

Sections 101, 107, and 208 of the Standard Specifications are hereby revised for this project as follows:

Add subsections 101.92 and 101.93 which shall include the following:

101.92 Stormwater Management Plan (SWMP). The Stormwater Management Plan comprises those contract documents containing the requirements necessary to protect and identify sensitive environments (state waters, wetlands, habitat and existing vegetation), minimize the amount of disturbed soil, control and minimize erosion and sedimentation during and after project construction, minimize runoff from offsite areas from flowing across the site, slow down the runoff, and reduce pollutants in stormwater runoff.

101.93 Best Management Practices (BMPs) for Stormwater Pollution Prevention. BMPs prevent or reduce the pollutants in stormwater discharges from the construction site.

Delete subsection 107.25(b)5., and replace it with the following:

5. At least ten days prior to the beginning of construction the Erosion Control Supervisor (ECS), 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. 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: all exposed and stored soils; vehicle tracking of sediments; management of contaminated soils; vehicle and equipment maintenance and fueling; outdoor storage activities (building materials, fertilizers, chemicals, etc.); significant dust or particle generating processes; routine maintenance involving fertilizers, pesticides, detergents, fuels, solvents, oils, etc.; on-site waste management practices (waste piles, dumpsters, etc.); dedicated asphalt and concrete batch plants; concrete truck/equipment washing, including the concrete truck chute and associated fixtures and equipment; non-industrial waste sources that may be significant, such as worker trash and portable toilets; loading and unloading operations; and other areas or procedures where potential spills can occur.

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

The Contractor shall provide a Spill Prevention, Control, and Countermeasure Plan (SPCC) for any petroleum product, chemicals, solvents, or other hazardous materials in use, or in storage, at the work site. Work shall not be started until the plan has been submitted to and approved by the Engineer.

Subsection 107.25(b) shall include the following:

21. The Contractor shall certify in writing that construction equipment has been cleaned prior to site arrival. Vehicles shall be free of soil and debris capable of transporting noxious weed seeds or roots onto the site. Vehicle cleaning may occur on site, in approved areas, where wash water can be properly contained.
22. At the end of each day the Contractor shall collect all trash and dispose of it in appropriate containers. Containers shall be emptied as needed.

Subsection 208.01, second paragraph, shall include the following:

When a provision of Section 208 or an order by the Engineer requires that an action be immediate or taken immediately, it shall be understood that the Contractor shall at once begin effecting completion of the action and pursue it to completion in a manner acceptable to the Engineer, and in accordance with the Colorado Discharge Permit System (CDPS) Stormwater Construction Permit (SCP) requirements.

REVISION OF SECTIONS 101, 107, AND 208
WATER QUALITY CONTROL

Subsection 208.02(k) shall include the following:

When approved by the Engineer a fabricated concrete washout structure may be used. Fabricated concrete washouts are pre-manufactured watertight containers designed to contain liquid and solid waste from concrete washout. Above ground systems designed for washout and hauling may also be used. After use the structure must be removed from the project site and disposed of at the Contractor's expense. Insubstantial structures, such as children's wading pools or swimming pools are not acceptable, and will be rejected by the Engineer.

Subsection 208.03 shall include the following:

Prior to construction, an on-site environmental preconstruction conference shall be held. The conference shall be attended by the Engineer, the Superintendent, the Contractor's ECS, subcontractors beginning work on the project that could adversely affect water quality, the Region Water Pollution Control Manager, other CDOT Region Environmental personnel, a CDOT hydraulics engineer as needed, and the CDOT Landscape Architect or CDOT personnel who prepared or reviewed the SWMP. At this conference, the attendees shall discuss the stormwater management plan, CDPS-SCP, sensitive habitats on site, wetlands, and other vegetation to be protected.

Prior to construction the Contractor shall implement erosion control measures in accordance with the approved schedule.

Prior to the initiation of construction activities the Engineer, the Region Water Pollution Control Manager, ECS and the Superintendent shall inspect the project to determine whether the BMPs described in the schedule and the site-specific SWMP are installed and located correctly. Notice shall be given to all participants at least 3 working days in advance.

Prior to construction the Contractor shall evaluate the project site for water draining into or through it. If such drainage is identified, if possible BMPs shall be used to prevent stormwater from running on-site and becoming contaminated with sediment or other pollutants via a temporary pipe or other conveyance to prevent water contamination. Run-on water that cannot be diverted shall be treated as construction runoff and adequate BMPs shall be employed.

The ECS shall evaluate any non-stormwater coming onto the site, such as springs, seeps, and landscape irrigation return flow. If such flow is identified, BMPs shall be used to protect off-site water from running on-site and becoming contaminated with sediment or other pollutants.

The ECS shall review existing inlets and culverts to determine if inlet protection is needed due to water flow patterns. Prior to construction commencing, inlets and culverts needing protection shall be protected and the location of the implemented BMP added to the SWMP site map.

When additional BMPs are required, the Contractor shall implement the additional BMPs and the ECS shall record and describe them on the SWMP site map. Additional BMPs will be measured and paid for in accordance with subsections 208.07 and 208.08.

Subsection 208.03(b) shall include the following:

If necessary, the ECS shall update proposed sequencing of major activities in the SWMP.

Subsection 208.03(c), first paragraph, shall include the following:

The ECS shall act as the Stormwater Management Plan (SWMP) Administrator on the project. The SWMP Administrator shall be responsible for oversight of the implementation, maintenance, and revision of the SWMP for the duration of the project. The ECS shall read, be familiar with, and use the information provided in CDOT's *Erosion Control and Stormwater Quality Guide* and the *CDPS-SCP*.

REVISION OF SECTIONS 101, 107, AND 208
WATER QUALITY CONTROL

Delete subsection 208.03(c), item (4) and replace with the following:

- (4) Inspect and record with the Superintendent and the Engineer the stormwater management system at least every 14 calendar days. Post storm event inspections shall be conducted within 24 hours after the end of any precipitation or snow melt event that may cause surface erosion. If no construction activities will occur following a storm event, post-storm event inspections shall be conducted prior to commencing construction activities, but no later than 72 hours following the storm event. The occurrence of any such delayed inspection must be documented in the inspection report. Recorded inspections still must be conducted at least every 14 calendar days. CDOT Form 1176 shall be used for all 14 day inspections.

The project is subject to inspections by CDPHE, US Army Corps of Engineers (USACE), Environmental Protection Agency (EPA) and CDOT at any time. If CDPHE reviews the project site and requires additional measures to prevent and control erosion, sediment, or pollutants, the Contractor shall cease and desist activities resulting in pollutant discharge and immediately implement these measures.

Subsection 208.03(c), second paragraph shall include the following:

- (8) During construction the ECS shall update and record the following items on the site map as changes occur:
- (i) Construction boundaries
 - (ii) Areas of disturbance, as they occur
 - (iii) Areas used for storage of construction materials, equipment, soils, or wastes
 - (iv) Location of any dedicated asphalt or concrete batch plants
 - (v) Location of work access routes during construction
 - (vi) Location of borrow and waste
 - (vii) Location of temporary and/or permanent stabilization
- (9) The ECS shall amend the SWMP whenever there are: additions, deletions, or changing locations of BMPs. SWMP revisions shall be recorded immediately. Items shall be dated and signed at time of occurrence. Specifically, amendments shall include the following:
- (i) A change in design, construction, operation, or maintenance of the site which would require the implementation of new or revised BMPs; or
 - (ii) Changes when the SWMP proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity.
 - (iii) Changes when BMPs are no longer necessary and are removed.
- (10) All inspection and maintenance activities or other repairs shall be documented by the ECS and kept on the project site.
- (11) The ECS shall modify the site map with arrows to indicate direction of water flowing across the project site.
- (12) When adding new BMPs to the SWMP the ECS shall add a narrative explaining what, when, where, why, and how the BMP is being used, a description of BMP application, and a detail to the SWMP notebook.
- (13) If using existing topography, vegetation, etc. as a BMP it shall be labeled as such on the SWMP site map; the ECS shall add a narrative as to why and how the BMP is being used to the SWMP site map.
- (14) The ECS shall cross out all BMPs that do not apply or highlight those details and notes on the Department's Standard Plans and SWMP that apply to the project. The ECS shall write an explanation as to why the detail has been removed or what is being used instead as a BMP ("not applicable" is not an acceptable explanation).
- (15) The ECS shall develop, record on the SWMP, and implement a plan for saw cutting containment to be approved by the Engineer.
- (16) The ECS shall keep accurate and complete records; enforcement action, including fines could result if records are not adequate.

REVISION OF SECTIONS 101, 107, AND 208
WATER QUALITY CONTROL

- (17) The ECS or the Superintendent shall conduct an inspection on each day in which active construction has occurred. At this inspection the entire site shall be reviewed to determine whether construction is being conducted in accordance with the project's site-specific SWMP and the CDPS-SCP. The ECS or Superintendent shall observe, record, and determine the effectiveness of all BMPs. Inspections shall be recorded on the Daily Stormwater Log and kept in the project SWMP notebook.

Completed 1176 reports shall be kept in the SWMP notebook.

Spills, leaks or overflows that result in the discharge of pollutants shall be documented and maintained by the ECS. The ECS shall record the time and date, weather conditions, reasons for spill, etc. Some spills may need to be reported to the Water Quality Control Division immediately.

The Permittee shall report to CDPHE Water Quality Division the following instances of noncompliance:

- (1) Noncompliance, which may endanger health or the environment;
- (2) Spills or discharge of hazardous substance or oil, which may cause pollution of the waters of the state;
- (3) Discharge of stormwater, which may cause an exceedance of a water quality standard.

For all instances of noncompliance based on environmental hazards and chemical spills and releases, all needed information shall be provided orally to the Colorado Department of Public Health and Environmental spill reporting line within 24 hours from the time the permittee becomes aware of the circumstance. For all instances of noncompliance identified here, a written submission shall also be provided within five calendar days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of:

- (1) The noncompliance and its cause;
- (2) The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue;
- (3) Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

After measures to correct any problems have been taken and recorded, or where a report does not identify incidents of noncompliance, the report shall be signed indicating the site is in compliance.

Add subsection 208.03(d) which shall include the following:

- (d) *Documentation Available on the Project.* The following Contract documents and references will be made available for reference at the CDOT field office during construction.
1. SWMP Notebook. The Engineer will provide a SWMP Notebook, which is and shall remain the property of CDOT, in which the following Contract documents and reports shall be kept by the ECS:
 - (1) SWMP Plan Sheets
 - (2) SWMP site map and project plan title sheet
 - (3) Copies of subsection 107.25 and sections 207, 208, 212, 213, and 216 of the Standard Specifications, and the standard and project special provisions that modify them
 - (4) Standard Plan M-208-1
 - (5) Details of BMPs used on the project not covered in Standard Plan M-208-1
 - (6) Narratives related to BMPs used on the project not covered on the SWMP plans or site maps
 - (7) Calendar for marking when the regular 14 day inspections take place and when the storm event inspections take place
 - (8) All project environmental permits and associated applications, including, CDPS-SCP, Senate Bill 40, USACE 404, Dewatering, and all other permits applicable to the project, including any CDPS-SCP obtained by the Contractor
 - (9) List of potential pollutants as described in subsection 107.25
 - (10) Spill Prevention, Control and Countermeasure Plan
 - (11) Form 1176 Inspection reports and RECAT reports
 - (12) Form 105s relating to water quality

REVISION OF SECTIONS 101, 107, AND 208
WATER QUALITY CONTROL

- (13) Description of inspection and maintenance methods implemented at the site to maintain all erosion and sediment control practices identified in the SWMP
- (14) Schedule for accomplishing temporary and permanent erosion control work in accordance with subsection 208.03(b).
- (15) Erosion Control Supervisor's certification.
- (16) Environmental Preconstruction Conference agenda with a certification of understanding of the terms and conditions of the CDPS-SCP and SWMP. The certification shall be signed by all attendees. A certification shall also be signed by all attendees of meetings held for new subcontractors beginning work on the project that could adversely affect water quality after the Environmental Preconstruction Conference has been held.
- (17) Daily Stormwater Log.
- (18) Monthly audit reports provided by the Region Water Pollution Control Manager.
- (19) Project photographs documenting existing vegetation prior to construction commencing.

The Engineer will incorporate the documents and reports available at the time of award. The Contractor shall provide and insert all other documents and reports as they become available during construction.

2. Reference Materials

- (1) CDOT *Erosion Control and Stormwater Quality Guide*
- (2) CDOT *Erosion Control and Stormwater Quality Field Guide*
- (3) Copy of biological opinion, if applicable

Add subsection 208.03(e) which shall include the following:

- (e) *Weekly Meetings*: The Engineer, Superintendent and the ECS shall conduct a weekly meeting with all persons involved in construction activities that could adversely affect water quality. At this meeting requirements of the SWMP, CDPS-SCP, problems that may have arisen in implementing the site specific SWMP or maintaining BMPs and any unresolved issues from the daily stormwater log shall be discussed. If a subcontractor begins work at the site that could adversely affect water quality after the Environmental Preconstruction Conference has occurred, the Engineer and Superintendent shall brief that subcontractor on the site's SWMP and the CDPS-SCP requirements at that subcontractor's first weekly meeting before the subcontractor begins work at the site.

Subsection 208.04 shall include the following:

The ECS shall modify the SWMP to clearly describe and locate all BMPs implemented at the site to control potential sediment discharges from vehicle tracking.

Stabilized construction entrances shall be used at all vehicle and equipment exit and entrance points to the site to prevent sediment exiting the project site onto paved public roads. Access shall be provided only at a stabilized construction entrance. The ECS shall record required stabilized construction entrances on the SWMP site map.

Perimeter control shall be established as the first BMP to be implemented on the SWMP. Perimeter control shall be approved by the Engineer prior to installation. The ECS shall describe and record perimeter control on SWMP.

Newly constructed inlets and culverts shall be protected throughout construction and immediately upon completion. When riprap is called for at the outlet of a culvert, it shall be installed within 24 hours upon completion of each pipe. The Contractor shall remove sediment, millings, debris and other pollutants from within the project drainage system, prior to use, at no additional cost to the project.

In subsection 208.04(d), first paragraph, delete the second sentence and replace with the following:

When required by the plans, a soil retention blanket shall be used in combination with the final seed and mulch.

REVISION OF SECTIONS 101, 107, AND 208
WATER QUALITY CONTROL

In subsection 208.04(d), first paragraph, delete the third sentence and replace with the following:

Temporary stabilization is defined as the covering of disturbed areas with seed, mulch with a tackifier, soil roughening, soil binder, or a combination thereof.

In subsection 208.04(d), after the first paragraph, add the following:

During the summer and winter when seeding is not allowed, temporary stabilization shall be placed. Temporary stabilization shall consist of: surface roughening via scarifying surface to 2-4 inches variation of surface or vertical tracking, 1.5 tons of certified weed free forage hay or straw mulching per acre mechanically crimped into the soil in combination with an organic mulch tackifier, soil binder, cellulose fiber mulch with tackifier, or a combination thereof as approved. Surface roughening shall not be used alone.

In subsection 208.04(d), second paragraph, delete the fourth sentence and replace with the following:

If approved by the Engineer, slopes from the edge of pavement to the point of slope selection may be left unseeded until paving has been completed but shall be temporarily stabilized as approved by Engineer.

In subsection 208.04(d), third paragraph, delete the second and third sentences and replace with the following:

Areas shall be permanently stabilized within 48 hours after completion. Disturbed areas where work is temporarily halted shall be temporarily stabilized immediately after the activity ceased.

Temporary stabilization shall consist of: surface roughening via scarifying surface to 2-4 inches variation of surface or vertical tracking, 1.5 tons of certified weed free forage hay or straw mulching per acre, mechanically crimped into the soil in combination with an organic mulch tackifier, soil binder, cellulose fiber mulch with tackifier, or a combination thereof, as approved.

In subsection 208.04(e) delete the first paragraph and replace with the following:

Erosion and sediment control practices and other protective measures identified in the SWMP as BMPs for Stormwater Pollution Prevention shall be maintained in effective operating condition. BMPs shall be continuously maintained in accordance with good engineering, hydraulic and pollution control practices, including removal of collected sediment when silt depth is 50 percent or more of the height of the erosion control device. Removal and disposal of sediment shall be in accordance with 208.04(f). Where necessary, the Contractor shall use appropriate size equipment with operator to remove the sediment. The Contractor shall obtain the Engineer's approval of proposed equipment and methods for removal and disposal of sediment prior to performing the work.

Maintenance of Erosion and Sediment Control devices shall include replacement of such devices upon the end of their useful service life as recommended by the ECS or the Engineer, and approved by the Engineer. Maintenance of Rock Check Dams, and Stabilized Construction Entrances shall be limited to removal and disposal of sediment. Devices damaged due to the Contractor's negligence shall be replaced at Contractor's expense.

Complete site assessment shall be performed as part of comprehensive inspection and maintenance procedures, to assess the adequacy of BMPs at the site and the necessity of changes to those BMPs to ensure continued effective performance. Where site assessment results in the determination that new or replacement BMPs are necessary, the BMPs shall be installed to ensure continuous implementation. When identified, BMPs shall be added, modified or replaced as soon as possible, immediately in most cases.

Where BMPs have failed, resulting in noncompliance, they shall be repaired or replaced as soon as possible, immediately in most cases, to minimize the discharge of pollutants.

The ECS shall update the SWMP Notebook by describing and recording new and replacement BMPs.

New or replacement BMPs will be measured and paid for in accordance with subsections 208.07 and 208.08.

REVISION OF SECTIONS 101, 107, AND 208
WATER QUALITY CONTROL

Subsection 208.04(f) shall include the following:

Whenever sediment is transported onto the highway, the road shall be cleaned. Street washing will not be allowed. Storm drain inlet protection shall be in place prior to shoveling, sweeping, or vacuuming. Sweeping shall be completed with a pickup broom or equipment capable of collecting sediment. Street washing and kick brooms shall not be used. Street cleaning will not be paid for separately, but shall be included in the work.

Add subsection 208.04(g) which shall include the following:

Material from saw cutting operations shall be cleaned from the roadway surface as soon as possible, immediately in most cases, after operations. Particles shall be picked up with a pick up broom or vacuum. Sweeping and street washing will not be allowed. Street cleaning will not be paid for separately, but shall be included in the work.

Subsection 208.05 (j) shall include the following:

The Contractor shall protect all storm drain facilities adjacent to locations where pavement cutting operations involving wheel cutting, saw cutting, sand blasting, or abrasive water jet blasting are to take place.

In subsection 208.05(l) delete the first sentence and replace with the following:

The Contractor shall maintain the erosion logs during construction to prevent sediment from passing over or under the logs or from sediment accumulation greater than 50 percent of the original exposed height of each erosion log.

Subsection 208.05(n) shall include the following:

Washout areas shall be checked by the ECS and maintained as required. On site permanent disposal of concrete washout waste is not allowed.

In subsection 208.05(n), first paragraph, delete the second sentence and replace with the following:

At least ten days prior to start of concrete operations, the Contractor shall submit in writing a method statement outlining the design, site location, and installation of a concrete structure that will contain washout from concrete placement operations.

Subsection 208.05(n) shall include the following:

(11) The use of earthen, in ground concrete washout sites shall be less than one year.

In subsection 208.05(n) delete the last paragraph and replace it with the following:

All liquid and solid wastes, including contaminated sediment and soils generated from concrete washout shall be hauled away from the site. Removal shall be included in the price of the concrete washout structure.

Subsection 208.05 shall include the following:

- (q) *Detention Pond*. Permanent detention ponds shown in the construction plans may be used as temporary BMPs if:
- (1) the pond is designated as a construction BMP in the SWMP,
 - (2) the pond is designed and implemented for use as a BMP during construction in accordance with good engineering, hydrologic, and pollution control practices, and
 - (3) the pond is inspected and maintained
 - (4) All silt shall be removed and the pond returned to the design grade and contour prior to project acceptance.

REVISION OF SECTIONS 101, 107, AND 208
WATER QUALITY CONTROL

:

Add subsections 208.051 through 208.055 immediately following subsection 208.05 which shall include the following:

208.051 Materials Handling and Spill Prevention. The ECS shall clearly describe and record on the SWMP, all practices implemented at the site to minimize impacts from procedures or significant material that could contribute pollutants to runoff. Areas or procedures where potential spills can occur shall have spill procedures and responses specified in subsection 107.25.

- (a) Bulk storage structures for petroleum products and any other chemicals shall have secondary containment or equivalent adequate protection so as to contain all spills and prevent any spilled material from entering state waters. If secondary containment is used and results in accumulation of stormwater within the containment, a plan shall be implemented to properly manage and dispose of accumulated stormwater.
- (b) The Contractor shall inspect equipment, vehicles, and repair areas to ensure petroleum, oils, and lubricants (POL) are not leaking onto the soil or pavement. Absorbent material or containers approved by the Engineer shall be used to prevent leaking POL from reaching the soil or pavement. The Contractor shall have onsite approved absorbent material or containers of sufficient capacity to contain any POL leak that can reasonably be foreseen. All materials resulting from POL leakage control and cleanup shall become the property of the Contractor and shall be removed from the site. The cost for control, cleanup and removal of by-products resulting from POL leaks will not be paid for separately, but shall be included in the work.
- (c) Spill Prevention, Control and Countermeasure Plan shall be developed and implemented to establish operating procedures and the necessary employee training to minimize the accidental releases of pollutants that can contaminate stormwater runoff.

The Spill Prevention, Control, and Countermeasure Plan shall contain the following information:

- (1) Identification of the spill cleanup coordinators
- (2) Location of cleanup kits
- (3) Quantities of chemicals and locations stored on site.
- (4) Label system for chemicals and Materials Safety Data Sheets (MSDS) for products
- (5) Notification and clean up procedures to be implemented in the event of a spill for spills which do not enter state waters or are under reporting limits of the chemical of concern (diesel fuel, hydraulic fluid, motor oil, used hydraulic fluid and motor oil, tack oil).
- (6) Significant spill procedures for spills of any size that enter state waters or have the potential to do so. CDOT's Erosion Control and Stormwater Quality Guide (current edition) contains Spill notification contacts and phone numbers required in the SPCC.

Subsection 208.052 Stockpile Management. Material stockpiles shall be located away from sensitive areas and shall be confined so that no potential pollutants will enter state waters or conveyances to state waters (e.g., ditches). Locations shall be approved by the Engineer.

Erodible stockpiles (including topsoil) shall be contained with acceptable BMPs at the toe (or just beyond toe) throughout construction. BMPs shall be approved by the Engineer. The ECS shall describe, detail, and record the sediment control devices on the SWMP.

There shall be no stockpiling or side casting of waste materials including but not limited to paint chips, asphalt, and concrete that result from project activities within 50 horizontal feet of the ordinary high water line of any state waters.

208.053 Grading and Slope Stabilization. The Contractor shall limit construction activities to those areas within the limits of disturbance to toe of slope and top of cut and as otherwise shown on the plans and cross-sections. Construction activities, in addition to the Contract work, shall include the on-site parking of vehicles or equipment, on-site staging, on-site batch plants, haul roads or work access, and any other action which would disturb existing conditions. Off road staging areas must be pre-approved by the Engineer, unless otherwise designated in the Contract. Disturbances beyond these limits shall be restored to the original condition by the Contractor at the

REVISION OF SECTIONS 101, 107, AND 208
WATER QUALITY CONTROL

Contractor's expense. The ECS shall tabulate additional disturbances not identified in the SWMP or documented in the permit and indicate locations and quantities on the SWMP and report to the Engineer.

The Contractor shall pursue and stabilize all disturbances to completion. The Contractor shall provide a stabilization schedule showing dates when areas are to be completed and stabilized. The Contractor shall maintain revisions to the schedule and obtain approval for schedule changes in accordance with subsection 108.03.

208.054 Surface Roughening and Vehicle Tracking. Disturbed surfaces shall be left in a roughened condition at the end of each shift by equipment vertical tracking, scarifying, or disking the surface on contour to create a 2 to 4 inch minimum variation in soil surface. Deep sands or soils that are primarily rock need not be roughened. Surface roughening will not be paid for separately, but shall be included in the work.

Subsection 208.06 shall include the following:

Failure to implement the Stormwater Management Plan puts the project in automatic violation of the CDPS – SCP and CDOT specifications. Penalties may be assessed to the Contractor by the appropriate agencies. All fines assessed to the Department for the Contractor's failure to implement the SWMP shall be deducted from moneys due the Contractor in accordance with subsection 107.25(c) 2.

In subsection 208.06, delete the last sentence of the first paragraph and replace with the following:

Liquidated damages will be applied for failure to comply with the CDPS-SCP, including, but not limited to the following:

In subsection 208.06, delete items (3), (4), (7) and (8) and replace with the following:

- (3) Failure of the ECS to implement necessary actions required by the Engineer as required by subsection 208.03 (c).
- (4) Failure to amend SWMP and implement erosion and sediment control measures as required by subsection 208.04.
- (7) Failure to immediately stabilize disturbed areas as required by subsections 208.04(d) and 208.054.
- (8) Failure to replace or perform maintenance on an erosion control feature within 48 hours after notice from the Engineer to replace or perform maintenance as required by subsection 208.04(e).

In subsection 208.06 add items (11), (12), (13), and (14) which shall include the following:

- (11) Failure to perform permanent stabilization as required by subsection 208.04 (d).
- (12) Failure of Superintendent or ECS to perform inspections and record findings in the Daily Stormwater Log.
- (13) Failure of Superintendent or ECS to attend 14 day inspections.
- (14) Failure to remove unnecessary BMPs.

In subsection 208.06, second paragraph, delete the first three sentences and replace with the following:

The Engineer will immediately notify the Contractor in writing of each incident of failure to perform erosion control in accordance with the CDPS-SCP, including, but not limited to items (1) through (14) above. The Contractor will be allowed 48 hours, but correction shall be made as soon as possible from the date of notification to correct the failure. The Contractor will be charged liquidated damages in the amount of \$875 for each calendar day after the 48 hour period has expired, that one or more of the incidents of failure to perform the requirements of CDPS-SCP, including, but not limited to items (1) through (14) above, remains uncorrected.

REVISION OF SECTIONS 101, 107, AND 208
WATER QUALITY CONTROL

When a failure may endanger health or the environment, consists of a spill or discharge of hazardous substances or oil which may cause pollution of the waters of the state, or consists of a discharge of stormwater which may cause an exceedance of a water quality standard, the Engineer may issue a Stop Work Order in accordance with subsection 105.01.

If all failures are not corrected within 48 hours after liquidated damages have begun to be assessed, the Engineer may issue a Stop Work Order in accordance with subsection 105.01. Work shall not resume until the Engineer has approved a written corrective action plan submitted by the Contractor that includes measures to prevent future violations and a schedule for implementation.

If the Contractor's corrective action plan and schedule are not submitted and approved within 48 hours of the Stop Work Order or the corrective action plan is not implemented by the Contractor, the Engineer will have an immediate on-site meeting with the Superintendent and the Superintendent's supervisor. This meeting will also be attended by the Resident Engineer, the Region Water Pollution Control Manager, and the Region Program Engineer. This meeting will identify and document needed corrective actions and a schedule for completion. If after the meeting, the unacceptable work is not remedied within the schedule as agreed to in the meeting, the Engineer will take action to effect compliance with the CDPS-SCP by utilizing maintenance or other non-Contractor forces and deduct the cost from any moneys due or to become due to the Contractor pursuant to subsection 105.16. The Stop Work Order shall be in place until the project is in CDPS-SCP compliance.

If the Contractor remains non-responsive to requirements of the on-site meeting, the Engineer will start default and Contract termination procedures in accordance with subsection 108.09. CDOT will proceed with corrective or disciplinary action in accordance with the *Rules for Prequalification, Debarment, Bidding and Work on Transportation, Road, Highway and Bridge Public Projects*.

Add subsection 208.061 immediately following subsection 208.06 which shall include the following:

208.061 Items to Be Accomplished prior to Final Acceptance. After concrete operations are complete, washout areas shall be reclaimed in accordance with subsection 208.05(n) at the Contractor's expense.

Prior to final acceptance, a final walk through of the project shall occur with the Engineer, CDOT Landscape Architect, CDOT Region Environmental personnel, the Region Water Pollution Control Manager, CDOT Hydraulics Engineer, and CDOT Maintenance personnel in attendance. At this time final stabilization shall be reviewed and BMPs shall be inspected for needed cleaning, maintenance, or removal. Areas will be inspected for any additional BMPs that may be required. Permanent BMPs shown in the construction plans shall be inspected to confirm that as constructed location, condition and other plan requirements have been met. The required work shall be performed in accordance with subsection 105.20.

BMPs shall be removed when 70% of pre-existing vegetative cover has been re-established within the disturbed project limits. BMPs subject to removal shall be determined at the final walk through of the project. The Contractor shall remove approved BMPs; cost of BMP removal will be included in the BMP.

Upon completion of work required by walk through the ECS will modify the SWMP to provide an accurate depiction of what remains on the project site.

In subsection 208.07 delete the sixth and seventh paragraphs and replace with the following:

Erosion Control Supervisor will be measured by the one of the following two methods shown on the bid schedule:

- (1) The total number of hours the ECS is required to be on the project performing the duties outlined in subsection 208.03(c) specific to this project. Commute time will not be measured and paid for separately, but shall be included in the work. The Contractor shall record the tasks that were assigned to the Erosion Control Supervisor and the hours that were required to complete each task. The records shall be submitted to the Engineer weekly, after completion of the work, for approval and acceptance.

10
 REVISION OF SECTIONS 101, 107, AND 208
 WATER QUALITY CONTROL

(2) The total number of authorized 24 hour days used for erosion control services specific to this project. An authorized 24 hour day of ECS will be every calendar day that the ECS is required to be on the project performing the duties outlined in subsection 208.03(c). The Contractor shall record the tasks that were assigned to the Erosion Control Supervisor. The records shall be submitted to the Engineer, weekly, after completion of the work, for approval and acceptance.

Excavation required for removal of accumulated sediment from traps, basins, areas adjacent to silt fences and erosion bales, and other clean out excavation of accumulated sediment, and the disposal of such sediment, will be measured by the number of hours that equipment, labor, or both are used for sediment removal.

In subsection 208.08 delete the pay item *Sediment Removal and Disposal* and the pay item for *Erosion Control Supervisor (Lump Sum)*, and replace them with the following:

Pay Item	Pay Unit
Removal and Disposal of Sediment (Labor)	Hour
Removal and Disposal of Sediment (Equipment)	Hour
Erosion Control Supervisor	Hour
Erosion Control Supervisor	Day

Subsection 208.08 shall include the following:

Payment for *Removal and Disposal of Sediment (Equipment)* will be full compensation for use of the equipment, including the operator.

Payment for *Erosion Control Supervisor* will be full compensation for the erosion control supervisor and all materials and equipment necessary for the ECS to perform the work.

Payment will be made for erosion and sediment control devices replaced as approved by the Engineer.

In subsection 208.08, the third paragraph shall include the following:

Removal and Disposal of Sediment from the stabilized construction entrance will be measured and paid for separately.