

NOTE TO DESIGNER: ADD THESE TWO NOTES TO THE CONTRACT FOR ANY PROJECTS THAT DO NOT REQUIRE A CONSTRUCTION GENERAL PERMIT. CONTACT HQ ENVIRONMENTAL WITH ANY QUESTIONS (Brad x 8163)

ON PAGE 79, SUBSECTION 107.17 - ENVIRONMENTAL PROTECTION

01/17

Delete 107.17.C Erosion and Sediment Control Plan

ENVIRONMENTAL REQUIREMENT – EROSION AND SEDIMENT CONTROL PLAN

01/17

The project clearance summary sheet identifies if an erosion and sediment control plan (ESCP) or National Pollutant Discharge Elimination System (NPDES) stormwater pollution prevention plan (SWPPP) is required based on the area of disturbance or presence of the potential to discharge pollutants to Waters of the United States from the project site. This project requires an ESCP.

ESCP Defined

An ESCP is a pollution prevention plan that addresses best management practices (BMPs) (e.g., erosion and sediment control, good housekeeping practices, inspection procedures, spill prevention, response, and cleanup). The Department requires an Engineer approved ESCP for all contracts that do not require a Construction General Permit (CGP) SWPPP.

Project Expansion or Addition of Construction Support Activities Resulting in a Requirement for SWPPP

Evaluate all construction support activities. If construction support activities resulting in an area of soil disturbance that equals or exceeds 1 acre when added to the project disturbance, or adds a support activity that results in a potential to discharge pollutants to Waters of the United States, a CGP will be required. The Contractor will then prepare the entire SWPPP using the template provided by the Engineer. If a CGP and SWPPP become required as a result of the Contractor added support activities, the Department's special provision for the NPDES Construction General Permit will become applicable. The special provision may be obtained from the Engineer. Comply with the Department's NPDES Construction General Permit special provision if it becomes applicable.

ESCP Development and Approval

Develop and implement the final ESCP. This includes any required ESCP modifications, updates, or additions during construction.

1. Prepare an ESCP using the template provided by the Engineer, ITD-2788 form (Erosion and Sediment Control Plan). Meet applicable requirements of 212.
2. Submit the ESCP in a 3-ring binder with dividers and tabs, unless otherwise approved. The Engineer may also require submittal of an electronic, editable version of the ESCP. Submit the ESCP for Department review and approval no later than the pre-construction meeting.
3. Allow 15 business days for Engineer review, unless otherwise specified. Incorporate revisions, based on the Engineer's review, and resubmit. The Department will not make adjustments in cost or time for Engineer's failure to approve all or part of the ESCP.
4. Once Engineer approved, the Engineer, the Contractor and its subcontractors will sign the ESCP. The ESCP must be approved before staging.

ESCP Implementation

1. Do not allow construction activities, construction support activities, or pollutant-generating activities beyond the limits or schedule shown in the ESCP or plans.
2. Perform the work in accordance with federal, state, local, and tribal laws, regulations, policies, and ordinances addressing protection of the environment.

Inspection Requirements

Inspect the construction site and all construction support activities as follows:

1. Inspect and maintain all control measures, pollution prevention measures, solid and liquid waste storage and disposal areas, and material storage and staging areas for functionality at least every 7 calendar days.
2. Conduct inspections by a person who is knowledgeable in erosion and sediment control and pollution prevention practices. This includes professional accreditation such as certification through ITD's Water Pollution Control Manager training, Certified Professional in Erosion Control (CPESC) or Certified Erosion, Sediment and Stormwater Inspector (CESSWI) certifications, or other applicable site management or project management experience which can be documented and provided to the Engineer.
3. Document the inspections using either the ITD-2802 form (Stormwater Compliance Inspection Form) or the ITD-2786 form (Construction Site Inspection Report), available on the Department's website or upon request from the Engineer.
4. Correct deficiencies as soon as practicable, but no later than 7 calendar days following the inspection.
5. Sign the inspection reports to certify BMP maintenance or corrective actions have been satisfactorily completed and to certify project compliance with all environmental requirements.
6. Maintain a current ESCP, including completed and certified inspection reports. Within 24 hours of completion, insert the certified inspections into the ESCP recordkeeping section.
7. The Contractor's inspection frequency may be reduced by the Engineer in writing.
8. At the Engineer's request, submit a copy of the Contractor's certified inspection form within 24 hours.
9. At the Engineer's request, submit the final and most current version of the ESCP and all completed and certified inspections, in electronic format, upon completion of the work.

Basis of Payment

The Department considers ESCP development, revisions, modifications, and all costs associated with the inspection and compliance process as incidental and included in the applicable contract pay items.

Penalties and Damages

Fines, penalties, and costs to the Department for the Contractor's failure to comply with the Clean Water Act, to mitigate environmental damage, or to resolve regulatory actions will be deducted from moneys due the Contractor.