

## **REVISION OF SECTION 208 EROSION CONTROL**

Section 208 of the Standard Construction Specifications is hereby removed in its entirety and replaced with the following:

### **PART I: DEFINITIONS**

Definitions used for this Section shall consist of those listed in Title 1 of the City and County of Denver "Standard Specifications for Construction, General Contract Conditions", 1999 edition.

Definitions used for this Section hereby incorporate those identified within the City and County of Denver Construction Activities Stormwater Manual (CASM).

Additional Definitions applicable to this Section are listed heretofore:

**Basis of Payment:** The terms under which "Work" is paid, as a designated "Pay Item" in accordance with the quantity measured and the "Pay Unit."

**Best Management Practices (BMPs):** Schedules of activities, prohibitions of practices, installation of devices, maintenance procedures, and other management practices deployed to stabilize the construction site to prevent or reduce the pollution of State Waters (see definition below). Stormwater BMPs can be classified as "structural" (i.e., devices installed or constructed on a site) or "non-structural" (procedures, such as modified landscaping practices).

**Colorado Department of Health and Environment (CDPHE):** State of Colorado, Water Quality Control Division responsible for issuance of State Construction Stormwater Permit.

**Construction Activities Stormwater Discharge Permit (CASDP):** Permit issued by the City for compliance with City & County of Denver Revised Municipal Code and Department of Public Works Rules & Regulations concerning the discharge of pollutants in storm generated runoff from construction sites to Municipal Separate Storm Sewer System (MS4, see definition below) or State Waters, via the Municipal Separate Storm Sewer System (MS4).

**Construction Activities Stormwater Manual (CASM):** City and County of Denver Construction Activities Stormwater Manual (CASM), 2010 edition.

**Colorado Department of Transportation (CDOT):** State agency that has published standards for Erosion Control with accompanying Erosion Control Supervisor certification courses.

**Erosion Control Supervisor (ECS):** The Erosion Control Supervisor is assigned by the Contractor to perform duties as described in this Section. The ECS shall be properly trained in BMPs per requirements of Part V below, and shall be under the direction of a Professional Engineer licensed in the State of Colorado when performing any modifications to the Project Stormwater Management Plan (SWMP).

**Final Stabilization:** Point of construction when all ground surface disturbing activities at the site have been completed and uniform vegetative cover has reached 70% of pre-disturbance vegetative cover, or equivalent permanent features have been employed. At this point, all temporary BMPs can be removed, all construction and equipment maintenance wastes have been disposed of properly; and all elements of the Stormwater Management Plan have been completed.

**Major SWMP Modification:** Changes to the original SWMP that removes or adds additional area to the Project, or modifies the final hydrology or drainage of the Project. A Major SWMP Modification requires the submission of revised Stormwater Management Plan (SWMP) elements to the Permit Authority for review and approval. Any

adjustments to a SWMP must be performed either by or under the direction of a Professional Engineer licensed in the State of Colorado.

**Minor SWMP Modification:** Modification to the SWMP that does NOT increase the scope or change hydrology of the Project but: modifies/improves specific BMPs in use at site, indicates progression in phasing of the Project, or specifies relocation of previously approved BMPs within the Project. Any adjustments to a SWMP must be performed either by or under the direction of a Professional Engineer licensed in the State of Colorado.

**Municipal Separate Storm Sewer System (MS4):** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- a) owned or operated by a State, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of stormwater or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under Section 208 of the Federal Clean Water Act that discharges to State Waters;
- b) designed or used for collecting or conveying stormwater;
- c) which is not a combined sewer; and
- d) which is not part of a Publicly Owned Treatment Works (POTW).

**Permit Authority:** The Department authorized by the City to review and process CASDP Applications for Capital and/ or governmental sponsored Projects. The responsible City department serving as the Permit Authority is the Public Works Project Controls Office. As a clarification, the Development Services Department of the City serves as the point of intake and permit processing center.

**Permit Enforcement Authority:** The Department authorized by the City to inspect and enforce CASDP Rules and Conditions for all construction Projects within the City's MS4 Boundary. The responsible City department serving as the Permit Enforcement Authority is the Wastewater Management Division of the Department of Public Works.

**State Construction Stormwater Permit:** Colorado Revised Statutes require that all construction sites/development Projects, which, by definition, disturb one or more acres in area, shall be covered by a State issued general permit for construction activities. Information on the application requirements for the State permit can be obtained by phone at 303-692-3500; or by visiting their offices located at 4300 Cherry Creek Drive South, Denver, CO 80246 – 1530. or on the Web at: [www.cdphe.state.co.us](http://www.cdphe.state.co.us)

**State Waters:** Any and all surface waters which are contained in or flow in or through this State, not to include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed.

Examples of State Waters include, but are not limited to, perennial streams, intermittent or ephemeral gulches and arroyos, ponds, lakes, reservoirs, irrigation canals or ditches, wetlands, stormwater conveyances (when they discharge to a surface water), and groundwater.

**Stormwater Management Plan (SWMP):** The Stormwater Management Plan contains the requirements necessary to accomplish all the following:

The SWMP establishes a minimum standard to construct, install, maintain, and remove required BMPs during the life of the Contract to prevent or minimize pollution of stormwater due to erosion, sediment transport, and construction related pollutant generated during all phases of the Project. A SWMP consists of the following elements:

- (i) CASDP Narrative Worksheet with Narrative Report. The Narrative Report and supporting documents should fully address the methods to be used to prevent sediment, debris, and other pollutants from entering the MS4 and/ or State Waters in and around the Project area. Proposed structural and non-structural BMPs should be described with sufficient implementation detail to insure that the logical phases of the proposed construction Project meet the performance standards listed in the CASM.

- (ii) Proposed site drawings and Best Management Practice (BMP) installation details as they apply to the site conforming to the Urban Storm Drainage Criteria Manual, Vol. 3, "Best Management Practices", most current version as issued by the Urban Drainage and Flood Control District (UDFCD), or those established by the City's Department of Public Works. If erosion control drawings were included within the bid documents for the Project, they shall be used for bid purposes and initial planning/ deployment of BMPs on the Project. If provided drawings are signed/ sealed by a Professional Engineer, they have been pre-approved by the Permit Authority and may be used without revision for purposes of submitting for CASDP. If provided drawings do not have signature/ seal of Professional Engineer licensed by the State of Colorado, they will require revision by the Contractor with Professional Engineer signature/ seal prior to submission to the City and County of Denver for CASDP.
- (iii) Supporting documentation related to proposed BMPs that are not currently identified in UDFCD Vol. 3 or as otherwise published by the City.

Any preparation of or adjustments to a SWMP must be performed either by or under the supervision of a Professional Engineer licensed in the State of Colorado. SWMP elements submitted to the City shall also meet currently established criteria of the CDPHE as the SWMP must meet all local, State and Federal requirements.

**Substantial Completion of Erosion Control:** Point of construction when permanent BMPs have been installed, initial growth is in place, and the site is waiting for vegetative cover to reach 70% of pre-disturbance vegetative cover.

## **PART II: DESCRIPTION**

This Work shall consist of constructing, installing, maintaining, and removing when required, BMPs during the life of the Contract until Final Stabilization to prevent or minimize erosion, sedimentation, and pollution of any waters including storm, drainageways, MS4, State Waters, and/ or wetlands. Work under this Section includes the Contractor obtaining required Permits, utilizing SWMP elements provided in the Contract, and/ or SWMP elements specifically prepared by the Contractor as defined herein. The work shall also consist of providing on-going maintenance and monitoring of the SWMP as may be necessary due to the specific and/or dynamic needs of the Project as well as meet all requirements set forth within the CASM.

The Contractor shall coordinate the construction of temporary BMPs with the construction of permanent BMPs to assure economical, effective, and continuous erosion and sediment control and water pollution prevention throughout the construction period until Final Stabilization is achieved

When a provision of this Section or an order by the Permit Enforcement Authority 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 Permit Enforcement Authority, and in accordance with applicable Permitting requirements.

## **PART III: MATERIALS**

Materials to be used for BMPs shall conform to each specific detail as set forth within the Project SWMP or as noted on the Contract Drawings.

## PART IV: EROSION CONTROL PERMIT STATUS

The current SWMP status for the Project is as follows: *(Project Manager to select one of the Scenario language blocks below as applies to the Project, edit it as necessary, and delete remaining non-applicable scenarios)*

### ***SCENARIO 1: CASDP is not required.***

A SWMP is currently not required for this project as the proposed disturbed area and/ or proximity to stream does not meet the minimum criteria for requiring a CASDP. All provisions of the following Parts V-VIII of this Section are hereby deleted and shall not be made part of the Project. However, the responsibilities for minimizing sediment pollution from the Project have not been waived, and as such, the City hereby requires the Contractor to perform as specified in the following notes. *Project Manager add the following sentence if unit pay items are not included for the project: Because a SWMP and CASDP are not necessary for the Project, all cost for performance of the following notes shall not be paid for separately, but shall be included in the work.*

“A CASDP Permit will not be required for this project, however, the Contractor and/or their authorized agents shall ensure that all potential pollutants generated during demolition, excavation, trenching, boring, grading, or other construction Work associated with this permit, be prevented from discharge to stormwater conveyance systems in the vicinity of the Project.

The Contractor and/or their authorized agents shall remove all sediment, mud, construction debris, or other potential pollutants that may have been discharged to or, accumulate in the flow lines of storm drainage appurtenances and public rights of ways of the City and County of Denver as a result of construction activities associated with this Project. All removals shall be conducted in a timely manner.

The Contractor shall be held responsible for remediation of any adverse impacts to the MS4, State Waters, waterways, wetlands, and or other public or private properties, resulting from work done as part of this Project.

The Contractor and/or their authorized agents shall insure that all loads of cut and fill material imported to or exported from the Project shall be properly covered to prevent loss of the material during transport on public rights of way.” (Sec.49-552; Revised Municipal Code)

Approved erosion and sediment control ‘Best Management Practices’ shall be maintained and kept in good repair for the duration of the Project. All necessary maintenance and repair shall be completed immediately upon discovery of any deficiency or defect.

The Contractor and/or their authorized agents shall implement the following Best Management Practices (BMPs) on site during construction:

1. **VEHICLE TRACKING CONTROL:** This BMP is required at all access points to a construction site that are used by vehicular traffic or construction equipment.
2. **INLET PROTECTION:** This BMP is required on all existing or proposed storm sewer inlets in the vicinity of the construction site that may receive site runoff. The BMP must be appropriate to the type of storm inlet and appropriate for the ground surface at the inlet.
3. **INTERIM SITE STABILIZATION:** This BMP is required to provide a measure for preventing the discharge of sediment from construction sites where overlot grading or other site disturbance has occurred. This BMP is particularly necessary on sites where construction activities/disturbance will be limited to small areas of the project site. Acceptable BMPs include:
  - a) Preserving existing vegetation
  - b) Seeding and planting
  - c) Mulching
  - d) Mulching and seeding
  - e) Temporary/Permanent re-vegetation operations
  - f) Chemical soil stabilizer application (requires Permit Enforcement Authority approval)
4. **WASTE MANAGEMENT/CONTAINMENT:** This BMP requires that all construction wastes, fuels, lubricants, chemical wastes, trash, sanitary wastes, contaminated soils or debris shall be contained on

site, protected from contact with precipitation or surface runoff, periodically removed from the construction site, and properly disposed of.

5. **SPILL PREVENTION /CONTAINMENT:** This BMP defines the measures proposed for preventing, controlling, or containing spills of fuel, lubricants, or other pollutants; and protecting potential pollutants from contact with precipitation or runoff.

6. **CHUTE WASHOUT CONTAINMENT:** Water used in the cleaning of ready mixed concrete truck delivery chutes shall be discharged into a predefined, bermed containment area on the job site. The required containment area is to be bermed so that wash water is totally contained. Wash water discharged into the containment area shall be allowed to infiltrate or evaporate. Dried concrete waste shall be removed from the containment area and properly disposed of.

- a) Should a predefined bermed containment area not be available due to the project size, or lack of an area with a suitable ground surface for establishing a containment area, proper disposal of ready mix washout and rinse off water at the job site shall conform to the approved techniques and practices identified in the Colorado Department of Public Health & Environment's training video entitled "Building For a Cleaner Environment, Ready Mix Washout Training", and its accompanying manual entitled, "Ready Mix Washout Guidebook, Vehicle and Equipment Washout at Construction Sites."
- b) The direct or indirect discharge of water containing waste concrete to the storm sewer system is prohibited (Sec.56-102a, c; Revised Municipal Code, City and County of Denver).
- c) Information about, or copies of the video and training manual are available from the Water Quality Control Division, Colorado Department of Public Health & Environment, 4300 Cherry Creek Drive South, Denver, Colorado 80222-1530, (303) 692-3555.

7. **STREET SWEEPING:** This BMP requires that paved surfaces which are adjacent to construction sites be swept in a timely manner when sediment and other materials are tracked or discharged on to them. Either sweeping by hand or use of street sweepers is acceptable. Street sweepers using water while sweeping is preferred in order to minimize dust. Flushing off paved surfaces with water is prohibited.

8. **PERIMETER CONTROL:** This BMP requires that a construction site install a perimeter control measure along the edge of the construction site, to prevent, or filter the discharge of surface runoff from the construction site. The type of perimeter control used shall be determined based on site conditions and location. Maintenance and repair of the control measure shall occur as needed, in a timely manner.

9. **STOCK PILES:** Soils that will be stockpiled for more than thirty (30) days shall be protected from wind and water erosion within fourteen (14) days of stockpile construction. Stabilization of stockpiles located within 100 feet of an MS4 or State Waters, or with slopes 3 to 1 or greater shall be completed within seven (7) days following stockpile construction. Stabilization and protection of the stockpile may be accomplished by any of the following: Mulching, Temporary/Permanent Revegetation Operations, Chemical Soil Stabilizer Application (requires Permit Enforcement Authority approval), or erosion control matting/Geotextiles. If stockpiles are located within 100 feet of an MS4 or State Waters, a drainageway or the site perimeter, additional sediment controls shall be required.

10. **SAW CUTTING OPERATIONS:** The Contractor shall protect all storm sewer facilities adjacent to any location where pavement cutting operations involving wheel cutting, saw cutting, or abrasive water jet cutting are to occur. The Contractor shall remove and properly dispose of all waste products generated by said cutting operations on a daily basis or as needed throughout the work day. The discharge of any water contaminated by waste products from cutting operations to the storm sewer system is prohibited. (Sec.56-102a, c; Revised Municipal Code, City and County of Denver)."

***SCENARIO 2: (Uncommon to most Projects) No SWMP element(s) are included. The City has not provided SWMP elements nor obtained required CASDP or State Construction Stormwater Permit(s) in advance of bid.***

SWMP elements have not been included in the Contract Documents. The Contractor shall plan and coordinate with the Permit Authority to prepare all required SWMP elements and obtain required CASDP. Per CASDP requirements, the Contractor shall obtain the endorsement of a Professional Engineer licensed in the State of Colorado for preparation of the initial SWMP and/ or any proposed Major or Minor SWMP Amendments. This will require the Contractor to provide or retain a Professional Engineer or subcontract with the original Professional Engineer that prepared the Bid Documents.

The Contractor is hereby made aware that the Permit Authority allots up to 3 weeks per review cycle for CASDP Permit applications (2 review cycles are not uncommon).

Per definition, a Major SWMP Modification requires the submission of revised SWMP elements to the Permit Authority for review and approval.

Prior to construction, the Contractor shall obtain required State Construction Stormwater Permit(s) as applicable.

***SCENARIO 3: “For reference only” SWMP erosion control drawings have been provided. The City has not obtained required CASDP or State Construction Stormwater Permit(s) in advance of bid:***

The Contractor shall submit a complete SWMP and application to the Permit Authority to obtain the required CASDP. The Contractor shall use the provided “For reference only” erosion control drawings provided in the Contract as a starting point for preparation of required SWMP elements (as required for CASDP) and for general information as to the origin of pay items included in the Bid Documents. The included erosion control drawings have been previously reviewed by the Permit Authority, and the BMPs shown therein have been found to be generally acceptable by the Permit Authority.

It shall be the responsibility of the Contractor to prepare and acquire approval of a complete SWMP and obtain a CASDP from the Permit Authority prior to beginning construction. The Contractor is hereby made aware that the Permit Authority allots up to 3 weeks per review cycle for CASDP applications (2 review cycles are not uncommon).

Per CASDP requirements, the Contractor shall obtain the endorsement of a Professional Engineer licensed in the State of Colorado for preparation of the initial SWMP and/ or any proposed Major or Minor SWMP Amendments. This will require the Contractor to provide or retain a Professional Engineer or subcontract with the original Professional Engineer of the “For reference only” erosion control drawings.

Per definition, a Major SWMP Modification requires the submission of revised SWMP elements to the Permit Authority for review and approval.

Prior to construction, the Contractor shall obtain the required State Construction Stormwater Permit(s) as applicable.

***SCENARIO 4: Completed SWMP has been included. The City has obtained CASDP in advance of bid. The City has not obtained State Construction Stormwater Permit prior to bid.***

An approved SWMP has been prepared and CASDP obtained by the City prior to bidding of the Project and as such must be properly transferred to the Contractor prior to the start of construction. The SWMP has been provided within the Bid Documents and shall be made a part of the Contract. The Contractor shall coordinate with the Project Manager and Permit Authority to perform the necessary transfer of CASDP from City to Contractor prior to the start of construction. The Permit transfer will be performed at no cost to the Contractor.

Prior to transfer of CASDP, additional elements shall be completed by the Contractor before the CASDP will be transferred from City to Contractor:

- (i) Complete Sections B&E (Permittee & Site Supervisor) of the CASDP “Narrative Report Information Worksheet”.
- (ii) Prepare a complete SWMP including any required adjustments for proposed construction phasing, staging areas, or additional items necessary to address applicable project specific Permit requirements. This will require the Contractor to provide or retain a Professional Engineer or subcontract with the original Professional Engineer that prepared the Bid Documents.
- (iii) Complete the “Construction Scheduling” section of the “Narrative Report Information Worksheet”.
- (iv) Include specific methods and/or BMPs that the Contractor will implement to address hazardous spill prevention/ containment response.
- (v) Provide any “Additional Documentation and Correspondence” applicable to the Contractor as stated in the CASM. This will require the Contractor to provide or retain a Professional Engineer or subcontract with the original Professional Engineer that prepared the Bid Documents.

If deemed necessary, the Contractor may propose modifications to the approved SWMP once the CASDP has been transferred to the Contractor. Per CASDP requirements, the Contractor shall obtain the endorsement of a Professional Engineer licensed in the State of Colorado for any proposed Major or Minor SWMP Amendments. This may require the Contractor to provide or retain a Professional Engineer or subcontract with the original Professional Engineer of the “For reference only” erosion control drawings.

Per definition, a Major SWMP Modification requires the submission of revised SWMP elements to the Permit Authority for review and approval.

Prior to construction, the Contractor shall obtain the required State Construction Stormwater Permit(s) as applicable.

## **PART V: CONSTRUCTION REQUIREMENTS**

### **A) SCHEDULES:**

At least 10 working days prior to the beginning of any construction work, the Contractor shall submit for approval a schedule for accomplishment of temporary and permanent BMPs shown in the SWMP. This schedule shall specifically indicate the sequence of clearing and grubbing, earthwork operations, and construction of temporary and permanent BMPs. The schedule shall include BMPs for all areas within the Project boundaries, including but not limited to, haul roads, borrow pits, and storage and other staging sites. Work shall not be started until the BMP schedule has been approved in writing by the Project Manager. Once the work has started, and during the active construction period, the Contractor shall update the schedule for all BMPs on a regular basis, and as required to keep the SWMP in compliance.

**B) CONSTRUCTION IMPLEMENTATION:** The Contractor shall incorporate into the Project all BMPs as outlined in the accepted schedule.

**C) UNFORSEEN CONDITIONS:** The Contractor shall direct the ECS (under the supervision of a Professional Engineer licensed in the State of Colorado) to design and implement BMPs for correcting conditions unforeseen during design of the Project, or as possible for emergency situations, which arise during construction. The Project’s SWMP, UDFCD Vol 3 standards and details, and CDOTs “Erosion Control and Storm-Water Quality Guide,” and any approved modification to these documents as proposed by the Contractor, shall be used as reference documents for the purpose of designing appropriate BMPs. Measures and methods proposed by the Contractor to deal with unforeseen conditions shall be reviewed and approved in writing by the Permit Enforcement Authority and the Project Manager prior to implementation and construction.

In an emergency situation, the Contractor shall use best judgment for immediately responding to the emergency situation as it arises, and shall notify the Permit Enforcement Authority and ECS of the emergency situation and BMPs employed in response as soon as practical after installation.

### **D) PERMITS:**

The Contractor shall obtain all required permits for the Project including those required by federal, state, and local agencies. The Contractor shall obtain (or transfer from the City when specified) required erosion control and water quality permits and shall be responsible for compliance with all requirements under any such permits.

### **E) EROSION CONTROL SUPERVISOR:**

Contractor shall assign to the Project an employee or subcontractor to serve as Erosion Control Supervisor (ECS). The ECS shall be a person other than the Contractor’s superintendent, foreman, or equivalent supervisory position. The ECS shall be experienced in aspects of BMP construction and have satisfactorily completed a Colorado DOT or equivalent ECS training program authorized by the City. Proof that this requirement has been met shall be submitted to the Project Manager at least ten working days prior to the beginning of any soil disturbance work. A list of authorized ECS training programs is available from the City upon request. Additionally, per definition, the ECS shall be under the direction of a Professional Engineer licensed in the State of Colorado when performing any modifications to the Project Stormwater Management Plan (SWMP).

The ECS shall be responsible for oversight of the implementation, maintenance, and revision of the SWMP for the duration of the Project. The ECS's responsibilities shall be as follows:

- 1) Ensure compliance with all water quality permits or certifications in effect during the construction work.
- 2) Supervise the installation, construction, and maintenance of all BMPs specified in the Contract and coordinate the construction of BMPs with all other construction operations.
- 3) Direct the implementation of suitable BMPs as necessary to correct unforeseen conditions or emergency situations. Direct the dismantling of those features when their purpose has been fulfilled due to completion of each Project phase unless the Permit Enforcement Authority agrees that the features be left in place.
- 4) Inspect the construction site and document inspection activities at least every seven (7) days and immediately following any precipitation or snowmelt event with the potential to cause surface erosion. If no land disturbing construction activities are present during a storm event, post-storm event inspections shall be conducted prior to commencing any new land disturbing construction activities, but no later than seventy-two (72) hours following the storm event.
- 5) Attend the preconstruction conference, erosion control preconstruction inspection, Project scheduling meetings, weekly construction/ field meetings, substantial completion and final stabilization inspections, and other meetings regarding construction that could impact water quality.
- 6) Evaluate all non-stormwater coming onto the site, such as springs, seeps, and landscape irrigation return flow. If such flow is identified, the ECS shall propose appropriate SWMP modifications to the Contractor to protect off-site water from becoming contaminated with sediment or other pollutants.
- 7) Coordinate with the Contractor to implement necessary actions to reduce anticipated or presently existing water quality or erosion problems resulting from construction activities.
- 8) Coordinate with the Contractor to ensure all labor, material, and equipment deployed to meet SWMP requirements is judged appropriately.
- 9) During construction, update and record the following items in the SWMP as changes occur:
  - (i) Construction boundaries (may require Major SWMP Modification)
  - (ii) Areas of disturbance (may require Major SWMP Modification)
  - (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 construction offices and staging areas.
  - (vi) Location of work access routes during construction.
  - (vii) Location of borrow and waste.
  - (viii) Location of temporary and permanent stabilization

The ECS shall start a new site map before the current one becomes illegible. All site maps shall remain with the SWMP paperwork.

10) Amend the SWMP whenever there are: additions, deletions, or changes in 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 temporary BMPs are no longer necessary from changes in Project phase and are removed. All inspection and maintenance activities or other repairs shall be documented.

All inspection and maintenance activities or other repairs shall be documented. The SWMP and documentation shall be kept on the Project site at all times.

11) Modify the site map with arrows to indicate direction of surface and storm water flowing across the Project site.

12) When adding or revising BMPs in the SWMP, amend the narrative to explain what, when, where, why, and how the BMP is being used, and add a detail to the SWMP.

13) If using existing topography, vegetation, etc. as a BMP, label it as such in the SWMP site map; amend the Narrative to explain when, why, and how the BMP is being used to the SWMP.



- 14) Record on the SWMP, and implement the approved plan for concrete and asphalt saw cutting, grinding, and milling containment and removal.
- 15) Update the potential pollutants list in the SWMP throughout construction meeting CASDP requirements.
- 16) Spills, leaks, or overflows that result in the discharge of pollutants shall be documented on the inspection form. The ECS shall record the time and date, weather conditions, reasons for spill, and how it was remediated. The ECS shall immediately report to the Contractor and Project Manager the following instances of noncompliance:
  - (i) Noncompliance which may endanger health or environment.
  - (ii) Spills or discharge of hazardous substance or oil which may cause pollution of the City MS4 or State Waters.
  - (iii) Discharge of stormwater which may cause an exceedance of a water quality standard.
- 17) Perform a thorough inspection of the stormwater management system at least every seven (7) days and within 24 hours after any precipitation or snowmelt event with the potential to cause surface erosion. The inspection records shall be kept on-site in a written or previously approved format. Inspections shall be conducted during the progress of the work, during work suspensions, or until Final Stabilization of all disturbed areas is approved by Permit Enforcement Authority and shall include the following services at a minimum:
  - (i) The construction site perimeter, disturbed areas, and areas used for material storage that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. BMPs identified in the SWMP shall be observed to ensure that they are operating correctly.
  - (ii) The description of potential pollutant sources, and the BMPs identified in the SWMP, shall be revised and modified as appropriate based on the results of the inspection as soon as practicable after such inspection. Modification to the SWMP shall be implemented in a timely manner and in accordance with applicable Permit requirements.
  - (iii) The operator shall keep a record of inspections. Uncontrolled releases of sediment or polluted storm water or measurable quantities of sediment found off the site shall be recorded with a brief explanation as to the measures taken to prevent future releases as well as any measures taken to clean up the sediment that has left the site. Inspection records shall be made available to the City upon request. Note: documentation of uncontrolled releases at site DOES NOT alleviate any State or Federal requirements for reporting of discharges or upset conditions. Care should be taken to ensure compliance with all regulatory requirements at site.
  - (iv) Seven (7) day inspections are required during construction and at all times until Final Stabilization has been achieved. Seeding and mulching of disturbed areas does NOT count as final stabilization until such time as 70% pre disturbed vegetative cover has been achieved. Sites with growth in place sufficient to deter erosion that have not yet achieved final stabilization may petition the City to grant an alternative inspection schedule while awaiting additional growth for final stabilization. These inspections must be conducted in accordance with the above paragraphs.

**F) APPLYING BMPs TO STABILIZE SITE:**

The duration of the exposure of uncompleted construction to the effects of weather shall be as short as practicable. BMPs such as: seeding, surface roughening, mulching, applying tackifier, use of geotextiles and matting, permanent landscaping, or other selected BMPs shall be applied within fourteen (14) calendar days of completion of grading/soil disturbance activities to stabilize the construction site unless disturbed area is within 100 feet of an MS4 or State Waters or has slopes of 3 to 1 or greater in which case BMPs shall be implemented within seven (7) calendar days of completion of grading activities. Disturbed areas where work is temporarily halted shall be temporarily stabilized within seven (7) days after the activity ceased unless work is to be resumed within thirty (30) calendar days after the activity ceased.

Clearing and grubbing operations shall be scheduled and performed to minimize both the area of the Project disturbed at a given time and the amount of time that disturbed areas remain open. BMPs such as temporary seeding are required between successive construction stages when disturbed areas will not be stable or active for thirty (30) calendar days or more. No payment will be made for additional work required because the Contractor has failed to

properly coordinate the BMP schedule, thus causing previously stabilized areas to be disturbed by operations that could have been performed prior to the stabilization. Upon failure of the Contractor to coordinate the permanent BMPs with the grading operations in a manner to effectively control erosion and prevent water pollution, the Permit Enforcement Authority can suspend the Contractor's grading operations and the Project Manager can withhold monies due to the Contractor on current estimates until such time that all aspects of the work are coordinated in an acceptable manner.

G) WORK OUTSIDE LIMITS OF CONSTRUCTION: Non-contiguous areas outside the limits of construction that are used by the Contractor that include, but are not limited to, borrow pits, haul routes, storage and disposal areas, field offices, maintenance, batching areas, etc., shall have appropriate BMPs implemented by the Contractor at the Contractor's expense. Should said areas meet applicable CASDP Permit criteria, the Contractor shall obtain a separate CASDP for each area as applicable at no additional expense to the City.

H) MAINTENANCE: The Contractor shall continuously maintain erosion and sediment control BMPs on a daily basis or as directed by the ECS so that they function properly during and after construction (including work suspensions) until Final Stabilization has been approved by the Permit Enforcement Authority. Maintenance includes, but is not limited to, the following items:

- (i) From the time seeding and mulching work begins until the date the Project has reached Substantial Completion of Erosion Control, the Contractor shall keep all seeded areas stabilized at all times. Any damage to seeded areas or to mulch materials shall be promptly repaired.
- (ii) All inspection sediment removal, and BMP maintenance activities to comply with all Federal, State & Local erosion control permit requirements until Final Stabilization is reached.
- (iii) All removal and replacement of existing BMPs due to damage to same suffered either by the contractor, outside agencies, the public, or acts of God.
- (iv) All required mechanical and/ or manual street sweeping.
- (v) Discretionary changes required of any regulatory enforcement officer.

If the Contractor fails to maintain the BMPs in accordance with the Contract, or as directed, the City may at the expiration of a period of 48 hours, after having given the Contractor written notice, proceed to maintain BMPs as deemed necessary. The cost thereof will be deducted from any compensation due, or which may become due to the Contractor under this Contract.

I) MINOR SWMP MODIFICATIONS: Shall be made in the field by the Contractor and thoroughly documented in the Contractor's SWMP narrative and drawings. Should the Permit Enforcement Authority deem minor field modifications inadequate, the Contractor may be required to a) make specific modifications as requested by the Permit Enforcement Authority or b) return to the original approved design specifications. Minor SWMP Modifications are allowed, covered under the original CASDP, and required as part of standard maintenance and operation.

J) MAJOR SWMP MODIFICATION: The City reserves the right to require changes in the Work or Project Limits that may require a Major Modification to the SWMP and/ or CASDP due to unforeseen circumstances. Should this occur, the Contractor will be responsible for the following (as applicable):

- (i) Make required revisions to comply with changing federal or state rulemaking if occurs within timeframe of Project
- (ii) Make required revisions due to unforeseen or unplanned conditions leading to deficient Drawings/ SWMP (hazardous materials encountered, landfills, expansion of work limits, etc.)
- (iii) Prepare revised SWMP elements endorsed by a Professional Engineer licensed in the State of Colorado.

K) SUBSTANTIAL COMPLETION OF EROSION CONTROL: When a CASDP is required for the Project, Substantial Completion of the Project as defined by the City and County of Denver General Contract Conditions cannot be reached until Substantial Completion of Erosion Control has been granted. Granting of Substantial Completion of Erosion Control must be requested by the Contractor and be approved by the Permit Enforcement Authority in the form of a "Certificate of Substantial Completion of Erosion Control".

L) FINAL STABILIZATION: Granting of Final Stabilization must be requested by the Contractor and be approved by the Permit Enforcement Authority. Other permanent soil stabilization techniques may be proposed, in writing, by the Contractor and used upon approval, in writing, by the Project Manager and Permit Enforcement Authority.

The Contractor may reach Final Stabilization via the following procedures:

- (i) The Contractor shall file Inactivation Request for Construction Activities Stormwater Discharge Permit (available within CASDP guidance documents) with the Permit Enforcement Authority.
- (ii) The Contractor shall coordinate with the Permit Enforcement Authority to hold a Final Inactivation Inspection.
- (iii) If passing, the Permit Enforcement Authority transmits a letter of approval for Final Stabilization.
- (iv) If not passing, the Permit Enforcement Authority transmits a letter of denial for Final Stabilization with associated inspection report to Contractor.
- (v) Stabilization, inspection and maintenance requirements shall continue until confirmation of having met final closure requirements have been granted in writing by the Permit Enforcement Authority. When Final Stabilization has been reached, the Permit Enforcement Authority shall issue a "Certificate of Final Stabilization".

M) FINAL ACCEPTANCE:

CASDP obligations (including reaching Final Stabilization) may hinder the ability to reach Final Acceptance for the overall Project as defined in the City General Contract Conditions.

## **PART VI: CONSTRUCTION OF BMPs**

BMPs shall be constructed so that they conform to all requirements as set forth within the Project SWMP. They shall meet all requirements set forth within each BMP detail and shall be installed and maintained so that they function in an effective and operable manner.

## **PART VII: METHOD OF MEASUREMENT**

Erosion Control Supervisor (ECS) will be measured by the total number of hours the ECS is required to be on the Project performing the duties (including supervision by a Professional Engineer licensed in the State of Colorado) as outlined in this Specification. The Contractor shall record the tasks that were performed by the ECS and the hours that were required to complete each task. The records for the payment period shall be submitted to the Project Manager after completion of work, at the time of monthly pay request, for approval and acceptance.

Silt fence, silt berms, erosion logs, gravel bags, silt dikes, temporary berms, temporary diversions, temporary drains, and brush barriers will be measured by the actual number of linear feet that are installed and accepted. Stakes, anchors, connections and tie downs used for temporary slope drains will not be measured and paid for separately, but shall be included in the work.

Concrete washout structure will be measured by the actual number of structures that are installed and accepted, and if specified on the SWMP as in-ground will include excavation, embankment, concrete, liner, erosion bales, fencing, and containment and disposal of concrete washout and all other associated waste material.

Storm drain inlet protection will be measured by the unit as specified in the Contract. Sediment trap and sediment basin quantities will be measured by the unit which shall include all excavation and embankment required to construct the item.

Removal of sediment & trash that is or is not generated by construction activities will not be measured separately but shall be included in the work.

Any excavation required for the removal of sediment from traps, basins, areas adjacent to silt fences and erosion bales, and any other cleanout excavation of accumulated sediment, and removal of check dams or storm drain inlet protection will not be measured separately but shall be included in the work.

### PART VIII: BASIS OF PAYMENT

Work to furnish, install, maintain, replace (if not due to contractor negligence), remove, and dispose of BMPs specified in the Contract will be paid for at the contract unit price.

Payment will be made under:

<b>Pay Item</b>	<b>Pay Unit</b>
Erosion Control Supervisor (includes P.E. oversight)	Hour
<i>(define number of days per inspection schedule, average precipitation for time of year in const., etc Recommended at 8-12 hours per week range for the duration of the Project through Substantial Completion of Erosion Control. For the time period between Substantial Completion of Erosion Control and Final Stabilization it is recommended to estimate 12 hours per month. )</i>	
	<i>Or... Lump Sum, Per Day, include in cost of Work, etc</i>
<i>(special care shall be taken by Project Manager to modify project plans/ specifications so that Erosion Control Supervisor responsibilities define expectations clearly prior to bid if choosing one of these payment methods. Current City policy is to pay for unit costs so that change orders, etc. are clear and per a bid unit cost. Unless specifications are clear, the elevated expectations of ECS under Lump Sum will be subject to claims for extra cost).</i>	
Construction Fence	Linear Foot
Stabilized Construction/ StagingArea	Square Yard
<i>(carefully define staging area from Contract drawings. If insufficient, Project may require immediate change order(s) for additional staging areas as proposed by Contractor post-bid as legitimate to build Project)</i>	
Concrete Washout Structure	Each
Erosion Bales (Weed Free)	Each
Erosion Log ( ____ Inch)	Linear Foot
Gravel Bag	Linear Foot
Reinforced Check Dam	Each
Sediment Trap	Each
Sediment Basin	Each
Silt Dike	Linear Foot
Silt Fence	Linear Foot
Storm Drain Inlet Protection	Each
Curb Socks	Each
Street Sweeping (mechanical & manual)	Lump Sum Per Day
<i>(define separately as appropriate, per number of Contract days)</i>	
Temporary Slope Drain	Linear Foot
Temporary Berms	Linear Foot
Temporary Diversion	Linear Foot
Temporary Onsite Irrigation	Hour
<i>(for time period between Substantial Completion of Erosion Control and Final Stabilization when awaiting final growth, it may be necessary to irrigate seeding on a regular basis to ensure growth, Estimate trips of 2-3 times per week during this period. An alternative is to include this in the cost of seeding.)</i>	
Gradient Differential	Linear Foot
Brush Barrier	Linear Foot
Dewatering <i>(will need additional specifications added to this Specification 208 if Dewatering is required)</i>	Lump Sum, Per Day, etc.
Vehicle Tracking Control	Each
Temporary BMPs will be measured and paid for by the BMPs used, except that surface roughening, removal and disposal of sediment, and removal of trash will not be measured and paid for separately.	

Payment for each BMP item will be full compensation for all work, materials and equipment required to furnish, install, maintain, remove, and dispose of it. BMPs as deployed per the SWMP requiring replacement due to Contractor negligence and or carelessness shall be provided at the Contractor's expense.

Temporary BMPs required due to the Contractor's negligence, carelessness, or failure to install permanent controls as a part of the work as scheduled or for the Contractor's convenience, shall be performed at the Contractor's expense.

If the Contractor fails to complete construction within the approved contract time, payment will not be made for Section 208 pay items for the period of time after expiration of the approved contract time. These items shall be provided at the Contractor's expense.

The cost for any corrective actions required by the State or City due to contractor's failure to obtain or comply with applicable Permits will be borne by the Contractor, including fines and penalties. In the case of failures on the part of the Contractor in controlling erosion, sedimentation, and/or water pollution, the City may provide the necessary corrective actions. All corrective action costs, including Project engineering costs, will be charged to the Contractor, and appropriate deduction will be made from the Contractor's monthly pay estimate.

The sole remedy for additional costs associated with installation of BMPs as required by regulatory agencies to ensure compliance with local and State requirements shall be per unit BMP as provided in the Bid Schedule of this Contract. The Contractor however may submit a separate itemized Change Order for any required Major SWMP Modification proposed by the City during the course of the Project.

Pay Units for ECS will be full compensation for the Erosion Control Supervisor including all materials, labor and equipment necessary for the ECS to perform the work. Commute time will not be measured and paid for separately, but shall be included in the work. The ECS pay item shall include all labor, Professional Engineering (includes supervisory Professional Engineer licensed in the State of Colorado), and/ or design fees to prepare modifications to Stormwater Management Plan(s), revise or amend Permits, coordinate with State and Local agencies, design special erosion control plans for emergency situations that develop during construction or unexpected weather conditions.

Additional stabilized construction/ staging area proposed by Contractor beyond area included in the Bid shall be installed per requirements of the Permit Authority and Permit Enforcement Authority without any additional compensation.

Payment for concrete washout structure, whether constructed or prefabricated, will be full compensation for all work and materials required to install, maintain, and remove the item. This includes, but is not limited to: excavation, embankment, liner, erosion bales, fencing, signing, and containment and disposal of concrete washout and all other associated waste material.

Silt berm spikes and dike staples will not be measured and paid for separately, but shall be included in the work.

Payment for storm drain inlet protection will be full compensation for all work, materials, and equipment required to complete the item, including surface preparation, maintenance throughout the Project, and removal upon completion of the work. Aggregate will not be measured and paid for separately, but shall be included in the work.

Sweeping, when used as a BMP as shown in the Contract, will be measured by the number of hours that a pickup broom or motorized equipment capable of collecting sediment, authorized by the Project Manager, is used to remove sediment from the roadway or other paved surfaces. Operator will not be measured and paid for separately, but shall be included in the work.

Stakes, anchors, connections, geotextile, riprap and tie downs used for temporary slope drains will not be measured and paid for separately, but shall be included in the work.

Payment for vehicle tracking pad will be full compensation for all work, materials and equipment required to construct, maintain, and remove the entrance upon completion of the work. Aggregate and geotextile will not be measured and paid for separately, but shall be included in the work.

Surveying of permanent BMPs will not be measured and paid for separately, but shall be included in the work.

**END OF REVISION OF SECTION 208**