

**SECTION 107
LEGAL RELATIONS AND RESPONSIBILITY TO PUBLIC**

107-1.11 PROTECTION AND RESTORATION OF PROPERTY AND LANDSCAPE. 6. Hazardous materials. Replace item f. with the following:

- f. Handle and dispose of hazardous material with properly trained and licensed personnel who follow an approved Hazardous Material Control Plan.

**SECTION 108
PROSECUTION AND PROGRESS**

108-1.03 PROSECUTION AND PROGRESS. Replace item 5. with the following:

5. A Storm Water Pollution Prevention Plan (when required), a Hazardous Material Control Plan, and a Spill Prevention Control and Countermeasure Plan (when required), with the line of authority and designated field representatives.

Add the following Section:

**SECTION 658
EROSION, SEDIMENT, AND POLLUTION CONTROL WITHOUT CGP COVERAGE**

658-1.01 DESCRIPTION. Provide project administration and work relating to control of erosion, sediment, and discharge of pollutants according to this section and applicable local, state, and federal requirements. This section covers projects that do not need to obtain coverage under the Alaska Department of Environmental Conservation (DEC) Construction General Permit (CGP).

658-1.02 DEFINITIONS. These definitions apply only to Section 658.

Alaska Certified Erosion and Sediment Control Lead (AK-CESCL). A person who has completed training, testing, and other requirements of, and is currently certified as, an AK-CESCL from an AK-CESCL Training Program (a program developed under a Memorandum of Understanding between the Department and others). The Department recognizes AK-CESCLs as qualified personnel required by this specification. An AK-CESCL must be recertified every three years.

Best Management Practices (BMPs). BMPs are structural, vegetative, or managerial practices used to treat, prevent, or reduce water pollution.

Clean Water Act. Federal Water Pollution Control Amendments of 1972, as amended (33 U.S.C. 1251 et seq.).

Construction Activity. Disturbance of soils associated with clearing that disturbs the vegetative mat/grubbing, grading, or excavating activities, or other construction-related activities (e.g. stockpiling of fill material, establishment of staging areas, or development of project specific material sources).

Construction General Permit (CGP). Permit AKR100000 authorizing storm water discharges from large and small construction activities, issued and enforced by DEC.

Disturbed Area. A portion of any site that has been altered from pre-existing conditions, including but not limited to the following: providing access to a site, grubbing and clearing vegetation (including the roots), grading, earth moving, altering land forms, and other Construction Activity (such as placement of project related stockpiles atop a soil surface). Includes the Project Zone and Support Activities.

Erosion and Sediment Control Plan (ESCP). The Department's project specific document that illustrates measures to control erosion and sediment on the project.

Hazardous Material Control Plan (HMCP). The Contractor's detailed project specific plan for prevention of pollution from storage, use, transfer, containment, cleanup, and disposal of hazardous material (including, but are not limited to, petroleum products related to construction activities and equipment).

Immediately. No later than the end of the next working day.

Pollutant. Defined at 40 CFR § 122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, wrecked or discarded equipment, rock, sand, cellar dirt and industrial or municipal waste.

Project Zone. The physical area provided by the Department for Construction. The Project Zone includes the area of highway or facility under construction and Support Activities when those areas are provided by the Contract and are directly related to the Contract.

Support Activities that are furnished by the Contractor are not included in the Project Zone.

Spill Prevention, Control and Countermeasure Plan (SPCC Plan). The Contractor's detailed plan for petroleum spill prevention and control measures, that meet the requirements of 40 CFR 112.

Spill Response Field Representative. The representative with authority and responsibility for managing, implementing, and executing the HMCP and SPCC Plan. There are separate Spill Response Field Representatives for the Contractor, each Subcontractor, and each Utility.

Stabilization. The use of vegetative and/or non-vegetative cover to prevent erosion and sediment loss in areas exposed by Construction Activity.

Temporary Stabilization. Protecting soils from erosion and sediment loss by rainfall, snow melt, runoff, or wind with a temporary vegetative and/or non-vegetative protection cover. Temporary stabilization may include a combination of BMPs to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place to re-disturb this area.

Final Stabilization. Means that:

1. All soil disturbing activities in the Project Zone have been completed and either of the two following criteria have been met:
 - a. a uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures; or
 - b. equivalent non-vegetative permanent stabilization measures have been employed (such as the use of riprap, gabions, porous backfill, railroad ballast or subballast, ditch lining, geotextiles, or fill material with low erodibility as determined by the Engineer.
2. When background native vegetation will cover less than 100 percent of the ground (e.g. arid areas, beaches), the 70 percent coverage criteria is adjusted as follows: if the native vegetation covers 50 percent of the ground, then 70 percent of 50 percent ($0.70 \times 0.50 = 0.35$) would require 35 percent total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.
3. In areas with less than 20 inches of annual precipitation only, all soil disturbing activities in the Project Zone have been completed and temporary BMPs shown in the ESCP are installed

along with an appropriate seed base to provide erosion control for at least three years without active maintenance.

Support Activities. Any concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, and borrow areas provided:

1. The support activity is directly related to the work that is covered under this Contract,
2. The support activity is not a commercial operation serving multiple unrelated construction projects.
3. The support activity does not operate beyond the completion of the Construction Activity of this project.

Material borrow areas that are developed specific for the project and are non-contiguous to the project site (e.g. the material is hauled in from another area not nearby the project area) are considered Support Activities.

658-2.01 MATERIALS. Use materials suitable to withstand hydraulic, wind, and soil forces, and to control erosion and trap pollutants according to the requirements of the ESCP and Specifications.

Use seed meeting Section 724. Use the temporary seed mixture specified by special provision, or use annual rye grass if no temporary seed mix is specified. Do not use temporary seed for stabilization on finished slopes.

Use straw and straw products certified weed free of prohibited and restricted noxious weed seed and quarantined pests, according to Alaska Administrative Code, Title 11, Chapter 34 (11 AAC 34). When straw or straw products certified according to 11 AAC 34 are not available, use non-certified products manufactured within Alaska before certified products manufactured in another state, country, or territory. Non-certified straw or straw products manufactured in another state, country, or territory shall not be used. Grass, legumes, or any other herbaceous plants produced as hay, shall not be substituted for straw or straw products.

658-3.01 CONSTRUCTION REQUIREMENTS. The Contractor is not required to obtain coverage under the CGP for the Project Zone if the disturbed area will be less than one acre. The Department has determined the work can be completed with a disturbed area in the Project Zone less than one acre. Do not perform work in a manner that will increase the disturbed area in the Project Zone to one acre or more.

1. Before Construction Activity may Begin. Delineate ground disturbance limits using stakes or flagging. Install sediment controls prior to the initiation of Construction Activity.
2. During Construction. Comply with the requirements of the ESCP. Implement and maintain erosion and sediment control measures identified in the ESCP and as needed during construction to protect water quality. Take immediate action and notify the Engineer when any sediment plume, sheen, or other discharge of pollutants from construction activity occurs.

Ensure all subcontractors understand and comply with the ESCP. Provide ESCP information to utility companies. Coordinate with subcontractors and utility companies doing work in the Project Zone so BMPs, including temporary and permanent stabilization measures, are installed, maintained, and protected from damage.

Notify the Engineer immediately if the actions of any utility company or subcontractor do not comply with the ESCP.

Use good housekeeping BMPs, including the following from the *Alaska DOT&PF BMP Guide*:

- a. BMP-06.00 Concrete Washout

- b. BMP-23.00 & 24.00 Stabilized Construction Exit
- c. BMP-41.00 Sanitary Waste Management
- d. BMP-42.00 Vehicle/Equipment Storage, Maintenance, & Fueling
- e. BMP-43.00 Bridge Maintenance
- f. BMP-44.00 Ditch Maintenance
- g. BMP-45.00 Snow Removal
- h. BMP-54.00 Site Delineation
- i. BMP-55.00 Street Sweeping

When dewatering, use BMP-09.00 Excavation Dewatering. For diversions, use BMP-15.00 Pumped Stream Diversion or BMP-34.00 & 35.00 Temporary Diversion Conveyance.

Comply with requirements of the HMCP and SPCC Plan.

3. Pollutant and Hazardous Materials Requirements. Contain, clean up, and dispose of discharges of petroleum products or other hazardous materials. Perform fueling operations in a safe and environmentally responsible manner.

Report spills of petroleum products or other hazardous materials to the Engineer and other agencies as required by law. Use the HMCP and SPCC Plan (if applicable) for contact information to report spills to regulatory agencies.

4. Maintenance of BMPs. Maintain BMPs:

- a. If an incident of non-compliance with the ESCP is identified;
- b. If any BMP is damaged, undercut, or unable to effectively perform the intended function; and
- c. When sediment or debris fills any BMP to 1/2 (1/3 for silt fences) of its design storage capacity (or manufacturer's specifications or ESCP requirements, whichever is lower).

Perform maintenance immediately when water quality standards are not being attained, and within 7 days of identification for other maintenance actions.

5. ESCP Changes. The Engineer may order changes to the ESCP if the Engineer determines the ESCP is ineffective in preventing erosion or the discharge of pollutants. Implement changes necessary to comply with the revised ESCP.
6. Stabilization. Land may be disturbed and stabilized multiple times during a project. Coordinate work to minimize the amount of disturbed soil at any one time. Do not disturb more soil than can be stabilized with the resources available.

Temporarily stabilize portions of the Project Zone that are not in active construction. The Engineer will not relieve the Contractor of maintenance responsibility under 105-1.13 for a seasonal suspension of work until the Project Zone is temporarily stabilized.

Apply temporary seed and stabilization measures after preparing the surface according to 618-3.01.

When installing a culvert or other drainage structure where stream bypass is not used, install temporary or permanent stabilization concurrently or immediately after placing the culvert or drainage structure in a manner that complies with applicable project permits, and prevents discharge of pollutants. Install temporary and permanent stabilization:

- At the culvert or drainage structure inlet and outlet

- In the areas upstream and downstream that may be disturbed by the process of installing the culvert, culvert end walls, culvert end sections, or drainage structure

Before deactivating a stream bypass or stream diversion used for construction of a bridge, culvert, or drainage structure, install permanent stabilization:

- At the inlet and outlet of the culvert, drainage structure, or bridge
- In the area upstream and downstream of the culvert, drainage structure, or bridge, that is disturbed during installation or construction of the culvert, drainage structure, or bridge
- Under the bridge

7. Ending ESCP Activities and BMP Maintenance. The Engineer will determine when final stabilization has been achieved within the Project Zone. After achieving final stabilization, remove all temporary BMPs.

658-3.02 PERSONNEL QUALIFICATIONS. The Superintendent must have current certification as AK-CESCL.

The Department accepts people having any of the following certificates as equivalent to AK-CESCL, if the certificates are current according to the sponsoring organization's policies:

- CESSWI, Certified Erosion, Sediment and Storm Water Inspector
- CISEC, Certified Inspector in Sediment and Erosion Control
- CPESC, Certified Professional in Erosion and Sediment Control
- CPSWQ, Certified Professions in Storm Water Quality.

658-3.03 PLAN AND PERMIT SUBMITTALS. For plans listed in Subsection 108-1.03.5 (HMCP, SPCC Plan) use the Contractor submission and Department review deadlines identified in this Subsection.

Partial and incomplete submittals will not be accepted for review. Any submittal that is re-submitted or revised after submission, but before the review is completed, will restart the submittal review timeline. No additional Contract time or additional compensation will be allowed due to delays caused by partial or incomplete submittals, or required re-submittals.

1. Hazardous Material Control Plan. Submit an electronic copy, to the Engineer for approval. Use the DOT HMCP Template located at the following DOT&PF link; (<https://dot.alaska.gov/stwddes/dcsconst/index.shtml> under Construction Forms). The Department will review the HMCP submittal within 14 days after it is received.
2. Spill Prevention, Control and Countermeasure Plan. When a SPCC Plan is required under Subsection 658-3.05, submit an electronic copy of the SPCC Plan to the Engineer. Deliver these documents to the Engineer at least 14 days before beginning Construction Activity. The Department reserves the right to review the SPCC Plan and require modifications.
3. Dewatering Permit. When dewatering is required, review and comply with the DEC *Excavation Dewatering General Permit AKG0020000*. When filing a Notice of Intent is required to obtain coverage, provide the Engineer with a copy of the DEC authorization letter before beginning excavation dewatering.
4. Temporary Water Use Authorization (TWUA). When dewatering or a diversion meets the limits in 11 AAC 93.035, obtain authorization from the Alaska Department of Natural Resources (DNR) for a TWUA. Provide the Engineer with a copy of the DNR authorization before beginning the dewatering or diversion.

658-3.04 HAZARDOUS MATERIAL CONTROL PLAN (HMCP) REQUIREMENTS. Prepare the HMCP for prevention of pollution from storage, use, containment, cleanup, and disposal of all hazardous material,

including petroleum products related to construction activities and equipment. Compile Material Safety Data Sheets in one location and reference that location in the HMCP.

Designate a Contractor's Spill Response Field Representative with 24 hour contact information. Designate a Subcontractor Spill Response Coordinator for each subcontractor. The Superintendent and Contractor's Spill Response Field Representative must have 24 hour contact information for each Subcontractor Spill Response Coordinator and the Utility Spill Response Coordinator.

658-3.05 SPILL PREVENTION, CONTROL AND COUNTERMEASURE PLAN (SPCC Plan) REQUIREMENTS. Prepare and implement an SPCC Plan as required by 40 CFR 112; when both of the following conditions are present on the Project:

1. Oil or petroleum products from a spill may reach navigable waters (as defined in 40 CFR 112); and
2. Total above ground storage capacity for oil and any petroleum products is greater than 1,320 gallons (not including onboard tanks for fuel or hydraulic fluid used primarily to power the movement of a motor vehicle or ancillary onboard oil-filled operational equipment, and not including containers with a storage capacity of less than 55 gallons).

Reference the SPCC Plan in the HMCP.

658-3.06 SPILL AND NONCOMPLIANCE REPORTING. The Contractor must be familiar with all federal, state, and local environmental requirements.

The Contractor must report any sediment discharge or environmental permit noncompliance to the Engineer. Information must be provided orally immediately from the time the Contractor becomes aware of the circumstances, and provided in writing within 5 days after the oral notification. Provide:

1. A description of the discharge or noncompliance, including any estimated volume of discharge;
2. The dates and times of the discharge or noncompliance;
3. If it has not already been corrected, a statement regarding the anticipated time the discharge or noncompliance is expected to continue; and
4. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the discharge or noncompliance.

Report spills of oil and hazardous substances to the Engineer, and state and federal agencies as called for in the HMCP.

The Contractor is responsible for erosion, sediment, and pollution control for Support Activities outside of the Project Zone.

658-4.01 METHOD OF MEASUREMENT. Section 109 and as follows:

1. Item 658.0001.0000 is lump sum.
2. Item 658.0002.0000 will be measured as specified by the Directive authorizing the work.

658-5.01 BASIS OF PAYMENT. Temporary erosion, sediment and pollution control measures that are required outside the Project Zone are at the Contractor's expense. Permanent erosion, sediment and pollution control measures will be measured and paid for under other Contract Items, when shown on the bid schedule.

**SPECIAL PROVISION
HSP20-6**

04/13/2022

Item 658.0001.0000 Erosion, Sediment, and Pollution Control Without CGP Coverage. At the Contract lump sum price for all acceptably performed erosion, sediment, and pollution control work.

Item 658.0002.0000 ESCP Changes by Directive. When the Engineer makes changes to the ESCP under 658-3.01.5, payment will be made as specified in the Directive authorizing the work.

Temporary erosion, sediment and pollution control measures that are required due to carelessness, negligence, or failure to install temporary or permanent controls as scheduled or ordered by the Engineer, or for the Contractor's convenience, are at the Contractor's expense.

Payment will be made under:

PAY ITEM	PAY UNIT
658.0001.0000 Erosion, Sediment, and Pollution Control Without CGP Coverage	Lump Sum
658.0002.0000 ESCP Changes by Directive	Contingent Sum