

STATE

OF

TENNESSEE

Rev. 5/18/2007

March 1, 2006

SPECIAL PROVISION

REGARDING

EROSION PREVENTION AND SEDIMENT CONTROL SUPERVISOR

Description

The Department requires special emphasis on the proper installation and maintenance of Erosion Prevention and Sediment Control (EPSC) measures needed in this contract due to the projects storm water requirements. The project's location and volume of earth being moved during cut and fill operations has also been considered. Consequently, the Contractor shall be required to furnish an EPSC supervisor (EPSCS) on this project. The EPSCS shall be responsible for coordinating all EPSC activities and features within the project limits and affected areas for the duration of the project. In this Special Provision, it is intended that any mention of the TDOT Project Supervisor will also refer to the TDOT Project Supervisor (or his/her representative).

The EPSCS shall be a third party, approved by the Department and retained by the contractor. The EPSCS will report directly to the TDOT Project Supervisor and will be responsible for identifying EPSC deficiencies on the project and providing the TDOT Project Supervisor and the Contractor with the location of these deficiencies. The TDOT Project Supervisor shall make the final decision of solutions to each deficiency. This will be done with the intent to prevent eroded materials, sediments or other pollutants disturbed by construction activities from reaching streams or leaving the limits of construction. The work shall be done in accordance with all applicable Special Provisions, plans, **Section 209 of the Standard Specifications**, Current NPDES Construction General Permit (CGP) and all other permit requirements or as directed by the TDOT Project Supervisor.

Qualifications

The EPSCS shall be required to successfully complete TDEC's *Fundamentals of Erosion and Sediment Control (Level One)*, or the successor, or an equivalent course approved by TDEC (Proof is copy of certificate or recertification) and qualify with two (2) of the following criteria:

1. The individual shall have and maintain a current certification as a Certified Professional in Erosion and Sediment Control (CPESC). Submit Proof (copy of current year certificate/stub) to the TDOT Project Supervisor at the beginning of contract and annually at the beginning of each calendar year of contract.
2. The individual shall have and maintain a current certification as a CPESC-In-Training (CPESC-IT). Submit Proof (copy of current year certificate/stub) to the TDOT Project Supervisor at the beginning of contract and annually at the beginning of each calendar year of contract.
3. The individual shall possess:
 - Possess a B.S, M.S., B.A. or A.S. (proof is copy of certificate) in Soil Science, Natural Resources Science or Management, Civil or Environmental Engineering, Geology or related field approved by the Department or

4. The individual shall provide three (3) years or more of qualifying education and certificate of TDEC Level Two (2) course (or equivalent course approved by TDEC) completion. All experience shall be certified by employer.

Proof of qualification as noted above must be provided prior to acceptance by the Department. No substitution will be allowed for the EPSCS without written approval from the Department.

Responsibilities

The "Field SWPPP" is the official EPSC document according to the CGP which includes current EPSC plans as construction activities progress. The "Field SWPPP" shall be maintained on a daily basis by the Contractor as approved by the TDOT Project Supervisor and shall contain all revisions, additions and modifications made to the project in each phase.

The designated EPSCS shall:

1. Participate in project meetings relative to EPSC measures, including:
Quality Assurance (QA - Project Compliance) Project Assessments, Preconstruction meetings, Pre-Erosion meetings, additional meetings required by the regulatory agencies and others as required by the TDOT Project Supervisor.
2. Ensure that the Contractor installed rain gauges at all sites as stated in the approved TDOT rainfall monitoring plan and supersedes the rainfall monitoring under the CGP. The EPSCS shall:
 - a) Check each gauge after every rainfall event occurring on these sites and maintain detailed records of rainfall events including dates, amounts of rainfall, and the approximate duration (or starting and ending times).
 - b) Monitor closely rainfall and forecasted rainfall activities in order to meet the inspection requirements listed in this Special Provision (i.e. one half (0.5) inch rainfall events).
 - c) Maintain a current contractor SWPPP, as shown in the "Field SWPPP" for their records.
3. Prior to any land disturbance activities on the project, the designated EPSCS shall:
 - a) Review all the water quality permits, Ecological Studies Report and storm water documents. Note in "Field SWPPP" location of permits, streams, wetlands, sinkholes and specific areas not to be disturbed at the construction site.
 - b) Conduct a baseline evaluation (pictures & notes) at each outfall to identify/document the current conditions prior to the beginning of road construction activities, inspect/document for offsite sediment releases into natural resources through/adjacent to construction limits or concerns related to siltation, and notify the TDOT Project Supervisor if conditions arise that might negatively impact waters of the State or the potential for erosion and sediment problems (i.e. stability of the bank, sediment deposition, and source impacts). The TDOT Project Supervisor shall be notified if additional outfalls are identified.
 - c) Assure that the EPSC plan shows all boundaries of TDOT Rights-of-Way (ROW) and/or easements, the cut and fill slopes, and the boundaries of watercourses and wetlands contained within the Ecological Studies Report (located in the SWPPP appendix).
 - d) Determine in conjunction with the Contractor and the TDOT Project Supervisor if stage construction of the EPSC is necessary on the project. If this staging is not provided within the SWPPP, suggestions are to be provided to the TDOT Project Supervisor.
 - e) Assure the appropriate land disturbance phasing of the EPSC measures and devices are shown within the "Field SWPPP". The EPSC plans and notes must address phasing issues required to construct the project. Assure that construction activities will not be over twenty-five (25) acres of soil disturbance at any point during construction phasing.
 - f) Document activities on a regular basis of any utility relocation not part of the TDOT contract that disturbs any TDOT ROW prior to construction activities.

4. As soon as construction land disturbance activities begin the designated EPSCS shall:
 - a) Assure that initial EPSC measures are in place before clearing, grubbing, excavation, grading, cutting or filling occurs.
 - b) Assure that EPSC measures are in place and provide protection for any relocation of utilities before clearing activities occur if these activities are included as part of the TDOT roadway contract.
5. Perform EPSC site visits at a frequency as follows (this frequency shall be modified retroactively to eliminate the rainfall inspections with the approved SSWMP):
 - At least twice per calendar week (Sunday through Saturday) at least seventy-two (72) hours apart.
 - Before anticipated storm events (or series of storm events such as intermittent showers over one or more days). Inspection frequency clarification may be received from the TDOT Project Supervisor.
 - During or within twenty-four (24) hours after the end of a storm event of one half (0.5) inches or greater. Please note this would include weekends and state holidays. Inspections on a Friday do not meet the requirement for actual rain events over the weekend.
6. At each EPSC inspection the designated EPSCS shall:
 - a) Review and verify the proper installation, maintenance and effectiveness of EPSC devices/measures per project plans and the “Field SWPPP”, or as directed by the TDOT Project Supervisor.
 - b) Review and document the completed installation of EPSC devices as they occur and stabilization efforts which are to be completed within fifteen (15) calendar days after final grading or earth moving activities have ceased.
 - c) Review and document areas that have been seeded, mulched or otherwise stabilized for effectiveness and notify the TDOT Project Supervisor of any deficient areas. Notify the TDOT Project Supervisor of all stabilized areas within the “Field SWPPP” in order for the TDOT Project Supervisor to determine if the EPSC inspections will cease in these areas. Periodically review stable areas to maintain permanent stability.
 - d) At any time sedimentation is occurring or has occurred in streams/wetland on or adjacent to the active construction project; notify the TDOT Project Supervisor as soon as possible, but no later than twenty-four (24) hours after the discovery for direction to proceed.
 - e) Document all deficiencies on the approved EPSC inspection form. Request recommendations from the TDOT Project Supervisor for remedies before the next scheduled EPSC inspection.
 - f) Review removal of vegetative ground cover occurring not more than ten (10) calendar days prior to grading or earth moving unless said area is seeded and/or mulched.
 - g) Verify that the construction activities are not over twenty-five (25) acres of soil disturbance at any point during construction phasing.
 - h) Review compliance with the current CGP, the TDEC/TDOT Consent Order/Amendment, and SSWMP requirements.
7. After each EPSC inspection:
 - a) Provide verbal reports and completed EPSC inspection form of areas requiring corrective actions to the TDOT Project Supervisor before leaving the site after the inspection. This completed form shall be signed by the EPSCS, the contractor representative (if not the EPSCS), and the TDOT Project Supervisor. The contractor shall complete the remediation as directed by the TDOT Project Supervisor of all deficiencies discovered in

- the inspection within the allowable maintenance timeframe as specified by the Department. Currently, repair on EPSC measures shall be made as stated in **Special Provision 107FP** (within twenty-four (24) hours after each EPSC inspection) of the Contract.
- b) Prepare a summary written report, including a photo journal of areas requiring corrective actions, the corrective actions expected and/or completed, update of past EPSC inspection reports (actions completed from previous report and actions not completed from any prior inspection report) and the field inspection form/notes. This summary report shall be submitted, as specified by the Department, within forty-eighty (48) hours of each inspection to the TDOT Project Supervisor.
 8. Be available, on call, to the TDOT Project Supervisor in the event of an EPSC emergency.
 9. Recommend termination of an area or the entire site of the NPDES CGP requirements once permanently stabilized.

The EPSC inspections shall continue until the Notice of Termination (NOT) is submitted to TDEC by the TDOT Regional Construction Supervisor.

In the event the TDOT Project Supervisor determines that the EPSCS is not performing or is negligent in duties as defined herein, the TDOT Project Supervisor shall issue the Contractor a written Notice of Warning (NOW). This written NOW will define the duties of the EPSCS that are not being satisfactorily performed and serve as notice required in **Special Provision 107FP**. Failure of the Contractor to comply with this Special Provision or take immediate corrective actions required within twenty-four (24) hours of written Notice of Warning (NOW) (unless documented conditions make a particular maintenance or repair activity impracticable including a reasonable schedule of maintenance/repair) shall be reason for the Engineer suspending all other work on the Project, except erosion prevention and sediment control (EPSC) and traffic control, applying non-refundable deductions of monies from the Contract per calendar day from monies due to the Contractor for any EPSC work on the project. This deduction shall be made for each location, as determined by the TDOT Project Supervisor and stated with the NOW, for each calendar day that the deficiency is allowed to remain and charged as item description "*Failure to Comply with Permits Deduction*".

If the TDOT Project Supervisor determines that the attempts to correct the deficiencies are insufficient, then a second NOW shall be issued by the TDOT Project Supervisor for replacement of the EPSCS or for suspension of all work on the project except for the maintenance of EPSC measures and traffic control features until the EPSCS is satisfactorily replaced.

Basis of Payment

The accepted quantities of the EPSCS will be paid at the contract unit price per Month. This unit bid price shall include full compensation for labor, reports, materials, equipment, profit and overhead required to perform the work required by the Specifications, this Special Provision or as directed by the TDOT Project Supervisor. A unit bid price shall also contain any EPSC inspection and report as verified by the TDOT Project Supervisor or their representative during which the EPSCS is performing the work specified herein. EPSC inspections or materials required for off-site waste and/or borrow areas shall not be covered by the Department and shall not be included in this unit price. Any month where meetings occur (such as QA Project Assessment, Preconstruction, Pre-erosion, bi weekly, regulatory meetings) and an EPSC inspection/report is not performed will be considered incidental and not be considered a pay item. Payment shall be made by the *Month* under *Erosion Prevention and Sediment Control Supervisor (EPSCS)*.