



**SPECIAL PROVISIONS
FOR
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT**

**Dickinson County
HSIPX-086-1(8)--3L-30**

**Effective Date
February 19, 2012**

THE STANDARD SPECIFICATIONS, SERIES 2012, ARE AMENDED BY THE FOLLOWING MODIFICATIONS AND ADDITIONS. THESE ARE SPECIAL PROVISIONS AND THEY SHALL PREVAIL OVER THOSE PUBLISHED IN THE STANDARD SPECIFICATIONS.

120017.01 DESCRIPTION.

Pollution of natural resources of air, land and water within the limits of the State of Minnesota by operations under this Contract shall be prevented, controlled, and abated in accordance with the rules, regulations, and standards adopted and established by the Minnesota Pollution Control Agency (MPCA), and in accordance with the provisions of revised MnDOT 1717 (see attached) and these Special Provisions.

120017.02 APPLICATION PROCESS.

By signing the Proposal and completing the National Pollutant Discharge Elimination System (NPDES) permit application, the Contractor is a co-permittee with the Department to ensure compliance with the terms and conditions of the General Storm Water Permit (MN R100001) and is responsible for those portions of the permit where the operator is referenced. This Permit establishes conditions for discharging storm water to waters of the State from construction activities that disturb 1 acre or more of total land area. A copy of the "General Permit Authorization to Discharge Storm Water Associated with a Construction Activity Under the National Pollutant Discharge Elimination System (NPDES)/State Disposal System Permit Program" is available at <http://www.pca.state.mn.us/water/stormwater/stormwater-c.html> or by calling 651-296-3890.

The Contractor shall apply and pay for the NPDES Permit on this Project. Payment for the application shall be incidental to the Contract and no direct compensation will be made. The Department will provide the Contractor with the application form with Sections 1 thru 3 and 5 thru 14 completed, as part of the Contract document package. The Contractor shall fill out the Contractor's portion (Section 4 and Section 15), complete the application process, and post the Permit and MPCA's letter of coverage onsite.

120017.03 COMPLIANCE.

The Contractor shall be solely responsible for complying with the requirements listed in Part II.B and Part IV of the General Permit.

The Contractor shall be responsible for providing all maintenance, remedial actions, and repairs required by the permit.

The Contractor shall post the permit and MPCA's letter of coverage on site. The Contractor shall immediately rectify any shortcomings noted by the Engineer. All meetings with the MPCA, Watershed District, Watershed Management Organization, or any local authority shall be attended by both the Engineer and the Contractor or their representatives. No work required by said entities, and for which the Contractor would request additional compensation from MnDOT or Iowa DOT, shall be started without approval from the Engineer. No work required by said entities and for which the changes will impact the design or requirements of the Contract documents or impact traffic shall be started without approval from the Engineer.

The Contractor shall immediately notify the Engineer of any site visits by Local Permitting Authorities performed in accordance with Part V.H.

Emergency Best Management Practices must be enacted to help minimize turbidity of surface waters and relieve runoff from extreme weather events. It is required to notify the MPCA Regional Contact Person within 2 days of an uncontrolled storm water release. The names and phone numbers of the MPCA Regional Contract personnel can be found at: <http://www.pca.state.mn.us/water/stormwater/stormwater-c.html>. The Contractor is reminded that during emergency situations involving uncontrolled storm water releases that the State Duty Officer must be contacted immediately at 1-800-422-0798 or 1-651-649-5451.

The Contractor shall review and abide by the instructions contained in the permit package. The Contractor shall hold MnDOT and Iowa DOT harmless for any fines or sanctions caused by the Contractor's actions or inactions regarding compliance with the permit or erosion control provisions of the Contract Documents.

The Contractor is advised that Section 1 of the NPDES application form makes reference to a Storm Water Pollution Prevention Plan (SWPPP). This Projects' SWPPP is addressed in the plan and these Special Provisions.

120017.04 METHOD OF MEASUREMENT AND BASIS OF PAYMENT.

No payment will be made for work required by this Special Provision, as it shall be considered incidental to other work on the project.

Revised 1717
Air, Land, and Water Pollution

1717.1 GENERAL

The Contractor shall schedule and conduct construction operations in a manner that will prevent, control, minimize, or abate pollution of air, land, and water ~~in accordance with 1701~~. The Contractor shall obtain all necessary permits ~~in accordance with 1702 and~~ for temporary work not shown in the Contract.

A Blank

B Water Protection

The Contractor shall take all necessary precautions and actions to prevent pollution of ground, flowing, and impounded waters of the State with any particulate or liquid matter that may be harmful to fish and wild life or detrimental to public use of the water.

The Contractor shall prevent siltation and the resulting turbidity of public waters. Water containing sediment shall not be allowed to enter public waters until its sediment content has been reduced by filtration, settlement, or other means to the appropriate standard. When turbidity standards have not been established for a public water, the turbidity of the effluent shall be not more than that of the water into which it is discharged or will eventually enter. Wash water or waste from concrete mixing operations shall not be allowed to enter streams and public waters.

The Contractor shall minimize the crossing of streams and rivers with hauling equipment. Temporary bridging shall be used where an appreciable number of crossings are necessary. The Contractor shall clear the crossings of temporary construction as soon as practical after the purpose has been fulfilled. The Contractor shall prevent water pollution from haul roads, work platforms, temporary earth fills, and other temporary construction used to facilitate bridge or culvert construction.

1717.2 Erosion Control

The Contractor shall comply with all applicable laws, ordinances, regulations, orders, and decrees pertaining to erosion control, sediment control, and storm water management affecting the conduct of the work.

When required, the Contractor shall obtain the National Pollution Discharge Elimination System. (NPDES) permit prior to starting work. No work shall be initiated until the Minnesota Pollution Control Agency's (MPCA) letter of coverage has been posted on site by the Contractor, or the Contractor verifies to the Engineer that the permit has been applied for by registered mail to the MPCA a minimum of seven days before starting soil disturbing activities.

A General Requirements

The Contractor shall schedule and conduct construction activities in a manner that will minimize soil erosion and the resulting siltation and turbidity of surface waters. The Contractor shall comply by the requirements herein regardless whether or not an NPDES permit for the work is required.

A1 Before Construction

The Contractor shall install temporary sediment control measures in areas tributary to public waters before construction begins in a drainage area.

A2 During Construction

The Contractor shall implement the Project's Storm Water Pollution Prevention Plan. The Contractor shall schedule and install temporary and permanent sediment and erosion control measures, construct ponds and drainage facilities, finish earth work operations, place topsoil, establish turf, and conduct other Contract work in a timely manner to minimize erosion and sedimentation.

All exposed soil areas with a continuous positive slope within 60 m (**200 feet**) of surface waters, including pond sides slopes, curb and gutter systems, storm sewer inlets, temporary or permanent drainage ditches, or other storm water conveyance systems, shall have temporary erosion protection or permanent cover for the exposed soil areas within the following time frames (For the purposes of this provision, exposed soil areas do not include stockpiles or surcharge areas of sand, gravel, aggregate, concrete, or bituminous.):

<u>Type of Slope</u>	<u>Time*</u>
Steeper than 1 vertical: 3 horizontal.....	7 days
Between 1:3 and 1:10.....	14 days
Flatter than 1 vertical: 10 horizontal.....	21 days

* The maximum time an area can remain un-worked by the Contractor without temporary or permanent erosion control measures implemented.

In drainage areas contributing to Special Waters, exposed soil on slopes 1:3 or steeper must have temporary erosion protection or permanent erosion protection installed within 3 days of the soil no longer actively being worked. For all other exposed soil slopes in drainage areas contributing to Special Waters, temporary erosion protection or permanent erosion protection must be installed within 7 days of the soil no longer actively being worked. Special Waters are defined as those listed and referenced in the NPDES Permit. The bottom of temporary or permanent drainage ditches constructed to drain water from a construction site must be stabilized with erosion control measures within 60 m (**200 feet**) from the property edge or from the point of discharge to any surface water. Stabilization shall be completed within 24 hours of connecting the drainage ditch to a surface water, existing gutter, storm sewer inlet, drainage ditch, or other storm water conveyance system that discharges to surface waters.

Pipe outlets shall be provided with temporary or permanent energy dissipation within 24 hours of connecting the pipe to a surface water.

The Contractor shall limit the surface area of erodible soil that can be exposed to possible erosion at any one time when the permanent erosion control features are not completed and operative.

A3 Vehicle Tracking

The Contractor shall minimize vehicle tracking of sediment or soil off site at locations where vehicles exit the construction site onto paved surfaces. ~~In accordance with 1514 and 2051~~, tracked sediment shall be removed from paved surfaces, which do not drain back into the construction site, within 24 hours of discovery.

A4 Sediment Removal

The Contractor is responsible for preventing or minimizing the potential for erosion or siltation after temporary erosion or sediment control work has been performed. The Contractor shall retrieve all sediment that has left the Right of Way, to the fullest extent possible. Unless the Project has received approval or certification for depositing fill into surface waters, the Contractor shall remove all deltas and sediment deposited in drainage ways or catch basins and restabilize the areas where sediment removal results in exposed soil. The removal and stabilization shall take place within 7 calendar days of discovery unless precluded by legal, regulatory, or physical access restraints. If precluded, removal and stabilization must take place within 7 calendar days of obtaining access. The Contractor is responsible for contacting all local, regional, state, and Federal authorities before working in surface waters and obtaining applicable permits.

A5 Suspension of Grading

The Contractor shall shape exposed soil and incorporate temporary and permanent erosion control measures to the satisfaction of the Engineer before suspension of grading operations for any appreciable length of time. Prior to shutdown and ceasing grading activities for the winter, exposed soils and discharge points shall have temporary or permanent cover installed.

B Related Work

The Contractor shall control drainage and erosion on the work related to the Project including: haul roads, temporary construction, waste disposal sites, plant and storage locations, and borrow pits other than commercially operated sources. The Contractor shall maintain the area, shape the area to allow storm runoff with minimum erosion, replace topsoil, and establish vegetative cover on areas where the potential for pollution has been increased due to the Contractor's operations. The Contractor's waste disposal sites, borrow pit areas or other related work that disturbs 0.4 hectares (**1 acre**) or more of total land area and located outside of the Right-of-Way will require the Contractor's own NPDES permit.

C Quality Control

The Contractor shall be responsible for maintaining a quality control program to ensure that erosion is controlled, that is sedimentation is prevented and that provisions of permits are adhered to.

The quality control program shall consist of:

- a.) Ensuring that permit requirements related to the contractors construction activities are adhered to.
- b.) Conducting the inspections required in the NPDES permit ~~with the Contracting Authority~~.
- ~~c.) Maintaining the NPDES inspection log~~
- d.) Ensuring that erosion control is incorporated into the work in a timely manner and that disturbed areas are stabilized with mulch/seed or vegetative cover on a section by section basis.
- e.) Ensuring ~~in accordance with 2573.3~~ that temporary erosion control devices are maintained.
- f.) Ensuring ~~in accordance with 2573.3~~ that temporary erosion control devices are removed when they are no longer necessary.

~~In accordance with 1506~~ the Contractor shall have a competent individual available to the Project to conduct the quality control program. The Contractors quality control and inspection procedures shall be subject to review by the Engineer. NPDES inspection records shall be maintained by the Contractor at the Project site and made available at all times for verification by the Engineer.

D Erosion Control Schedule

The Contractor shall prepare and submit a weekly schedule of proposed erosion control activities for the Engineer's approval. The Engineer may require schedules to be submitted orally or in writing. The schedule shall provide a discussion of:

1. Proposed erosion control installations and when they will be installed.
2. Areas ready for permanent turf establishment and when it will be accomplished.
3. Grading operations and how erosion control will be incorporated into the work.
4. Repair or maintenance required on erosion control installations and when it will be accomplished.
5. Proposed erosion control measures during periods of suspension of work.

E Site Plans

The Engineer may require the Contractor to submit a site plan detailing proposed erosion control and sediment control measures and a schedule indicating starting and completion times for construction operations working in water bodies and/or in direct proximity to waters of the state.

Contractor shall not start work in the affected areas until the schedule and site plan have been accepted by the Engineer.

F Compensation

The Contractor will receive compensation for erosion control as provided for in the Contract. All other expenses incurred in complying with these provisions ~~and 1717~~ shall be borne by the Contractor. The Contractor will not receive compensation for erosion control off of the Right of Way unless so specified in the Contract. Temporary and permanent erosion or pollution control measures ordered by the Engineer, which are necessitated by additional Contract work or by unforeseen failure of the original erosion or sediment control work provided for in the Contract, will be paid for at the appropriate Contract prices for like work or as Extra Work in the absence of comparable items of work.

G Withholding of Payment—Noncompliance

If the Contractor fails to install erosion or sediment control measures ordered by the Engineer, the Engineer may withhold payment from related work until the control measures are undertaken by the Contractor. When the Contractor fails to conduct the quality control program, doesn't conduct the inspections required in the NPDES permit, or fails to take action ordered by the Engineer to remedy erosion or sediment control problems: The Engineer will issue a written order to the Contractor. The Contractor shall respond within 24 hours with sufficient personnel, equipment and/or materials and conduct the required work or be subject to a \$500.00 per calendar day deduction for noncompliance.

1717.3 COMPENSATION AND TIME EXTENSION

The Contractor will not receive additional compensation or time extensions for any disruption of work or loss of time caused by any actions brought against the Contractor for failure to comply with air, land, and water pollution controls.