**Water Quality Control**

**Purpose:**

The purposes of this bulletin are to:

1. Provide a summary of major changes in the revised Water Quality Control and Erosion Control Specifications.
2. Provide a change to the current Standard Specifications, subsection 208.09
3. Issue the revised Environmental Pre-construction Agenda and Certification of Understanding.
4. Issue the revised CDOT Forms: 1176 and 1177.
5. Issue the revised Over an Acre and Under an Acre Templates.
6. Issue the Revised Stormwater Notebook Table of Contents and Notebook Tabs.

**New and Revised Standard Special Provisions:**

On March 29, 2016 CDOT issued:

* New Standard Special Provision, *Revision of Section 107, Water Quality Control
(CDOT Obtained Stormwater Permit)*
* Revised Standard Special Provision*, Revision of Section 107, Water Quality Control (Contractor Obtained Stormwater Permit)*
* New Standard Special Provision, *Revision of Section 208, Erosion Control*
* Revised Standard Special Provision, *Revision of Sections 107 and 208, Water Quality Control and Erosion Control Under One Acre of Disturbance*
* Revised Standard Plan M-208-1, Temporary Erosion Control (Required for all projects)

These specification changes were implemented as a result of the 2015 EPA audit, 2015 MS4 Permit (COS000005) and experience gained from data provided by the Water Quality reporting software ESCAN. All projects advertised on or after April 21, 2016 are required to implement the new program requirements and documents.

New requirements of these standard special provisions include but are not limited to:

1. New and revised standard special provisions, *Revision of Section 107, Water Quality Control (CDOT Obtained Stormwater Permit and Contractor Obtained Stormwater Permit):*
* There are two standard special provisions for subsection 107.25. During the project development process for projects requiring a permit, the Resident Engineer, in consultation with the Region Environmental staff, will determine who should obtain the Stormwater Discharges Associated with Construction Activity General Permit (CDPS-SCP). Requirements on how to transfer the CDPS-SCP between CDOT and the Contractor were updated to achieve conformance with requirements of the CDPHE.
* Changed the name and the requirements of the pollutant byproducts plan to the Method Statement for Containing Pollutant Byproducts.
* Clarified Contractor requirements to report spills to the Engineer that meet the requirements of Colorado Water Quality Control Act, Regulation 5 CCR 1002-61. These are also the requirements for the Contractor to report project spills to CDPHE.
* Revised the Contractor requirement from Spill Prevention, Control and Countermeasures Plan (SPCC) to a Spill Response Plan (SRP). Provided requirements of when an SRP is required for a project.
1. New standard special provision, *Revision of Section 208, Erosion Control:*
* Replaced the daily inspection requirement with a 7-calendar-day minimum inspection frequency.
* Replaced RECAT with Headquarters Water Quality Inspection and MAR with Region Water Quality Inspection based on the new MS4 requirement to have a risk based inspection program.
* Added Erosion Control Management (ECM) that consists of the administration of the SWMP and inspection of the site. Clarified the roles and responsibilities for the SWMP Administrator and Erosion Control Inspector (ECI) mainly within subsection 208.03 (c) ECM and clarification of responsible party throughout other parts of the specification. Added requirement that one certified ECI is required for every 40 acres of combined temporary and interim stabilization methods used on the project. Obsoleted two pay items, Erosion Control Supervisor, unit Day and Hour. Added a new pay item for ECM, unit Day.
* Replaced the previous requirement that limited the amount of erodible area exposed at one time from 34 acres with the new requirement that a maximum area of temporary stabilization shall not exceed 20 acres.
* Added a requirement that Permanent Water Quality BMPs shall be surveyed by the Contractor and the Contractor’s Surveyor shall stamp and seal the paper version of the drawings. The survey data shall also be submitted as a MicroStation or AutoCad file.
* Added and defined stabilization measures as temporary, interim, permanent and final.
* Updated CDOT’s regulatory mechanism to enforce the requirements and achieve program compliance with the MS4 Permit. The Contractor will be charged liquidated damages which has increased from $875 to $970 for each day after the 48-hour period has expired. During the first 96 hours after the documented finding, the Contractor has the opportunity to submit a written request for deferment from either liquated damages or a Stop Work Order. The Deferment Entry must be entered into ESCAN with an explanation of the extraordinary circumstances why a corrective action will require more time to complete.

3. Revised Standard Special Provision, *Revision of Sections 107 and 208, Water Quality Control and Erosion Control Under One Acre of Disturbance*:

* Added SWMP Administrator duties for projects having less than an acre of total disturbance shall be included in cost of the work.

**Current Standard Specifications, subsection 208.09**

For current projects advertised before 4/21/16 the EPA Finding 1CS (Appendix C) noted that CDOT was not following the specification in issuing stop work orders after the corrections were not completed within 48 hours or discharges into state waters. The new specification revised language in subsection 208.09 from “may Issue the stop work” to “will issue the stop work order”. Based on the EPA Audit, Project Engineers on projects advertised before 4/21/16 need to therefore interpret the “may” as “will” and shall issue stop work orders and require the Contractor to submit a corrective action plan per 208.09.

**Environmental Pre-construction Conference Agenda:**

Revised Environmental Pre-construction Conference Agenda (Required for those projects with a Stormwater Permit).

The agenda will be available as a printed sample in Appendix A of the CDOT *Construction Manual*, and is available in electronic format at the following link:

<https://www.codot.gov/business/designsupport/bulletins_manuals/cdot-construction-manual/agenda-forms>

**Water Quality Forms:**

Revised CDOT Forms: 1176 and 1177 (Required for those projects with a Stormwater Permit).

The CDOT Forms a requirement of the CDOT specifications on all projects holding a Stormwater Construction Permit. See subsection 208.03 of the standard special provision.

These forms are available at the following link:

<http://intranet/resources/CDOT-forms/cdot-1100>

**SWMP Templates:**

Revised Over an Acre and Under an Acre Templates (Required for all CDOT projects).

The CDOT templates have been updated to meet the 107 and 208 standard special provisions and are available in electronic format on the Landscape Architecture site at the following link:

<https://www.codot.gov/programs/environmental/landscape-architecture>

**SWMP Notebook Tabs:**

Revised SWMP Notebook Tabs (Required for projects having an acre or more of disturbed area).

The CDOT SWMP notebook tabs have been updated to meet the 107.25 and 208 standard special provisions. Printed copies of the tabs are available from the Hydrologic Resources and Ecological Design Unit.

Tabs are available in electronic format on the Water Quality Document page at the following link:

<https://www.codot.gov/programs/environmental/water-quality/documents>

**References:**

Please print a copy of this bulletin and keep it with your copy of the *Construction Manual*.

Chief Engineer’s Memo dated March 28, 2016:

<https://www.codot.gov/business/designsupport/chief-engr-memos>

The CDOT MS4 Permit (Permit Number COS000005) can be found on the Water Quality web page at:

<https://www.codot.gov/programs/environmental/water-quality/documents/cdot-ms4-permit/view>

The *Construction Manual* and Construction Bulletins can be found on the Design and Construction Project Support web page at:

<https://www.codot.gov/business/designsupport/bulletins_manuals>