

Delete Section 641 in its entirety and replace with the following:

SECTION 641

EROSION, SEDIMENT, AND POLLUTION CONTROL

641-1.01 DESCRIPTION. Plan, provide, inspect, and maintain control of erosion, sedimentation, water pollution, and hazardous materials contamination.

641-1.02 DEFINITIONS.

1. BMP (Best Management Practices). A wide range of project management practices, schedules, activities, or prohibition of practices, that when used alone or in combination, prevent or reduce erosion, sedimentation, and/or pollution of adjacent water bodies and wetlands. BMPs include temporary or permanent structural and non-structural devices and practices. The Department describes common BMPs in its *Alaska Storm Water Pollution Prevention Plan Guide*.
2. ESCP (Erosion and Sediment Control Plan). The general plan for control of project-related erosion and sedimentation. The ESCP normally consists of a general narrative and a map or site plan. It is developed by the Department and included in the project plans and specifications. It serves as a resource for bid estimation and a framework from which the Contractor develops the project SWPPP.
3. Final Stabilization. A point in time when all ground-disturbing activities are complete and permanent erosion and sediment controls are established and functional. The stabilized site is protected from erosive forces of raindrop impact and water flow. Typically, all unpaved areas except graveled shoulders, crushed aggregate base course, or other areas not covered by permanent structures are protected by either a uniform blanket of perennial vegetation (at least 70 percent cover density) or equivalent permanent stabilization measures such as riprap, gabions, or geotextiles.
4. HMCP (Hazardous Material Control Plan). The Contractor's detailed plan for prevention of pollution that stems from the use, containment, cleanup, and disposal of hazardous material, including petroleum products generated by construction activities and equipment.
5. NOI. Notice of Intent to commence ground-disturbing activities under the NPDES General Permit. Use EPA Form 3510-9.
6. NOT. Notice of Termination of coverage under the NPDES General Permit. Use EPA Form 3510-13.
7. NPDES General Permit. The Storm Water General Permit for Large and Small Construction Activities, issued by the Environmental Protection Agency (EPA) under the National Pollutant Discharge Elimination System (NPDES). It requires an approved SWPPP and NOIs listed as active status by the EPA prior to ground-disturbing activities for the project.
8. SPCC Plan (Spill Prevention, Control and Countermeasure). The Contractor's detailed plan for oil spill prevention and control measures, that meets the requirements of 40 CFR 112.
9. SWPPP (Storm Water Pollution Prevention Plan). The Contractor's plan for erosion and sediment control and storm water management under the NPDES General Permit. The

SWPPP is developed by the Contractor and describes site-specific controls and management of issues identified for the project. The approved SWPPP replaces the ESCP.

641-1.03 SUBMITTALS. For all projects that disturb one acre (0.4 hectares) or more of ground submit three copies each of your SWPPP and HMCP to the Engineer for approval. Submit one copy of your SPCC Plan (if required under Subsection 641-2.03) to the Engineer. Sign all submittals. Deliver these documents to the Engineer no less than five calendar days prior to the preconstruction conference.

The Department will review the SWPPP and HMCP submittals within 14 calendar days. Submittals will be returned to you as either requiring modification, or as approved by the Department. The approved SWPPP must contain a certification, and be signed by you according to the Standard Permit Conditions of the NPDES General Permit, Part 8, Appendix G. You must receive an approved SWPPP before you submit your NOI.

For projects that disturb five acres or more of ground, submit a copy of your approved and signed SWPPP, with the required permit fee to the Alaska Department of Environmental Conservation (ADEC) Storm Water Coordinator. Transmit proof of this submission to the Engineer.

Submit your signed NOI to EPA (electronic submission may be available). Submit copies of your signed NOI to the Engineer and to ADEC. Transmit proof of your ADEC submission to the Engineer. The Department will transmit the Department's NOI to the EPA. Allow adequate time for state and federal processing, prior to commencing ground-disturbing activities.

The active status NOIs, approved SWPPP, approved HMCP, and submitted SPCC Plan (when required) become the basis of the work required for the project's erosion, sediment, and pollution control.

When the Project is stabilized, as determined by the Engineer, submit your signed NOT to EPA with a copy to the Engineer. The Department will transmit the Department's NOT to the EPA.

641-2.01 STORM WATER POLLUTION PREVENTION PLAN (SWPPP) REQUIREMENTS. For projects that disturb one acre or more of ground, you must prepare a Storm Water Pollution Prevention Plan. Use the Department's ESCP to develop a SWPPP based on your scheduling, equipment, and use of alternative BMPs. Follow the format presented in the *Alaska Storm Water Pollution Prevention Plan Guide*. The plan must consider first preventing erosion, then minimizing erosion, and finally trapping sediment before it enters waterways.

The plan must address your site-specific controls and management plan for the construction site as well as for all material sites, waste disposal sites, haul roads, and other affected areas, public or private. The plan must also incorporate all the requirements of the project permits.

Specify the line of authority and designate your field representative for implementing SWPPP compliance. Designate one representative for each subcontractor who performs earth disturbing activities or who install and maintain erosion and sediment control measures.

641-2.02 HAZARDOUS MATERIAL CONTROL PLAN (HMCP) REQUIREMENTS. Prepare a HMCP for the handling, storage, cleanup, and disposal of petroleum products and other hazardous substances. (See 40 CFR 117 and 302 for listing of hazardous materials.)

List and give the location of all hazardous materials, including office materials, to be used and/or stored on site, and their estimated quantities. Detail your plan for storing these materials as well as disposing of waste petroleum products and other hazardous materials generated by the project.

Identify the locations where storage, fueling and maintenance activities will take place, describe the maintenance activities, and list all controls to prevent the accidental spillage of oil, petroleum products and other hazardous materials.

Detail your procedures for containment and cleanup of hazardous substances, including a list of the types and quantities of equipment and materials available on site to be used.

Detail your plan for the prevention, containment, cleanup, and disposal of soil and water contaminated by accidental spills. Detail your plan for dealing with unexpected contaminated soil and water encountered during construction.

Specify the line of authority and designate your field representative for spill response and one representative for each subcontractor.

641-2.03 SPILL PREVENTION, CONTROL AND COUNTERMEASURE (SPCC) PLAN REQUIREMENTS. Prepare and implement a SPCC Plan that is certified by a licensed Professional Engineer, when required by 40 CFR 112, including:

1. When oil spills may reach navigable waters; and
2. Your total above ground oil storage capacity is greater than 1,320 gallons.

Comply with 40 CFR 112 and address the following issues in your SPCC Plan:

1. Operating procedures that prevent oil spills;
2. Control measures installed to prevent a spill from reaching navigable waters; and
3. Countermeasures to contain, clean up, and mitigate the effects of an oil spill.

641-3.01 CONSTRUCTION REQUIREMENTS. Do not begin ground-disturbing work until after the EPA has acknowledged receipt of your NOI and the Department's NOI, and has listed them as active status. The EPA will post the status of the NOIs on the EPA website.

Post at the construction site:

1. NPDES Permit number, if available, and a copy of the NOI,
2. Name and phone number of your local contact person, and
3. Location of a SWPPP available for viewing by the public.

Comply with all requirements of the approved HMCP, the submitted SPCC Plan, and all state and federal regulations that pertain to the handling, storage, cleanup, and disposal of petroleum products or other hazardous substances. Contain, clean up, and dispose of all discharges of petroleum products and/or other materials hazardous to the land, air, water, and organic life forms. Perform all fueling operations in a safe and environmentally responsible manner. Comply with the requirements of 18 AAC 75 and AS 46, Oil and Hazardous Substances Pollution Control. Report oil spills as required by federal, state and local law, and as described in your SPCC Plan.

Comply with all requirements of the NPDES General Permit, implement all temporary and permanent erosion and sediment control measures identified in the SWPPP, and ensure that the SWPPP remains current. Maintain all temporary and permanent erosion and sediment control measures in effective operating condition.

Perform inspections and prepare inspection reports in compliance with the project SWPPP and the NPDES General Permit.

1. Joint Inspections. Prior to start of construction, conduct a joint on-site inspection with the Engineer and the Contractor's field representative to discuss the implementation of the SWPPP.

Conduct the following additional joint on-site inspections with the Engineer:

- a. During construction, inspect the following at least once every seven days and within 24 hours of the end of a storm exceeding 1/2 inch in 24 hours (as recorded at or near the project site):
 - (1) Disturbed areas that have not been finally stabilized
 - (2) Areas used for storage of erodible materials that are exposed to precipitation
 - (3) Sediment and erosion control measures
 - (4) Locations where vehicles enter or exit the site
 - b. Prior to winter shutdown, to ensure that the site has been adequately stabilized and devices are functional.
 - c. At project completion, to ensure final stabilization of the project.
2. Winter Inspections. During winter shutdown, conduct inspections at least once every month and within 24 hours of a storm resulting in rainfall of 1/2 inch or greater. The Engineer may waive monthly inspection requirements until one month before thawing conditions are expected to result in a discharge, if all of the following requirements are met:
- a. Below-freezing conditions are anticipated to continue for more than one month.
 - b. Land disturbance activities have been suspended.
 - c. The beginning and ending dates of the waiver period are documented in the SWPPP.
3. Inspection Reports. Prepare and submit, within three working days of each inspection, a report on state Form 25D-100, with the following information:
- a. A summary of the scope of the inspection
 - b. Name(s) of personnel making the inspection
 - c. The date of the inspection
 - d. Observations relating to the implementation of the SWPPP
 - e. Any actions taken as the result of the inspection
 - f. Incidents of non-compliance

Where a report does not identify any incidents of non-compliance, certify that the facility is in compliance with the SWPPP and NPDES General Permit. You and the Engineer will sign the report according to the Standard Permit Conditions of the NPDES General Permit, Part 8, Appendix G. Include all reports as an appendix to the SWPPP.

Retain copies of the SWPPP, and all other records required by the NPDES General Permit, for at least three years from the date of final stabilization.

If unanticipated or emergency conditions threaten water quality, take immediate suitable action to preclude erosion and pollution.

Submit amendments to the SWPPP to correct problems identified as a result of any:

1. Storm or other circumstance that threatens water quality, and
2. Inspection that identifies existing or potential problems.

Submit SWPPP amendments to the Engineer within seven days following the storm or inspection. Detail additional emergency measures required and taken, to include additional or modified measures. If modifications to existing measures are necessary, complete implementation within seven days.

Stabilize all areas disturbed after the seeding deadline within seven days of the temporary or permanent cessation of ground-disturbing activities.

Submit a signed NOT to EPA and the Engineer:

1. When the project site (including all material sources, disposal sites, etc.) has been finally stabilized and all storm water discharges from construction activities authorized by this permit have ceased, or
2. When the construction activity operator (as defined in the NPDES General Permit) has changed.

If you fail to coordinate temporary or permanent stabilization measures with the earthwork operations in a manner to effectively control erosion and prevent water pollution, the Engineer may suspend your earthwork operations and withhold monies due on current estimates for such earthwork items until all aspects of the work are coordinated in a satisfactory manner.

If you fail to:

1. Pursue work required by the approved SWPPP,
 2. Respond to inspection recommendations and/or deficiencies in the SWPPP, or
 3. Implement erosion and sedimentation controls identified by the Engineer,
- the Engineer may, after giving you written notice, proceed to perform such work and deduct the cost thereof, including project engineering costs, from your progress payments.

641-4.01 METHOD OF MEASUREMENT. Section 109 and as follows:

Items 641(2) and (4) will be measured as specified in the contract or directive authorizing the work.

641-5.01 BASIS OF PAYMENT. The Bid Schedule will include either items 641(1) and (2) or items 641(1), (3), and (4).

1. Item 641(1) Erosion and Pollution Control Administration. At the contract lump sum price for administration of all work under this section. Includes, but is not limited to, plan preparation, plan amendments and updates, inspections, monitoring, reporting, and record keeping.
2. Item 641(2) Temporary Erosion and Pollution Control. At the prices specified in the contract to install and maintain temporary erosion, sedimentation, and pollution control measures.
3. Item 641(3) Temporary Erosion and Pollution Control. At the lump sum price shown on the bid schedule to install and maintain all temporary erosion, sedimentation, and pollution control measures under the original approved SWPPP and HMCP.
4. Item 641(4) Temporary Erosion and Pollution Control Amendments. At the prices specified in the directive for extra, additional, or unanticipated work to install and maintain temporary erosion, sedimentation, and pollution control measures. All work paid under this item will be shown as amendments to the original approved SWPPP or HMCP.

Temporary erosion and pollution control measures that are required at Contractor-furnished sites are subsidiary.

Perform temporary erosion and pollution control measures that are required due to your negligence, carelessness, or failure to install permanent controls as a part of the work as scheduled or ordered by the Engineer, or for your convenience, at your own expense.

Permanent erosion and pollution control measures will be measured and paid for under other contract items, when shown on the bid schedule.

Payment will be made under:

PAY ITEM	PAY UNIT
641(1) Erosion and Pollution Control Administration	Lump Sum

641(2) Temporary Erosion and Pollution Control	Contingent Sum
641(3) Temporary Erosion and Pollution Control	Lump Sum
641(4) Temporary Erosion and Pollution Control Amendments	Contingent Sum