**Notice**

The Standard Special Provision (SSP) on the following page revises or modifies CDOT’s Standard Specifications for Road and Bridge Construction. The Construction Engineering Services Branch has reviewed, approved, and issued it. Use as written without change. Do not use modified versions of it on CDOT construction projects. Do not use the following special provision on CDOT projects in a manner other than specified in the instructions without approval by CDOT’s Standards and Specifications Unit. The instructions for use appear below.

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

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

Use the following standard special provision on all projects that hold a COR400000 permit (CDPS-SCP).

 **Revision of Section 107**

**Water Quality Control**

**Revise Subsection 107.25 of the Standard Specifications as follows:**

**107.25 Water Quality Control**.The project work shall be performed using practices that minimize water pollution during construction. All the practices listed in (b) below shall be followed to minimize the pollution of any state waters, including wetlands.

1. *Definitions.*
2. Areas of Disturbance (AD). Locations where any activity has altered the existing soil cover or topography, including vegetative and non-vegetative activities during construction.
3. Limits of Construction (LOC). The project area defined by the Colorado Discharge Permit System Stormwater Construction Permit (CDPS-SCP). The LOC is typically the same as the construction site boundary or project limits.
4. Discharge of Pollutants. One or more pollutants leaving the LOC or entering state waters or other conveyances.
5. Limits of Disturbed Area (LDA). Proposed limits of ground disturbance as shown on the Plans.
6. Pollutant. Dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, or any industrial, municipal, or agricultural waste, as defined in the Colorado Code of Regulations (CCR) [5 CCR 1002-61, 2(76)].
7. Pollution. Man‑made, man‑induced, or natural alteration of the physical, chemical, biological, and radiological integrity of water [25‑8‑103 (16), CRS].
8. State waters. Defined in section 101.
9. 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 where the construction activity is occurring (CDOT).
10. Operator. The party that has operational control over day-to-day activities at a project site that are necessary to ensure compliance with the CDPS-SCP. This party is authorized to direct individuals at a site to carry out activities required by the CDPS-SCP (Contractor).
11. Construction Activities Associated with Water Quality. Per the CDPS-SCP, construction activities are defined as ground surface disturbing and associated activities (land disturbance), which include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas.

1. *Construction Requirements.*
2. The Contractor shall comply with the “Colorado Water Quality Control Act” (Title 25, article 8, CRS), the “Protection of Fishing Streams” (Title 33, Article 5, CRS), the “Clean Water Act” (33 USC 1344), regulations promulgated, certifications or permits issued, and to the requirements listed below. In the event of conflicts between these requirements and water quality control laws, rules, or regulations of other Federal, or State agencies, the more restrictive laws, rules, or regulations shall apply.
3. If the Contractor determines construction of the project will result in a change to the permitted activities or LDA, the Contractor shall detail the changes in a written report to the Engineer. Within five days after receipt of the report, the Engineer, after coordination with Region Planning and Environmental Manager (RPEM), will approve or reject in writing the request for change, or detail a course of action including revision of existing permits or obtaining new permits.
4. If construction activities result in noncompliance of any permit requirement, the project will be suspended and the permitting agency notified, if required. The project will remain suspended until the Engineer receives written approval by the permitting agency.

The Contractor is legally required to obtain all permits associated with specific activities within, or off the right of way, such as borrow pits, concrete or asphalt plant sites, waste disposal sites, or other facilities. It is the Contractor’s responsibility to obtain these permits. The Contractor shall consult with the Engineer and contact the Colorado Department of Public Health and Environment Water Quality Control Division (CDPHE-WQCD) or other appropriate federal, state, or local agency to determine the need for any permit.

1. The Contractor shall conduct the work in a manner that prevents pollution of any adjacent state waters. Erosion control work shall be performed per Section 208, this subsection, and all other applicable parts of the Contract.
2. Before the Environmental Pre-construction Conference, the SWMP Administrator, identified in subsection 208.03(c), shall identify and describe all potential pollutant sources, including materials and activities, and evaluate them for the potential to contribute pollutants to stormwater discharges associated with construction activities. The list of potential pollutants shall be continuously updated during construction. At a minimum, each of the following shall be evaluated for the potential for contributing pollutants to stormwater discharges and identified in the SWMP, if found to have such potential:
3. All exposed and stored soils.
4. Vehicle tracking of sediments.
5. Management of contaminated soils.
6. Vehicle and equipment maintenance and fueling.
7. Outdoor storage activities (building materials, fertilizers, chemicals, etc.).
8. Significant dust or particle generating processes.
9. Routine maintenance involving fertilizers, pesticides, detergents, fuels, solvents, oils, etc.
10. On-site waste management practices (waste piles, dumpsters, etc.).
11. Dedicated asphalt and concrete batch plants.
12. Concrete and masonry equipment wash water, including byproducts from the concrete truck chute and associated fixtures and equipment.
13. Concrete and masonry placement and finishing tool cleaning.
14. Non-industrial waste sources that may be significant, such as worker trash and portable toilets.
15. Loading and unloading operations.
16. Reclaimed and potable water used in construction activities, including water used as a dust palliative.
17. Other areas or procedures where spills could occur.

The SWMP Administrator shall record the location of potential pollutants on the site map. Descriptions of the potential pollutants shall be added to the SWMP.

At or before the Environmental Pre-construction Conference the Contractor shall submit a Spill Response Plan for any petroleum products, chemicals, solvents, or other hazardous materials in use, or in storage, at the work site. See subsection 208.06(c) for Spill Response Plan requirements. Work shall not be started until the plan has been submitted to and approved by the Engineer.

On-site above ground bulk storage containers with a cumulative storage shell capacity greater than 1,320 U.S. gallons, or storage containers having a “reasonable expectation of an oil discharge” to state waters, are subject to the Spill Prevention, Control and Countermeasure Plan (SPCC) Rule.  Oil of any type and in any form is covered, including, but not limited to petroleum; fuel oil; sludge; oil refuse; oil mixed with wastes other than dredged spoil.  EPA Region 8 is responsible for administering and enforcing the SPCC plan requirements in Colorado.  Before start of work, the Contractor shall submit an SPCC Form that has been approved by the EPA for the project.

1. The Contractor shall obtain a Construction Dewatering (CDW) Permit from CDPHE-WQCD anytime uncontaminated groundwater, including groundwater that is commingled with stormwater or surface water, is encountered during construction activities and the groundwater or commingled water needs to be discharged to state waters. If contaminated groundwater is encountered, a Remediation permit may be needed from CDPHE-WQCD per Section 250.
2. 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:
3. Written permission is obtained from the owner of the ditch.
4. It is covered in the approved CDW or Remediation Permit that allows the discharge.
5. A copy of this approval is submitted to the Engineer. A copy of the CDW or Remediation Permit shall be submitted to the Engineer before dewatering operations commence.

Construction Dewatering may be discharged to the ground on projects where CDPHE-WQCD’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
3. the structures or introduced surface water runoff from outside environments that may contain oil, grease, and corrosives.
4. The groundwater discharge does not leave the LOC where construction is occurring.
5. 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.
6. 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.
7. A visible sheen is not evident in the discharge.
8. Control measures are implemented to prevent any sediment deposited during land application from being transported by stormwater runoff to surface waters or other conveyances.
9. 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.

1. At least 15 days before commencing dredging or fill operations in a watercourse, the Contractor shall provide written notification to owners or operators of domestic or public water supply intakes or diversion facilities, if these facilities are within 20 miles downstream from the dredging or fill operations. Notification shall also be given to Owners or operators of other intakes or diversions that are located within five miles downstream from the site of the project. Identities of downstream owners and operators can be obtained from Colorado Division of Water Resources, Office of the State Engineer.
2. Temporary fill into wetlands or streams will not be allowed, except as specified in the Contract and permits. If such work is allowed, upon completion of the work all temporary fills shall be removed in their entirety and disposed of in an upland location outside of flood plains unless otherwise specified in the Contract.
3. Construction operations in waters of the United States as defined in 33 CFR Part 328.3, including wetlands, shall be restricted to areas and activities authorized by the U.S. Army Corps of Engineers as shown in the Contract. Fording waters will be allowed only as authorized by the U.S. Army Corps of Engineers 404 Permit.
4. Wetland areas outside of the permitted limits of disturbance shall not be used for storage, parking, waste disposal, access, borrow material, or any other construction support activity.
5. 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 and masonry waste and washout water from mixer trucks, concrete and masonry finishing tools, concrete saw, and all concrete and masonry materials 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 10 days before the start of the construction activity, the Contractor shall submit in writing a Method Statement for Containing Pollutant Byproducts to the Engineer for approval.

The use of chemicals such as soil stabilizers, dust palliatives, herbicides, growth inhibitors, fertilizers, deicing salts, etc., shall be per the manufacturer’s recommended application rates, frequency, and instructions.

1. All materials stored on‑site shall be stored in a neat, orderly manner, in their original containers, with the original manufacturer’s label. Materials shall not be stored in a location where they may be carried into state waters at any time.
2. Spill prevention and containment measures conforming to subsection 208.06 shall be used at storage and equipment fueling and servicing areas to prevent the pollution of any state waters, including wetlands. All spills shall be cleaned up immediately after discovery or contained until appropriate cleanup methods can be employed. Manufacturer’s recommended methods for spill cleanup shall be followed, along with proper disposal methods. When required by the Colorado Water Quality Control Act, Regulation 5 CCR 1002-61, spills shall be reported to the Engineer and CDPHE-WQCD in writing.
3. The Contractor shall prevent construction activities from causing grass or brush fires.
4. The construction activities shall not impair Indian tribal rights, including, but not limited to, water rights, and treaty fishing and hunting rights.
5. Before start of work, the Contractor shall certify in writing to the Engineer that construction equipment has been cleaned before initial site arrival. Vehicles and equipment shall be free of soil and debris capable of transporting noxious weed seeds or invasive species onto the site. Additional equipment required for construction shall also be certified before being brought onto the project site.
6. Vehicles that have been certified by the Contractor as having been cleaned before arrival on site may be cleaned on site at an approved area where wash water can be properly contained. Vehicles leaving and reentering the project site shall be recertified.
7. At the end of each day, the Contractor shall collect all trash and dispose of it in appropriate containers.
8. Construction waste that is considered a pollutant or contaminant shall be collected and disposed of in appropriate containers. This material may be stockpiled on the project when it is contained or protected by an appropriate control measure.
9. Contractors are authorized to discharge stormwater associated with construction activity and specified non-stormwater associated with construction activity to state waters.
10. Allowable Stormwater Discharges:
11. Stormwater discharges associated with construction activity.
12. Stormwater discharges associated with producing earthen materials, such as soils, sand, and gravel dedicated to providing material to a single contiguous site, or within 1/4 mile of a construction site (i.e., borrow or fill areas).
13. 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.)
14. Allowable Non-Stormwater Discharges if identified in the SWMP with appropriate control measures:
15. Discharges from uncontaminated springs that do not originate from an area of land disturbance.
16. Discharges to the ground of concrete and masonry washout water associated with the washing of concrete and masonry tools or mixer chutes. Discharges of concrete and masonry washout water shall not leave the site as surface runoff or reach receiving waters.
17. Discharges of landscape irrigation return flow.
18. Discharges to the ground of water used to wash vehicles, equipment, and external buildings. Wash waters with added soaps, solvents, and detergents shall be contained and disposed of properly.
19. Discharges resulting from emergency firefighting activities.

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.

1. The Contractor shall reclaim pollutants that discharge outside of the LOC. If discharging outside CDOT ROW, the Contractor shall coordinate access with the Project Engineer.
2. *Stormwater Construction Permit.* A Colorado Discharge Permit System Stormwater Construction Permit (CDPS-SCP) will be obtained from CDPHE-WQCD by CDOT. The Contractor and CDOT will be co-permittees. The Contractor shall coordinate with CDOT to become the Operator permittee of the respective CDPS-SCP upon award of the Contract. The Contractor shall provide a copy of CDPS-SCP certification as the Operator to the Engineer before or at the Environmental Pre-construction Conference. No work shall begin until the CDPS-SCP with Owner and Operator has been approved by CDPHE-WQCD. A copy of the CDPS-SCP and permit certification 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 quarter 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 CDPHE-WQCD 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, before 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 before work commencing. The Contractor shall not commence construction until CDPHE-WQCD issues a new CDPS-SCP identifying the Contractor as the Operator, and the CDPS-SCP 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 CDOT Maintenance. 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 CDPHE-WQCD such that CDOT Maintenance becomes the Operator permittee of the CDPS-SCP.

Until the transfer of the CDPS-SCP has been approved by CDPHE-WQCD, the Contractor shall continue to adhere to all CDPS-SCP 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 between parties will not be measured and paid for separately, but shall be included in the work per subsection 107.02.

1. *Measurement and Payment.*
2. All the work listed in 107.25(b) and 107.25(c), including but not limited to dewatering, erosion control for dewatering, and disposal of water resulting from dewatering operations, including all costs for CDPHE-WQCD concurrences and permits, will not be measured and paid for separately, but shall be included in the work.
3. The Contractor shall be liable for any penalty (including monetary fines) applied to the Department caused by the Contractor’s noncompliance with any water quality permit or certification. Monetary fines shall be deducted from any money due to the Contractor. If the monetary fine is in excess of all the money due to the Contractor, then the Contractor shall pay to the Department the amount of such excess.
4. The Contractor will not receive additional compensation, or time extensions, for any disruption of work or loss of time caused by any actions brought against the Contractor for failure to comply with good Engineering, hydrologic and pollution control practices.
5. If a spill occurs as a direct result of the Contractor’s actions or negligence, the cleanup of such spill shall be performed by the Contractor at the Contractor’s expense.
6. Areas exposed to erosion by fire resulting from the Contractor’s operations shall be stabilized per Section 208 by the Contractor and at the Contractor’s expense.