March 27, 2019

1. REVISION OF SECTION 107

WATER QUALITY CONTROL

**NOTICE**

This is a standard special provision that revises or modifies CDOT’s *Standard Specifications for Road and Bridge Construction.* It has gone through a formal review and approval process and has been issued by CDOT’s Project Development Branch with formal instructions for its use on CDOT construction projects. It is to be used as written without change. Do not use modified versions of this special provision on CDOT construction projects, and do not use this special provision on CDOT projects in a manner other than that specified in the instructions unless such use is first approved by CDOT’s Standards and Specifications Unit. The instructions for use on CDOT construction projects appear below.

Other agencies which use the *Standard Specifications for Road and Bridge Construction* to administer construction projects may use this special provision as appropriate and at their own risk.

**Instructions for use on CDOT construction projects:**

Use on all projects involving use of the Colorado Discharge Permit System-Stormwater Construction Permit (COR400000), effective April 1, 2019.

Section 107 of the Standard Specifications is hereby revised for this project as follows:

Subsection 107.25(a) shall include the following:

 8. Owner. The party that has overall control of the activities and that has funded the implementation of the construction plans and specifications. This is the party with ownership of, a long term lease of, or easements on the property on which the construction activity is occurring (e.g. CDOT).

 9. Operator. The party that has operational control over day-to-day activities at a project site which are necessary to ensure compliance with the permit. This party is authorized to direct individuals at a site to carry out activities required by the permit (e.g. the general contractor).

Delete subsection 107.25(b)8 and replace with the following:

8. Water from dewatering operations shall not be directly discharged into any State waters, unless allowed by a permit. Water from dewatering shall not be discharged into a ditch unless:

1. Written permission is obtained from the owner of the ditch.
2. It is covered in the approved CDW or Remediation Permit that allows the discharge.
3. A copy of this approval is submitted to the Engineer. A copy of the Permit shall be submitted to the Engineer prior to dewatering operations commencing.

Construction Dewatering may be discharged to the ground on projects where CDPHE’s Low Risk Guidance Document for Discharges of Uncontaminated Groundwater to Land are met. The conditions of this guidance are:

1. The source of the discharge is solely uncontaminated groundwater or uncontaminated groundwater combined with stormwater and does not contain pollutants in concentrations that exceed water quality standards for groundwater referenced above.
2. Discharges from vaults or similar structures shall not be contaminated. Potential sources of contamination include process materials used, stored, or conveyed in the structures, or introduced surface water runoff from outside environments that may contain oil, grease, and corrosives.
3. The groundwater discharge does not leave the project boundary limits where construction is occurring.
4. Land application is conducted at a rate and location that does not allow for any runoff into State waters or other drainage conveyance systems, including but not limited to streets, curb and gutter, inlets, borrow ditches, open channels, etc.
5. Land application is conducted at a rate that does not allow for any ponding of the groundwater on the surface, unless the ponding is a result of implementing control measures that are designed to reduce velocity flow. If the control measures used result in ponding, the land application shall be done in an area with a constructed containment, such as an excavation or berm area with no outfall. The constructed containment shall prevent the discharge of the ponding water offsite as runoff.
6. A visible sheen is not evident in the discharge.
7. Control measures are implemented to prevent any sediment deposited during land application from being transported by stormwater runoff to surface waters or other conveyances.
8. All control measures used shall be selected, installed, implemented, and maintained according to good engineering, hydrologic, and pollution control practices. The selected control measures shall provide control for all potential pollutant sources associated with the discharge of uncontaminated groundwater to land. The discharge shall be routed in such a way that it will not cause erosion to land surface. Energy dissipation devices designed to protect downstream areas from erosion by reducing the velocity of flow (such as hose attachments, sediment and erosion controls) shall be used when necessary to prevent erosion.

All dewatering operations shall be recorded in the SWMP as follows:

1. The source is identified in the SWMP and updated by the SWMP Administrator.
2. The SWMP describes and locates the practices implemented at the site to control stormwater pollution from the dewatering of groundwater or stormwater.
3. The SWMP describes and locates the practices to be used that will ensure that no groundwater from construction dewatering is discharged from the LOC as surface runoff or to surface waters or storm sewers.
4. Groundwater and groundwater combined with stormwater do not contain pollutants in concentrations exceeding the State groundwater standards in Regulations 5 CCR 1002-41 and 42.

If surface waters are diverted around a construction area and no pollutants are introduced during the diversion, a CDW Permit is not required. If the diverted water enters the construction area and contacts pollutant sources (e.g. disturbed soil, concrete washout, etc.), the Contractor shall obtain a CDW permit for the discharge of this water to State waters or to the ground.

Delete subsection 107.25(b)13 and replace with the following:

Pollutant byproducts of highway construction, such as concrete, asphalt, solids, sludges, pollutants removed in the course of treatment of wastewater, excavation or excess fill material, and material from sediment traps shall be handled, stockpiled, and disposed of in a manner that prevents entry into State waters, including wetlands. Removal of concrete waste and washout water from mixer trucks, concrete finishing tools, concrete saw, and all concrete material removed in the course of construction operations or cleaning shall be performed in a manner that prevents waste material from entering State waters and shall not leave the site as surface runoff. A minimum of ten days prior to the start of the construction activity, the Contractor shall submit in writing a Method Statement for Containing Pollutant Byproducts to the Engineer for approval.

Subsection 107.25(b) shall include the following:

23. If the project area is covered by a CDPS-SCP, permittees are authorized to discharge stormwater associated with construction activity and specified non-stormwater associated with construction activity to State waters.

1. Allowable Stormwater Discharges:

1. Stormwater discharges associated with construction activity.
2. Stormwater discharges associated with producing earthen materials, such as soils, sand, and gravel dedicated to providing material to a single contiguous site, or within ¼ mile of a construction site (i.e. borrow or fill areas).
3. Stormwater discharges associated with dedicated asphalt, concrete batch plants and masonry mixing stations. (Coverage under the CDPS-SCP is not required if alternative coverage has been obtained.)
4. Discharges resulting from emergency firefighting activities.
5. Allowable Non-Stormwater Discharges if identified in the SWMP with appropriate control measures:
6. Discharges from uncontaminated springs that do not originate from an area of land disturbance.
7. Discharges to the ground of concrete washout water associated with the washing of concrete tools and concrete mixer chutes. Discharges of concrete washout water shall not leave the site as surface runoff or reach receiving waters.
8. Discharges of landscape irrigation return flow.

Discharges authorized by the CDPS-SCP shall not cause, have the reasonable potential to cause, or measurably contribute to an exceedance of any applicable water quality standard, including narrative standards for water quality.

All construction site wastes shall be properly managed to prevent potential pollution of State waters. The CDPS-SCP does not authorize on-site waste disposal.

Delete subsection 107.25(c) and replace with the following:

(c) *Stormwater Construction Permit.* A Colorado Discharge Permit System Stormwater Construction Permit (CDPS-SCP) will be obtained from CDPHE by CDOT. The Contractor and CDOT will be co-permittees. The Contractor shall coordinate with CDOT to become the Operator permittee of the respective permit upon award of the Contract. The Contractor shall provide a copy of permit certification as the Operator to the Engineer prior to or at the Pre-construction Conference. No work shall begin until the CDPS-SCP permit with Owner and Operator has been approved by CDPHE. A copy of the permit shall be placed in the project SWMP.

 The Contractor is legally required to obtain all other permits associated with specific activities within or outside of the right of way, such as borrow pits, concrete or asphalt plant sites, waste disposal sites, or other facilities. Staging areas within a ¼ mile, but not within CDOT right of way shall be considered a common plan of development and permits for these facilities require permitting in the Contractor’s name as Owner and Operator. These permits include local agency, federal, or other stormwater permits. The Contractor shall consult with the Engineer and contact the CDPHE or other appropriate federal, state, or local agency to determine the need for any permit.

When a Utility Company has obtained a CDPS-SCP within a CDOT project area, prior to the Contractor being on-site, the Contractor shall coordinate with the Engineer and the Utility Company to transfer or reassign the permit area within the project’s Limits of Construction to the Contractor and CDOT prior to work commencing. The Contractor shall not commence construction until CDPHE issues a new CDPS-SCP identifying the Contractor as the Operator, and the permit is put in the SWMP.

To initiate acceptance of the stormwater construction work (including seeding and planting required for erosion control), the Contractor shall request in writing a Stormwater Completion Walkthrough. The Engineer will set up the walkthrough. It will include the Engineer or designated representative, Superintendent or designated representative, Stormwater Management Plan (SWMP) Administrator, Region Water Pollution Control Manager (RWPCM), Landscape Architect, and a Regional Maintenance representative. Unsatisfactory and incomplete stormwater and sediment/erosion control work will be identified in this walkthrough, and will be summarized by the Engineer in a punch list.

The completed action items associated with the corrective work will be shown as completed on the punch list. Upon completion of all items shown, the Contractor shall notify the Engineer. Upon written agreement that the punch list is completed from the Engineer, the Contractor shall submit the appropriate form to the CDPHE such that CDOT Maintenance becomes the Operator permittee of the CDPS-SCP.

Until the transfer of the permit has been approved by the CDPHE, the Contractor shall continue to adhere to all permit requirements. Requirements shall include erosion control inspections, control measure installation, control measure maintenance, control measure repair including seeded areas, and temporary control measure removal. All documentation shall be submitted to the Engineer and placed in the SWMP.

All costs associated with the Contractor applying for, holding, and transferring the CDPS-SCP permit between parties will not be measured and paid for separately, but shall be included in the work in accordance with subsection 107.02.