

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 Construction General Permit.

641-1.02 DEFINITIONS.

These definitions apply only to Section 641.

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 (ADEC). 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 ADEC that issues and tracks permits for storm water 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.).

Consent Decree. The decree entered by the United States District Court for the District of Alaska on September 21, 2010, regarding compliance with the CWA and implementation of the CGP, to which the United States and the Department are parties.

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

Construction General Permit (CGP). The permit authorizing storm water discharges from Construction Activities, issued and enforced by ADEC. It authorizes stormwater discharges provided permit conditions and water quality standards are met.

Electronic Notice of Intent (eNOI). The electronic Notice of Intent submitted to ADEC, to obtain coverage under the CGP.

Electronic Notice of Termination (eNOT). The electronic Notice of Termination submitted to ADEC, to end coverage under the CGP.

Environmental Protection Agency (EPA). A federal agency charged to protect human health and the environment.

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.

Multi-Sector General Permit (MSGP). The Alaska Pollutant Discharge Elimination System General Permit for storm water discharges associated with industrial activity.

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, 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 Department by the Contract and are directly related to 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 Consent Decree, the CGP, the CGP storm water 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 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 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.

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.

2. Hazardous Material Control Plan. 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. The Contractor cannot use the SWPPP for construction activities outside the Project Zone where the Department is not an operator.

After Department approval of the SWPPP and prior to beginning Construction Activity, submit an eNOI with the required fee to ADEC for coverage under the Construction General Permit (CGP). Submit a copy of the signed eNOI and ADEC's acknowledgement letter to the Engineer when the eNOI is submitted to ADEC.

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

The Department will submit an eNOI to ADEC for Construction Activities inside the Project Zone. The Engineer will provide the Contractor with a copy of the Department's eNOI and ADEC's acknowledgement letter, for inclusion in the SWPPP.

5. Ending CGP Coverage. Submit an eNOT to ADEC, and submit both a copy of the signed eNOT and ADEC's acknowledgement letter to the Department, within 30 days after the Engineer has determined the conditions listed in Subsection 641-3.01.6 have been met.
6. ADEC SWPPP Review. When CGP, Part 5.13 requires ADEC SWPPP review:
 - a. Transmit a copy of the Department-approved SWPPP to ADEC using delivery receipt confirmation;
 - b. Transmit a copy of the delivery receipt confirmation to the Engineer within seven days of receiving the confirmation; and
 - c. Retain a copy of delivery receipt confirmation in the SWPPP.
7. Local Government SWPPP Review. When CGP, Part 5.13 requires local government review:
 - a. Transmit a copy of the Department-approved SWPPP to local government, with the required fee using 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; and
- e. Include a copy of local government SWPPP review letter in the SWPPP.

641-1.04 PERSONNEL QUALIFICATIONS.

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

- Current certification as a Certified Professional in Erosion and Sediment Control (CPESC)
- 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.
- Professional Engineer registered in the State of Alaska with current certification as AK-CESCL

The Superintendent must meet all the following qualifications:

- Current certification as AK-CESCL
- Duly authorized representative, as defined in the CGP, Appendix F, Part 1.12.3

The SWPPP Manager must have current certification as AK-CESCL.

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:

- CPESC, Certified Professional in Erosion and Sediment Control
- CISEC, Certified Inspector in Sediment and Erosion Control
- CESCL, Washington Department of Ecology Certified Erosion and Sediment Control Lead (Through Nov. 30, 2011 only. Will not be accepted as an equivalent substitution after Nov. 30, 2011)

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 F, Part 1.12.2. 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 F, Part 1.12.3, for the SWPPP, Inspection Reports and other reports required by the CGP. The Engineer will provide the Department's delegation Form 25D-107, which the Contractor must include in the SWPPP.
3. Subcontractor Certification. Subcontractors must certify that they have read and will abide by the CGP and the conditions of the project SWPPP.

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 ADEC 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; and
 - b. For commercial plants, commercial material sources, and commercial disposal sites.

641-1.07 UTILITY. (Reserved)

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. 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 and other Contract documents as a starting point for developing the SWPPP. The approved SWPPP replaces the ESCP.

Develop the SWPPP according to the EPA's SWPPP template for authorized states with additional information as required.

When using the EPA's SWPPP template:

- In Section 3 (Good Housekeeping), add a subsection to describe dedicated asphalt plants and/or dedicated concrete plants, give their locations and identify the BMPs that will be used to minimize pollutants from them. If there are no dedicated asphalt or concrete plants, then state that in the SWPPP.

- Include the following appendices:
 - Appendix A – General Location Map
 - Appendix B – Site Maps
 - Appendix C – Construction General Permit
 - Appendix D – NOI forms and Acknowledgement Letters from ADEC
(Include both Department's and Contractor's)
 - Appendix E – Inspection Reports
 - Appendix F – Corrective Action Log
 - Appendix G – SWPPP Amendment Log
 - Appendix H – Subcontractor Certifications/Agreements
 - Appendix I – Grading and Stabilization Activities Log
 - Appendix J – Training Log
 - Appendix K – Delegation of Authority
 - Appendix L – Additional Information

- Add appendices for:
 - Appendix M -- Endangered Species Act and historic preservation documents
 - Use the documents obtained by the Department, see SWPPP Considerations and Contents below
 - Appendix N -- Hazardous Material Control Plan
 - Appendix O -- BMP Descriptions/Drawings
 - Appendix P -- SWPPP Preparer's Site Visit
 - Appendix Q -- Personnel qualification & training certifications for:
 - Superintendent
 - SWPPP Preparer
 - SWPPP Manager
 - Department Project Engineer and Stormwater Inspector
 - Qualified personnel must be described in a list with names and dates in positions
 - Appendix R -- Rainfall Logs
 - Appendix S - Department- acquired project permits
 - Appendix T – Correspondence with ADEC and local government including:
 - ADEC delivery receipt of SWPPP
 - ADEC non-domestic wastewater plan review no objection letter when required (use the letter obtained by the Department)
 - Local SWPPP review letter when required
 - Appendix U – NOT forms and Acknowledgement letters from ADEC
(Include both Department's and Contractor's)

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

- SWPPP Delegation of Signature Authority – DOT&PF (25D-107)
- SWPPP Certification for DOT&PF (25D-109)
- SWPPP Delayed Action Item Report (25D-113)

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 parts 1&2)
- 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 Forms are 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.

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 separate SWPPP2(s), 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:

- a. Over which each operator has operational control; and
- b. 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:

- a. Dedicated to the Project and where the Department is not an operator; and
- b. Not dedicated to the project, but used for the project.

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.

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. 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.

Describe BMPs in the SWPPP and in SWPPP Amendments, including source controls, sediment controls, discharge points, and all temporary and permanent stabilization measures. Describe the design, placement, installation, and maintenance of each BMP, using words and drawings as appropriate. Provide a citation to the BMP Manual or publication used as a source for the BMP, including the title of the BMP Manual or publication, the author (individual or agency), and date of publication. 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.

Identify in the SWPPP whether Inspections are conducted:

- At least once every seven days during construction; or

- At least once every 14 days during construction and within 24 hours of the end of a storm event of 1/2 inch or greater rainfall in a 24 hour period (1/2 inch rainfall as recorded at the project site rain gauge)

The SWPPP must cite and incorporate applicable requirements of the Project permits, environmental commitments, 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 storm water pollution prevention activities and to satisfy the requirements of the Consent Decree, CGP and this specification. See Subsection 641-3.03 for more information.

4. Recording Personnel and Contact Information in the SWPPP.

Include in the SWPPP, Records of the AK-CESCL cards or certificates 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.

The Department will provide Records of AK-CESCL cards or certificates for the Project Engineer and the Stormwater Inspectors, and names and dates they are acting in that position. Include the Department's Records in the SWPPP.

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

Prepare the HMCP 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, and under equipment during maintenance or repairs.

Use secondary containment under all stationary equipment (equipment that does not have a seat for driving) that contains petroleum products. Use secondary containment under pumps, compressors, and generators.

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.

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:

- Oil or petroleum products from a spill may reach navigable waters (as defined in 40 CFR 112); and
- 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 and the Consent Decree, 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 and the Consent Decree.

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.

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 requirements of the CGP and Consent Decree because Contractor's employees will be conducting duties that relate to compliance with the CGP and the Consent Decree. A copy of the Consent Decree is available on the Department's Statewide Environmental Office web page.

641-3.01 CONSTRUCTION REQUIREMENTS.

Comply with the SWPPP and the requirements of the CGP.

1. Before Construction Activity may Begin.

- The SWPPP Preparer must visit the Project, the visit must be documented in the SWPPP, and the SWPPP must be developed (or amended) with findings from the visit
- The SWPPP must be approved by the Engineer
- The Contractor must be authorized to begin by the Engineer
- 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 ADEC website
- The Department approved SWPPP must be submitted to ADEC and Local Government (when required)

Post notices containing the following information:

- Copy of all eNOIs related to this project
- Name and 24 hour phone number of SWPPP Manager
- 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 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.

Install an outdoor rain gauge in per manufacturer's guidance in a readily accessible location on the Project.

Install sediment controls and other BMPs that must be placed prior to the initiation of Construction Activity.

2. During Construction.

Ensure all subcontractors understand and comply with the SWPPP and the CGP, and have signed a SWPPP Subcontractor Certification, Form 25D-105. Include SWPPP Subcontractor Certifications as an appendix to the SWPPP. Provide SWPPP information to utility companies. Coordinate with subcontractors and utility companies doing work in the Project Zone so BMPs, including temporary and permanent stabilization are installed, maintained, and protected from damage.

Provide on-going training to employees and subcontractors, on control measures at the site and applicable storm water pollution prevention procedures. 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. Do not install concrete washout containment within 100 feet of wetlands and/or other water bodies.

Place absorbent pads or other suitable containment under fill ports while fueling, and under equipment during maintenance or repairs. Install secondary containment under all stationary equipment that contains petroleum products.

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

3. Pollutant and Hazardous Materials Reporting Requirements.

If there has been an incident of non-compliance with the CGP that may endanger health or the environment, immediately report the incident to ADEC according to the CGP, Appendix F. Notify the Engineer immediately and to the extent possible coordinate reports to ADEC with the Engineer. The report must include:

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

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 corrective action:

- If an incident of non-compliance with the SWPPP, or CGP is identified
- If an Inspection identifies the SWPPP or any part of the SWPPP is ineffective in preventing erosion, sedimentation or the discharge of pollutants
- If the Engineer determines the SWPPP or any part of the SWPPP is ineffective in preventing the erosion, sedimentation, or the discharge of pollutants
- If any BMP is damaged, undercut, or unable to effectively perform the intended function
- Before sediment or debris fills any BMP (including sediment traps, ponds and silt fences) to 50% of its design storage capacity (or manufacturer's specifications or SWPPP requirements, whichever is lower)
- Whenever there is a change in conditions, design, construction, operation, or maintenance that could result in erosion, sedimentation, or the discharge of pollutants

Implement corrective actions so that all of the following time requirements are satisfied:

- Corrective action is completed as soon as possible
- Corrective action is completed before the next storm event
- Corrective action is completed in time to protect water quality
- 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 alternative BMPs as soon as possible.

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:

- As soon as practicable
- As soon as necessary to avoid erosion, sedimentation, or the discharge of pollutants
- As identified in the SWPPP
- No later than 14 days after the temporary or permanent cessation of land-disturbing activities on a portion of the site, according to the CGP

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, 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 permanent 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 and permanent stabilization:

- At the culvert or drainage structure inlet and outlet
- 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 permanent stabilization:

- At the inlet and outlet of the culvert, drainage structure, or bridge
- 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
- Under the bridge

6. Ending CGP Coverage and BMP Maintenance.

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

- Land disturbing activities have ceased
- Final Stabilization has been achieved (including at Department furnished material sources, disposal sites, staging areas, equipment areas, etc.)
- Temporary BMPs have been removed

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

- Send written notice to the Contractor with the date that the conditions were met
- Submit an eNOT to ADEC
- Provide a copy of the eNOT and ADEC's acknowledgement letter to the Contractor

The Contractor is responsible for ending permit coverage within the Project Zone, by submitting an eNOT to ADEC 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 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 ADEC, and insert copies of the Department's and the Contractor's eNOTs with ADEC's acknowledgement letters in the appendix of the SWPPP.

The Contractor must submit a copy of each signed eNOT and ADEC's acknowledgement letter to the Department within 30 days of receiving them.

See Subsection 641-1.03.5 for more information.

7. Transmit final SWPPP.

Transmit one copy of the final SWPPP, including all amendments and appendices, 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 AND RECORD RETENTION.

The SWPPP and related documents maintained by the Contractor are the Record for demonstrating compliance with the CGP and the Consent Decree. 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 approved 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. 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 ADEC 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 ADEC has determined all issues related to the investigation are settled.

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, SWPPP Amendment Log, SWPPP Grading and Stabilization Activities Log, and SWPPP Daily Record of Rainfall forms. 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 impracticable. For this paragraph, "impracticable" means when both inspectors must fly to a remote area in the winter or when one inspector is sick or unable to travel to the site due to weather. 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.

Unless otherwise directed by the Engineer, insert a Complete-by-Date for each corrective action listed that is (1) a date that complies with the time requirements listed in Subsection 641-3.01.4, or (2) six calendar days after the date of the Inspection, whichever is sooner. Provide a copy of the completed, unsigned Inspection Report to the Engineer by noon of the day after 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 addendum that addresses only the omitted or erroneous portions of the original Inspection Report. The Superintendent and the Engineer must both sign and certify the addendum.

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.

Inspection frequency during winter work or seasonal suspension of work may be reduced to at least one Inspection every month if approved by the Engineer and one of the following requirements is met:

- The entire site is temporarily stabilized;
- Runoff is unlikely due to winter conditions (e.g. the site is covered with snow, ice or the ground is frozen, and water flow or seepage is not likely to occur); or
- Construction is occurring during seasonal arid periods in arid areas and semi-arid areas

The Engineer may waive winter monthly Inspection requirements until one month before thawing conditions are expected to result in a discharge, if all the following requirements are met:

- Frozen conditions are anticipated to continue for more than one month
- Land disturbance activities have been suspended

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 Seasonal Thaw.

Construction Activities within the Project Zone must be stabilized with appropriate BMPs prior to seasonal thaw. Seasonal thaw is the annual (first) recurrence of snow and ice melting after a prolonged period of freezing conditions.

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:

- 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
- If an Inspection identifies that any portion of the SWPPP is ineffective in preventing erosion, sedimentation, or the discharge of pollutants
- Whenever an Inspection identifies a problem that requires additional or modified BMPs
- Whenever a BMP is modified during construction, or a BMP not shown in the original SWPPP is added
- If the Inspection frequency is modified (note beginning and ending dates)
- When there is a change in personnel who are named in the SWPPP, according to Subsection 641-2.01.4

Do not record removal of BMPs as amendments to the SWPPP. See Subsection 641-3.03.9 for documenting removal of BMPs.

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 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.

Modification or replacement of a BMP, installation of a new BMP not shown in the original SWPPP, or overdue maintenance (after a sediment trap exceeds 50% of design capacity) is a corrective action and must be documented on the Corrective Action Log. Do not record removal of BMPs on the Corrective Action Log.

After each Inspection Report has been signed and certified, update the corrective action log to include all corrective actions noted on the Inspection Report.

After the corrective action has been accomplished, note the action taken, and 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 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.

641-3.04 FAILURE TO PERFORM WORK.

The Engineer has authority to suspend work and withhold monies, for an incident of non-compliance with the CGP, Consent Decree or SWPPP, that may endanger health or the environment. 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 of suspension. In other circumstances, the Engineer will give the Contractor written notice of suspension 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 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:

- Obtain appropriate permits before Construction Activities occur
- Perform SWPPP Administration
- Perform timely Inspections
- Update the SWPPP
- Transmit updated SWPPP, Inspection Reports, and other updated SWPPP forms to the Engineer
- Maintain effective BMPs to control erosion, sedimentation, and pollution in accordance with the SWPPP, the CGP, and applicable local, state, and federal requirements
- Perform duties according to the requirements of this Section 641
- 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.

641-4.01 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 independent of the Contract amount. An amount equal to the Liquidated Damages may be withheld as retainage from payment due under the Contract, until the Contractor remits payment for billed Liquidated Damages.

**TABLE 641-2 Version B
EROSION, SEDIMENT AND POLLUTION CONTROL – LIQUIDATED DAMAGES**

Code	Specification Subsection Number and Description	Deductable Amount in Dollars	Cumulative Deductable Amounts in Dollars
A	641-1.04 Failure to have a qualified (AK-CESCL or equivalent) Superintendent or SWPPP Manager	Calculated in Code B or F	
B	Failure to meet SWPPP requirements of: (1) 641-2.01.1 Name of SWPPP Preparer and Date of Pre-Construction Inspection (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	641-2.01.3 and 641-3.03.8 Failure to either reference a BMP manual or publication, or state that no BMP manual or publication was used	\$250 per omission	
D	641-3.03.5 Failure to stabilize a Project prior to Seasonal Thaw	\$5,000 per Project per year	
E	641-2.01.1 Failure to conduct pre-construction inspections before Construction Activities	\$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 according to the Consent Decree paragraph 7.c, parts (1) through (11)	\$750 per Inspection	
G	641-3.01.4 Failure to timely accomplish BMP maintenance and/or repairs, In effect until BMP maintenance and/or repairs is completed.	\$500 per Project per day	Not to exceed \$250,000 per year for all projects
H	641-3.01.3 Failure to provide to the Engineer and ADEC a timely oral	\$750 for the first day the report is	Additional \$750 for

	endangerment report of violations or for a deficient oral endangerment report	late or deficient	every 14 day period without the required information
I	641-3.01.3 Failure to provide to the Engineer and ADEC a timely written endangerment report of violations or for a deficient written endangerment report	\$750 for the first day the report is late or deficient	Additional \$750 for every 14 day period without the required information

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. 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, or Consent Decree 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 on-site during construction activity with duties and authority 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:

- Dewatering
- Shoring
- Bailing
- Permanent seeding
- Installation and removal of temporary work pads
- Temporary accesses
- Temporary drainage pipes and structures
- Diversion channels
- Settling impoundment
- 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