13/2022
ID: 26
Weight 1 44520 lb
Weight 2 38200 lb
Gross: 82720 lb
Tare: 38260 lb
Net: 44460 lb

Net

Don Sh

22.23

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

RH 22-144 3499

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-13-22

Seller / Buyer: NNABA

Picked up at: MR3

Destination: Hay Stack

Truck # / Carrier: RS30

Commodity / Cost: Fill dirt

WEIGHED ON A CERTIFIED SCALE

Gross

12:56 PM 04/13/2022

Axle 1 45160 lb
Axle 2 37840 lb

Tare

12:56 PM 04/13/2022
ID: 30
Weight 1 45160 lb
Weight 2 37840 lb
Gross: 83000 lb
Tare: 37620 lb
Net: 45380 lb

Net

22.69

DRIVER ☒ ON ☐ OFF

WEIGHER/WEIGHMASTER:

Ref 22-141

3501

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4/13-22

Seller / Buyer: NNMBA

Picked up at: NM3

Destination: Flu Stack

Truck # / Carrier: ~~ES-31~~ RS33 Fillcliff

Commodity / Cost:

WEIGHED ON A CERTIFIED SCALE

Gross

01:11 PM 04/13/2022

Axle 1 49860 lb
Axle 2 30580 lb

Tare

01:11 PM 04/13/2022
ID: 32
Weight 1 49860 lb
Weight 2 30580 lb
Gross: 80440 lb
Tare: 36300 lb
Net: 44140 lb

Net

22.07 Tons

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER:

PO # 22-144 3502

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-13-22

Seller / Buyer: iINABA

Picked up at: MRB

Destination: FG Stock

Truck # / Carrier: H41

Commodity / Cost: fill dirt

WEIGHED ON A CERTIFIED SCALE

Gross

01:05 PM 04/13/2022
Axle 1 41720 lb
Axle 2 40700 lb

Tare

01:06 PM 04/13/2022
ID: 47
Weight 1 41720 lb
Weight 2 40700 lb
Gross: 82420 lb
Tare: 35020 lb
Net: 47400 lb

Net

23.7

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: KE

3503

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-13-22

Seller / Buyer: LINABA

Picked up at: MR3

Destination: Haystack

Truck # / Carrier: #49

Commodity / Cost: fill dirt

WEIGHED ON A CERTIFIED SCALE

Gross

01:03 PM 04/13/2022

Axle 1 41580 lb
Axle 2 38240 lb

Tare

01:04 PM 04/13/2022
ID: 49
Weight 1 41580 lb
Weight 2 38240 lb
Gross: 79820 lb
Tare: 35100 lb
Net: 44720 lb

Net

22.36

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: _____

16H 22-144

3504

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-13-22

Seller / Buyer: NABA

Picked up at: MR3

Destination: Haystack

Truck # / Carrier: RS 31

Commodity / Cost: Fill dirt

WEIGHED ON A CERTIFIED SCALE

Gross

01:22 PM 04/13/2022

Axle 1	44000 lb
Axle 2	39440 lb

Tare

01:22 PM 04/13/2022

ID:	31
Weight 1	44000 lb
Weight 2	39440 lb
Gross:	83440 lb
Tare:	37180 lb
Net:	46260 lb

Net

23.13

DRIVER ☒ ON ☐ OFF

WEIGHER/WEIGHMASTER:

3505

READY MIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-13-22

Seller / Buyer: NABA

Picked up at: MR3

Destination: Haystack

Truck # / Carrier: HST

Commodity / Cost: Fill dirt

Pd 22.142

WEIGHED ON A CERTIFIED SCALE

01:17 PM 04/13/2022

Gross

Axle 1 39640 lb
Axle 2 39040 lb

01:18 PM 04/13/2022
ID: 51
Weight 1 39640 lb
Weight 2 39040 lb
Gross: 78680 lb
Tare: 33920 lb
Net: 44760 lb

Tare

Net Dan Hunt 22.38

DRIVER ☒ ON ☐ OFF

WEIGHER/WEIGHMASTER: [signature]

PO# 44-122 3508

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-13-21

Seller / Buyer: IINABA

Picked up at: MR3

Destination: Hay Stack

Truck # / Carrier: RS 31

Commodity / Cost: fill dirt

WEIGHED ON A CERTIFIED SCALE

Gross

03:38 PM 04/13/2022

Axle 1 41020 lb
Axle 2 39140 lb

Tare

03:38 PM 04/13/2022
ID: 31
Weight 1 41020 lb
Weight 2 39140 lb
Gross: 80160 lb
Tare: 37180 lb
Net: 42980 lb

Net

21.49

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: _____

Pot 22-144

3509

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-13-22

Seller / Buyer: FINABA

Picked up at: MR3

Destination: Haul Stock

Truck # / Carrier: _____

Commodity / Cost: Fill dirt

WEIGHED ON A CERTIFIED SCALE

Gross

03:55 PM 04/13/2022

Axle 1 38740 lb
Axle 2 38660 lb

Tare

03:57 PM 04/13/2022
ID: 26
Weight 1 38740 lb
Weight 2 38660 lb
Gross: 77400 lb
Tare: 38260 lb
Net: 39140 lb

Net

Pay 19.57

DRIVER ☑ ON ☐ OFF

WEIGHER/WEIGHMASTER: _____

Pott 22-144 3511

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4.13.22

Seller / Buyer: LINABA

Picked up at: MR3

Destination: Haystack

Truck # / Carrier: RS 30

Commodity / Cost: Flolet

WEIGHED ON A CERTIFIED SCALE

Gross

03:59 PM 04/13/2022

Axle 1 39600 lb
Axle 2 37740 lb

Tare

04:00 PM 04/13/2022
ID: 30
Weight 1 39600 lb
Weight 2 37740 lb
Gross: 77340 lb
Tare: 37620 lb
Net: 39720 lb

Net

19.86

DRIVER ☒ ON ☐ OFF

WEIGHER/WEIGHMASTER: D

Pit 22 140 3512

READYMIX MICHELE'S ROCK & RECYCLE

505.863.3818

1661 Hasler Valley Rd
Gallup, New Mexico 87301

Date: 4-13-22

Seller / Buyer: LINABA

Picked up at: MP3

Destination: Hanstark

Truck # / Carrier: AS 32

Commodity / Cost: Fill Dirt

WEIGHED ON A CERTIFIED SCALE

Gross

04:01 PM 04/13/2022

Axle 1	49040 lb
Axle 2	27080 lb

Tare

04:02 PM 04/13/2022

ID:	30
Weight 1	49040 lb
Weight 2	27080 lb
Gross:	76120 lb
Tare:	37620 lb
Net:	38500 lb

Net 19.25

Tony Bagg

DRIVER ❑ ON ❑ OFF

WEIGHER/WEIGHMASTER: _____

VHCC. LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

** DUPLICATE COPY **

TICKET #: 94410
DATE: 3/24/2022 TIME: 7:22 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
49E	1	22.92

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0 21	RUSTIC 1' BC	22.92

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
39.92	17.00	22.92
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
1	22.92	22.92	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: Jerald Begay Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94411
DATE: 3/24/2022 TIME: 7:27 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
44E	1	23.78

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0 21	RUSTIC 1' BC	46.70

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
41.68	17.90	23.78
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
2	46.70	46.70	0.00

DRIVER ON / OFF VEHICLE
LOCATION
NW OF MILAN

Rcvd By: Audrey Yazzie Weighmaster: _____

VHCC. LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94413
DATE: 3/24/2022 TIME: 7:21 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
47E	1	22.46

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0 21	RUSTIC 1' BC	69.16

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
39.41	16.95	22.46
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
3	69.16	69.16	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: _____ Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94414
DATE: 3/24/2022 TIME: 7:32 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
51E	1	22.42

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0 21	RUSTIC 1" BC	91.58

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
40.67	18.25	22.42
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
4	91.58	91.58	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: Audrey Yazzie

Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94869
DATE: 4/4/2022 TIME: 7:35 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
44E	1	27.24

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0 21	RUSTIC 1' BC	51.36

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
45.19	17.95	27.24
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
2	51.36	142.94	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: _____ Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94870
DATE: 4/4/2022 TIME: 7:37 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
52E	1	26.31

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0 21	RUSTIC 1" BC	77.67

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
43.81	17.50	26.31
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
3	77.67	169.25	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: Audrey Yazzie Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

** DUPLICATE COPY **

TICKET #: 94865
DATE: 1/4/2022 TIME: 7:21 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
48E	1	24.12

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0 21	RUSTIC 1' BC	24.12

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
40.42	16.30	24.12
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
1	24.12	115.70	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: Audrey Yazzie Weighmaster: _____

VHCC. LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94883
DATE: 4/4/2022 TIME: 9:30 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
48E	2	50.72

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0 21	RUSTIC 1' BC	104.27

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
42.90	16.30	26.60
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
4	104.27	195.85	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: Audrey Yazzie Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94885
DATE: 4/4/2022 TIME: 9:41 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
44E	2	53.24

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0 21	RUSTIC 1' BC	130.27

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
43.95	17.95	26.00
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
5	130.27	221.85	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: Audrey Yazzie

Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94886
DATE: 4/4/2022 TIME: 9:46 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
52E	2	51.61

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0 21	RUSTIC 1' BC	155.57

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
42.80	17.50	25.30
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
6	155.57	247.15	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: Andrew Yazzie Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94903
DATE: 4/4/2022 TIME: 11:34 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
48E	3	77.63

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0 21	RUSTIC 1' BC	182.48

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
43.21	16.30	26.91
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
7	182.48	274.06	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: _____ Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94806
DATE: 4/4/2022 TIME: 11:47 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
44E	3	79.50

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0 21	RUSTIC 1' BC	208.74

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
44.21	17.95	26.26
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
8	208.74	300.32	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: Audrey Yazzie Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94907
DATE: 4/4/2022 TIME: 11:43 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
52E	3	77.00

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0 21	RUSTIC 1' BC	234.13

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
42.89	17.50	25.39
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
9	234.13	325.71	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: Audrey Yazzie Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94923
DATE: 4/4/2022 TIME: 1:40 PM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
48E	4	104.23

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0 21	RUSTIC 1' BC	260.73

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
42.85	16.25	26.60
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
10	260.73	352.31	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: _____ Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94924
DATE: 4/4/2022 TIME: 1:51 PM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
44E	4	105.98

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0 21	RUSTIC 1' BC	287.21

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
44.38	17.90	26.48
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
10	260.73	352.31	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: Audrey Yazzie Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94926
DATE: 4/4/2022 TIME: 2:02 PM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
52E	4	102.77

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0 21	RUSTIC 1' BC	312.98

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
43.22	17.45	25.77
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
12	~~25.77~~ 312.98	25.77	0.00

DRIVER ON / OFF VEHICLE

LOCATION
NW OF MILAN

Rcvd By: Andrew Yorke Weighmaster: _____

VHCC, LLC dba
VERNON HAMILTON CONST. CO.
4725 EAST HISTORIC HIGHWAY 66
GALLUP, NEW MEXICO 87301

TICKET #: 94942
DATE: 4/5/2022 TIME: 7:11 AM

SOLD TO:
IIANABA

CUSTOMER NO
080
JOB ORDER NUMBER
080

DELIVERED TO:
HAYSTACK MTN.
GERALD BEGAY 505-215-7417
WILL MEET DRIVER ON
I-40 EXIT

TRUCK INFORMATION

NUMBER	LOADS TODAY	TONS TODAY
48E	1	23.36

MATERIAL LOADED

CODE	PRODUCT SOLD	TONS TODAY
0 21	RUSTIC 1' BC	23.36

PLANT NO
7855
OPERATOR
Pat Silva

WEIGHT IN: Tons

GROSS	TARE	NET
39.66	16.30	23.36
0.00		0.00

COMMENTS / DIRECTIONS

PO#:
HAYSTACK

CASH SALE

TOTAL	

JOB INFORMATION

LOAD #	TONS TODAY	TONS TO DATE	TONS REQUIRED
1	23.36	427.92	0.00

DRIVER ON / OFF VEHICLE
LOCATION
NW OF MILAN

Rcvd By: Audrey Yazzie Weighmaster:

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23349

Start Time 530 AM End Time 200 PM

Truck No. 32 | Trailer No. none | Date 3-28-22

SEND BILL TO: Linc Inc

ADDRESS:

JOB NAME: Haystack TCRA JOB LOCATION: Haystack Mountain

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	10 Yds	Dirt			
2.	10 Yds	Dirt			
3.	10 Yds	Dirt			
4.	10 Yds	Dirt			
5.	10 Yds	Dirt			
6.	10 Yds	Dirt			
7.	10 Yds	Dirt			
8.	10 Yds	Dirt			
9.	10 Yds	Dirt			
10.	10 Yds	Dirt			
11.	10 Yds	Dirt			
12.	10 Yds	Dirt			
13.	10 Yds	Dirt			
14.	10 Yds	Dirt			
15.	10 Yds	Dirt			
16.					
17.					
18.					

DRIVER: Terry Biggs

DOWNTIME: REMARKS:

TOTAL LOADS: 15

TOTAL HOURS: 13.5

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

Audrey Yazzie
AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23350

Start Time 745 End Time 600

Truck No.	Trailer No.	Date
32	none	3-29-22

SEND BILL TO: iing' bg' Inc

ADDRESS:

JOB NAME: Haystack TCRA JOB LOCATION: Haystack Mountain

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	10 Yds	Soil - Dirt			
2.	10 Yds	Dirt			
3.	10 Yds	Dirt			
4.	10 Yds	Dirt			
5.	10 Yds	Dirt			
6.	10 Yds	Dirt			
7.	10 yds	Dirt			
8.	10 Yds	Dirt			
9.	10 Yd	Dirt			
10.	10 Yd	Dirt			
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

DRIVER: Terry Beggs

DOWNTIME: REMARKS:

TOTAL LOADS	TOTAL HOURS
10	10.25

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23351

Start Time 745 End Time

Truck No.	Trailer No.	Date
30	none	3-30-22

SEND BILL TO: Jing' bo' Inc

ADDRESS:

JOB NAME: @ Haystack TERA JOB LOCATION: Haystack, NM

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	10 Yds	Dirt			
2.	10 Yds	Dirt			
3.	10 Yds	Dirt			
4.	10 Yds	Dirt			
5.	10 Yds	Dirt			
6.	10 Yds	Dirt			
7.	10 Yds	Dirt			
8.	10 Yds	Dirt			
9.	10 Yds	Dirt			
10.	10 Yds	Dirt			
11.	10 Yds	Dirt			
12.	10 Yds	Dirt			
13.	10 Yds	Dirt			
14.	10 Yds	Dirt			
15.	10 Yds	Dirt			
16.					
17.					
18.					

DRIVER: Terry Biggs 80

DOWNTIME: REMARKS:

TOTAL LOADS
TOTAL HOURS

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23380

Start Time 745 End Time

Truck No.	Trailer No.	Date
32	None	3-31-22

SEND BILL TO: ring by INC

ADDRESS:

JOB NAME: Haystack TCRA JOB LOCATION: Haystack, NM

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	10 Yds	Dirt			
2.	10 Yds	Dirt			
3.	10 Yds	Dirt			
4.	10 Yds	Dirt			
5.	10 Yds	Dirt			
6.	10 Yds	Dirt			
7.	10 Yds	Dirt			
8.	10 Yds	Dirt			
9.	10 Yds	Dirt			
10.	10 Yds	Dirt			
11.	10 Yds	Dirt			
12.	10 Yds	Dirt			
13.	10 Yds	Dirt			
14.	10 Yds	Dirt			
15.	10 Yds	Dirt			
16.	10 Yds	Dirt			
17.					
18.					

DRIVER: Tenor Beegg

DOWNTIME: REMARKS:

TOTAL LOADS
TOTAL HOURS

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

Andrew Yazzie

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23381

Start Time 745 End Time 630

Truck No.	Trailer No.	Date
32	none	4-1-22

SEND BILL TO: Ring ha'

ADDRESS:

JOB NAME: Haystack TCRA JOB LOCATION: Haystack, NM

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	10 Yds	Dirt			
2.	10 Yds	Dirt			
3.	10 Yds	Dirt			
4.	10 Yds	Dirt			
5.	10 Yds	Dirt			
6.	10 Yds	Dirt			
7.	10 Yds	Dirt			
8.	10 Yds	Dirt			
9.	10 Yds	Dirt			
10.	10 Yds	Dirt			
11.	10 Yds	Dirt			
12.	10 Yds	Dirt			
13.	10 Yds	Dirt			
14.	10 Yds	Dirt			
15.					
16.					
17.					
18.					

DRIVER: Tony Beggo

DOWNTIME: REMARKS:

TOTAL LOADS	TOTAL HOURS
14	10.75

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

Audrey Jordan

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23382

Start Time 6:00 AM End Time 6:30

Truck No. 23	Trailer No.	Date 4-01-22

SEND BILL TO: iinaba' Inc

ADDRESS:

JOB NAME: JOB LOCATION: Haystack, NM

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	10 yrd	Dirt			
2.	10 yrd	"			
3.	10 yrd	"			
4.	10 yrd	"			
5.	10 yrd	"			
6.	10 yrd	"			
7.	10 yrd	"			
8.	10 yrd	"			
9.	10 yrd	"			
10.	10 yrd	"			
11.	10 yrd	"			
12.	10 yrd	"			
13.	10 yrd	"			
14.	10 yrd	"			
15.					
16.					
17.					
18.					

DRIVER: Aaron Shirley

DOWNTIME: REMARKS:

TOTAL LOADS 14

TOTAL HOURS 12½

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

Andrew Yazzie

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23390

Start Time 730 End Time

Truck No. 32 | Trailer No. None | Date 4-6-22

SEND BILL TO: Finley Inc

ADDRESS:

JOB NAME: Haystack JOB LOCATION: Haystack, NM

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	10 Yds	Dirt			
2.	10 Yds	Dirt			
3.	10 Yds	Dirt			
4.	10 Yds	Dirt			
5.	10 Yds	Dirt			
6.	10 Yds	Dirt			
7.	10 Yds	Dirt			
8.	10 Yds	Dirt			
9.	10 Yds	Dirt			
10.	10 Yds	Dirt			
11.	10 Yds	Dirt			
12.	10 Yds	Dirt			
13.	10 Yds	Dirt			
14.	10 Yds	Dirt			
15.	10 Yds	Dirt			
16.	10 Yds	Dirt			
17.					
18.					

DRIVER: Terry Biggs

DOWNTIME: REMARKS:

TOTAL LOADS

TOTAL HOURS

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.

I hereby acknowledge the satisfactory completion of the above described work.

Audrey Yazzie

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23391

Start Time 730 End Time 600

Truck No.	Trailer No.	Date
32	none	4-7-22

SEND BILL TO: Tina Ba', Inc

ADDRESS:

JOB NAME: Haystack JOB LOCATION: Haystacks, NM

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	10 Yds	Dirt			
2.	10 Yds	Dirt			
3.	10 Yds	Dirt			
4.	10 Yds	Dirt			
5.	10 Yds	Dirt			
6.	10 Yds	Dirt			
7.	10 Yds	Dirt			
8.	10 Yds	Dirt			
* 9.	10 Yds	Dirt			
10.	10 Yds	Dirt			
11.	10 Yds	Dirt			
12.	10 Yds	Dirt			
13.	10 Yds	Dirt			
14.	10 Yds	Dirt			
15.	10 Yds	Dirt			
16.	10 Yds	Dirt			
17.					
18.					

DRIVER: Terry Biggs

DOWNTIME: REMARKS:

TOTAL LOADS	TOTAL HOURS
16	10.5

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

Audrey Yazzie
AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23392

Start Time 745 End Time 730

Truck No.	Trailer No.	Date
32	none	4-8-22

SEND BILL TO: Ling Ling, Inc

ADDRESS:

JOB NAME: Haystack JOB LOCATION: Haystack, NM

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	10 Yds	Dirt		#19	10Yds Dirt
2.	10 Yds	Dirt		#20	10yds Dirt
3.	10 Yds	Dirt		#21	10Yds Dirt
4.	10 Yds	Dirt		#22	10Yds Dirt
5.	10 Yds	Dirt		#23	10 Yds Dirt
6.	10 Yds	Dirt		#24	10 Yds Dirt
7.	10 Yds	Dirt		#25	10 Yds Dirt
8.	10 Yds	Dirt		#26	10 Yds Dirt
9.	10 Yds	Dirt			
10.	10 Yds	Dirt			
11.	10 Yds	Dirt			
12.	10 Yds	Dirt			
13.	10 Yds	Dirt			
14.	10 Yds	Dirt			
15.	10 Yds	Dirt			
16.	10 Yds	Dirt			
17.	10 Yds	Dirt			
18.	10 Yds	Dirt			

DRIVER: Terry Biggs

DOWNTIME: REMARKS:

TOTAL LOADS	TOTAL HOURS
26	11.75

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23314

Start Time 5:30 am End Time 6:00 pm

Truck No. 31 | Trailer No. T-44 | Date 04/06/22

SEND BILL TO: Jíná bá, Inc.

ADDRESS:

JOB NAME: JOB LOCATION: Haystack, Nm

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	15 Yards	Fill Dirt			68590
2.	15 Yards	Fill Dirt			68595
3.	20.59	Fill Dirt			3381
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

DRIVER: Anthony A Z

DOWNTIME: REMARKS:

TOTAL LOADS: 3

TOTAL HOURS: 12 1/2

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

Anthony Yazzie
AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23315

Start Time 7:00am End Time 7:00pm

Truck No.	Trailer No.	Date
31	T-44	04/07/22

SEND BILL TO: Tinā bá, Inc.

ADDRESS:

JOB NAME: JOB LOCATION: Haystack, NM

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	23.13	Fill Dirt			3389
2.	21.06	Fill Dirt			3396
3.	20.31	Fill Dirt			3407
4.	22.36	Fill Dirt			3424
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

DRIVER:

DOWNTIME: REMARKS:

TOTAL LOADS	TOTAL HOURS
4	12

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

Andrew Yazzie

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23316

Start Time 7:00am End Time 6:30pm

Truck No. 31	Trailer No. T-44	Date 04/08/22

SEND BILL TO: Tina Ba Inc.

ADDRESS:

JOB NAME: JOB LOCATION: Hogback NM

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	20.80	Fill Dirt			3428
2.	21.11	Fill Dirt			3432
3.	23.03	Fill Dirt			3438
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

DRIVER:

DOWNTIME: REMARKS:

TOTAL LOADS	TOTAL HOURS
3	11 1/2

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23317

Start Time 5:30 am End Time 5:30 pm

Truck No.	Trailer No.	Date
31	T-44	04/11/22

SEND BILL TO: Nina Bai Inc

ADDRESS:

JOB NAME: JOB LOCATION: Haystack, NM

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	20.48	Fill Dirt			3441
2.	20.26	Fill Dirt			3447
3.	23.12	Fill Dirt			3452
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

DRIVER:

DOWNTIME: REMARKS:

TOTAL LOADS	TOTAL HOURS
3	12

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

Audrey Yazzie

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23355

Start Time 7:00am End Time 6:30pm

Truck No. 31	Trailer No. T-44	Date 04/12/22

SEND BILL TO: Hinds Bros. Inc

ADDRESS:

JOB NAME: JOB LOCATION: Hogback, NM

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	20.92	Fill Dirt			3464
2.	25.95	Fill Dirt			3469
3.	20.99	Fill Dirt			3481
4.	24.49	Fill Dirt			3488
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

DRIVER:

DOWNTIME: Waited at Michel's REMARKS:

Ready Mix for 1 hour and 30 mins

TOTAL LOADS	TOTAL HOURS
4	11½

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

Audrey Yazzie
AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23358

Start Time 7:00am End Time ~~7:00~~ 7:30pm

Truck No. 31	Trailer No. T-44	Date 04/13/22

SEND BILL TO: Finch 106, Inc

ADDRESS:

JOB NAME: JOB LOCATION: Haystack, NM

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	21.45	Fill Dirt			3492
2.	23.13	Fill Dirt			3504
3.	21.49	Fill Dirt			3508
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

DRIVER: Audrey H Z

DOWNTIME: 3 Hours 30 mins REMARKS: Loaded and waited at Miracle's Ready Mix Pit for check to come in.

TOTAL LOADS	TOTAL HOURS
3	12

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

Audrey Jodze

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23388

Start Time 600 End Time 515

Truck No.	Trailer No.	Date
32	none	4-4-22

SEND BILL TO: Ling ba', Inc

ADDRESS:

JOB NAME: Haystack JOB LOCATION: Haystack, NM

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	10 Yds	Clean 3/4" Road Base			
2.	10 Yds	Clean 3/4" Road Base			
3.	10 Yds	Clean 3/4" Road Base			
4.	10 Yds	Clean 3/4" Road Base			
5.	10 Yds	Clean 3/4" Road Base			
6.	10 Yds	Clean 3/4 Road Base			
7.	10 Yds	Clean 3/4 Road Base			
8.	10 Yds	Clean 3/4 Road Base			
9.	~~12 Yds~~	~~Fill Dirt~~			~~68586~~
10.	11 Yds	Fill Dirt			68588
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

DRIVER: Terry Boggs

DOWNTIME: REMARKS:

TOTAL LOADS	TOTAL HOURS
10	11.25

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23389

Start Time 800 End Time

Truck No.	Trailer No.	Date
32	none	4-5-22

SEND BILL TO: Ring Bar, Inc

ADDRESS:

JOB NAME: Haystack JOB LOCATION: Haystack, NM

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	11 Yds	Clean fill	#2 Load		68588
2.	10 Yds	Dirt			
3.	10 Yds	Dirt			
4.	11 Yds	Clean fill	#3 Load		68590
5.	10 Yds	Dirt			
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

DRIVER: Terry Begay

DOWNTIME: REMARKS: Prog # 22-015-03

TOTAL LOADS
TOTAL HOURS

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

Audrey Tso

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23393

Start Time 530 End Time 500

Truck No. 32	Trailer No. PUP	Date 4-11-22

SEND BILL TO: Lina Obi, Inc

ADDRESS:

JOB NAME: Haystack JOB LOCATION: Haystack, NM

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	21.25	Clean fill Dirt			3443
2.	19.51	Clean fill Dirt			3446
3.	19.85	Clean fill Dirt			3451
4.	22.04	Clean fill Dirt	Pre load		3461
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

DRIVER: Terry Beggs

DOWNTIME: REMARKS:

TOTAL LOADS	TOTAL HOURS
4	11.5

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23394

Start Time 700 End Time 745

Truck No.	Trailer No.	Date
32	pup	4-13-22

SEND BILL TO: Ring Bar, INC

ADDRESS:

JOB NAME: Haystack JOB LOCATION: Haystack, NM

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	22.72	fill Dirt			3493
2.	22.07	fill Dirt			3501
3.	19.25	Fill Dirt			3512
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

DRIVER: Terry Beggs

DOWNTIME: REMARKS: Wait Time Michelle Ready Mix. 3 hours

TOTAL LOADS	TOTAL HOURS
3	12.75

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23405

Start Time 8:00 AM End Time 6:00 PM

Truck No. 24 | Trailer No. T4, | Date 4-6-22

SEND BILL TO: Tina BA

ADDRESS:

JOB NAME: JOB LOCATION: Haystack NM

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	11 Yds	Fill dirt			Holiday Nursery
2.	24.70	Fill dirt			3373
3.	21.36	Fill dirt			3379
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

DRIVER: Darren

DOWNTIME: _____ REMARKS: _____

TOTAL LOADS	TOTAL HOURS
3	10

FUEL: _____ COST: _____

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

Ty Ty Avery Yazzie
AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23406

Start Time 7:24AM End Time 5:00PM

Truck No. 24 | Trailer No. T41 | Date 4-7-22

SEND BILL TO: Tina B/A

ADDRESS:

JOB NAME: JOB LOCATION: Navajo Mine

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	21.17	Fill dirt			3387
2.	21.24	Fill dirt			3394
3.	20.68	Fill dirt			3405
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

DRIVER: Dawn Sloan

DOWNTIME: REMARKS:

TOTAL LOADS	TOTAL HOURS
3	10

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23415

Start Time 5:30 am End Time 6:00 pm

Truck No. 30 | Trailer No. 145 | Date 4/5/12

SEND BILL TO: Finn Bn Inc.

ADDRESS:

JOB NAME: JOB LOCATION: Hog Stock

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	15 yards	Fill Dirt			Holiday Nursery
2.	23.28	Fill Dirt			Michels
3.	20.35	Fill Dirt			Michels
4.					
5.	44.13 + 15 yds				
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

DRIVER: Ay- B—

DOWNTIME: REMARKS:

TOTAL LOADS: 3

TOTAL HOURS: 12.5

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

Audrey Yazzie

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23416

Start Time 7:00 am End Time 7:00 pm

Truck No. 30 | Trailer No. 145 | Date 4/6/12

SEND BILL TO: Jim Ray Inc

ADDRESS:

JOB NAME: JOB LOCATION: Hwy 371

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	21.91	Fill Dirt	Michelle's		33[illegible]
2.	20.40	Fill Dirt	Michelle's		3394
3.	20.15	Fill Dirt	Michelle's		3406
4.	22.55	Fill Dirt	Michelle's		3426
5.					
6.	85.11 Tons				
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

DRIVER: Amy B

DOWNTIME: REMARKS:

TOTAL LOADS	TOTAL HOURS
4	12

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

Amy Yazzie
AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23417

Start Time 7:00am End Time 6:30pm

Truck No.	Trailer No.	Date
30	T45	4/8/12

SEND BILL TO: Troy Bon Tull

ADDRESS:

JOB NAME: JOB LOCATION: Hog Stock

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	20.40	Fill Dirt			3429
2.	21.92	Fill Dirt			3433
3.	23.01	Fill Dirt			3439
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

DRIVER: Troy Bon Tull

DOWNTIME: REMARKS:

TOTAL LOADS	TOTAL HOURS
3	

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

Troy Bon Tull Andrew Yazzie
AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23433

Start Time 700 End Time 530

Truck No.	Trailer No.	Date
32	PUP	4-12-22

SEND BILL TO: Ring 54, Inc

ADDRESS:

JOB NAME: Haystack JOB LOCATION: Haystack, NM

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	22.04	fill Dirt	Preload		3461
2.	21.33	fill Dirt			3468
3.	21.34	fill Dirt			3476
4.	25.09	fill Dirt			3484
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

DRIVER: Tommy Bargas

DOWNTIME: REMARKS:

TOTAL LOADS: 3

TOTAL HOURS: 10.5

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23438

Start Time 5:30 am End Time 4 pm

Truck No.	Trailer No.	Date
30	145	4/11/22

SEND BILL TO: Jim Bell Inc.

ADDRESS:

JOB NAME: JOB LOCATION: Hwy 64 Nenahnezad

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	19.53	Fill Dirt			3442
2.	19.100	Fill Dirt			3449
3.	22.82	Fill Dirt			3453
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

DRIVER: Ang- B -

DOWNTIME: REMARKS:

TOTAL LOADS	3
TOTAL HOURS	

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23439

Start Time 7:00 am End Time 6:00 pm

Truck No.	Trailer No.	Date
30	T45	4/12/22

SEND BILL TO: Jim Bay Inc.

ADDRESS:

JOB NAME: JOB LOCATION: Hay Stack, nm

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	20.65	Fill Dirt			3416
2.	16.29	Fill Dirt			3417
3.	23.14	Fill Dirt			3486
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.	Wash.				
16.					
17.					
18.					

DRIVER: Jay B

DOWNTIME: Waited at Michelis for an hour and a half. 7:00 am - 8:30 am REMARKS:

TOTAL LOADS	
TOTAL HOURS	

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23440

Start Time 7:00 am End Time 3:15

Truck No.	Trailer No.	Date
30	145	4/13/27

SEND BILL TO: Tom Bn Inc.

ADDRESS:

JOB NAME: JOB LOCATION: Hwy Stack nm

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	21.67	Fill Dirt			3491
2.	27.69	Fill Dirt			3499
3.	19.80	Fill Dirt			3511
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

DRIVER: Any-Boy

DOWNTIME: REMARKS: Waited 3½ at Markets
on State to let us go.

TOTAL LOADS	
TOTAL HOURS	13.¼

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23446

Start Time 4:20PM End Time 6:20PM

Truck No. 26 | Trailer No. T41 | Date 4-12-22

SEND BILL TO: Tinaba

ADDRESS:

JOB NAME: JOB LOCATION: Hay Stack Ln

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	21.20	fill dirt			3462
2.	22.34	fill dirt			3471
3.	21.90	fill dirt			3485
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

DRIVER: Darin

DOWNTIME: REMARKS: 7:1, 8:32n waiting
Middle's ready mix to load

TOTAL LOADS: 3

TOTAL HOURS: 14

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

AUTHORIZATION

san juan reproduction

ROCKSPRING TRANSPORT

P.O. Box 1963
Shiprock, New Mexico 87420
(505) 320-0934

23447

Start Time 7:00 Hm End Time 8:15 PM

Truck No. 26 | Trailer No. T41 | Date 4-13-22

SEND BILL TO: Tinaba

ADDRESS:

JOB NAME: JOB LOCATION: Hayslade Hm

	TONNAGE	MATERIAL	TIME FROM	TIME TO	TICKET NO.
1.	20.95	Fill dirt			3490
2.	22.23	Fill dirt			3497
3.	19.57	Fill Dirt			3509
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

DRIVER: Dam

DOWNTIME: REMARKS: 7am to 10:30 Hm Waiting at Pit Michele loaded for Payment of Fill dirt

TOTAL LOADS	TOTAL HOURS
3	134

FUEL: COST:

WE ARE NOT RESPONSIBLE FOR DAMAGE TO UNDER GROUND FACILITIES.
I hereby acknowledge the satisfactory completion of the above described work.

AUTHORIZATION

san juan reproduction

Appendix F

Traffic Control Plan





N

EXPLANATION

SIGN IMAGES ARE REPRESENTATIVE EXAMPLES ONLY.
ACTUAL SIGNS WILL BE SIMILAR OR EQUIVALENT TO SHOWN.

A FLAG PERSON WILL BE STATIONED AT THE CONSTRUCTION ENTRANCE DURING HEAVY TRAFFIC PERIODS OR AS CONDITIONS WARRANT.

SIGNS MAY BE MOVED AS PROJECT PROGRESSES AS CONDITONS WARRANT.

SOURCE: GOOGLE EARTH IMAGE – BACA/PREWITT, NM
AERIAL PHOTO DATE: 3/18/2016

0 245 490 FEET

SCALE: 1 INCH ≅ 245 FEET
iiná bá Project No.: 19-094-03
Subcontract Contract No.: NA

FIGURE 1: TRAFFIC CONTROL PLAN

TCRA EXCAVATION AND WASTE PILE CONSTRUCTION
BNSF RAILWAY COMPANY HAYSTACK MINES SITE
COUNTY ROAD 41
BACA/PREWITT, MCKINLEY COUNTY, NEW MEXICO

Appendix G

Technical Memorandum for Temporary Consolidation Waste Pile Design

MEMO

ARCADIS Design & Consultancy for natural and built assets

To:
Steve Calanog (USEPA)

Copies:
Allen Stegman (BNSF)
Charles Thomas (BNSF)
Mike Makerov (BNSF)
Drew Werth (Arcadis)
Warren Zehner (USEPA)
Shelby Dayzie (NNEPA)
Amber Rheubottom (NMED)

Arcadis U.S., Inc.
630 Plaza Drive
Suite 100
Highlands Ranch
Colorado 80129
Tel 720 344 3500
Fax 720 344 3535

From:
Mike Winter, P.E. (Arcadis)
Ali Harmon (Arcadis)

Date:
April 28, 2020

Arcadis Project No.:
30040266

Subject:

Technical Memorandum for Temporary Consolidation Waste Pile Design, Haystack No. 1 Mine Site, Section 19, Navajo Nation, Baca/Prewitt Chapter, McKinley County, New Mexico

INTRODUCTION

During a January 7, 2020 site visit with the United States Environmental Protection Agency (USEPA), Navajo Nation Environmental Protection Agency (NNEPA), New Mexico Environment Department (NMED), BNSF Railway Company (BNSF), Arcadis U.S., Inc. (Arcadis), and the contractor (Iiná Bá, Inc.), a request was submitted to prepare a Technical Memorandum (TM) to summarize the design of a temporary consolidation waste pile located on BNSF-owned land in Section 19, T13N, R10W, McKinley County, New Mexico. The objective of this TM is to provide USEPA and NMED with a general understanding of Arcadis' approach to design and construction of the Haystack Mine Site No. 1 temporary consolidation waste pile and associated access road, pursuant to the Administrative Settlement Agreement and Order on Consent for Removal Action (AOC; Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA] Docket No. 09-2017-02 and Docket No. 06-02-17) executed between the United States Environmental Protection Agency and BNSF.

The scope of the TCRA work is described more fully in the final approved Removal Work Plan dated July 27, 2017 (Arcadis 2017). Highlights of the work are summarized in the paragraphs below.

PROJECT BACKGROUND

The Haystack Mine Site is located approximately 5 miles east of Prewitt, New Mexico, in and immediately outside of the southeast portion of the Navajo Nation (Figure 1), within a rural area of northwestern New Mexico. The Haystack Mine Site is atop the Haystack Butte, approximately 500 feet south of the Haystack Mountain and next to County Road 41. The Haystack Mine Site consists of three adjacent abandoned uranium mines (AUMs), including Haystack No. 1 AUM (Section 19, T13N, R10W), Bibo Trespass AUM (Section 13, T13B, R11W), and Section 24 AUM (Section 24, T13N, R11W). The AUMs include:

- *Haystack No. 1 AUM.* This AUM is situated primarily on BNSF owned land (Section 19), with a smaller northern portion on Indian Allotment land (Section 18).
- *Bibo Trespass AUM*. This AUM is located on land (Section 13) administered by the Bureau of Indian Affairs (BIA).
- *Section 24 AUM*. This AUM is located on Indian Allotment land (Section 24).

History

Mining-related activities occurred from approximately 1952 to 1981, under various persons and entities, and more than 400,000 tons of uranium ore were extracted. The Haystack Mine Site was reclaimed in the early 1990s through a combination of USEPA, U.S. Department of Energy, and private party coordination. The 1991 and 1992 USEPA Completion Reports concluded that reclamation was successful and reduced the radioactive contamination to background levels, which is protective of human health.

In 2017, an Administrative Settlement Agreement and Order on Consent for Removal Action (AOC; Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA] Docket No. 09-2017-02 and Docket No. 06-02-17; USEPA 2017) was executed between the USEPA and BNSF. The AOC requires BNSF to perform a Time Critical Removal Action (TCRA) at six areas within the Haystack Mines Site (Figure 2).

In July 2017, BNSF submitted a Removal Work Plan (work plan; Arcadis 2017) as required by the AOC (USEPA 2017). The work plan details remedial action for the six TCRA areas, and the construction of a temporary consolidation waste pile in Section 19. The work plan was approved by the USEPA in a letter dated February 14, 2018 (USEPA 2018). Per the approved work plan, waste rock, soil, and other material removed from the TCRA areas will be placed in a temporary consolidation waste pile on Section 19 as described below.

TEMPORARY CONSOLIDATION WASTE PILE DESIGN BASIS

The facilities to be constructed in Section 19, including the temporary consolidation waste pile and associated access road, are components of the TCRA work, as presented in the work plan. The facilities will remain following completion of TCRA work. This section explains the major work elements within Section 19 and the approach to performing the work. For reference, design drawings are provided in Appendix A.

Site Preparation

Arcadis will contact a private utility locator to identify subsurface utilities within the Section 19 work area. Arcadis's subcontractor, Iiná Bá, Inc., will contact the local one-call center prior to earthwork and will wait for clearance prior to breaking ground. Arcadis and Iiná Bá, Inc. will make note of aboveground utilities during the pre-construction surveys.

Iiná Bá, Inc. will place appropriate project signage for the purpose of maintaining traffic safety for local residents, subcontractor, and site visitor personnel, and maintaining site security. The facilities in Section 19 are intended for access and use only by Iiná Bá, Inc., Arcadis, and BNSF personnel. Visitors from other organizations or individual citizens may notify BNSF of their interest in access to Section 19, and the appropriate procedures will be implemented prior to enabling access.

Access Road and Drainage Improvements

A temporary access road will be outlined in Section 19, extending from a point of tie-in to the existing access road leading to individual residences (which is generally adjacent to the northern boundary of Section 19), to the temporary consolidation waste pile. The access road will have a width of 24 feet to safely accommodate standard haul trucks and other construction equipment in two-way traffic. This is a typical road width assigned for the type and size of construction vehicles to be used for the TCRA work.

The temporary access road will extend to and around the perimeter of the temporary consolidation waste pile, to ensure that construction and other vehicles can safely access and work within the waste storage area (Figure C-1 and C-2 of Appendix A). Any necessary clearing and grubbing will be completed, as well as placement of erosion-control measures, prior to stockpiling any excavated material within the area.

A swinging, lockable gate will be installed on the new access road, near its junction with the existing access road. The gate will be closed and locked at the end of each workday shift and will remain closed and locked following construction.

Temporary Consolidation Waste Pile

The proposed temporary consolidation waste pile was sited within an open area defined by a broad, shallow depression; such that there is limited potential for erosion and migration of waste and soil cover material from the temporary consolidation waste pile. The temporary consolidation waste pile is also sited at a significant distance from existing surface water drainages. The depth to groundwater at the site is uncertain, though the temporary consolidation waste pile is designed for positive drainage and support for a vegetative cover, to limit the potential for infiltration and percolation of precipitation.

The temporary consolidation waste pile will have a volume of approximately 1,700 cubic yards of waste and an approximate footprint area of 29,800 square feet. This volume is an estimate based on current gamma scans provided by USEPA. Arcadis will perform gamma scans of each TCRA area as soil is removed, to determine the final extent of excavation and volume of soil removed.

The foundation area of the temporary consolidation waste pile will be graded using conventional construction equipment, including bulldozers, graders, and/or front-end loaders to prepare the site for accepting TCRA waste. The soils excavated from each TCRA area will be transported and placed in the designated temporary consolidation waste pile footprint and spread/compacted using construction equipment.

When TCRA soils from the areas are transported and placed, the surface of the waste will be graded to a minimum slope of three percent, and maximum slope of 3H:1V. The surface will then be covered with a geotextile and nominal 18-inch thick soil cover that serves as a vegetative growth medium. The volume of the soil cover will be approximately 1,600 cubic yards. The compactive effort for the soil cover will be that which is achieved by operation of construction equipment to place the cover. The soil for the cover will be obtained from an off-site, commercial source. As with the TCRA waste, the soil cover slope will be a minimum of three percent, and a maximum of 3H:1V. This range in slope is expected to accommodate some minimal settlement over time, while maintaining positive surface water drainage to limit infiltration and percolation of precipitation.

The temporary consolidation waste pile plan and detail are shown on Figure C-2 of Appendix A.

Staging and Laydown Area

A conex container with dimensions 40 feet long by 8 feet wide, sanitary facilities, tool crib, and heavy construction equipment will be placed within a contractor work area that is connected to the primary access road to the temporary consolidation waste pile. The dimensions of the contractor work area are approximately 200 feet by 200 feet. The facility is shown on Figure C-1 of Appendix A. Localized grading will be performed so construction equipment can safely access and move around the area. Access will be restricted to the staging area and any construction areas during the removal activities. Contractor facilities and equipment will be removed at the end of TCRA work.

Revegetation

Upon completion of the TCRA removal activities, disturbed land area will be revegetated using a New Mexico native seed mix. The New Mexico seed mix for Zone 1 is included in Appendix B. Following re-seeding, no supplemental irrigation will be provided.

FACILITIES CONSTRUCTION

Permits and Approvals

Per the AOC (USEPA 2017), BNSF was informed by the USEPA that no licenses, permits, or statutory approvals are required to construct the temporary consolidation waste pile because this work is defined by the USEPA as a TCRA under CERCLA.

Erosion and Sediment Control

For erosion and sediment control, work will be conducted in a manner to minimize the potential for soil erosion and tracking of soils outside of Section 19 from equipment movement. Excavation will not be conducted during periods of excessive wind or heavy precipitation.

Straw wattles or hay bales will be utilized during construction to protect soil from erosion caused by significant precipitation and surface water runoff. The straw wattles or hay bales, and/or silt fences serve to reduce the velocity of sheet and channel flow as it enters a work area and to trap sediment in flows leaving a work area. In areas of larger channel flows, sand bags may be used to dyke upstream and intermittently through the channel to slow the velocity of water and to trap sediment.

To address potential wind erosion, active dust suppression measures will be used during construction to minimize generation of dust in areas of soil excavation and during transport and placement in the

temporary consolidation waste pile. Following placement of waste and the soil cover over the waste, the potential for wind erosion will be reduced by revegetation, including re-seeding and crimping of mulch into the upper few inches of soil cover. This methodology is standard practice for constructing and maintaining caps and covers.

The performance of installed controls and the need for additional controls will be evaluated during inspections of areas where excavation has taken place. If the inspections reveal the need to enhance existing controls or to install controls where none exist, the needed controls will be installed.

A Stormwater Pollution Prevention Plan (SWPPP) has been prepared for the TCRA activities. Best practices outlined in the SWPPP will be adhered to during TCRA work.

Dust Control

Dust control measures will primarily rely on vehicle speed controls and the application of water on working surfaces during material removal, transport, and placement in the temporary consolidation waste pile. Dust control measures will be implemented to minimize migration of dust generated by construction activities. A Dust Control Plan is included in the work plan as Appendix C (Arcadis 2017).

Schedule

The TCRA work is projected to be initiated during the second quarter of 2020. Preparation of the temporary consolidation waste pile is expected to last approximately two weeks. An additional two weeks will be required to move the TCRA waste into the temporary consolidation waste pile and place the soil cover. In general, working hours will be Monday through Friday during daylight hours.

Construction Management

Arcadis will be BNSF's lead contractor for managing the TCRA construction work. An Arcadis Construction Manager will be assigned by Arcadis to coordinate daily work of Iina Ba, Inc., manage field health and safety compliance, internal and external communications, and maintain records.

TCRA soil removal, transport, and placement will be performed by Iiná Bá, Inc. A Construction Supervisor will be assigned by Iiná Bá, Inc. to lead construction crews. Iiná Bá, Inc. will provide the necessary basic personnel support facilities during implementation of the TCRA work.

Reporting

A completion report in the form of a technical memorandum summarizing the results of work will be prepared and submitted to USEPA,. The completion report will include gamma scanning results, an as-built drawing of facilities in Section 19, and photo documentation of construction.

During construction, weekly summaries of the status of work will be provided to the USEPA.

OPERATION AND MAINTENANCE

After removal activities have been completed, personnel and equipment will be demobilized from the site. Periodic inspections of the temporary consolidation waste pile area. Inspections will be at an annual frequency, most likely during the Fall. It is during this period when the seasonal vegetative growth on the cover and any effects of surface water runoff and erosion from the monsoon season would be most apparent. Any required maintenance of the fencing or cover will be defined during the inspections, and

subsequently addressed as needed. These requirements may be updated based on the final removal activities. Brief reports of the results of annual inspections will be provided to the USEPA.

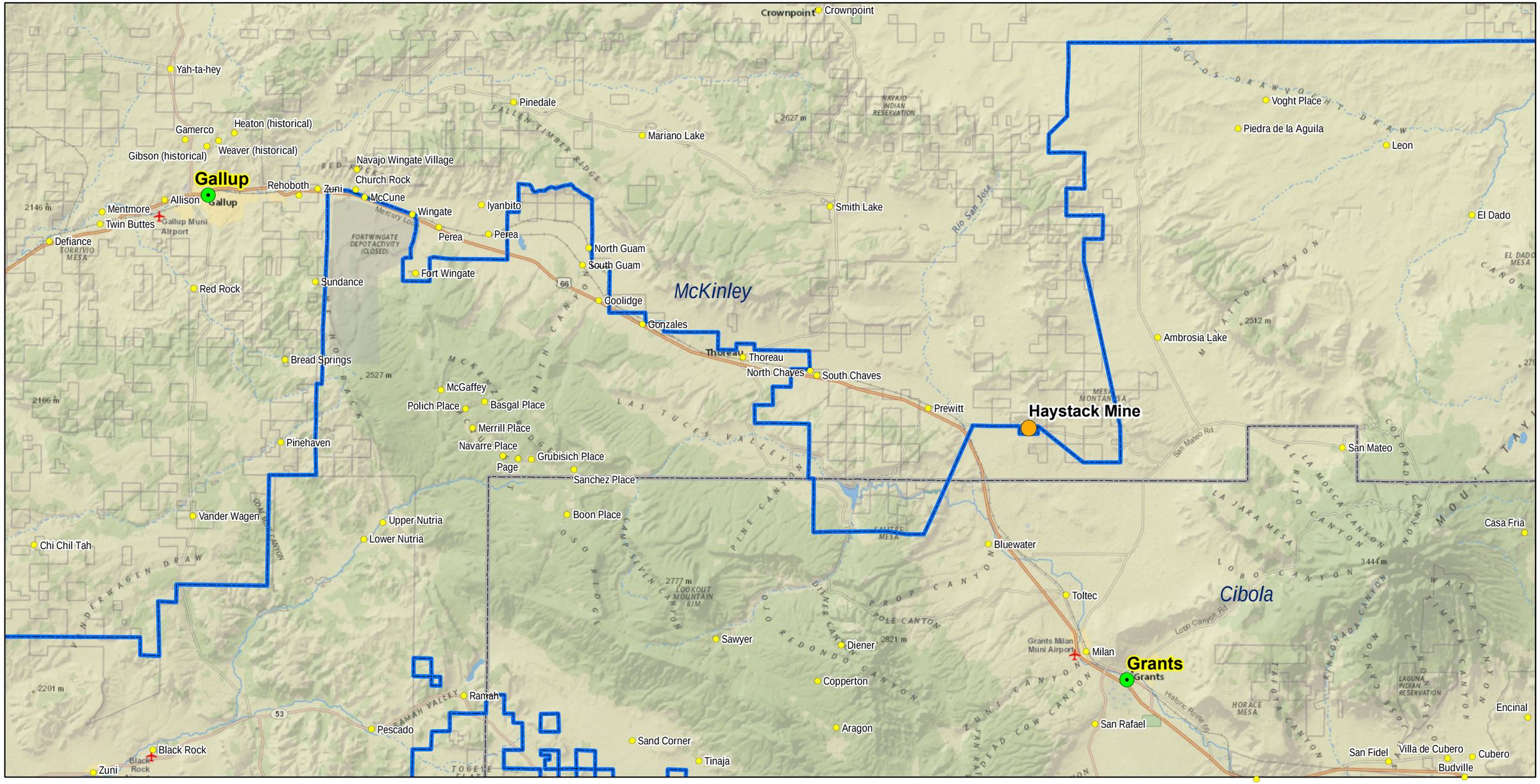
REFERENCES

Arcadis. 2017. Removal Work Plan, Haystack Mines Site, McKinley County, New Mexico. July 27.

USEPA. 2017b. Administrative Settlement Agreement and Order on Consent for Removal Action, CERCLA Docket No. 09-2017-02 and CERCLA Docket No. 06-02-17. May 15.

USEPA. 2018. Re: Haystack Mines Site, Notice of Work Plan Approval. February 14.

FIGURES





Legend

- Haystack Mine Location
- Cities of Grants and Gallup Locations
- Surrounding Locations
- County Boundary
- Navajo Nation Boundary

0 5 10
Miles

Base Image Source: ESRI World Imagery 2016

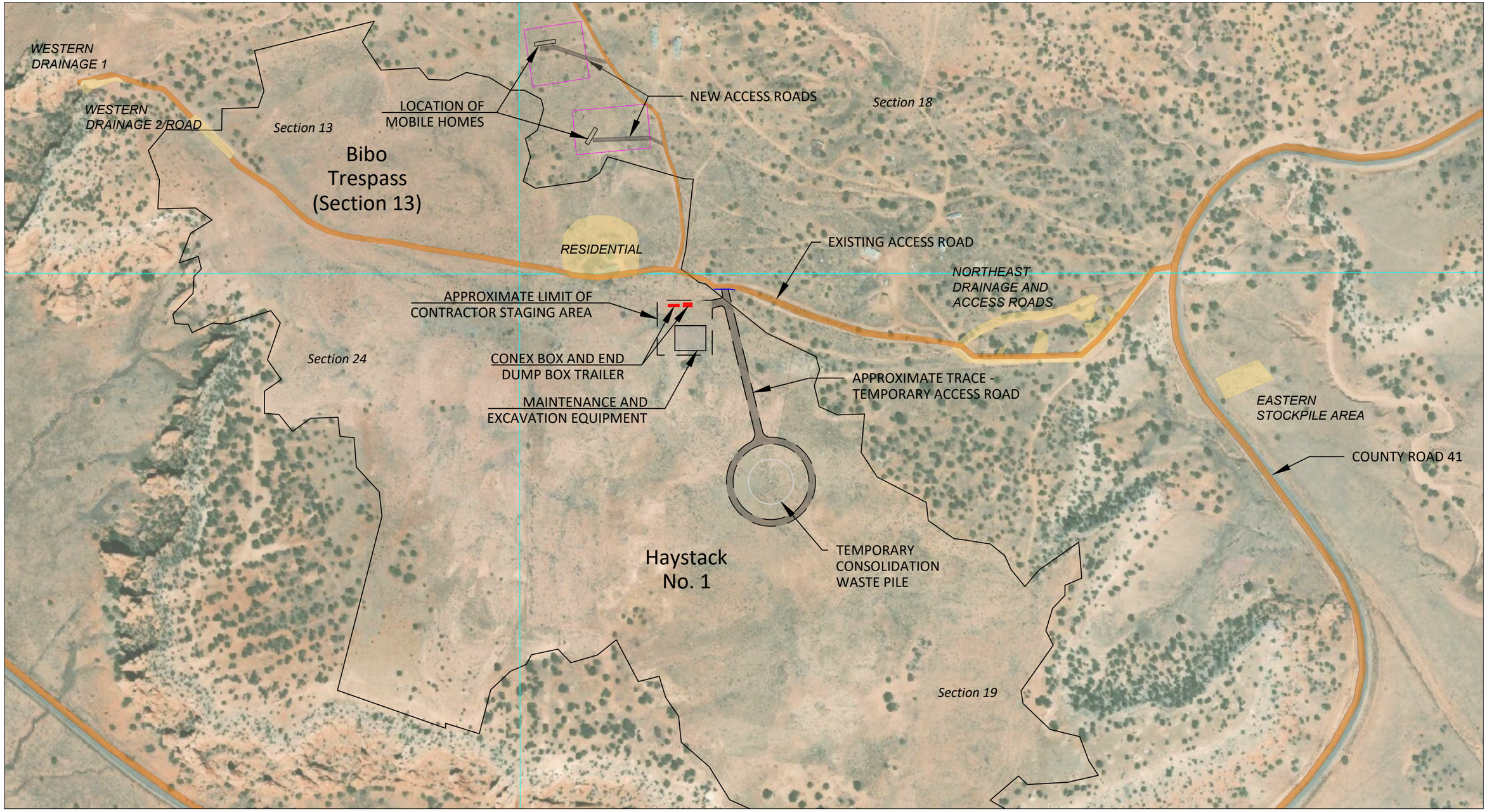
BNSF
HAYSTACK MINE, NEW MEXICO

GENERAL SITE LOCATION MAP

ARCADIS Design & Consultancy for natural and built assets

FIGURE 1

User: kgpeters Location: On-Site Citrix
Path: Z:\GISProjects_ENV\BNSF\BNSF_HAYSTACKMINE_NM\MXD\RemovalWorkPlan\Figure1_GeneralSiteLocationMap.mxd



Legend

- Abandoned Uranium Mine (AUM) Boundary
- Time Critical Removal Action Area (per AOC)
- Existing Access Road
- New Access Road
- Section Public Land Survey System (PLSS) Grid
- Location of New Residential Area
- Proposed Waste Pile
- Location of Contractor Facilities

N

0 400 800 Feet

BNSF
HAYSTACK MINE, NEW MEXICO
TCRA WASTE DISPOSAL FACILITY

SITE MAP

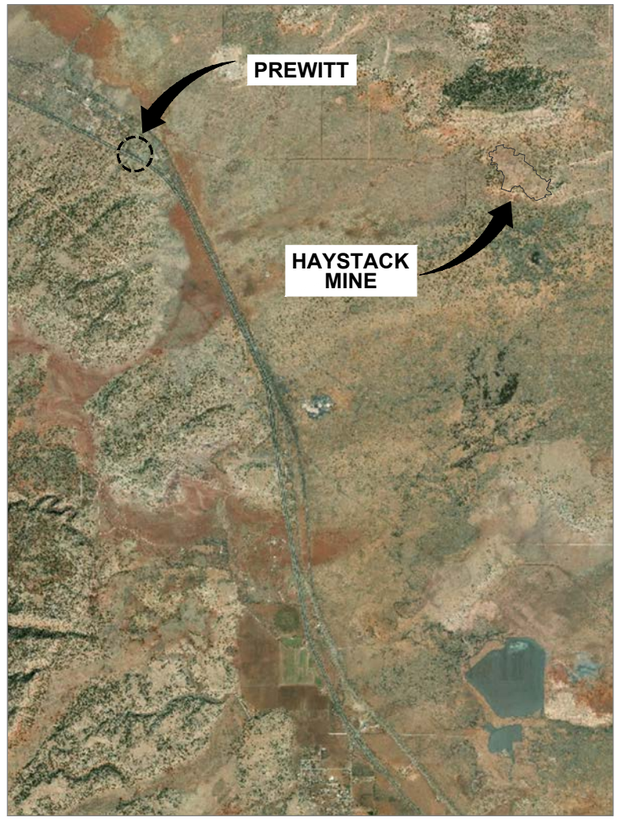
ARCADIS Design & Consultancy for natural and built assets

FIGURE
2

PATH: C:\Users\mmcgonagle\ARCADIS\BNSF Haystack AUM - General\Site Map\Final Construction DWGs\HaystackMine_TCRA Site Map.dwg LAYOUT: SITE MAP SAVED: 4/21/2020 12:41 PM ACADVER: 23.0S (LMS TECH) PAGESETUP: ---- PLOTSTYLETABLE: MONOCHROME.CTB PLOTTED: 4/21/2020 12:41 PM BY: MCGONAGLE, MORGAN

APPENDIX A

TCRA WASTE DISPOSAL FACILITY



REFERENCE: BASE MAP USGS 7.5. MIN. TOPO. QUAD., PREWITT, MCKINLEY COUNTY, NEW MEXICO.

BNSF RAILWAY CO.
HAYSTACK MINE
PREWITT, MCKINLEY COUNTY, NEW MEXICO

APRIL 2020

ISSUED FOR CONSTRUCTION

KEY CONTACTS:

PROJECT SITE:
HAYSTACK MINE
PREWITT, MCKINLEY COUNTY, NEW MEXICO

ENGINEER:
ARCADIS
630 PLAZA DRIVE
HIGHLANDS RANCH, COLORADO
TELEPHONE: 303.471.3526
CONTACT: MIKE WINTER

OWNER:
BNSF RAILWAY COMPANY
740 E CARNEGIE DRIVE
SAN BERNARDINO, CA 92408
TELEPHONE: 909.386.4081
CONTACT: MIKE MAKEROV

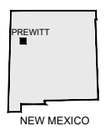
CONTRACTOR:
IIINA BA, INC.
1812 SCHOFIELD LANE
FARMINGTON, NM 87401
TELEPHONE: 505.327.1072
CONTACT: JOHN ISHAM

INDEX TO DRAWINGS

	GVL
C-1	OVERALL SITE PLAN
C-2	CONSOLIDATION WASTE PILE PLAN AND CROSS SECTION

LOCATION MAP

0 4000 8000 Feet
GRAPHIC SCALE



NEW MEXICO

LEGEND

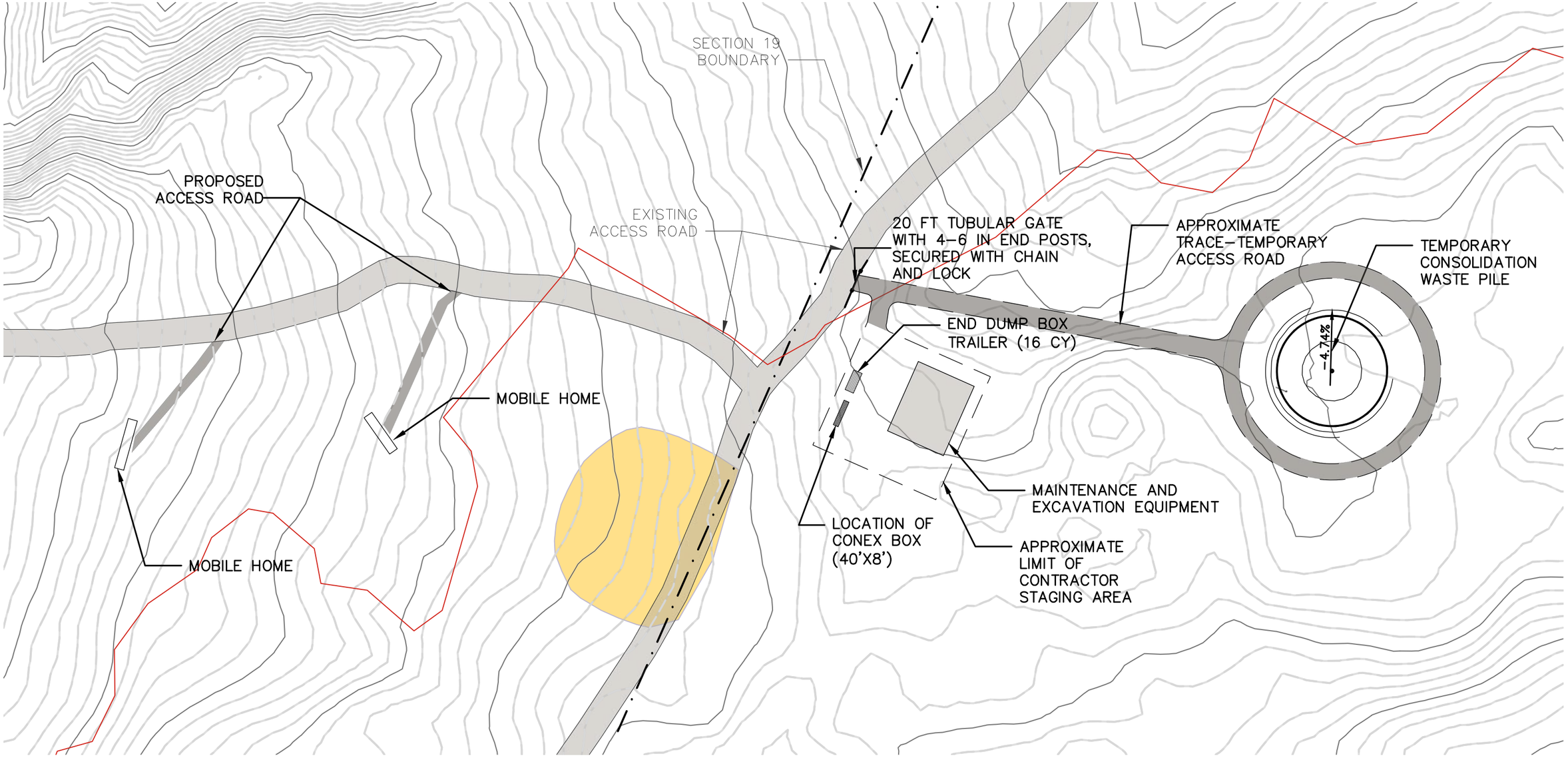
- TIME CRITICAL REMOVAL ACTION AREA (PER AOC)
- EXISTING CONTOUR - 1'
- EXISTING CONTOUR - 5'
- ABANDONED URANIUM MINE (AUM) BOUNDARY
- SECTION 19 BOUNDARY
- PROPOSED CONTOUR - 1'
- PROPOSED CONTOUR - 5'
- EXISTING ACCESS ROAD
- PROPOSED ACCESS ROAD
- NEW GATE

ARCADIS | Design & Consultancy for natural and built assets

ARCADIS U.S., INC.

CITY: SAN RAFAEL, CA DIV/GROUP: ENVCAD DB: J. HARRIS
C:\Users\mmcgonagle\OneDrive - ARCADIS\Projects\BNSF - Haystack\Final Construction DWGs\COVER.dwg LAYOUT: COVER SAVED: 4/20/2020 12:45 PM ACADVER: 23.0S (LMS TECH) PAGESETUP: ---- PLOTSTYLETABLE: AUS-NCSMOD-FULL MONO.CTB PLOTTED: 4/20/2020 12:56 PM BY: MCGONAGLE, MORGAN
XREFS: IMAGES: PROJECTNAME: ----

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C:\Users\mmcgonagle\OneDrive - ARCADIS\Projects\BNSF - Haystack\Final Construction DWGs\02-Civil\Road Grading_04-16_recover.dwg LAYOUT: C-1 SAVED: 4/20/2020 1:03 PM ACADVER: 23.0S (LMS TECH) PAGESETUP: ---- PLOTSTYLETABLE: ---- PLOTTED: 4/20/2020 1:27 PM BY: MCGONAGLE, MORGAN



SITE PLAN

0 150' 300'

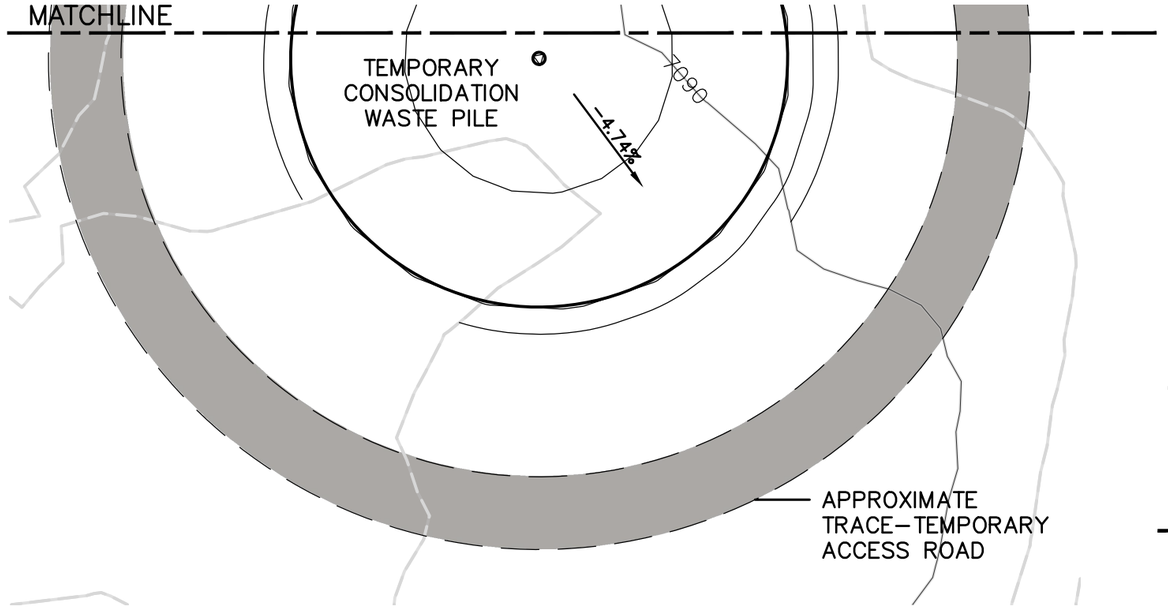
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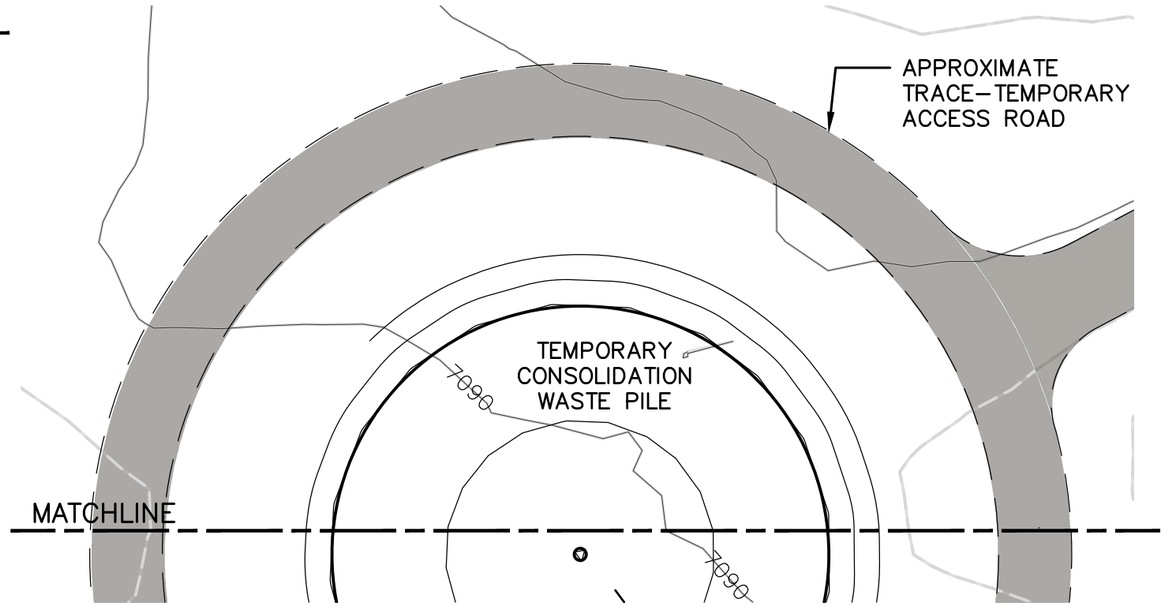
BNSF
HAYSTACK MINE, NEW MEXICO
TCRA WASTE DISPOSAL FACILITY

OVERALL SITE PLAN

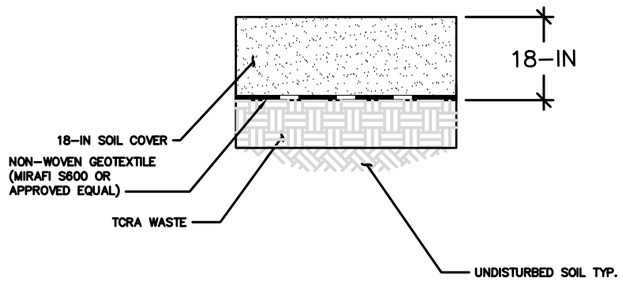
ARCADIS Design & Consultancy for natural and built assets

FIGURE
C-1



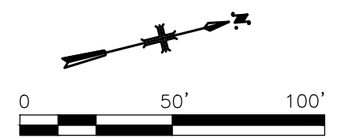


CONSOLIDATION WASTE PILE – PLAN



1 / C–2 CONSOLIDATION WASTE PILE DETAIL

NTS



SCALE: 1” = 50’

CONSOLIDATION WASTE PILE NOTES:

NOTES:

1. CONSOLIDATION WASTE PILE SHALL CONSIST OF EXCAVATED TCRA WASTE MATERIAL FOLLOWED BY THE PLACEMENT OF A NON–WOVEN GEOTEXTILE. FOLLOWING THE GEOTEXTILE PLACEMENT, COVER MATERIAL CONSISTING OF COMMON BORROW WILL BE PLACED IN AN 18 INCH THICK COVER TO ACHIEVE THE FINAL GRADING SHOWN ON THE CONSTRUCTION DRAWINGS.

BNSF
HAYSTACK MINE, NEW MEXICO
TCRA WASTE DISPOSAL FACILITY

CONSOLIDATION WASTE PILE PLAN AND CROSS SECTION

ARCADIS Design & Consultancy for natural and built assets

FIGURE
C-2

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C:\Users\mmcgonagle\OneDrive - ARCADIS\Projects\BNSF - Haystack\Final Construction DWGs\02-Civil\Road Grading_04.16_recover.dwg LAYOUT: C-2 SAVED: 4/20/2020 1:03 PM ACADVER: 23.0S (LMS TECH) PAGESETUP: ---_PLOTSTYLETABLE: ---- PLOTTED: 4/20/2020 1:10 PM BY: MCGONAGLE, MORGAN

APPENDIX B

2017 Zone 1 Seed List: NM Plateaus and Mesas

Common Name	Botanical Name	Lbs of PLS*/Acre
Annual quick-cover grasses		
Oats	*Avena sativa*	0.50
Sterile triticale	*Triticum aestivum X Secale cereale'Quickguard'*	0.50
Cool-season grasses		
Bottlebrush squirreltail	*Elymus elymoides*	1.75
Indian ricegrass	*Achnatherum hymenoides* var. *Paloma***	0.75
Western wheatgrass	*Agropyron smithii*	1.75
Warm-season grasses		
Alkali sacaton	*Sporobolus airoides*	0.20
Blue grama	*Bouteloua gracilis* var. *Alma***	0.50
Galleta	*Pleuraphis jamesii* var. *Viva***	1.00
Little bluestem	*Schizachyrium scoparium*	0.50
Sand dropseed	*Sporobolus cryptandrus*	0.08
Sideoats grama	*Bouteloua curtipendula* var. *Vaughn***	0.75
Wildflowers		
Blanket flower	*Gaillardia pulchella*	0.20
Broadbeard penstemon	*Penstemon angustifolius*	0.20
Hairy golden aster	*Heterotheca villosa*	0.20
Lewis flax	*Linum lewisii*	0.20
Narrowleaf paintbrush	*Castilleja linariifolia*	0.02
Nelson globemallow	*Sphaeralcea parvifolia*	0.30
Prairie aster	*Machaeranthera tanacetifolia*	0.20
White prairie Clover	*Dalea candida*	0.20
Wild four o'clock	*Mirabilis multiflora*	0.30

Woody Shrubs

Antelope bitterbrush	*Purshia tridentata*	1.00
Four-wing saltbush	*Atriplex canescens*	0.40
Winterfat	*Krascheninnikovia lanata*	0.20
Sand sage	*Artemisia filifolia*	0.05

***PURE LIVE SEED/ACRE TOTAL**	**11.75**

**** Local, wild-sourced genotypes preferred. Provide specified registered variety only if wild-sourced seed is unavailable.**

Appendix H

Air Monitoring Laboratory Data

CoPhysics Corporation

1 Commercial Dr, Suite 1

Florida, NY 10921

Tel: 845-783-4402 Fax: 845-651-4558

Client: Arcadis-US

Project: Haystack

Report Date: 5/24/22

Background Gross Alpha 4.14E-14 uCi/ml

Gross Alpha Investigation Level: U-238 or U-235 DAC General Public 5.14E-14 uCi/ml 6.E-14 uCi/ml

AIR SAMPLING LOG & FILTER ANALYSIS RESULTS

		Pump Start		Pump End			Alpha	Beta	Count		Alpha	Beta	Alpha Concentration (uCi/ml)			Beta Concentration (uCi/ml)			Frac. Of	Detected
Sample Description	ID#	Date	Flow (LPM)	Date	Flow (LPM)	Volume (L)	CPM	CPM	Time (min)	Count Date	(net cpm)	(net cpm)	**Result**	SD	MDC	Result	SD	MDC	**DAC**	**?**
WDR-UW 1253	1	3/25/22	3.0	3/30/22	3.0	4326	0.25	16.94	20	5/1/22	0.15	3.05	**5.6E-14**	4.9E-14	8.7E-14	8.7E-13	3.5E-13	7.8E-13	**0.24**	**< MDC**
WDR-DW 863	2	3/25/22	3.0	3/30/22	3.0	2754	0.15	17.09	20	5/1/22	0.05	3.20	**2.9E-14**	6.5E-14	1.4E-13	1.4E-12	5.6E-13	1.2E-12	**-0.20**	**< MDC**
WDR-DDW 1176	3	3/25/22	3.0	3/30/22	3.0	4065	0.25	15.69	20	5/1/22	0.15	1.80	**5.9E-14**	5.2E-14	9.2E-14	5.5E-13	3.7E-13	8.3E-13	**0.30**	**< MDC**
RES-UW 769	4	4/7/22	3.0	4/8/22	3.0	2379	0.1	16.34	20	5/1/22	0.00	2.45	**0.0E+00**	6.8E-14	1.6E-13	1.3E-12	6.4E-13	1.4E-12	**-0.69**	**< MDC**
RES-DW 764	5	4/7/22	3.0	4/8/22	3.0	2292	0.45	16.89	20	5/1/22	0.35	3.00	**2.5E-13**	1.2E-13	1.6E-13	1.6E-12	6.7E-13	1.5E-12	**3.40**	**> MDC**
RES-DDW 604	6	4/7/22	3.0	4/8/22	3.0	1284	0.1	17.14	20	5/1/22	0.00	3.25	**0.0E+00**	1.3E-13	2.9E-13	3.1E-12	1.2E-12	2.6E-12	**-0.69**	**< MDC**
ES-UW 1241	7	3/31/22	3.0	4/5/22	3.0	3933	0.15	17.24	20	5/1/22	0.05	3.35	**2.0E-14**	4.6E-14	9.5E-14	1.0E-12	3.9E-13	8.6E-13	**-0.35**	**< MDC**
ES-DW 410	8	3/31/22	3.0	4/5/22	3.0	1377	0.3	17.49	20	5/1/22	0.20	3.60	**2.3E-13**	1.6E-13	2.7E-13	3.2E-12	1.1E-12	2.5E-12	**3.20**	**< MDC**
ES-DDW 1170	9	3/31/22	3.0	4/5/22	3.0	3678	0.35	17.94	20	5/1/22	0.25	4.05	**1.1E-13**	6.6E-14	1.0E-13	1.4E-12	4.2E-13	9.2E-13	**1.13**	**> MDC**
ES-UW 663	10	4/6/22	3.0	4/7/22	3.0	1869	0.2	16.94	20	5/1/22	0.10	3.05	**8.6E-14**	1.1E-13	2.0E-13	2.0E-12	8.2E-13	1.8E-12	**0.74**	**< MDC**
ES-DW 653	11	4/6/22	3.0	4/7/22	3.0	1899	0.15	17.04	20	5/1/22	0.05	3.15	**4.2E-14**	9.5E-14	2.0E-13	2.0E-12	8.1E-13	1.8E-12	**0.01**	**< MDC**
ES-DDW 641	12	4/6/22	3.0	4/7/22	3.0	1923	0.1	17.39	20	5/1/22	0.00	3.50	**0.0E+00**	8.4E-14	1.9E-13	2.2E-12	8.0E-13	1.8E-12	**-0.69**	**< MDC**
GILAIR	13	4/6/22	3.0	4/6/22	3.0	108	0.1	16.09	20	5/1/22	0.00	2.20	**0.0E+00**	1.5E-12	3.5E-12	2.5E-11	1.4E-11	3.1E-11	**-0.69**	**< MDC**
GILAIR	14	4/7/22	3.0	4/8/22	3.0	780	0.05	17.94	20	5/1/22	-0.05	4.05	**-1.0E-13**	1.8E-13	4.8E-13	6.4E-12	2.0E-12	4.3E-12	**-2.41**	**< MDC**
GILAIR	15	3/25/22	3.0	4/5/22	3.0	5122	0.2	16.14	20	5/1/22	0.10	2.25	**3.1E-14**	3.8E-14	7.3E-14	5.4E-13	2.9E-13	6.6E-13	**-0.17**	**< MDC**
JERALD-GILAIR+ 586	16	4/13/22	3.0	4/14/22	3.0	1758	0.2	15.19	20	5/1/22	0.10	1.30	**9.1E-14**	1.1E-13	2.1E-13	9.1E-13	8.5E-13	1.9E-12	**0.83**	**< MDC**
MATT-GILAIR+ 549	17	4/11/22	3.0	4/12/22	3.0	1647	0.25	18.34	20	5/1/22	0.15	4.45	**1.5E-13**	1.3E-13	2.3E-13	3.3E-12	9.5E-13	2.1E-12	**1.75**	**< MDC**
TEMP WASTE PILE DDW 846	18	4/13/22	3.0	4/14/22	3.0	2538	0.05	17.69	20	5/1/22	-0.05	3.80	**-3.2E-14**	5.5E-14	1.5E-13	1.8E-12	6.1E-13	1.3E-12	**-1.22**	**< MDC**
TEMP WASTE PILE DW 833	19	4/13/22	3.0	4/14/22	3.0	2649	0.2	16.74	20	5/1/22	0.10	2.85	**6.1E-14**	7.4E-14	1.4E-13	1.3E-12	5.8E-13	1.3E-12	**0.32**	**< MDC**
TEMP WASTE PILE UW 405	20	4/13/22	3.0	4/14/22	3.0	1215	0.25	16.79	20	5/1/22	0.15	2.90	**2.0E-13**	1.7E-13	3.1E-13	2.9E-12	1.3E-12	2.8E-12	**2.61**	**< MDC**
RES AREA BACKFILL - DDW 428	21	4/11/22	3.0	4/12/22	3.0	1284	0.15	17.94	20	5/1/22	0.05	4.05	**6.3E-14**	1.4E-13	2.9E-13	3.9E-12	1.2E-12	2.6E-12	**0.35**	**< MDC**
RES AREA BACKFILL - DW 764	22	4/11/22	3.0	4/12/22	3.0	2292	0.2	18.14	20	5/1/22	0.10	4.25	**7.0E-14**	8.6E-14	1.6E-13	2.3E-12	6.8E-13	1.5E-12	**0.48**	**< MDC**
RES AREA BACKFILL - UW 793	23	4/11/22	3.0	4/12/22	3.0	2379	0.1	17.29	20	5/1/22	0.00	3.40	**0.0E+00**	6.8E-14	1.6E-13	1.8E-12	6.5E-13	1.4E-12	**-0.69**	**< MDC**

Average fraction of DAC **0.33**

Notes: U-238 DAC for General Public: 6E-14 uCi/ml
U-235 DAC for General Public: 6E-14 uCi/ml

Instrument: Model: Canberra Model 2404F Gas Proportional Counter
Calibration Date: 12-31-2021

By Theodore E Rahon

Theodore E. Rahon, Ph.D., CHP

SD - standard deviation
MDC - Minimum Detectable Concentration

Arcadis U.S., Inc.
123 North Third Street, Suite 705
Minneapolis
Minnesota 55401
Phone: 612 339 9434
Fax: 612 336 4538
www.arcadis.com