

DELETE Section 641 EROSION, SEDIMENT, AND POLLUTION CONTROL and REPLACE with the following:

**SECTION 641
EROSION, SEDIMENT, AND POLLUTION CONTROL**

641-1.01 DESCRIPTION. Provide project administration and Work relating to control of erosion, sedimentation, and discharge of pollutants, according to this section and applicable local, state, and federal requirements, including the APDES Construction General Permit. The state APDES program is administered by DEC. Section 301(a) of the Clean Water Act (CWA) and 18 AAC 83.015 provide that the discharge of pollutants to water of the U.S. is unlawful except as allowed by the CGP.

641-1.02 DEFINITION. These definitions apply only to Section 641.

ACTIVE TREATMENT SYSTEM OPERATOR. The Contractor's qualified representative who is responsible for maintaining and operating an active treatment system (as defined in the CGP) for stormwater runoff.

ALASKA CERTIFIED EROSION AND SEDIMENT CONTROL LEAD (AK-CESCL). A person who has completed training, testing, and other requirements of, and is currently certified as, an AK-CESCL from an AK-CESCL Training Program (a program developed under a Memorandum of Understanding between the Department and others). The Department recognizes AK-CESCLs as "qualified personnel" required by the CGP. An AK-CESCL must be recertified every three years.

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC). The state agency authorized by EPA to administer the Clean Water Act's National Pollutant Discharge Elimination System.

ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM (APDES). A system administered by DEC that issues and tracks permits for stormwater discharges.

BEST MANAGEMENT PRACTICES (BMPs). Temporary or permanent structural and non-structural devices, schedules of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or minimize the discharge of pollutants to waters of the United States. BMPs also include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from material storage.

CLEAN WATER ACT (CWA). Federal Water Pollution Control Amendments of 1972, as amended (33 U.S.C. 1251 et seq.).

CONSTRUCTION ACTIVITY. Physical activity by the Contractor, Subcontractor or utility company; that may result in erosion, sedimentation, or a discharge of pollutants into stormwater. Construction Activity includes soil disturbing activities (e.g. clearing, grubbing, grading, excavating); and establishment of construction materials or equipment storage or maintenance areas (e.g. material piles, borrow area, concrete truck chute washdown, fueling); and industrial activities that may discharge stormwater and are directly related to the construction process (e.g. concrete or asphalt batch plants).

CONSTRUCTION GENERAL PERMIT (CGP). The permit authorizing stormwater discharges from Construction Activities, issued and enforced by DEC. It authorizes stormwater discharges provided permit conditions and water quality standards are met.

CORPS OF ENGINEERS PERMIT (COE PERMIT). A U.S. Army Corps of Engineers Permit for construction in waters of the US. Such permit may be issued under Section 10 of the Rivers and Harbors Act of 1899, or Section 404 of the Clean Water Act.

ELECTRONIC NOTICE OF INTENT (ENOI). The electronic Notice of Intent submitted to DEC, to obtain coverage under the CGP.

ELECTRONIC NOTICE OF TERMINATION (ENOT). The electronic Notice of Termination submitted to DEC, to end coverage under the CGP.

ENVIRONMENTAL PROTECTION AGENCY (EPA). A federal agency charged to protect human health and the environment.

ERODIBLE STOCKPILE. Any Material storage area or stockpile consisting of mineral aggregate, organic material, or a combination thereof, with greater than 5 percent passing the #200 sieve, and any material storage where wind or water transports sediments or other pollutants from the stockpile. Erodible Stockpile also includes any material storage area or stockpile, where the Engineer determines there is potential for wind or water transport, of sediments or other pollutants away from the stockpile.

EROSION AND SEDIMENT CONTROL PLAN (ESCP). The Department's project specific document that illustrates measures to control erosion and sediment on the project. The ESCP provides bidders with the basis for cost estimating and guidance for developing an acceptable Storm Water Pollutant Prevention Plan (SWPPP).

FINAL STABILIZATION. Is defined in this section as it is defined in the CGP.

HAZARDOUS MATERIAL CONTROL PLAN (HMCP). The Contractor's detailed project specific plan for prevention of pollution from storage, use, transfer, containment, cleanup, and disposal of hazardous material (including, but are not limited to, petroleum products related to construction activities and equipment). The HMCP is included as an appendix to the SWPPP.

INSPECTION. An inspection required by the CGP or the SWPPP, usually performed together by the Contractor's SWPPP Manager and Department's Stormwater Inspector.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT. A DEC stormwater discharge permit issued to certain local governments and other public bodies, for operation of stormwater conveyances and drainage systems. See CGP for further definition.

MULTI-SECTOR GENERAL PERMIT (MSGP). The Alaska Pollutant Discharge Elimination System General Permit for stormwater discharges associated with industrial activity.

NON-ERODIBLE STOCKPILE. Any material stockpile identified in the ACGP definition for Final Stabilization, Section 1.b, and includes: riprap, gabion backfill, porous backfill, railroad ballast and sub-ballast, ditch lining, or fill material with low erodibility. The stockpile shall have not have a gradation of more than 5 percent passing the #200 sieve unless approved by an Engineer. There shall be no possibility of sediment transport due to water or wind erosion. .

OPERATOR(S). The party or co-parties associated with a regulated activity that has responsibility to obtain permit coverage under the CGP. "Operator" for the purpose of the CGP and in the context of stormwater associated with construction activity, means any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
2. The party has day to day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g. they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions).

POLLUTANT. Any substance or item meeting the definition of pollutant contained in 40 CFR § 122.2. A partial listing from this definition includes: dredged spoil, solid waste, sediment, sewage, garbage,

sewage sludge, chemical wastes, biological materials, wrecked or discarded equipment, rock, sand, cellar dirt and industrial or municipal waste.

PROJECT ZONE. The physical area provided by the Department for Construction. The Project Zone includes the area of highway or facility under construction, project staging and equipment areas, and material and disposal sites; when those areas, routes and sites, are provided by the Contract.

Material sites, material processing sites, disposal sites, haul routes, staging and equipment storage areas; that are furnished by the Contractor or a commercial operator, are not included in the Project Zone.

RECORDS. Any record, report, information, document or photograph required to be created or maintained pursuant to the requirements of the CGP, the CGP stormwater requirements of the Clean Water Act; and applicable local, state, and federal laws and regulations regarding document preservation.

SPILL PREVENTION, CONTROL AND COUNTERMEASURE PLAN (SPCC PLAN). The Contractor's detailed plan for petroleum spill prevention and control measures that meet the requirements of 40 CFR 112.

SPILL RESPONSE FIELD REPRESENTATIVE. The Contractor's representative with authority and responsibility for managing, implementing, and executing the HMCP and SPCC Plan.

STORM EVENT. A rainfall event that produces 0.5 inch or more of precipitation in 24 hours and that is separated from the previous storm event by at least 3 days of less than 0.1 inch of rain per day.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP). The Contractor's detailed project specific plan to minimize erosion and contain sediment within the Project Zone, and to prevent discharge of pollutants that exceed applicable water quality standards. The SWPPP includes, but is not limited to, amendments, records of activities, inspection schedules and reports, qualifications of key personnel, and all other documentation, required by the CGP and this specification, and other applicable local, state, and federal laws and regulations.

STORM WATER POLLUTION PREVENTION PLAN TWO (SWPPP2). The Contractor's detailed project specific plan to comply with CGP or MSGP requirements, for Contractor construction-related activities outside the Project Zone.

SUBCONTRACTOR SPILL RESPONSE COORDINATOR. The subcontractor's representative with authority and responsibility for coordinating the subcontractor's activities in compliance with the HMCP and SPCC Plan.

SUBCONTRACTOR SWPPP COORDINATOR. The subcontractor's representative with authority to direct the subcontractor's work, and who is responsible for coordination with the Superintendent and SWPPP Manager, and for the subcontractor's compliance with the SWPPP.

SUPERINTENDENT. The Contractor's duly authorized representative in responsible charge of the work. The Superintendent has responsibility and authority for the overall operation of the Project and for Contractor furnished sites and facilities directly related to the Project.

SWPPP AMENDMENT. A revision or document that adds to, deletes from, or modifies the SWPPP.

SWPPP MANAGER. The Contractor's qualified representative who conducts Inspections, updates SWPPP records, and has authority to suspend work and to implement corrective actions required for CGP compliance.

SWPPP PREPARER. The Contractor's qualified representative who is responsible for developing the initial SWPPP.

TEMPORARY STABILIZATION. Protecting soils from erosion and sediment loss by rainfall, snow melt, runoff, or wind with a temporary vegetative and/or non-vegetative protection cover. Temporary

stabilization may include a combination of seeding, geotextiles, mulches, surface tackifiers, rolled erosion control products, non-erodible gravel or paving, or the mentioned BMP's combined together with trackwalking.

UTILITY SPILL RESPONSE COORDINATOR. The Utility's representative with authority and responsibility for coordinating the Utility's activities in compliance with the HMCP and SPCC Plan.

UTILITY SWPPP COORDINATOR. The Utility's representative with authority to direct the Utility's work, and who is responsible for coordination with the Superintendent and SWPPP Manager, and for the Utility's compliance with the SWPPP.

641-1.03 PLAN AND PERMIT SUBMITTALS.

For plans listed in Subsection 108-1.03.5 (SWPPP and HMCP), use the Contractor submission and Department review deadlines identified in Subsection 641-1.03.

Partial and incomplete submittals will not be accepted for review. Any submittal that is re-submitted or revised after submission, but before the review is completed, will restart the submittal review timeline. No additional Contract time or additional compensation will be allowed due to delays caused by partial or incomplete submittals, or required re-submittals.

1. Storm Water Pollution Prevention Plan. Submit an electronic copy and three hard copies of the SWPPP to the Engineer for approval. Deliver these documents to the Engineer at least 21 days before beginning Construction Activity. Organize and bind the SWPPP and related documents for submittal according to the requirements of Subsection 641-2.01.2.

The Department will review the SWPPP submittals within 14 days after they are received. Submittals will be returned to the Contractor, and marked as either "rejected" with reasons listed or as "approved" by the Department. When the submittal is rejected, the Contractor must revise and resubmit the SWPPP. The 14 day review period will restart when the contractor submits an electronic copy and three hard copies of the revised SWPPP to the Engineer for approval.

After the SWPPP is approved by the Department, the Contractor must sign and certify the approved SWPPP using Form 25D-111. See Item 4 for further SWPPP submittal requirements.

2. Hazardous Material Control Plan. The HMCP Template can be found at the following webpage: http://www.dot.state.ak.us/stwddes/dcsconst/pop_constforms.shtml. Submit an electronic copy and three hard copies of the HMCP, as an appendix to the SWPPP, to the Engineer for approval. The HMCP submittal and review timeline, and signature requirements are the same as the SWPPP.
3. Spill Prevention, Control and Countermeasure Plan. When a SPCC Plan is required under Subsection 641-2.03, submit an electronic copy and three signed hard copies of the SPCC Plan to the Engineer. Deliver these documents to the Engineer at least 21 days before beginning Construction Activity. The Department reserves the right to review the SPCC Plan and require modifications.
4. CGP Coverage. The Contractor is responsible for permitting of Contractor and subcontractor Construction Activities related to the Project. Do not use the SWPPP for Construction Activities outside the Project Zone where the Department is not an operator. Use a SWPPP2 for Construction Activities outside the Project Zone.

After Department approval of the SWPPP and prior to beginning Construction Activity, submit an eNOI with the required fee to DEC for coverage under the Construction General Permit (CGP). Submit a copy of the signed eNOI and DEC's written acknowledgement (by letter or other document), to the Engineer as soon as practicable and no later than three days after filing eNOI or receiving a written response.

Do not begin Construction Activity until the conditions listed in Subsection 641-3.01.1 are completed.

The Department will submit an eNOI to DEC for Construction Activities inside the Project Zone. The Engineer will provide the Contractor with a copy of the Department's eNOI and DEC's written acknowledgment (by letter or other document), for inclusion in the SWPPP.

Before Construction Activities occur, transmit to the Engineer an electronic copy of the approved and certified SWPPP, with signed Delegations of Signature Authorities on Forms 25D-107 and 25D-108, SWPPP Certifications on Forms 25D-111 and 25D-109, both permittee's signed eNOIs and DEC's written acknowledgement.

5. Ending CGP Coverage. Submit an eNOT to DEC within 30 days after the Engineer has determined the conditions listed in Subsection 641-3.01.6 have been met. Submit a copy of the signed eNOT and DEC's acknowledgement letter to the Department within three days of filing the eNOT or receiving a written response.
6. DEC SWPPP Review. When CGP Part 2.1.3, requires DEC SWPPP review:
 - a. Transmit a copy of the Department-approved SWPPP to DEC using delivery receipt confirmation;
 - b. Transmit a copy of the delivery receipt confirmation to the Engineer within seven (7) days of receiving the confirmation; and
 - c. Retain a copy of delivery receipt confirmation in the SWPPP.
7. Local Government SWPPP Review. When local government or the CGP Part 2.1.4, requires local government review:
 - a. Transmit a copy of the Department-approved SWPPP and other information as required to local government, with the required fee. Use delivery receipt confirmation;
 - b. Transmit a copy of the delivery receipt confirmation to the Engineer within seven days of receiving the confirmation;
 - c. Transmit a copy of any comments by the local government to the Engineer within seven days of receipt;
 - d. Amend the SWPPP as necessary to address local government comments and transmit SWPPP Amendments to the Engineer within seven days of receipt of the comments;
 - e. Include a copy of local government SWPPP review letter in the SWPPP; and
 - f. File a notification with local government that the project is ending.
8. Modifying Contractor's eNOI. When required by the CGP Part 2.7, modify your eNOI to update or correct information within 30 calendar days of the change. Reasons for modification include a change in start or end dates, change in Owner/Operator address and contact information, change in site information, any changes in number of acres to be disturbed, change in decision to use or not use treatment chemicals, or change in location of SWPPP records.

The Contractor must submit an eNOT and then submit a new eNOI instead of an eNOI modification when: the operator has changed.

641-1.04 PERSONNEL QUALIFICATIONS. Provide documentation in the SWPPP that the individuals serving in these positions meet the personnel qualifications.

The SWPPP Preparer must meet at least one of the following qualifications:

1. Current certification as a Certified Professional in Erosion and Sediment Control (CPESC);
2. Current certification as AK-CESCL, and at least two years' experience in erosion and sediment control, as a SWPPP Manager or SWPPP writer, or equivalent. Provide documentation including

project names, project timelines, and work responsibilities demonstrating the experience requirement;
or

3. Professional Engineer registered in the State of Alaska with current certification as AK-CESCL.

For Projects disturbing more than 20 acres, the SWPPP Preparer must also have completed a SWPPP Preparation course.

The Superintendent must meet the following qualifications:

1. Current certification as AK-CESCL; and
2. Duly authorized representative, as defined in the CGP, Appendix A, Part 1.12.3.

The SWPPP Manager must have current certification as AK-CESCL and must meet the CGP experience, training, and authority requirements identified for the Stormwater Lead and Stormwater Inspector positions as defined in the CGP, Appendix C, Qualified Person.

The Active Treatment System (ATS) operator must have current certification as AK-CESCL, and be knowledgeable in the principals and practices of treatment systems in general, and the operation of the project-specific ATS as defined in the CGP, Appendix C, Qualified Person. The ATS operator must have at least three months field experience with ATS, or completion of an ATS manufacturer's training course, or completion of system operator certification course.

The Department accepts people having any of the following certificates as equivalent to AK-CESCL, if the certificates are current according to the sponsoring organization's policies:

1. CPESC, Certified Professional in Erosion and Sediment Control; or
2. CISEC, Certified Inspector in Sediment and Erosion Control.

641-1.05 SIGNATURE/CERTIFICATION REQUIREMENTS AND DELEGATIONS.

1. eNOI and eNOT. The eNOI and eNOT must be signed and certified by a responsible corporate officer according to CGP Appendix A, Part 1.12. Signature and certification authority for the eNOI and eNOT cannot be delegated.
2. Delegation of Signature Authority for Other SWPPP Documents and Reports. Use Form 25D-108 to delegate signature authority and certification authority to the Superintendent position, according to CGP Appendix A, Part 1.12.3, for the SWPPP, Inspection Reports and other reports required by the CGP. The Superintendent position is responsible for signing and certifying the SWPPP, Inspection Reports, and other reports required by the CGP, except the eNOI and eNOT.

The Engineer will provide the Department's delegation on Form 25D-107, which the Contractor must include in the SWPPP.

3. Subcontractor Certification. Subcontractors must certify on Form 25D-105, that they have read and will abide by the CGP and the conditions of the project SWPPP.
4. Signatures and Initials. Handwrite signatures or initials on CGP documents and SWPPP forms, wherever a signature or initial is required.

641-1.06 RESPONSIBILITY FOR STORM WATER PERMIT COVERAGE.

1. The Department and the Contractor are jointly responsible for permitting and permit compliance within the Project Zone.
2. The Contractor is responsible for permitting and permit compliance outside the Project Zone. The Contractor has sole responsibility for compliance with DEC, COE and other applicable federal, state, and local requirements, and for securing all necessary clearances, rights, and permits. Subsection

107-1.02 describes the requirement to obtain permits, and to provide permit documents to the Engineer.

3. An entity that owns or operates, a commercial plant (as defined in Subsection 108-1.01.3) or material source or disposal site outside the Project Zone, is responsible for permitting and permit compliance. The Contractor has sole responsibility to verify that the entity has appropriate permit coverage. Subsection 107-1.02 describes the requirement to obtain permits, and to provide permit documents to the Engineer.
4. The Department is not responsible for permitting or permit compliance, and is not liable for fines resulting from noncompliance with permit conditions:
 - a. For areas outside the Project Zone;
 - b. For Construction Activity and Support Activities outside the Project Zone; and
 - c. For commercial plants, commercial material sources, and commercial disposal sites.

641-1.07 UTILITY. (RESERVED FOR REGIONS)

641-2.01 STORM WATER POLLUTION PREVENTION PLAN (SWPPP) REQUIREMENTS.

1. SWPPP Preparer and Pre-Construction Site Visit.

Use a SWPPP Preparer to develop the SWPPP and associated documents, according to the requirements of the CGP and COE permit. The SWPPP Preparer must put their name, qualifications (including the expiration date of any certifications), title and company name in the SWPPP.

The SWPPP Preparer must conduct a pre-construction inspection at the Project site before construction activity begins. If the SWPPP Preparer is not a Contractor employee, the SWPPP Preparer must visit the site accompanied by the Contractor. Give the Department at least seven days notice of the site visit, so that the Department may participate.

During the pre-construction inspection, the SWPPP Preparer must identify, or if a draft of the SWPPP has already been prepared verify that the SWPPP fully addresses and describes:

- a. Opportunities to phase construction activities;
- b. Appropriate BMPs and their sequencing; and
- c. Sediment controls that must be installed prior to beginning Construction Activities.

Document the SWPPP Preparer's pre-construction inspection in the SWPPP on Form 25D-106, SWPPP Pre-Construction Site Visit, including the names of attendees and the date.

2. Developing the SWPPP.

Use the Department's ESCP, Environmental commitments, and other Contract documents as a starting point for developing the SWPPP. The approved SWPPP will be based on the current ESCP. BMPs identified in the ESCP must be addressed in the SWPPP.

Develop the SWPPP with sections and appendices, according to the current DOT&PF SWPPP template. Include information required by the Contract and described in the CGP Part 5.0.

Obtain the following forms after they have been completed by the Department and include them in the SWPPP:

- a. SWPPP Delegation of Signature Authority – DOT&PF (25D-107)
- b. SWPPP Certification for DOT&PF (25D-109)
- c. SWPPP Delayed Action Item Report (25D-113) completed by DOT&PF Engineer, if needed

Use the following Department forms for recording information in the SWPPP:

- SWPPP Amendment Log (25D-114)

- SWPPP Certification for Contractor (25D-111)
- SWPPP Construction Site Inspection Report (25D-100)
- SWPPP Corrective Action Log (25D-112)
- SWPPP Daily Record of Rainfall (25D-115)
- SWPPP Delegation of Signature Authority – Contractor (25D-108)
- SWPPP Grading and Stabilization Activities Log (25D-110)
- SWPPP Pre-Construction Site Visit (25D-106)
- SWPPP Project Staff Tracking (25D-127)
- SWPPP Subcontractor Certification (25D-105)
- SWPPP Training Log (25D-125)
- SWPPP Noncompliance (25D-143)

SWPPP Template, Forms, and instructions are available online at:

http://www.dot.state.ak.us/stwddes/dcsconst/pop_constforms.shtml

Compile the SWPPP in three ring binders with tabbed and labeled dividers for each section and appendix.

3. SWPPP Considerations and Contents.

a. Project Zone:

The SWPPP must provide erosion and sediment control measures for all Construction Activity within the Project Zone. Construction activity outside the Project Zone must have permit coverage, using a separate SWPPP2, and separate Contractor Inspections.

The SWPPP must consider the activities of the Contractor and all subcontractors and utility companies performing work in the Project Zone. The SWPPP must describe the roles and responsibilities of the Contractor, subcontractors, utility companies, and the Department with regard to implementation of the SWPPP. The SWPPP must identify all operators for the Project, including utility companies performing Construction Activity, and identify the areas:

- (1) Over which each operator has operational control; and
- (2) Where the Department and Contractor are co-operators.

For work outside the Project Zone the SWPPP must identify the entity that has stormwater permit coverage, the operator, and the areas that are:

- (3) Dedicated to the Project and where the Department is not an operator; and
- (4) Not dedicated to the project, but used for the project.

b. SWPPP Considerations, Impaired Water Bodies, Preserve Topsoil, And Excavation Dewatering:

Develop the SWPPP according to the requirements of the CGP Part 5.0 and this specification. Account for the Contractor's construction methods and phasing. Identify the amount of mean annual precipitation.

Comply with the CGP Part 1.4.2 Allowable Non-Storm Water Discharges. List locations where authorized non-stormwater will be used, including the types of water that will be used on-site.

Include the Department's Anti-degradation Analysis in the SWPPP if stormwater from the Project Zone discharges into receiving water that is considered an high quality water and that constitutes an outstanding national resource, according to CGP Part 2.1.6.

There are special requirements in the CGP Part 3.2, for stormwater discharges into an impaired water body, and they may include monitoring of stormwater discharges. For Projects meeting the

permit criteria, the Contractor will implement a monitoring plan approved by the Department for the stormwater within the Project Zone, and will provide the required information and reports for inclusion in the SWPPP. The Contractor is responsible for monitoring and reporting outside the Project Zone.

Preserve natural topsoil unless infeasible. Delineate the site according to CGP Part 4.2.1. Use stakes, flags, or silt fence, etc. to identifying areas where land disturbing activities will occur and areas that will be left undisturbed. Minimize the amount of soil exposed during Construction activity according to CGP Part 4.2.2.

Comply with CGP Part 4.4 and the DEC General Permit for Excavation Dewatering (AKG002000), requirements for dewatering for trenches and excavations.

c. Temporary And Final Stabilization:

The SWPPP must identify specific areas where potential erosion, sedimentation, or pollution may occur. The potential for wind erosion must be addressed. The potential for erosion at drainage structures must be addressed.

Describe methods and time limits to initiate temporary or final soil stabilization. Initiate stabilization, for areas with mean annual precipitation of:

- (1) 40 inches or less, initiate stabilization as soon as practicable and within 14 days; or
- (2) Greater than 40 inches, initiate stabilization as soon as practicable and within 7 days.

Within seven days of initiating final stabilization CGP 4.5.1.4, either complete final stabilization or continue maintenance of work until final stabilization is complete. Temporary stabilization needs to be completed within fourteen days of initiating stabilization CGP 4.5.1.2.

Include in the "Stabilize Soils" section of the SWPPP, a description of how you will minimize the amount of disturbed and unstabilized ground in the fall season. Identify anticipated dates of fall freeze-up and spring thaw. Describe how you will stabilize areas when it is close to or past the seasonal time of snow cover or frozen conditions, and before the first seasonal thaw. Include a plan for final stabilization.

d. ATS, Designated Areas, Chemicals, Sequencing, BMPs, Maps:

Plans for Active Treatment Systems must be submitted to DEC for review at least 14 days prior to their use and the Operator of the ATS identified in the SWPPP. Any use of treatment chemicals must be identified on the NOI, documented in the SWPPP, and meet with the requirements in the CGP Part 4.6.

The SWPPP must provide designated areas for equipment and wheel washing, equipment fueling and maintenance, chemical storage, staging or material storage, waste or disposal sites, concrete washouts, paint and stucco washouts, and sanitary toilets. These activities must be done in designated areas that are located, to the extent practicable, away from drain inlets, conveyance channels, and waters of the US. No discharges are allowed from concrete washout, paint and stucco washout; or from release oils, curing compounds, fuels, oils, soaps, and solvents. Equipment and wheel washing water that doesn't contain detergent may be discharged on-site if it is treated before discharge.

Design temporary BMPs for a 2 year 24 hour precipitation amount. Describe BMPs in the SWPPP and in SWPPP Amendments, including source controls, sediment controls, discharge points, and temporary and final stabilization measures. Describe the design, placement, installation, and maintenance of each BMP, using words and drawings as appropriate. Describe the design capacity of sediment basins (including sediment ponds and traps). Provide a citation to the BMP Manual or publication used as a source for the BMP, including the manufacturer's or BMP manual specifications for installation. If no published source was used to select or design a BMP, then the

SWPPP or SWPPP amendment must state that “No BMP manual or publication was used for this design.”

Describe the sequence and timing of activities that disturb soils and of BMP implementation and removal. Phase earth disturbing activities to minimize unstabilized areas, and to achieve temporary or final stabilization quickly. Whenever practicable incorporate final stabilization work into excavation, embankment and grading activities.

Provide a legible site map or set of maps in the SWPPP, showing the entire site and identifying boundaries of the property where construction and earth-disturbing activities will occur, as described in the CGP Part 5.3.5.

e. Inspection Frequency:

Identify the inspection frequency in the SWPPP and conduct inspections at one of the following schedules.

For areas of the state with the mean annual precipitation is less than 40 inches:

- (1) Inspect at least once every seven calendar days; or
- (2) Inspect at least once every 14 calendar days and within 24 hours of the end of a storm event that resulted in a discharge from the site.

For areas of the state where the mean annual precipitation is 40 inches or greater:

- (3) Inspect at least once every seven calendar days.

Linear Project Inspections, described in CGP Part 6.5, are not applicable to this contract.

The SWPPP must cite and incorporate applicable requirements of the Project permits, environmental commitments, COE permit, and commitments related to historic preservation. Make additional consultations or obtain permits as necessary for Contractor specific activities which were not included in the Department’s permitting and consultation.

The SWPPP is a dynamic document. Keep the SWPPP current by noting installation, modification, and removal of BMPs, and by using amendments, SWPPP amendment logs, Inspection Reports, corrective action logs, records of land disturbance and stabilization, and any other records necessary to document stormwater pollution prevention activities and to satisfy the requirements of the CGP and this specification. See Subsection 641-3.03 for more information.

4. Recording Personnel and Contact Information in the SWPPP.

Identify the SWPPP Manager as the Stormwater Lead and Stormwater Inspector positions in the SWPPP. Document the SWPPP Manager’s responsibilities in Section 2.0 Stormwater Contacts, of the SWPPP template and:

- a. Identify that the SWPPP Manager does not have authority to sign inspection reports (unless the SWPPP Manager is also the designated project Superintendent).
- b. Identify that the SWPPP Manager cannot prepare the SWPPP unless the SWPPP Manager meets the Contract requirements for the SWPPP Preparer.

Include in the SWPPP, proof of AK-CESCL, or equivalent certifications for the Superintendent and SWPPP Manager, and for any acting Superintendent and acting SWPPP Managers. If the Superintendent or SWPPP Manager is replaced permanently or temporarily, by an acting Superintendent or acting SWPPP Manager; record in the SWPPP (use Form 25D-127) the names of the replacement personnel, the date of the replacement. For temporary personnel record their beginning and ending dates.

Provide 24 hour contact information for the Superintendent and SWPPP Manager. The Superintendent and SWPPP Manager must have 24 hour contact information for all Subcontractor SWPPP Coordinators and Utility SWPPP Coordinators.

Include in the SWPPP, proof of AK-CESCL, or equivalent certifications of ATS operators. Record names of ATS operators and their beginning and ending dates, on Form 25D-127.

The Department will provide proof of AK-CESCL, or equivalent certifications for the Department's Project Engineer, Stormwater Inspectors, and Monitoring Person (if applicable), and names and dates they are acting in that position. Include the Department's staff certifications in Appendix E. Include Department's staff names, dates acting, and assignments, in Section 2.0 of the SWPPP.

641-2.02 HAZARDOUS MATERIAL CONTROL PLAN (HMCP) REQUIREMENTS.

Prepare the HMCP using the DOT&PF template located at the following DOT&PF link; (http://www.dot.state.ak.us/stwddes/dcsconst/pop_constforms.shtml) for prevention of pollution from storage, use, containment, cleanup, and disposal of all hazardous material, including petroleum products related to construction activities and equipment. Include the HMCP as an appendix to the SWPPP. Compile Material Safety Data Sheets in one location and reference that location in the HMCP.

Designate a Contractor's Spill Response Field Representative with 24 hour contact information. Designate a Subcontractor Spill Response Coordinator for each subcontractor. The Superintendent and Contractor's Spill Response Field Representative must have 24 hour contact information for each Subcontractor Spill Response Coordinator and the Utility Spill Response Coordinator.

List and give the location and estimated quantities of hazardous materials (Including materials or substances listed in 40 CFR 117 and 302, and petroleum products) to be used or stored on the Project. Hazardous materials must be stored in covered storage areas. Include secondary containment for all hazardous material storage areas.

Identify the locations where fueling and maintenance activities will take place, describe the activities, and list controls to prevent the accidental spillage of petroleum products and other hazardous materials. Controls include placing absorbent pads or other suitable containment under fill ports while fueling, under equipment during maintenance or repairs, and under leaky equipment.

List the types and approximate quantities of response equipment and cleanup materials available on the Project. Include a list and location map of cleanup materials, at each different work site and readily available off site (materials sources, material processing sites, disposal sites, staging areas, etc). Spill response materials must be stored in sufficient quantity at each work location, appropriate to the hazards associated with that site.

Describe procedures for containment and cleanup of hazardous materials. Describe a plan for the prevention, containment, cleanup, and disposal of soil and water contaminated by spills. Describe a plan for dealing with contaminated soil and water encountered during construction. Clean up spills or contaminated surfaces immediately.

Describe methods of disposing of waste petroleum products and other hazardous materials generated by the Project, including routine maintenance. Identify haul methods and final disposal areas. Assure final disposal areas are permitted for hazardous material disposal.

Describe methods of complying with the requirements of AS 46.04.010-900, Oil and Hazardous Substances Pollution Control, and 18 AAC 75. Include contact information for reporting hazardous materials and petroleum product spills to the Project Engineer and reporting to federal, state and local agencies.

641-2.03 SPILL PREVENTION, CONTROL AND COUNTERMEASURE PLAN (SPCC PLAN) REQUIREMENTS.

Prepare and implement an SPCC Plan when required by 40 CFR 112; when both of the following conditions are present on the Project:

1. Oil or petroleum products from a spill may reach navigable waters (as defined in 40 CFR 112); and
2. Total above ground storage capacity for oil and any petroleum products is greater than 1,320 gallons (not including onboard tanks for fuel or hydraulic fluid used primarily to power the movement of a motor vehicle or ancillary onboard oil-filled operational equipment, and not including containers with a storage capacity of less than 55 gallons)

Reference the SPCC Plan in the HMCP and SWPPP.

641-2.04 RESPONSIBILITY AND AUTHORITY OF THE SUPERINTENDENT AND SWPPP MANAGER.

The Superintendent is responsible for the overall operation of the Project and all Contractor furnished sites and facilities directly related to the Project. The Superintendent shall sign and certify the SWPPP, Inspection Reports, and other reports required by the CGP, except the NOI and NOT. The Superintendent may not delegate the task or responsibility of signing and certifying the SWPPP submitted under Subsection 641-1.03.1, Inspection Reports, and other reports required by the CGP.

The Superintendent may assign certain duties to the SWPPP Manager those duties may include:

1. Ensuring Contractor's and subcontractor's compliance with the SWPPP and CGP;
2. Ensuring the control of erosion, sedimentation, or discharge of pollutants;
3. Directing and overseeing installation, maintenance, and removal of BMPs;
4. Performing Inspections; and
5. Updating the SWPPP including adding amendments and forms.

When Bid Item 641(7) is part of the Contract, the SWPPP Manager must be available at all times to administer SWPPP requirements, and be physically present within the Project Zone or the project office, for at least eight hours per day when construction activities are occurring.

The Superintendent and SWPPP Manager shall be knowledgeable in the requirements of this Section 641, the SWPPP, CGP, BMPs, HMCP, SPCC Plan, environmental permits, environmental commitments, and historic preservation commitments.

The Superintendent and SWPPP Manager shall have the Contractor's complete authority and be responsible for suspending construction activities that do not conform to the SWPPP or CGP.

641-2.05 MATERIALS.

Use materials suitable to withstand hydraulic, wind, and soil forces, and to control erosion and trap sediments according to the requirements of the CGP and the Specifications.

Use the temporary seed mixture specified by special provision, or use annual rye grass if no temporary seed mix is specified.

Use soil stabilization material as specified in Section 727.

Use silt fences as specified in Section 729.

Use straw that is certified as free of noxious weed by the United States Department of Agriculture, Natural Resources Conservation Service, Local Soil and Water Conservative District. Alaska Weed Free Forage Certification Program must be used when available. Hay may not be substituted for straw.

Use Oregon Scientific RGR126 wireless rain gauge with temperature, or Taylor 2751 Digital Wireless Rain Gauge with Thermometer, or approved equivalent

641-2.06 CONTRACTOR REQUIREMENTS.

The Contractor must be familiar with the conditions and requirements of the CGP because Contractor's employees will be conducting duties that relate to compliance with the CGP.

641-3.01 CONSTRUCTION REQUIREMENTS.

Comply with the SWPPP and the requirements of the CGP Part 5.0.

1. Before Construction Activity may Begin.

The following actions must be completed before Construction Activity begins:

- a. The SWPPP Preparer must visit the Project, the visit must be documented in the SWPPP Form (25D-106), and the SWPPP must be developed (or amended) with findings from the visit;
- b. The SWPPP must be approved by the Engineer on Form 25D-109;
- c. The Contractor must be authorized to begin by the Engineer;
- d. The Project eNOIs for the Department and for the Contractor, as well as any other eNOIs if there are additional operators, must be listed as Active Status on the DEC website;
- e. The Department approved SWPPP must be submitted to DEC and Local Government (when required); and
- f. The Contractor has transmitted to the Engineer an electronic copy of the approved SWPPP.
- g. The Delegation of Authority (Forms 25D-108 and 25D-107) for both the Contractor and DOT&PF Engineer are signed.

You may begin winter construction activity according to CGP Part 4.12.2, provided actions a, c, and g are completed. If winter construction activities may extend beyond spring thaw, the following actions must be completed before spring thaw:

- h. Actions a through g, listed above, and
- i. Appropriate control measures to minimize erosion and sediment runoff during spring thaw and summer rainfall are installed.

Post notices containing the following information:

- (1) Copy of all eNOIs related to this project;
- (2) Location of the SWPPP.

Post notices on the outside wall of the Contractor's project office, and near the main entrances of the construction project. Protect postings from the weather. Locate postings so the public can safely read them without obstructing construction activities or the traveling public (for example, at an existing pullout). Do not use retroreflective signs for the SWPPP posting. Do not locate SWPPP signs in locations where the signs may be confused with traffic control signs or devices. Update the notices if the listed information changes.

Install an outdoor rain gauge per manufacturer's guidance in a readily accessible location on the Project. Projects may utilize the nearest National Weather Service (NWS) precipitation gauge station, if within 20 miles of the project, to determine rainfall amounts during storm events.

Delineate the site for both land disturbing activities and areas that will be left undisturbed. Install sediment controls and other BMPs that must be placed prior to the initiation of Construction Activity.

2. During Construction.

Before subcontractors or utility companies begin soil disturbing activities, provide to them copies of applicable portions of the SWPPP, and require them to sign a SWPPP Subcontractor Certification, Form 25D-105. Include SWPPP Subcontractor Certifications as an appendix to the SWPPP. Ensure subcontractors and utility companies understand and comply with the SWPPP and the CGP. Inform subcontractors and utility companies of SWPPP amendments that affect them in a timely manner. Coordinate with subcontractors and utility companies doing work in the Project Zone so BMPs, including temporary and final stabilization are installed, maintained, and protected from damage.

Provide on-going training to employees and subcontractors, on control measures at the site and applicable stormwater pollution prevention procedures. Training must be specific to the installation, maintenance, protection, and removal of control measures CGP 4.14. Training must be given at a frequency that will be adequate to ensure proper implementation and protection of control measures, and no less frequently than once a month during construction activity. Document on the SWPPP Training Log, Form 25D-125, the dates and attendees to these trainings. Include the SWPPP Training Log as an appendix to the SWPPP.

Notify the Engineer immediately if the actions of any utility company or subcontractor do not comply with the SWPPP and the CGP.

Comply with Subsection 107-1.11 Protection and Restoration of Property and Landscape. Concrete washout must be fully contained.

Comply with CGP Part 4.8.2 for fueling and maintenance activities. Place absorbent pads or other suitable containment under fill ports while fueling, under equipment during maintenance or repairs, and under leaky equipment.

Comply with requirements of the HMCP and SPCC Plan, and all local, state and federal regulations that pertain to the handling, storage, containment, cleanup, and disposal of petroleum products or other hazardous materials.

Keep the SWPPP and HMCP current (refer to Subsection 641-2.01.3, SWPPP Considerations and Contents)

3. Pollutant and Hazardous Materials Reporting Requirements.

If an incident of non-compliance occurs that may endanger health or the environment:

- a. Immediately report the incident to the Engineer,
- b. Verbally report the incident to dec within 24 hours of becoming aware of the incident, and
- c. Report in writing according to the CGP, Appendix A, Part 3.4.

Coordinate with the Engineer to complete the written noncompliance report on Form 25D-143, and file the written report with DEC within five days after becoming aware of the incident of noncompliance. The report must include:

- d. A description of the noncompliance and its causes;
- e. The exact dates and times of noncompliance;
- f. If not yet corrected the anticipated time the project will be brought back into compliance; and
- g. The corrective action taken or planned to reduce, eliminate and prevent reoccurrence.

Notify the Engineer and COE Regulatory Program immediately if there is incident of noncompliance with COE Permits.

Report spills of petroleum products or other hazardous materials to the Engineer and other agencies as required by law. Use the HMCP and SPCC Plan (if available) for contact information to report spills to regulatory agencies.

4. Corrective Action and Maintenance of BMPs.

Implement maintenance as required by the CGP, SWPPP, and manufacturer's specifications, whichever is more restrictive.

Implement corrective action:

- a. If an incident of noncompliance with the SWPPP, or CGP is identified;
- b. If an Inspection or the Engineer identifies the SWPPP or any part of the SWPPP is ineffective in preventing erosion, sedimentation or the discharge of pollutants;
- c. If a required BMP was not installed according to the SWPPP schedule or phasing, or was installed incorrectly, or was not installed according to the CGP Part 4.0;
- d. If a BMP is not operating as intended, has not been maintained in an effective operation condition, or is unable to effectively perform the intended function;
- e. If sediment accumulates more than one-third of the distance of the above-ground height of the silt fence;
- f. If sediment accumulates to more than one-half retention height for an inlet bmp, check dam, berm, wattle, or other control measures;
- g. If a prohibited discharge of pollutants, as specified in CGP Part 4.7, is occurring or will occur; or
- h. If there is accumulation of sediment or other pollutants, that is in or near any stormwater conveyance channels, or that may enter a discharge point or storm sewer system. If there is accumulation of sediment or other pollutants that is being tracked outside the project zone.
- i. For conditions that are easily remedied (i.e. removal of tracked sediment, maintenance of control measure, or spill clean-up), initiate corrective action within 24 hours and complete as soon as possible;
- j. If installation of a new control measure is needed or an existing control measure requires redesign and reconstruction or replacement to make it operational, the corrective action must be completed within seven calendar days from the time discovered.
- k. For all other conditions initiate corrective actions so both of the following requirements are met:
 - (1) Corrective action is completed in time to protect water quality; and
 - (2) Corrective action is completed no later than the Complete-by-Date that was entered in an Inspection Report (see Subsection 641-3.03.2 for more information).

If a corrective action is not implemented within the time requirements of this section, document the situation in the SWPPP, notify the Engineer and implement corrective action as soon as possible.

If a corrective action could affect a subcontractor, notify the subcontractor within three days of taking the corrective action. Require in your written subcontract, that subcontractors must notify the Contractor within 24 hours of becoming aware of a condition that requires a corrective action.

5. Stabilization.

Stabilization may be accomplished using temporary or permanent measures. Initiate stabilization of disturbed soils, erodible stockpiles, disposal sites, and of erodible aggregate layers so that all of the following conditions are satisfied:

- a. Not later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased (CGP 4.5.1.1 Note:).
- b. As soon as necessary to avoid erosion, sedimentation, or the discharge of pollutants; and
- c. As identified in the SWPPP.

Land may be disturbed and stabilized multiple times during a project. Coordinate work to minimize the amount of disturbed soil at any one time. Do not disturb more soil than you can stabilize with the resources available.

Temporarily stabilize from wind and water erosion portions of disturbed soils, portions of stockpiles, and portions of disposal sites, that are not in active construction. Temporary stabilization measures may require a combination of measures including but not limited to vegetative cover, mulch, stabilizing emulsions, blankets, mats, soil binders, non-erodible cover, dust palliatives, or other approved methods.

When temporary or permanent seeding is required, provide a working hydro seeding equipment located within 100 miles of the project by road; with 1,000 gallon or more tank capacity, paddle agitation of tank, and the capability to reach the seed areas with an uniform mixture of water, seed, mulch and tackifier. If the project is located in an isolated community the hydro-seeder must be located at the project.

Before applying temporary or permanent seeding, prepare the surface to be seeded to reduce erosion potential and to facilitate germination and growth of vegetative cover. Apply seed and maintain seeded areas. Reseed areas where growth of temporary vegetative cover is inadequate to stabilize disturbed ground.

Apply permanent seed according to Sections 618 and 724, within the time periods allowed by the CGP and the contract, at locations where seeding is indicated on the plans and after land-disturbing activity is permanently ceased.

When installing a culvert or other drainage structure where stream bypass is not used, install temporary or final stabilization concurrently or immediately after placing the culvert or drainage structure in a manner that complies with the SWPPP, applicable project permits and prevents discharge of pollutants. Install temporary or final stabilization:

- d. At the culvert or drainage structure inlet and outlet; and
- e. In the areas upstream and downstream that may be disturbed by the process of installing the culvert, culvert end walls, culvert end sections, or drainage structure.

Before deactivating a stream bypass or stream diversion used for construction of a bridge, culvert, or drainage structure, install final or temporary stabilization when approved by the Engineer:

- f. At the inlet and outlet of the culvert, drainage structure, or bridge;
- g. In the area upstream and downstream of the culvert, drainage structure, or bridge, that is disturbed during installation or construction of the culvert, drainage structure, or bridge; and
- h. Under the bridge.

Within fourteen days of initiating final stabilization, either complete final stabilization or continue maintenance of work until final stabilization is complete.

6. Ending CGP Coverage and BMP Maintenance in the Project Zone.

The Engineer will determine the date that all the following conditions for ending CGP coverage have been met within the Project Zone:

- a. Land disturbing activities have ceased;
- b. Final Stabilization has been achieved on all portions of the Project Zone, according to the CGP PART 4.5.2 (including at Department furnished material sources, disposal sites, staging areas, equipment areas, etc.); and
- c. Temporary BMPs have been removed.

After the Engineer has determined the conditions for ending CGP coverage have been met, the Department will:

- d. Send written notice to the Contractor with the date that the conditions were met;
- e. Submit an eNOT to DEC; and
- f. Provide a copy of the eNOT and DEC's acknowledgement letter to the Contractor.

The Contractor is responsible for ending permit coverage within the Project Zone, by submitting an eNOT to DEC within 30 days of meeting the conditions for ending CGP coverage. The Contractor is responsible for BMP maintenance and SWPPP updates until permit coverage is ended.

If the Contractor's CGP eNOI acreage includes Support Activities and any other areas where the Department is not an Operator, the Contractor may not be able to file an eNOT at the same time as the Department. In this case, the Contractor must amend the SWPPP and separate SWPPP2(s), to indicate the Department's CGP coverage has ended, and the Department is no longer an Operator within the Project Zone.

The Contractor must indicate in the SWPPP the areas that have reached Final Stabilization, and the dates land disturbing activities ended and Final Stabilization was achieved. The Contractor must submit an eNOT to DEC, and insert copies of the Department's and the Contractor's eNOTs with DEC's acknowledgement letters in the appendix of the SWPPP.

The Contractor must submit a copy of each signed eNOT and DEC's acknowledgement letter to the Department within three days of filing the eNOT or receiving a written response.

The Contractor is responsible for coordinating local government inspections of work and ending permit coverage with local government. See Subsection 641-1.03.5 for more information.

7. Transmit final SWPPP.

Transmit one copy of the final SWPPP, including all amendments, appendices and maps, to the Engineer; when the project eNOTs are filed, or within 30 days of the Department's eNOT being filed, whichever is sooner. Transmittal must be by both electronic and hard copy.

641-3.02 SWPPP DOCUMENTS, LOCATION ON-SITE, AVAILABILITY, AND RECORD RETENTION.

The SWPPP and related documents maintained by the Contractor are the Record for demonstrating compliance with the CGP. Copies of SWPPP documents transmitted to the Engineer under the requirements of this specification are informational and do not relieve the Contractor's responsibility to maintain complete records as required by the CGP and this specification.

Keep the SWPPP, HMCP and SPCC Plan at the on-site project office. If there is not an on-site project office, keep the documents at a locally available location that meets CGP requirements and is approved by the Engineer. Records may be moved to another office for record retention after the eNOTs are filed.

Records may be moved to another office during winter shutdown. Update on-site postings if records are relocated during winter shutdown. Provide the Department with copies of all Records.

Retain Records and a copy of the SWPPP, for at least three years after the date of eNOT. If EPA or DEC inspects the project, issues a Notice of Violation (NOV), or begins investigation for a potential NOV before the retention period expires, retain the SWPPP and all Records related to the SWPPP and CGP until at least three years after EPA and/or DEC has determined all issues related to the investigation are settled.

The SWPPP and related documents must be made available for review and copy, to the Department and other regulatory agencies that request them. See CGP Parts 5.10, 6.6 and 9.5.

641-3.03 SWPPP INSPECTIONS, AMENDMENTS, REPORTS, AND LOGS.

Perform Inspections, prepare Inspection Reports, and prepare SWPPP Amendments in compliance with the SWPPP and the CGP. Update SWPPP Corrective Action Log Form 25D-112, SWPPP Amendment Log Form 25D-114, SWPPP Grading and Stabilization Activities Log Form 25D-110, SWPPP Project Staff Tracking Form 25D-127, and SWPPP Daily Record of Rainfall Form 25D-115. For active projects update the Records daily.

1. Inspection during Construction.

Conduct Inspections according to the schedule and requirements of the SWPPP and CGP.

Inspections required by the CGP and SWPPP must be performed by the Contractor's SWPPP Manager and the Department's Stormwater Inspector jointly, unless approved by the Engineer, when:

- a. One of the inspectors is not on site, access is only by air, and weather delayed or canceled flights;
- b. One of the inspectors is sick;
- c. The project is on a reduced frequency inspection schedule with no staff on site, the only access to the site is by air, and it is economical to send only one inspector; or
- d. When the Engineer determines a safety concern which makes joint inspection impracticable.

When this is the case, the Operator who conducts the Inspection must provide a copy of the Inspection Report to the other Operator within three days of the Inspection date and document the date of the report transmittal.

2. Inspection Reports.

Use only the DOT&PF SWPPP Construction Site Inspection Report, Form 25D-100 to record Inspections. Changes or revisions to Form 25D-100 are not permitted, except for adding or deleting data fields that list: Location of Discharge Points, and Site Specific BMPs. Complete all fields included on the Inspection Report form; do not leave any field blank.

Insert a Complete-by-Date for each corrective action listed that complies with Section 641-3.01 (4) and the CGP

Provide a copy of the completed, unsigned Inspection Report to the Engineer by the end of the next business day following the inspection.

The Superintendent must review, correct errors, and sign and certify the Inspection Report, within three days of the date of Inspection. The Engineer may coordinate with the Superintendent to review and correct any errors or omissions before the Superintendent signs the report. Corrections are limited to adding missing information or correcting entries to match field notes and conditions present at the time the Inspection was performed. Deliver the signed and certified Inspection Report to the Engineer on the same day the Superintendent signs it.

The Engineer will sign and certify the Inspection Report and will return the original to the Contractor within three working days.

The Engineer may make corrections after the Superintendent has signed and certified the Inspection Report. The Engineer will initial and date each correction. If the Engineer makes corrections, the Superintendent must recertify the Inspection Report by entering a new signature and date in the white space below the original signature and date lines. Send a copy of the recertified Inspection Report to the Engineer on the day it is recertified.

If subsequent corrections to the certified Inspection Report are needed, document the corrections in an amendment memo that addresses only the omitted or erroneous portions of the original Inspection Report. The Superintendent and the Engineer must both sign and certify the amendment memo. The issuance of an amendment memo does not relieve the Contractor of liquidated damages that may have been incurred as a result of the error on the original certified inspection report.

3. Inspection before Seasonal Suspension of Work.

Conduct an Inspection before seasonal suspension of work to confirm BMPs are installed and functioning according to the requirements of the SWPPP and CGP.

4. Reduced Inspection Frequencies.

Conduct Inspections according to the inspection schedule indicated in the approved SWPPP. Any change in inspection frequency must be approved by the Engineer, and beginning and ending dates documented as an amendment to the SWPPP.

If the Engineer approves and the entire site is stabilized, the frequency of inspections may be reduced to at least one inspection every 30 days. At actively staffed sites, inspect within two business days of the end of a storm event that results in a discharge from the site.

When work is suspended due to fall freeze-up, the Engineer may suspend inspection requirements after fourteen days of freezing conditions if:

- a. Soil disturbing activities are suspended; and
- b. Soil stabilizing activities are suspended.

Inspections must resume according to the normal inspection schedule identified in the SWPPP, at least 21 days before anticipated spring thaw. See CGP Part 6.2.3.

The Engineer may waive requirements for updating the Grading and Stabilization Activities Log and Daily Record of Rainfall during seasonal suspension of work. If so, resume collecting and recording weather data on the Daily Record of Rainfall form one month before thawing conditions are expected to result in runoff. Resume recording land disturbance and stabilization activities on the Grading and Stabilization Activities Log when Construction Activity resumes.

5. Stabilization before Fall Freeze up and Spring Thaw.

Construction Activities within the Project Zone must be stabilized with appropriate BMPs prior to the anticipated date of fall freeze up, in accordance with the CGP, Section 4.12.

Exceptions to stabilization prior to anticipated date of fall freeze up include:

- a. When stabilization activities are precluded by snow cover or frozen ground conditions prior to the anticipated date of fall freeze up, or
- b. When winter construction activity is authorized by the Engineer and conducted according to the contract.

Construction Activities within the Project Zone must be stabilized with appropriate BMPs prior to spring thaw, as defined in the CGP.

6. Inspection before Project Completion.

Conduct Inspection to ensure Final Stabilization is complete throughout the Project, and temporary BMPs that are required to be removed are removed. Temporary BMPs that are biodegradable and are specifically designed and installed with the intent of remaining in place until they degrade, may remain in place after project completion.

7. Items and Areas to Inspect.

Conduct Inspections of the areas required by the CGP and SWPPP.

8. SWPPP Amendments and SWPPP Amendment Log.

The Superintendent and the SWPPP Manager are the only persons authorized to amend the SWPPP and update the SWPPP Amendment Log, Form 25D-114. The Superintendent or the SWPPP Manager must sign and date amendments to the SWPPP and updates to the SWPPP Amendment Log.

SWPPP Amendments must be approved by the Engineer.

Amendments must occur:

- a. Whenever there is a change in design, construction operation, or maintenance at the construction site that has or could cause erosion, sedimentation or the discharge of pollutants that has not been previously addressed in the SWPPP;
- b. If an Inspection identifies that any portion of the SWPPP is ineffective in preventing erosion, sedimentation, or the discharge of pollutants;
- c. Whenever an Inspection identifies a problem that requires additional or modified BMPs
- d. Whenever a BMP is modified during construction, or a BMP not shown in the original SWPPP is added;
- e. If the Inspection frequency is modified (note beginning and ending dates); or
- f. When there is a change in personnel who are named in the SWPPP, according to Subsection 641-2.01.4.

Amend the SWPPP narrative as soon as practicable after any change or modification, but in no case, later than seven days following identification of the need for an amendment. Every SWPPP Amendment must be signed and dated. Cross-reference the amendment number with the Corrective Action Log or SWPPP page number, as applicable. When a BMP is modified or added, describe the BMP according to Subsection 641-2.01.3.

Keep the SWPPP Amendment Log current. Prior to performing each scheduled Inspection, submit to the Engineer a copy of the pages of the Amendment Log that contain new entries since the last submittal. Include copies of any documents amending the SWPPP.

Keep the SWPPP Amendment Log as an appendix to the SWPPP.

9. Site Maps.

Document installation, routine maintenance, and removal of BMPs by making notes on the SWPPP Site Maps. Include the date and the recording person's initials by these notes. Identify areas where Construction Activities begin, areas where Construction Activities temporarily or permanently cease, and areas that are temporarily or permanently stabilized.

10. Corrective Action Log.

The Superintendent and SWPPP Manager are the only persons authorized to make entries on the SWPPP Corrective Action Log, Form 25D-112. Document the need for corrective action within 24 hours of either:

- a. Identification during an inspection; or
- b. Discovery by the Department's or Contractor's staff, a subcontractor, or a regulatory agency inspector.

Modification or replacement of a BMP, installation of a new BMP not shown in the original SWPPP, overdue BMP maintenance, or other reasons listed as corrective actions in 641-3.01.4 must be documented on the Corrective Action Log.

Within 24 hours of discovery, update the Corrective Action Log, Form 25D-112, with the date of discovery and proposed corrective action. If discovered during an inspection, update log with inspection date and proposed corrective actions noted on the Inspection Report. If discovered outside of an inspection, update the log with the date of discovery, the proposed corrective action, and the date the corrective action was completed.

After the corrective action has been accomplished, note in the Corrective Action Log the action taken and if a SWPPP amendment was needed. Date and initial the entry.

Keep the Corrective Action Log current and submit a copy to the Engineer prior to performing each scheduled SWPPP Inspection.

Keep the Corrective Action Log as an appendix to the SWPPP.

11. Grading and Stabilization Activities Log.

The Superintendent and SWPPP Manager are the only persons authorized to date and initial entries on the SWPPP Grading and Stabilization Activities Log, Form 25D-110. Use the SWPPP Grading and Stabilization Activities Log, to record land disturbance and stabilization activities.

Keep the Grading and Stabilization Activities Log current and submit a copy to the Engineer prior to performing each scheduled SWPPP Inspection. Keep the Grading and Stabilization Activities Log organized and completed to demonstrate compliance with the CGP Part 4.5.

Keep the Grading and Stabilization Activities Log as an appendix to the SWPPP.

12. Daily Record of Rainfall.

Use SWPPP Daily Record of Rainfall, Form 25D-115, to record weather conditions at the Project. Update the form daily and include the initials of the person recording each day's entry. Submit a copy to the Engineer prior to performing each scheduled Inspection. Keep the Daily Record of Rainfall as an appendix to the SWPPP.

13. Staff Tracking Log.

Use the SWPPP Project Staff Tracking Form 25D-127, to keep staff records current. Include Records of the AK-CESCL or equivalent qualifications for the Superintendent, SWPPP Manager, ATS operator, any acting Superintendent and acting SWPPP Managers, and beginning and end dates for temporary personnel assignments related to administration of the CGP or Section 641. Update the SWPPP Staff Tracking Log within 24 hours of any changes in personnel, qualifications, or other staffing items related to administration of the CGP or Section 641.

641-3.04 FAILURE TO PERFORM WORK.

The Engineer has authority to suspend work and withhold monies, for an incident of noncompliance with the CGP or SWPPP, that may endanger health or the environment or for failure to perform work related to

this Section 641. If the suspension is to protect workers, the public, or the environment from imminent harm, the Engineer may orally order the suspension of work. Following an oral order of suspension, the Engineer will promptly give written notice.

In other circumstances, the Engineer will give the Contractor written notice before suspension of work. A notice of suspension will:

- state the defects or reasons for a suspension,
- the corrective actions required to stop suspension and,
- the time allowed to complete the corrective actions.

If the Contractor fails to take the corrective action within the specified time, the Engineer may:

1. Suspend the work until corrective action is completed;
2. Withhold monies due the Contractor until corrective action is completed;
3. Assess damages or equitable adjustments against the Contract Amount; and
4. Employ others to perform the corrective action and deduct the cost from the Contract amount.

Reasons for the Engineer to take action under this section include, but are not limited to, the Contractor's failure to:

1. Obtain appropriate permits before Construction Activities occur;
2. Perform SWPPP Administration;
3. Perform timely Inspections;
4. Update the SWPPP;
5. Transmit updated SWPPP, Inspection Reports, and other updated SWPPP forms to the Engineer;
6. Maintain effective BMPs to control erosion, sedimentation, and pollution in accordance with the SWPPP, the CGP, and applicable local, state, and federal requirements;
7. Perform duties according to the requirements of this Section 641; or
8. Meet requirements of the CGP, SWPPP, or other permits, laws, and regulations related to erosion, sediment, or pollution control.

No additional Contract time or additional compensation will be allowed due to delays caused by the Engineer's suspension of work under this subsection.

641-3.05 ACCESS TO WORK.

The Project, including any related off-site areas or support activities, must be made available for inspection, or sampling and monitoring, by the Department and other regulatory agencies. See CGP Part 6.6.

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

Item 641(1), 641(3) and 641(7), are lump sum.

Items 641(2), 641(4) and 641(5), will be measured on a contingent sum basis as specified by the Directive authorizing the work.

Item 641(6) will be measured on a contingent sum basis with withholding determined by the Department.

TABLE 641-1 BMP VALUES - RESERVED

Liquidated Damages assessed according to Table 641-2 are not an adjustment to the Contract amount. These damages charges are related to Contract performance but are billed by the Department to the Contractor, independent of the Contract amount. An amount equal to the Liquidated Damages may be withheld for unsatisfactory performance, from payment due under the Contract, until the Contractor remits payment for billed Liquidated Damages.

**TABLE 641-2 - VERSION C
EROSION, SEDIMENT AND POLLUTION CONTROL – LIQUIDATED DAMAGES**

Code	Specification Section Number and Description	Deductible Amount in Dollars	Cumulative Deductible Amounts in Dollars
A	641-1.04 Failure to have a qualified (AK-CESCL or equivalent) SWPPP Manager	Calculated in Code B or F	
B	Failure to meet SWPPP requirements of: (1) 641-2.01.1 Name of SWPPP Preparer (2) Not Applicable (3) 641-3.03.8 Sign and Date SWPPP amendments with qualified person 641-2.01.4 SWPPP Include approving person's name and AK-CESCL expiration date (4) 641-3.02 Records maintained at project and made available for review	\$750 per omission	
C	Not Applicable		
D	641-3.03.5 Failure to stabilize a Project prior to fall freeze up.	\$5,000 per Project per year	
E	641-2.01.1 Failure to conduct pre-construction inspections before Construction Activities on all projects greater than 1 acre.	\$2,000 per Project	
F*	641-3.03. Failure to conduct and record CGP Inspections 641-3.03.1 Personnel conducting Inspections and Frequency 641-3.03.2 Inspection Reports, use Form 25D-100, completed with all required information	\$750 per Inspection	Additional \$750 for every additional 7 day period without completing the required inspection.
G	641-3.01.4 Corrective action, failure to timely accomplish BMP maintenance and/or repairs. In effect until BMP maintenance and/or repairs is completed.	\$500 per Project per day	
H	641-3.01.3 Failure to provide to the Engineer and DEC a timely oral noncompliance report of violations or for a deficient oral noncompliance report	\$750 for the first day the report is late or deficient	Additional \$750 for every 14 day period with- out the required information
I	641-3.01.3 Failure to provide to the Engineer and DEC a timely written noncompliance report, use Form 25D-143, of violations or for a deficient written noncompliance report	\$750 for the first day the report is late or deficient	Additional \$750 for every 14 day period without the required information
J	641.3.04 Failure to comply with the requirements of the CGP, approved SWPPP, or Section 641, except as listed above	\$750 per occurrence for the first day	Additional \$750 for every day the deficiency remains uncorrected

Code F* Liquidated Damages according to Code F will not be billed for typographic errors and minor data entry errors, except the liquidated damages will be assessed for these errors when:

- the contractor has previously been notified and subsequent inspection reports repeat the same or similar error,
- multiple inspection reports are submitted after the submission due date and the same or similar errors are repeated on multiple overdue reports,

- *an error in recording the inspector's AK-CESCL certification date results in an inspector performing the inspection during a period when their certification was lapse or was otherwise invalid.*

641-5.01 BASIS OF PAYMENT. See Subsection 641-3.04 Failure to Perform Work, for additional work and payment requirements.

Item 641(1) Erosion, Sediment and Pollution Control Administration. At the Contract lump sum price for administration of all work under this Section. Includes, but is not limited to, SWPPP and HMCP and SPCC Plan preparation, agency fees for SWPPP reviews, SWPPP amendments, pre-construction Inspections, Inspections, monitoring, reporting, and Record keeping or copying Records related to the SWPPP and required by the CGP, and Record retention.

Item 641(2) Temporary Erosion, Sediment and Pollution Control. At the contingent sum prices specified for all labor, supervision, material, equipment, and incidentals to install, maintain, remove and dispose of approved temporary erosion, sedimentation, and pollution control BMPs required to implement the SWPPP and SPCC Plan.

Item 641(3) Temporary Erosion, Sediment and Pollution Control. At the Contract lump sum price for all labor, supervision, material, equipment, and incidentals to install, maintain, remove and dispose of temporary erosion, sedimentation, and pollution control BMPs identified in the SWPPP and SPCC Plan.

Item 641(4) Temporary Erosion Sediment and Pollution Control Additives. At the contingent sum prices specified in the Directive to authorize the work, for all labor, supervision, materials, equipment, and incidentals for extra, additional, or unanticipated work, to install, maintain, remove and dispose of temporary erosion, sedimentation, and pollution control BMPs not covered by Item 641(3). All additional Erosion, Sediment, and Pollution Control Administration necessary due to this item will not be paid for separately but will be subsidiary to other bid items.

Item 641(5) Temporary Erosion Sediment and Pollution Control by Directive. At the contingent sum prices specified in the Directive using time and materials to authorize the work, for all labor, supervision, materials, equipment, and incidentals to install, maintain, remove and dispose of temporary erosion, sedimentation, and pollution control BMPs. Prices for this item will by time and materials according to Subsection 109-1.05, or by mutual agreement between the Engineer and Contractor. All additional Erosion, Sediment, and Pollution Control Administration necessary due to this item will not be paid for separately but will be subsidiary to other bid items.

Item 641(6) Withholding. The Engineer may withhold an amount equal to Liquidated Damages, assessed according to Section 641, from payment due the Contractor. Liquidated Damages for violations of the Contract, CWA, CGP, are determined by the Engineer according to Table 641-2. The Engineer may withhold payment due the Contractors until the Contractor pays the Liquidated Damages to the Department.

The Department will not release performance bonds until Liquidated Damages assessed according to Section 641 are paid to the Department, and all requirements according to Subsection 103-1.05 are satisfied.

Item 641(7) SWPPP Manager. At the Contract lump sum price for a SWPPP Manager that conforms to this specification. When Item 641(7) appears in the Bid Schedule, the SWPPP Manager must be a different person than the superintendent, and must be physically present during construction activity with duties and authority as described in Subsection 641-2.04. When Item 641(7) does not appear in the Bid Schedule, the SWPPP Manager is subsidiary to Item 641(1).

Subsidiary Items. Temporary erosion, sediment and pollution control measures that are required outside the Project Zone are subsidiary. Work required by the HMCP and SPCC Plan including hazardous material storage, containment, removal, cleanup and disposal, are subsidiary to Item 641(1) Erosion, Sediment and Pollution Control Administration.

Work under other pay items. Work that is paid for directly or indirectly under other pay items will not be measured and paid for under Section 641. This work includes but is not limited to:

- a. Dewatering;
- b. Shoring;
- c. Bailing;
- d. Permanent seeding;
- e. Installation and removal of temporary work pads;
- f. Temporary accesses;
- g. Temporary drainage pipes and structures;
- h. Diversion channels;
- i. Settling impoundment; and
- j. Filtration.

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

Work at the Contractor's Expense. Temporary erosion, sediment and pollution control measures that are required due to carelessness, negligence, or failure to install temporary or permanent controls as scheduled or ordered by the Engineer, or for the Contractor's convenience, are at the Contractor's expense.

Payment will be made under:

PAY ITEM	PAY UNIT
641(1) Erosion, Sediment and Pollution Control Administration	Lump Sum
641(2) Temporary Erosion, Sediment and Pollution Control	Contingent Sum
641(3) Temporary Erosion, Sediment and Pollution Control	Lump Sum
641(4) Temporary Erosion, Sediment and Pollution Control Additives	Contingent Sum
641(5) Temporary Erosion Sediment and Pollution Control by Directive	Contingent Sum
641(6) Withholding	Contingent Sum
641(7) SWPPP Manager	Lump Sum