November 2, 2017

REVISION OF SECTIONS 107 AND 208

WATER QUALITY CONTROL

UNDER ONE ACRE OF DISTURBANCE

**NOTICE**

This is a standard special provision that revises or modifies CDOT’s *Standard Specifications for Road and Bridge Construction.* It has gone through a formal review and approval process and has been issued by CDOT’s Project Development Branch with formal instructions for its use on CDOT construction projects. It is to be used as written without change. Do not use modified versions of this special provision on CDOT construction projects, and do not use this special provision on CDOT projects in a manner other than that specified in the instructions unless such use is first approved by CDOT’s Standards and Specifications Unit. The instructions for use on CDOT construction projects appear below.

Other agencies which use the *Standard Specifications for Road and Bridge Construction* to administer construction projects may use this special provision as appropriate and at their own risk.

**Instructions for use on CDOT construction projects:**

Use on projects determined by the Region Environmental Staff as having low potential water quality risk and also anticipating less than one acre of disturbance. [Not requiring a Colorado Discharge Permit System (CDPS) Stormwater Construction Permit (SCP)].

Sections 107 and 208 of the Standard Specifications are hereby revised for this project as follows:

In subsection 107.25(b) 6 delete the second paragraph and replace it with the following:

The Contractor shall record the location of potential pollutants on the plans. Descriptions of the potential pollutants shall be submitted for approval.

Delete subsection 107.25 (c) and replace with the following:

A Colorado Discharge Permit System Stormwater Construction Permit (CDPS-SCP) is not required for this project.

The Engineer will coordinate with CDOT Maintenance and the Region Water Pollution Control Manager prior to initiating partial or final acceptance of the stormwater construction work, including soil conditioning and seeding for permanent stabilization. Unsatisfactory and incomplete erosion control work will be identified in this walkthrough, and will be summarized by the Engineer in a punch list.

In subsection 208.01 delete the third paragraph and replace with the following:

When a provision of Section 208 or an order by the Engineer requires that an action be immediate or taken immediately, it shall be understood that the Contractor shall at once begin effecting completion of the action and pursue it to completion, as approved.

In subsection 208.03, delete the first and second paragraphs.

Delete subsection 208.03 (b) and replace with the following:

1. *Erosion and Sediment Control Activities*. The erosion and sediment control activities shall be included in the weekly meeting update. The project schedule shall specifically indicate the sequence of clearing and grubbing, earthwork operations, and construction of temporary and permanent erosion control features and stabilization. The project schedule shall include erosion and sediment control work for haul roads, borrow pits, storage and asphalt or concrete batch sites, and all areas within the project limits. If during construction the Contractor proposes changes which would affect the Contract's BMPs, the Contractor shall propose revised BMPs to the Engineer for approval in writing.

In subsection 208.03, delete (c), (d) and (e) and replace with the following:

1. *SWMP Administrator.* The Contractor shall assign to the project an individual to serve in the capacity of SWMP Administrator. These duties may be assumed by the Superintendent. The SWMP Administrator shall have working knowledge and experience in construction and have satisfactorily completed the Transportation Erosion Control Supervisor Certification (TECS) training provided by the Department. Proof that this requirement has been met shall be submitted to the Engineer prior to start of work. The SWMP Administrator shall:
2. Ensure the Method Statement for Containing Pollutant Byproducts is implemented.
3. Review the construction site for compliance with CDOT specifications and the SWMP.
4. Follow all stormwater requirements and inspections for other applicable State and local agencies unless a waiver or other agreement has been made.
5. Immediately report to the Contractor and Engineer the following instances of noncompliance:
6. Noncompliance which may endanger health or the environment.
7. Spills or discharge of hazardous substance or oil which may cause pollution of waters of the State.
8. Discharge of stormwater which may cause an exceedance of a water quality standard.
9. Discharge of pollutants that have occurred on site.

1. *Documentation Available on the Project.* The SWMP Administrator shall provide the following Contract documents and references. They shall be made available for reference in one location on the project during construction. The documents shall be kept in a single notebook:
2. SWMP Plan Sheets – Notes, tabulation, sequence of major activities, area of disturbance, existing soil data, existing vegetation percent cover, potential pollutant sources, receiving water, non-stormwater discharges, and environmental impacts.
3. SWMP Site Maps (if included in the original Contract) - Construction site boundaries ground surface disturbance, limits of cut and fill, flow arrows, structural BMPs, non-structural BMPs, springs, streams, wetlands, and surface water. Also included on the map are the protection of trees, shrubs, and cultural resources.
4. BMP Details not in Standard Plans M-208-1, M-216-1 and M-615-1.
5. Spill Response Plan – Reports of reportable spills submitted to CDPHE.
6. List and Evaluation of Potential Pollutants – List of potential pollutants as described in subsection 107.25 and approved Method Statement for Containing Pollutant Byproducts.
7. All Project Environmental Permits-All Project environmental permits and associated applications and certifications, including, Senate Bill 40, USACE 404, dewatering and all other permits applicable to the project, including any separate CDPS-SCP obtained by the Contractor for staging area on private property, asphalt or concrete plant, etc.
8. Form 105 and all other correspondence related to water quality which are issued by the Engineer for Contractor’s lack of compliance.

The Contractor shall incorporate the documents and reports and have Items 1-7 available for the first working day of the project. None of these documents are required to be updated during the course of the project.

1. *Weekly Meetings.* The Contractor shall conduct weekly meetings with the Engineer to discuss the following:

(1) Requirements of the SWMP.

(2) Problems that may have arisen in implementing the site specific SWMP or maintaining BMPs.

(3) Unresolved issues from inspections and concerns from last inspection

(4) BMPS that are to be installed, removed, modified, or maintained.

(5) Planned activities that will affect stormwater in order to proactively phase BMPs.

(6) Recalcitrant inspection findings.

Delete the third paragraph in subsection 208.04 and replace with the following:

New inlets and culverts shall be protected during their construction. Appropriate protection of each culvert and inlet shall be installed immediately after installation of the culvert or inlet. When riprap is called for at the outlet of a culvert, it shall be installed within 24 hours of completion of each pipe. The Contractor shall remove sediment, millings, debris, and other pollutants from within the newly constructed drainage system prior to use, at the Contractor’s expense. All removed sediment shall be disposed of in accordance with all applicable regulations.

Delete the first paragraph in subsection 208.04 (f) and replace with the following:

1. *Maintenance*. Erosion and sediment control practices and other protective measures identified in the SWMP as BMPs for stormwater pollution prevention shall be maintained in effective operating condition until final acceptance of the project. BMPs shall be continuously maintained in accordance with good engineering, hydrologic and pollution control practices, including removal of collected sediment when silt depth is 50 percent or more of the height of the erosion control device. When possible, the Contractor shall use equipment with an operator rather than labor alone to remove the sediment.

In subsection 208.06, first paragraph, delete the first sentence.

In subsection 208.07, second paragraph, delete the second sentence.

In subsection 208.08, delete the first paragraph and replace with the following:

**208.08 Limits of Disturbance.** The Contractor shall limit construction activities to those areas within the limits of disturbance shown on the plans and cross-sections. Construction activities, in addition to the Contract work, shall include the on-site parking of vehicles or equipment, on-site staging, on-site batch plants, haul roads or work access, and all other action which would disturb existing conditions. Off road staging areas must be pre-approved by the Engineer, unless otherwise designated in the Contract. Construction activities beyond the limits of disturbance due to Contractor negligence shall be restored to the original condition by the Contractor at the Contractor’s expense.

In subsection 208.09, delete the first and second paragraph and replace with the following:

**208.09 Failure to Perform Erosion Control**. Failure to implement the Stormwater Management Plan is a violation of the Colorado Water Quality Control Act. Penalties may be assessed to the Contractor by the appropriate agencies. Penalties will be assessed by the Department as liquidated damages for failure to meet the contract documents. All fines assessed to the Department for the Contractor’s failure to implement the SWMP will be deducted from monies due the Contractor.

The Contractor will be subject to liquidated damages for incidents of failure to perform erosion control as required by the Contract. Liquidated damages will be applied for failure to comply with these specifications, including the following:

1. Failure of the Contractor to implement necessary actions required by the Engineer as required by subsection 208.03(b) and (c)
2. Failure to construct or implement erosion control or spill containment measures required by the Contract, or failure to construct or implement them in accordance with the Contractor’s schedule.
3. Failure to stabilize disturbed areas as required by subsections 208.04(e) and 208.08.
4. Failure to replace or perform maintenance on an erosion control feature after notice from the Engineer to replace or perform maintenance as required by subsection 208.04(f).
5. Failure to remove and dispose of sediment from BMPs as required.
6. Failure to install and properly utilize a concrete washout structure for containing washout from concrete placement operations.
7. Failure to perform permanent stabilization as required by subsection 208.04 (e).
8. Failure to prevent discharges not composed entirely of stormwater from leaving the construction site.
9. Failure to provide the survey of Permanent Water Quality BMPs when required on the project in accordance with subsection 208.10.

In subsection 208.09, delete the 10th paragraph, and replace with the following:

If the Contractor’s corrective action plan and schedule are not submitted and approved within 96 hours of the initial notice, the Engineer will issue a Stop Work Order and have an on-site meeting with the Superintendent, SWMP Administrator, and the Superintendent’s supervisor. This meeting will also be attended by the Resident Engineer, the Region Water Pollution Control Manager, and the Region Program Engineer. This meeting will identify and document needed corrective actions and a schedule for completion. If after the meeting, the unacceptable work is not remedied within the schedule as agreed to in the meeting, the Engineer will take action to effect compliance with the Contract and these specifications by utilizing CDOT Maintenance personnel or other non-Contractor forces and deduct the cost from any monies due or to become due to the Contractor pursuant to subsection 105.17. Delays due to these Stop Work Orders shall be considered non-excusable. The Stop Work Order shall be in place until the project is in compliance.

In subsection 208.10, delete (c) and replace with the following:

1. *Locations of Temporary BMPs.* The Engineer will identify locations where modification, cleaning or removal of temporary BMPs are required, and will provide these in writing to the Contractor.

In subsection 208.11, delete the first paragraph.

In subsection 208.12, delete the third, fourth and fifth paragraphs and replace with the following:

SWMP Administrator duties on projects having less than one acre of total disturbed area will not be measured and paid for separately but shall be included in the work. The Erosion Control Management Pay Item will not apply to this project.