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Laura Kelly, Governor

April 7, 2020

RE: Annual Report on Stormwater Compliance

The following document is KDOT's Annual Construction Stormwater Report for calendar year 2019. The Consent Decree was terminated January 30, 2018 and this is the third annual report prepared according to KDOT's Construction Project Stormwater Compliance Plan.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,

Mervin Lare, P.E.
Stormwater Compliance Engineer

April 7, 2020
Kansas Department of Transportation
Annual Construction Stormwater Report
Calendar Year 2019

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1.0 Introduction

This is the third annual report prepared following the January 30, 2018 termination of the 2013 Consent Decree. This report shall summarize actions taken during calendar year 2019 to comply with the KDHE NPDES General Permit.

2.0 Personnel Designations

2.1 Designation of Stormwater Compliance Manager

After the termination of the Consent Decree, KDOT chose to continue having a Stormwater Compliance Engineer. Mervin Lare, P.E., is the Stormwater Compliance Engineer (SWCE). The duties of the SWCE include development and maintenance of the training program, quarterly stormwater bulletins, list of projects and annual reports. The SWCE is also responsible for coordinating the Oversight Inspection Program and serving as the agency's point of contact for stormwater compliance matters.

The SWCE has the authority to direct additional inspections either at the project level or by an independent oversight inspector. In addition to formal communications such as the quarterly bulletins and training sessions, the SWCE maintains frequent communication with project staff to answer questions and provide uniform guidance to improve statewide permit compliance. The SWCE reviews inspection reports and makes site visits to verify compliance with permit requirements.

2.2 Designation of Area Engineer / Metro Engineer

KDOT Area and Metro Engineers were assigned responsibility as Project Stormwater Compliance Managers. Vacancies in Area/Metro Engineer positions have been addressed by assigning stormwater related duties to an adjacent Area Engineer or to another KDOT employee of equivalent or higher level of authority.

All Area and Metro Engineers are required to complete the training program described in section 4.0 of this report prior to assuming stormwater related duties and to recertify on a 4-year basis. If an Area/Metro Engineer's certifications expire the stormwater duties are temporarily assigned to an alternate as in the case of a vacancy.

Area/Metro Engineers have the authority and the responsibility to direct work on KDOT projects and to direct KDOT employees, contractors and sub-contractors to take action as necessary to cease, correct or avoid violation of stormwater requirements.

KDOT ensures the Area/Metro Engineer's familiarity with the project SWPPP by requiring their review and approval of the project SWPPP be documented prior to the contractor beginning work on a project.

All inspection reports completed on their assigned projects are submitted for their review. Once the Area / Metro Engineer reviews each inspection report, they are required to sign within three calendar days and transmit the signed report to the Stormwater Compliance Engineer at a dedicated email address. This process serves to engage the Area / Metro Engineer in the inspection process and facilitate their oversight and management of the project.

2.3 Designation of Environmental Inspectors

The Area/Metro Engineer is responsible for the assignment of Environmental Inspectors to each project within their jurisdiction. Although a few projects make use of consultant inspection for this purpose, Environmental Inspectors are primarily KDOT employees in the Engineering Technician classification. Whether a KDOT employee or consultant, all individuals performing compliance inspections on KDOT's behalf in 2019 were required to have completed the Construction Stormwater program described in section 4.0 of this report.

3.0 Active Project / Permit Information

Included in this report is the active project list for 2019. This list is continuously maintained by the SWCE as projects are added, removed, or modified.

The active project list is included in Appendix A.

4.0 Training

4.1 Stormwater Training Program

After termination of the Consent Decree KDOT's Environmental Inspector Training (EIT) and Environmental Manager Training (EMT) were combined into a single certification, Construction Stormwater(CSW). CSW training continues to cover requirements set forth in Appendices B, C, and D of the Consent Decree. Any remaining EIT and EMT certifications expired in October 2019.

KDOT continually reviews and updates the training program and materials to match changing standards and specifications. Minor adjustments to the materials and program have been made in response to participant feedback and to address areas of concern identified during oversight inspections or review of other project inspection reports.

In 2015 the Kansas Contractors Association (KCA), working in close cooperation with KDOT, developed a training program which parallels KDOT's Certified Inspector Training program. At the completion of the two-day program all attendees of this training course are required to pass the same written exams as in the KDOT CIT courses.

A total of six training sessions were conducted in 2019 including the KDOT CIT program courses and those offered by the KCA. At the end of 2019, 618 individuals were Construction Stormwater certified.

4.2 Other Training

In addition to the formal training program, additional opportunities to educate KDOT staff, local public officials and contractors were identified in 2019. The Stormwater Compliance Engineer was invited to present at 6 Annual District Construction meetings.

5.0 Compliance Inspections

5.1 Procedures

All Project inspections are required to be completed using the KDOT form 247. The instructions for form 247 include the inspection procedures and guidance for KDOT staff. *Inspection Procedures and Form 247 Instructions* was initially distributed August 7, 2013 by email to all KDOT field offices, made publicly available on the KDOT website, and included in the Environmental Inspector Training materials. This document was revised in March 2018 to clarify some of the initial language and to address some frequently asked questions. No revisions were made in 2019.

Key elements of the inspection procedures include requirements for the stormwater erosion control preconstruction conference, inspection frequency, submittal of reports, and procedures to verify correction of identified deficiencies.

In addition to meeting the requirements of the Specifications, the procedures require that the contractor jointly participate in all project inspections. This requirement is intended to ensure that the contractor is immediately aware of all identified deficiencies and to encourage collaboration in the evaluation and decision process.

Although not required by Specifications, Area / Metro Engineers are also required to submit all completed inspection reports to the SWCE at a dedicated email address. This allows the SWCE to provide additional review and oversight of the inspection process. An Engineering Technician Specialist from the Bureau of Construction and Materials is assigned, on a part-time basis, to assist the SWCE with tracking and review of inspection reports.

The March 2018 version of *Inspection Procedures and Form 247 Instructions* is included with this report as Appendix C.

5.2 Inspection Forms

Inspection form 247 has been distributed to all KDOT field offices, included in the Construction Stormwater Training materials, and is publicly available on the KDOT website. This form is mandatory for use on all KDOT owned projects requiring permit coverage. All contracts administered by KDOT for projects owned by a city, county or other unit of government (Local Projects) also require the use of this form.

5.3 Oversight Inspections

The oversight inspection program was maintained throughout 2019. Oversight Inspectors were assigned to all projects with a disturbed area of five acres or greater. Oversight inspections have been completed at a minimum frequency of once every 90 days during active construction periods. The active construction period is typically considered to be the time from the Notice to Proceed until the contractor has been given a Notice of Acceptance.

Active construction may also be considered complete with a partial Notice of Acceptance provided that all physical work on the project is complete.

Eleven projects were assigned to headquarters staff for oversight inspection. These projects range in size between 5.8 and 182.0 acres disturbed. Headquarters staff performing oversight inspections in 2019 included the Stormwater Compliance Engineer and the Field Construction Engineer. These individuals maintained the required CSW certification during the performance of these oversight inspections.

The remaining 18 projects were assigned to district staff, primarily Area Engineers. These individuals maintained either the required Construction Stormwater Training certification during the performance of these oversight inspections.

6.0 Specification and Standards

6.1 General

No revisions were made to the specifications and KDOT continues to operate under 15-09002-R3. Special provision 15-09002-R3 is still included in all projects owned by local units of government and to KDOT-owned projects. Special provision 15-09002-R3 is included in Appendix D.

6.2 Water Pollution Control Manager (WPCM)

Language is included in the project special provisions for all contracts awarded in 2019 that requires the contractor to designate a Water Pollution Control Manager (WPCM) for the project. All construction contracts awarded by KDOT for Local Projects also require the contractor to designate a WPCM. KDOT field offices have been instructed not to issue the Notice to Proceed until the contractor has designated a WPCM who has documented compliance with the training requirements.

The duties and responsibilities of the WPCM include completion of the training program every 4 years, weekly visits to the project, familiarity with the project SWPPP, authority to direct any and all contractor or sub-contractor work, and review of all inspection reports completed for the project.

6.3 Stormwater Preconstruction Conferences

Special provisions included with all applicable contracts awarded in 2019 include requirements for the contractor to participate in a stormwater erosion control conference before the start of construction activities. The requirements for these preconstruction conferences are also included in the document titled *Inspection Procedures and Form 247 Instructions*.

Minutes from each stormwater preconstruction conference are to be recorded and submitted to the SWCE as well as kept with the project SWPPP documentation.

6.4 Standard drawings and Prequalified Materials List

No major revisions to KDOT standard drawings were implemented in 2019.

7.0 Quarterly Stormwater Bulletin

Four editions of KDOT's "Stormwater Update" bulletin were published in 2019. Bulletins were distributed during March, June, September and December. The bulletin was distributed electronically to all Area / Metro Engineers, Environmental and Oversight Inspectors, and to Contractors. Appendix B contains the bulletins distributed in 2019.

8.0 Kansas General Permit Compliance

Paragraph 24 requires KDOT and its contractors to comply with the Permit at each Project. Permit compliance is monitored by project Environmental Inspectors under the oversight of the responsible Area / Metro Engineer.

9.0 Outlook for 2020

2019 presented several instances where the standard drawings and specifications needed project specific modifications. Those modifications are currently under review and will be applied state-wide. Changes to the oversight program are also being made to include Field Engineering Administrators(FEA) and Construction Engineers/Managers(CE/CM). Expect these changes in mid 2020.

KDOT will continue making modifications as needed to the specification and the Stormwater Compliance Plan and strive for 100% compliance with the KDHE NPDES General Permit.

The Stormwater Compliance Plan is included in Appendix E.

APPENDICES

APPENDIX A

Lists of Projects

Route	Co Num	Project	District - Area	Disturbed acres	Kansas Permit	Fed Permit	Contractor	Contract #	Letting Date	NOTPR	NOTAC	Permit Rec	Permit Version
U73	7	KA-3874-01	11	6.4	S-M007-0002	KSR 114 995	KING CONSTRUCTION COMPANY, INC.	519122131	18-Dec-19	04/27/20	09/01/22	10/02/19	2017
K99	99	KA-3358-01	15	1.5	S-KS01-0019	KSR 114 998	EBERT CONSTRUCTION COMPANY INC & SUBSIDIARY	519122161	18-Dec-19	02/18/20	06/06/21	10/02/19	2017
81	96	KA-3356-01	53	3.6	S-AR81-0005	KSR115043	KLAVER CONSTRUCTION COMPANY INC	519122585	17-Dec-19	02/01/20	06/01/21	10/11/19	2017
14	48	KA-3877-01	51	6.9	S-AR52-0024	KSR115040	KING CONSTRUCTION COMPANY, INC.	519122525	16-Dec-19	06/01/20	09/01/22		2017
9	69	KA-3094-01	31	5.4	S-S013-0004	KSR 114 991	KING CONSTRUCTION COMPANY INC	519122383	16-Dec-19	04/01/20	10/15/20	09/30/19	2017
35	46	KA-4220-02	12	13.7	S-KS44-0567	KSR 114 999	CLARKSON CONSTRUCTION COMPANY	519122141	16-Dec-19	03/20/20	06/06/21	10/02/19	2017
U75	63	KA-2379-01	43	1.5			EMERY SAPP & SONS INC AND SUBSIDIARY	519112474	20-Nov-19	01/01/20	11/01/21		2017
83	41	KA-1008-03	62	164.0	S-CI21-0029	KSR 112 239	VENTURE CORPORATION	519112636	15-Nov-19	01/29/20	09/13/22	08/19/16	2017
83	28	KA-1008-06	61	108.0	S-UA14-0152	KSR114898	VENTURE CORPORATION	519112626	15-Nov-19	01/20/20	06/15/22	07/26/19	2017
177	64	KA-4285-01	23	9.6	S-NE17-0017	KSR 114 912	BRIDGES INC	519112292	15-Nov-19	01/15/20	09/13/22	08/13/19	2017
54	88	KA-2385-03	62	147.2	S-CI09-0003	KSR 114 911	KOSS CONSTRUCTION CO	519112656	15-Nov-19	01/13/20	01/01/22		2017
U36	101	KA-3243-01	21	70.0	S-BB21-0011	KSR114894	EBERT CONSTRUCTION COMPANY INC & SUBSIDIARY	519102172	16-Oct-19	01/01/20	06/01/22	07/26/19	2017
169	2	KA-2380-01	42	149.5	S-MC53-0012	KSR 114 871	BETTIS ASPHALT & CONSTRUCTION INC	519102424	15-Oct-19	04/02/20	01/21/22	07/30/19	2017
1035	30	KA-3102-01	42	2.1	S-MC31-0096	KSR 110 298	A M COHRON & SON INC	519102454	15-Oct-19	03/04/20	03/09/21	09/20/16	2017
235	87	KA-3895-01	55	19.0	S-AR94-1570	KSR 114 878	WILDCAT CONSTRUCTION CO INC & SUBSIDIARIES	519102645	15-Oct-19	01/06/20	06/30/22	08/13/19	2017
US 56	46	KA-2745-02	12	8.7	S-MC08-075	KSR 114 782	LEAVENWORTH EXCAVATING & EQUIPMENT COMPANY INC AND AFFILIATE	519092171	18-Sep-19	11/04/19	06/18/21	06/17/19	2017
69	19	KA-1554-03	44	83.2	S-NE03-0008	KSR114853	KOSS CONSTRUCTION CO	519092424	16-Sep-19	02/10/20	08/12/21		2017
59	2	KA-4812-02	42	4.1	S-MC13-0024	KSR114953	LEAVENWORTH EXCAVATING & EQUIPMENT COMPANY INC AND AFFILIATE	519092414	16-Sep-19	11/18/19			2017
9	92	KA-3100-01	31	5.3	S-S009-0003	KSR114850	L & M CONTRACTORS INC	519092363	16-Sep-19	11/04/19	09/01/21		2017
177	9	KA-3943-01	23	4.5	S-NE63-0018	KSR114754	BRIDGES INC	519082252	21-Aug-19	10/21/19	06/22/22	06/05/19	2017
K 177	9	KA-4430-01	23	4.1	S-NE63-0017	KSR 114 750	BRIDGES INC	519082262	21-Aug-19	08/21/19	07/21/22	06/11/19	2017
K177	9	KA-4431-01	23	4.4	S-NE63-0016	KSR 114 739	BRIDGES INC	519082272	21-Aug-19	08/21/19	06/17/22	06/11/19	2017
US59	50	KA-4536-01	44	12.3	S-NE01-0007	KSR114633	Laforge & Budd Construction Company	519072464	17-Jul-19	09/16/19	03/06/21	04/15/19	2017
US77	31	KA-3953-01	21	1.7	S-LR17-0007	KSR114629	B & B BRIDGE COMPANY LLC	519062242	19-Jun-19	04/13/20	06/25/21	04/15/19	2017
U 69	46	KA-4844-01	12	4.4	S-M028-0495	KSR 114 439	CLARKSON CONSTRUCTION COMPANY	519042151	17-Apr-19	08/03/19	11/22/19	01/07/19	2017
35	46	KA-4782-01	12	1.8	S-KS52-0542	KSR 114 286	PYRAMID CONTRACTORS INC	519042141	17-Apr-19	07/15/19	08/30/20	11/21/18	2017
15	101	KA-3087-01	21	3.8	S-BB14-0003	KSR 114 297	KING CONSTRUCTION COMPANY, INC.	519022272	20-Feb-19	09/02/19	12/20/19	11/28/18	2017
209	21	KA-3955-01	21	5.8	S-SH42-0003	KSR 114 292	KING CONSTRUCTION COMPANY, INC.	519022242	20-Feb-19	09/01/19	12/20/20	11/28/18	2017
166	63	KA-3906-01	43	12.0	S-VE04-0011	KSR 114 296	B & B BRIDGE COMPANY LLC	519022464	20-Feb-19	07/08/19	01/24/20	11/28/18	2017
50	28	KA-3251-01	61	44.9	S-UA14-0139	KSR 114 200	KOSS CONSTRUCTION CO	519022626	20-Feb-19	03/18/19	12/20/19	10/16/18	2017
81	72	KA-4831-01	24	4.2	S-S027-0017	KSR 114 301	A M COHRON & SON INC	519022262	18-Feb-19	07/07/19	06/27/20	11/28/18	2017
56	73	KA-3265-01	54	8.1	S-UA15-0003	KSR 114 228	VENTURE CORPORATION	519012575	23-Jan-19	05/06/19	03/26/21	10/26/18	2017
126	19	KA-3902-01	44	5.0	S-NE57-0094	KSR 114 227	B & B BRIDGE COMPANY LLC	519022434	23-Jan-19	05/06/19	01/29/21	10/26/18	2017
235	87	KA-3110-01	55	81.1	S-LA20-0051	KSR 114 219	BERGKAMP KING, A JOINT VENTURE, LLC	519012595	23-Jan-19	03/11/19	10/28/22	10/24/18	2017
50	93	KA-4514-01	51	17.4	S-AR77-0010	KSR 114 240	VENTURE CORPORATION	519022575	16-Jan-19	05/13/19	09/25/20	11/02/18	2017
35	46	KA-3083-01	12	40.0	S-MC08-0069	KSR 114 206	PYRAMID CONTRACTORS INC	519012161	16-Jan-19	03/25/19	11/19/21	10/16/18	2017
25	55	KA-3927-01	34	3.6	S-SH32-0004	KSR 114 214	L & M CONTRACTORS INC	519012393	16-Jan-19	02/21/19	11/13/19	10/16/18	2017
56	80	KA-3894-01	54	1.7	S-LA10-0005	KSR 114 156	REECE CONSTRUCTION COMPANY INC	518122535	19-Dec-18	04/01/19	12/13/19	10/01/18	2017
15	101	KA-3086-01	21	3.7	S-BB21-0010	KSR 114 155	BRIDGES INC	518122282	13-Dec-18	05/06/19	02/05/21	10/01/18	2017
K009	58	KA-2101-01	15	6.1	S-BB22-0005	KSR 110 416	BRIDGES INC	518122201	12-Dec-18	04/01/19	12/14/20	09/08/14	2017

28	15	KA-3948-01	22	3.9	S-LR08-0027	KSR 114 102	L & M CONTRACTORS INC	518112242	15-Nov-18	04/15/19	02/06/21	09/12/18	2017
U24	15	KA-3239-01	22	87.0	S-SH27-0005	KSR 114 091	EBERT CONSTRUCTION COMPANY INC & SUBSIDIARY	518112232	15-Nov-18	03/25/19	12/20/20	08/23/18	2017
24	62	KA-3949-01	22	4.6	S-S005-0025	KSR 114 081	KING CONSTRUCTION COMPANY, INC.	518112262	15-Nov-18	03/25/19	06/06/20	09/13/18	2017
U169	63	KA-2374-01	43	69.4	S-VE07-0012	KSR 112 481	Kings Construction	518112464	14-Nov-18	04/01/19	12/20/20	12/05/16	2017
I070	32	KA-0726-01	34	123.0	S-SH12-0005	KSR 113 469	KOSS CONSTRUCTION CO	518042373	18-Apr-18	08/27/18	12/11/20	03/05/18	2017
U54	8	KA-3884-01	52	7.6	S-WA03-0049	KSR 112 410	DONDLINGER & SONS CONSTRUCTION CO INC	517122545	13-Dec-17	06/18/18	12/13/19	11/04/16	2017
U069	6	KA-1553-02	41	160.3	S-MC11-0052	KSR 112 269	KOSS CONSTRUCTION CO	516102494	19-Oct-16	03/13/17	07/19/19	09/02/16	2017
I235	87	KA-0161-04	55	182.0	S-AR94-1242	KSR 111 198	DONDLINGER & SONS CONSTRUCTION CO INC	515092595	23-Sep-15	11/10/15	12/20/19	06/29/15	2017

APPENDIX B

Quarterly Stormwater Bulletins

STORMWATER UPDATE

In This Issue

- ❖ Stormwater Deficiencies
- ❖ A Weed or Not a Weed

CSW Training Upcoming Dates

KSU CIT Program

<http://citksu.com>

March 18-19, 2019

March 20-21, 2019

May 6-7, 2019

May 7-8, 2019

Kansas Contractors Association

<http://www.kansascontractors.org/>

No Classes Scheduled

**Construction Stormwater
(CSW) Training has replaced
the EIT/EMT courses.
EIT/EMT Certifications
remain valid for two years
from date of certification.**

All completed inspection reports must be submitted to the responsible Area Engineer and the contractor's WPCM within 24 hours of each inspection. The Area Engineer must sign within 3 calendar days and submit to KDOT.stormwaterinspection@ks.gov. Failure to complete and submit inspection reports on time may result in disincentive assessment.

Stormwater Deficiencies: How much time do I have?



You and the contractor's inspector have just finished doing an inspection and have documented several deficiencies. The Area Engineer and WPCM have signed the 247 form and the WPCM has notified the Erosion Control Contractor (ECC). The ECC arrives and begins

correcting all the deficiencies but by day 7 they still have several to fix and will not be completed by the end of the day. Will disincentives take effect?

Section 901.3e states, "Remedy any deficiencies noted during a SWPPP Inspection within 7 days of the inspection despite weather conditions that make it difficult (but not impossible) to perform corrections. No additional time shall be granted to remedy deficiencies on the basis of weather unless it is infeasible due to flooding or frozen ground conditions for the Contractor to complete the remedy within the 7 days allowed. No additional time will be granted to remedy deficiencies unless approved by the Stormwater Compliance Engineer."



Long story short: unless the Stormwater Compliance Engineer has granted a time extension all deficiencies identified on the 247 form must be completed within 7 days otherwise the disincentive assessment begins on all remaining items.

A Weed, or Not A Weed? That's the Question!

By Melissa Davidson, Roadside Vegetation Manager

Controlling noxious weeds on our roadsides is strongly tied to our roadside's ability to naturally recover, grow and thrive after being repeatedly exposed to the various pollutants found on our roadsides (salt, brine, vehicle exhaust, cargo spills, gas, oil, etc). The extensive root systems that our native grasses and wildflowers possess can filter out these harmful pollutants before they reach our water sources.

Noxious weeds are one of the greatest threats to the Kansas environment. They displace native plant species, interfere with the production of agricultural crops, increase erosion, destroy wildlife habitat and decrease property values.

The Kansas Department of Agriculture is responsible for the administration of the state Noxious Weed Law. The State Weed Specialist works to aid in the control and management of noxious and invasive weeds in Kansas. The Noxious Weed Control Program provides technical assistance to individual landowners, state and federal agencies as well as other companies and organizations that manage land in our great state. For more info: <https://agriculture.ks.gov/divisions-programs/plant-protect-weed-control/noxious-weed-control-program>



Canada Thistle – BAD!

Although pollinators love this thistle, and the female flowers smell like vanilla, this particular species has to be controlled due to its ability to grow in dense patches and quickly infest an area, preventing good natives from growing. A 1-year old plant may have as many as 200 buds, and each plant may produce over 40,000 seeds that remain viable for up to 21 years!

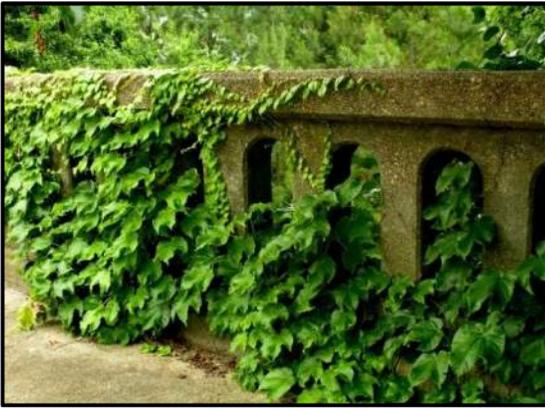


Johnsongrass – BAD!

Named after Colonel William Johnson, who introduced this species to his fertile river bottom farm in Alabama around 1840.

An easy way to help identify this aggressively growing grass species is the white line that runs the length of the leaf.





Kudzu – BAD!

This vigorous grower in the pea family can make our roadsides look like Jurassic Park in no time! One root produces up to 30 vines that can grow 60 feet long each season, or 1 foot per day!



Musk Thistle – BAD!

A biennial herb in the sunflower family, also known as ‘Nodding Thistle’ due to its tendency to start to ‘nod’ over. Particularly spiny! Because musk thistle reproduces solely from seed, the **key** for successful management is to **prevent seed production**.



Sericea Lespedeza – BAD!!

Flowering plant in the legume family. Infests nearly 450,000 acres in Kansas (*K-State Research & Extension 2017*). Planted in the past to control soil erosion, provide forage for livestock, and provide cover and food for wildlife. From these plantings, it has spread by animals and movement of hay contaminated with sericea seed to native prairies. Herbicides applied at the correct time and under favorable environmental conditions can significantly reduce sericea lespedeza, but retreatment has proven to be required. If the plants are not actively growing, **DO NOT APPLY HERBICIDES**. Results will be poor and not cost effective.



Teasel - BAD!!

Although not listed as a noxious weed, this plant can certainly be a problem, and is very difficult to eradicate.

Reaches 7 feet tall, entire plant is prickly and untouchable. A single plant can produce as many as 40 blooms, EACH of which producing MORE than 800 seeds!

The key to control is to prevent any mature plants from setting seeds. Large stands can be treated carefully with the appropriate chemical.



Stormwater Update Online

This issue and all past issues of this quarterly bulletin are available online at KDOT's Stormwater website:
<http://www.ksdot.org/burconsmain/Connections/swppp.asp>

Contact Mervin Lare (mervin.lare@ks.gov) for questions, comments or suggestions for future content.

STORMWATER UPDATE

In This Issue

- ❖ Deficiencies Everywhere
- ❖ SELDM

CSW Training Upcoming Dates

KSU CIT Program

<http://citksu.com>

June 19-20, 2019

September 2019 class is not set yet,
Stay Tuned.

Kansas Contractors Association

<http://www.kansascontractors.org/>

No Classes Scheduled

**Reminder: Anyone doing
SWPPP inspections on KDOT
let LPA projects must be
CSWcertified by July 2020.**

**Construction Stormwater
(CSW) Training has replaced
the EIT/EMT courses. All
remaining EIT/EMT
Certifications expire October
2019.**

All completed inspection reports must be submitted to the responsible Area Engineer and the contractor's WPCM within 24 hours of each inspection. The Area Engineer must sign within 3 calendar days and submit to KDOT.stormwaterinspection@ks.gov
Failure to complete and submit inspection reports on time may result in disincentive assessment

Deficiencies Everywhere and Nothing Agreed On!



Deficiency? You bet. Contractor's should never store materials or equipment downstream of their perimeter controls.

Deficiencies, Deficiencies, Deficiencies. All projects have them (especially after all the rain we've had), and no one jumps for joy when found. But what happens when the state's inspector and the contractor's inspector disagree on what should be placed on the 247 form?

Paragraph 6 under section 7.2.10 "Site Inspections by Permittee" of the KDHE General Permit states, " Any

deficiencies in the operation or maintenance, effectiveness, adequacy or coverage extent of all installed BMPs, temporary stabilization measures, and other pollution control measures identified during the inspection shall be noted in the inspection report and corrected within seven calendar days of the inspection unless infeasible."

When a disagreement happens between inspectors, before calling anyone, they need to have a discussion as to why they are disagreeing. If common ground cannot be found, the WPCM and Area Engineer need to be brought into the conversation. The Area Engineer determines if an item is a deficiency or not. The Stormwater Compliance Engineer (SWCE) can override the Area Engineer if necessary. In rare cases the SWCE will take items off the deficiency list.



No deficiencies here. The Contractor has placed willow branches at the base of the erosion control mat.

Based on KDOT's current SWPPP requirements, if one inspector thinks they have found a deficiency, its probably a deficiency.

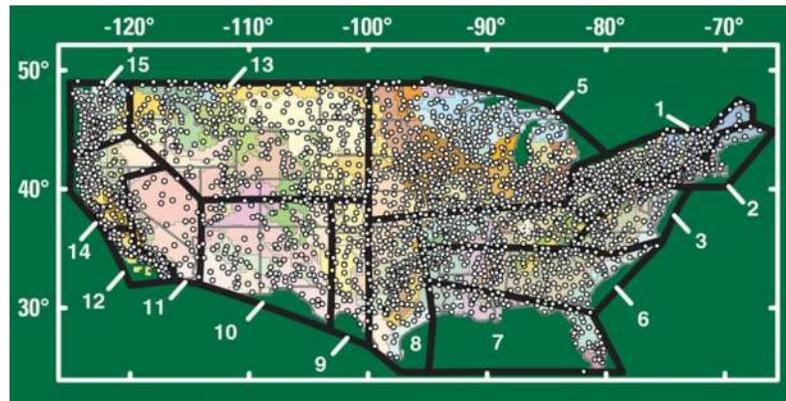
SELDM: Stochastic Empirical Loading and Dilution Model

Last December, I had the opportunity to take a weeklong class to learn about the Federal Highway Administration (FHWA) Stochastic Empirical and Dilution Model (SELDM). First off, a bit of history, the FHWA needed to redesign their 1990 highway runoff quality model. With the help of the U.S. Geological Survey (USGS), they created a robust database modeling software to create and run highway-runoff simulations. Gregory Granato, Hydrologist, USGS, is the developer and lead contact for SELDM.

What is SELDM then? SELDM is designed to transform complex scientific data into meaningful information about the risk of adverse effects of runoff on receiving waters, the potential need for mitigation measures, and the potential effectiveness of such management measures for reducing these risks.”



Start Screen for SELDM



Example map showing the amount of data sets inside SELDM. The map is separated into 15 “eco-regions” and the user has the ability to narrow down their project location inside a region.

That boils down to allowing a designer to model pre-construction and post-construction run-off determining what effects their project has on the downstream receiving waters. Best Management Practices (BMPs) can then be added to the simulations to test their effect on discharge quantity and quality and on downstream waters. SELDM also can be used to run TMDL simulations.

What makes SELDM unique from other modeling systems is that it pulls from empirical data sets that are built into the program for its modeling. Using that data a designer can simulate roughly 30 years of future rain-fall run-off and associated

contaminants into a down stream system. The best part is after some training an initial simulation can be run in about an hour!

How does SELDM fit into KDOT’s stormwater program? I’m still experimenting with its capabilities, but in the future I could see KDOT designers incorporating SELDM models into their design processes.

If I’ve peaked your curiosity a link to SELDM’s website is below.

<https://doi.org/10.5066/F7BG2M33>

Stormwater Update Online

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Contact Mervin Lare (mervin.lare@ks.gov) for questions, comments or suggestions for future content.

STORMWATER UPDATE

In This Issue

- ❖ WPCM
- ❖ End of an Era

CSW Training Upcoming Dates

KSU CIT Program

<http://citksu.com>

September 24-25, 2019

March 23-24, 2020

March 25-26, 2020

May 04-05, 2020

May 06-07, 2020

June 10-11, 2020

Kansas Contractors Association

<http://www.kansascontractors.org/>

No Classes Scheduled

Reminder: All persons doing SWPPP inspections on all KDOT let projects must be CSW certified by July 2020!

Construction Stormwater (CSW) Training has replaced the EIT/EMT courses. All remaining EIT/EMT Certifications expire October 2019.

All completed inspection reports must be submitted to the responsible Area Engineer and the contractor's WPCM within 24 hours of each inspection. The Area Engineer must sign within 3 calendar days and submit to

KDOT.stormwaterinspection@ks.gov

Failure to complete and submit inspection reports on time may result in disincentive assessment

WPCM: The Brain of the Contractor's SWPPP Compliance

The Water Pollution Control Manager(WPCM) is the lynch-pin in Contractor stormwater compliance.

They visit the project weekly during normal business hours; thoroughly review and update all SWPPP documentation ensuring Contractor compliance; supervise and direct the Contractor and all subcontractors work with regards to complying with the SWPPP and NPDES; ensure all BMP's are fully implemented, installed and maintained correctly; maintain Construction Stormwater Training(CSW) and an active email address; review and sign inspection reports with 3 days; and are the point of contact for KDOT regarding stormwater compliance.

With all these responsibilities what happens when the WPCM is also the Environmental Inspector?

When the WPCM and Environmental Inspector are combined the expectations for NPDES compliance increase dramatically. The 24-hr

lag time between the inspection and submittal to the WPCM and Area Engineer are basically eliminated. Knocking out the lag time allows the WPCM to

immediately begin coordinating with the prime contractor and subcontractors to correct all deficiencies found by the report. The WPCM will also know what exact BMP's need to be used, how best to install them and quantities needed. Finally the WPCM also maximizes his time to notify the Area Engineer if special remedies are needed

to complete all deficiencies with 7 calendar days or if conditions are infeasible to complete all deficiencies.



End of an Era: Last of the EIT/EMT Certification

The final remnants of the 2013 Consent Decree are coming to ending. What are those you might ask? The biennially (or yearly if a contractor) Environmental Inspector/Manager certifications.

INSPECTORS SKILLS							
Inspector ID:		Inspector Last Name: LARE		Inspector Skill:			
District:		Area:		Office:			
Employer:		State:					
Insp ID	Name	Skill	SkillName	Employer	State	DeCert	Date
	MERVIN LARE	AGF	AGGREGATE FIELD TESTER	BCM PRE-CNTRCT EXCTN (OPER)	KS	03	12 15
	MERVIN LARE	API	ASPHALT PAVING INSP	BCM PRE-CNTRCT EXCTN (OPER)	KS	02	25 15
	MERVIN LARE	BI	BASIC INSPECTION	BCM PRE-CNTRCT EXCTN (OPER)	KS	02	23 15
	MERVIN LARE	CF	ACI CONCRETE FIELD TECHNICIAN	BCM PRE-CNTRCT EXCTN (OPER)	KS	03	05 15
	MERVIN LARE	CMC	COMPREHENSIVE CONST MGMT SYSTEM	BCM PRE-CNTRCT EXCTN (OPER)	KS	02	10 16
	MERVIN LARE	CPI	CONCRETE PAVING INSPECTOR	BCM PRE-CNTRCT EXCTN (OPER)	KS	02	26 15
	MERVIN LARE	CST	ACI CONC STRENGTH TECH	BCM PRE-CNTRCT EXCTN (OPER)	KS	02	22 16
	MERVIN LARE	CSW	CONSTRUCTION STORM WATER TRAINING	BCM PRE-CNTRCT EXCTN (OPER)	KS	06	07 22
	MERVIN LARE	DSI	DRILLED SHAFT CONST.	BCM PRE-CNTRCT EXCTN (OPER)	KS	03	31 16
	MERVIN LARE	EIT	Environmental Inspector Training	BCM PRE-CNTRCT EXCTN (OPER)	KS	04	22 17
	MERVIN LARE	EMT	Environmental Manager Training	BCM PRE-CNTRCT EXCTN (OPER)	KS	04	22 17

The final EIT/EMT certifications expire October 11, 2019. Construction Stormwater (CSW) combines and replaces those certifications making stormwater compliance potentially easier.

With these expiring certifications, inspectors, WPCMs and Area Engineers need to be doubly aware that all certifications are up to date in the SWPPP. Area Engineers, before approving SWPPPs make sure that all environmental inspectors and WPCMs are certificated in CSW and that the expiration date happens after the tentative Notice of Acceptance date. Notify the contractor of their expiring certification and make sure they are signed up for the next available class. The earliest expiring CSW is March 2022.

Inspectors, the 247, when filled out correctly, states the expiration date for all who signs the form. Check the certification dates at part of the routine/rain event inspection. If the certification is/has expired notify the Prime Contractor immediately so they can provide a replacement.

Prime Contractors, you are ultimately responsible to maintain CSW certifications. Remember the contractor is liable for disincentive assessment for any SWPPP inspections not preformed according to 901.3e including inspections done without current certification.

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STORMWATER UPDATE

15-09002-r04 Is Coming!

In This Issue

- ❖ 15-09002-r04 is Coming!
- ❖ Brown Haze of Central China

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The R4 revision of section 900 is currently being reviewed and revised and I thought I would throw out some potential changes. First off nothing in this article is set in stone. Once R4 has been reviewed by KDOT it will be sent to the industry for comment.

You might be asking yourself, "Hasn't the consent decree between KDOT and EPA expired? Why does KDOT need a 4th revision?" Over the last year and a half, I have witnessed regressive behavior when keeping with compliance with KDHE's

General

Permit.

Reports are not being properly filled out, inactive areas are not being stabilized in a timely

fashion, inspections are

not being done in person, inspections are starting after the sun goes down, and recommendations made by oversight inspectors are being ignored. I believe the following changes will keep KDOT in compliance with KDHE's NPDES General Permit.

The changes KDOT is considering are open area definitions, WCM duties and responsibilities, oversight inspection deficiency disincentives.

The first change is to designate all open areas the Stormwater Erosion Control Conference and permanently record them on the inspection form (form 247). For projects greater than 750,000 square feet, the contractor will need to identify each equipment spread as an open area. For smaller projects the Contractor will need to split the project into open areas based physical features i.e. the roadway would split a project in half in one direction and the stream would quarter the project creating 4 distinct open areas.



Cat tracking alone is not a sufficient bmp in soil stabilization. This area should be considered inactive on an oversight inspection.



Stabilized area with Class II mat to protect the channel bottom from washing out

The initially designated open areas can change during the life of the project. When a change is needed, the obsolete area becomes inactive and a justification is placed in the remarks. Then the new area is added to the bottom of the list.

The next changes deal with the WPCM and their duties on the project. The WPCM will need to be an employee of the Prime Contractor’s staff. The WPCM will create a weekly stormwater report detailing the activities of the project and how they plan to manage stormwater runoff around these activities and when stabilization practices will begin. The WPCM will present their report to the project inspector for signature.

Joint SWPPP inspections will be performed on site and will begin and end during normal business hours of the project. Make sure and include inactive disturbed areas as a deficiency on the report.

The next one is big. Oversight inspections will be treated as a joint inspection and the contractor has 7 days to address any deficiencies noted. Failure to address these deficiencies will result in disincentive penalties.

All the recommended changes above will affect the ways KDOT and Contractors do business with regards to erosion control. Make sure to review the proposed specification changes and provide constructive comments on how to keep in compliance.



Temporarily stabilized project

Brown Haze of Central China

By John Richard Schrock



Typical day in Shaanxi

Visibility was so bad that some superhighways in Shaanxi and Henan Provinces had to be closed for several days. Near the end of last year, this brown haze was so heavy in my region that you could not see more than one city block away. In the U.S., we occasionally have car pile-ups when there is unexpected fog in a low area, but this fog burns off in a few hours of sunlight. This brown haze does not go away with the sun.

“How does this translate into English?” I am asked. “Smog” is the closest word we have, but it is not correct. Combined from “smoke” and “fog,” smog is man-made pollution where smoke, nitrogen or oxygen oxides, ozone, sulfur dioxides, or soot from burning of coal or agricultural stubble combines with moisture to form smog.

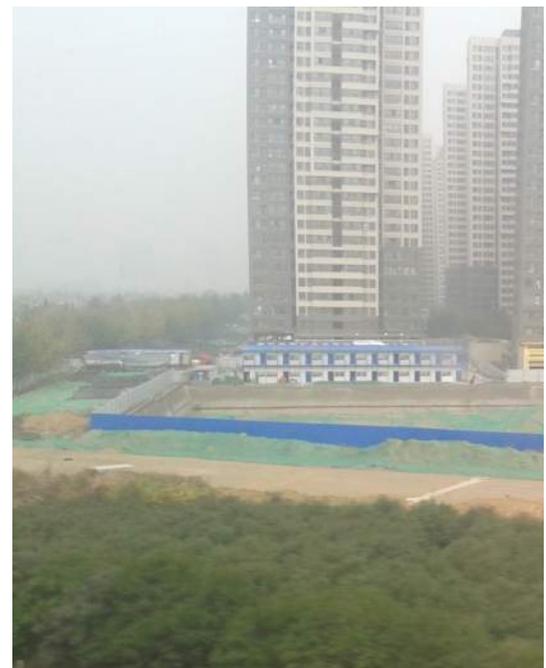
When sunlight changes these primary pollutants into even worse chemicals, it

becomes photochemical smog. Four decades ago, I can remember this air pollution that caused your eyes to water as you passed through Indianapolis or Cincinnati. The U.S. has greatly reduced this problem with regulations on the sources of pollution.

But this brown haze is not smog produced by pollution in China. It is a natural airborne dust that would continue to tint the sky many days of the year even if no humans lived here. In Chinese, it is called wù mái [雾霾] and it is a fine dust that blows in from the north. The source is the Gobi Desert and the Loess Plateau. Loess (pronounced “luss”) is the geological name for such windblown soil deposits. These are smaller particles than sand and are unlike the sandstorms of North Africa or our Dust Bowl of the 1930s. The United States does not have exposed loess soils that are deposited by wind and can be lifted back up by wind.

At the university in Yangling in Shaanxi, the skies are often bright blue when there has been a recent rain or when there is no wind. But much of the time, the sky has a dull haze and the distant skyline of the Qingling Mountain range disappears. China is criss-crossed by mountain ranges. Without our wide-open plains, Chinese weather fronts are very “chopped up” and weather is local.

Western professors who come on academic exchanges may have a cough for their first month as their lungs get acclimated to this persistent dust. If your windows are open in the summer, you can wipe the furniture clean today and draw your finger through new tabletop dust tomorrow.



Plastic covering around the base of a new development.



Imagine trying to cover an entire project in geotextile or other types of stabilization material.

Agriculturally, this continual loess deposit helps replenish nutrients and makes this region of China the origin of ancient agriculture. Today this is still the center of agricultural research. The layers of loess also compress the underlying deposits into a compact material which on hillsides can be cut into durable cave houses, called yáo dòng [窑洞]; they have arched entrances and comfortable conditions inside.

The students on this agricultural university campus come from across China and adjust to the periodical heavy dust. But this last fall was particularly “dusty.” Over half of the students were wearing cloth face masks, called kǒu zhào [口罩], to filter out the dust. These face masks are common in Japan and in large cities throughout Asia to reduce the exchange of airborne germs. But here, this high dust level drove many students to don a wide variety of fashionable face masks whenever they ventured outside the university buildings.

In these last two years, traveling to Beijing and back on the high speed train, I could see wide swaths of green plastic ground netting draped across any exposed soil. Whether it was a construction site being cleared for a new building, or the right-of-way at the side of a new road or railroad, if the soil was exposed and not being currently worked, it was covered by this ubiquitous green netting, called bǎo hù wǎng [保护网], literally “protection netting,” that kept the wind from lifting up the dust. These sites were near China’s residential population and any airborne soil would have a closer impact on neighbors. I inquired, and yes, this was a new law. And since every bit of exposed soil in these developed areas was covered, that law is obviously enforced.

As for the exposed surfaces of the massive Gobi Desert and the Loess Plateau, few people live there. That source of natural dust will continue---a problem China has that we don't have.

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APPENDIX C

Inspection Procedures and Form 247 Instructions

KDOT Form 247 Instructions

1. General Form Instructions

a. 247 – Cover and certification

- i. Enter the project number, KDHE permit number, designated Area / Metro Engineer and the contractor's Water Pollution Control Manager. This information may be saved into the form for use on subsequent inspections.
- ii. Enter the date of the last significant rain event. A significant rain event is an event that requires a post-rainfall inspection according to the permit. See instructions for 247D for additional information regarding rainfall reporting.
- iii. Enter the date of the last routine or post-rainfall inspection. This should be no more than 14 days prior to the current inspection.
- iv. Enter the inspection type. This will either be "routine," "post-rainfall" or "oversight."
- v. Enter the current inspection date. If this is typed into the form the date will carry forward to all of the attachments.
- vi. If desired, or at the direction of the Area/Metro Engineer, enter the inspection report number.
- vii. The table of contents indicates which form attachments are required and included with the report. Mark "NO" for forms which are not included.
- viii. The certified inspector for KDOT (or the LPA) shall sign and date the report as the KDOT Inspector. Include the inspector ID number and expiration date of the current certification.
- ix. The certified inspector for the Contractor shall sign and date the report as the Contractor Inspector. Include the inspector ID number and expiration date of the current certification.
- x. The report shall be transmitted to the Area / Metro Engineer within 24 hours of completing the inspection.
- xi. The report shall be transmitted to the WPCM within 24 hours of completing the inspection.
- xii. The Area / Metro Engineer shall sign and date the report within three calendar days of receiving the inspection report.
- xiii. The Contractor's WPCM shall sign and date the report within three calendar days of receiving the inspection report.

b. 247A – Overall Site Issues. This form is a general form for each inspection used to identify "big picture" items as well as general housekeeping issues.

- i. Verify the inspection date is correct at the top of the form.
- ii. Carefully review each of the numbered questions.
- iii. Describe any deficiencies noted or reference location of details (e.g. "see 247B for details")
- iv. Item 15 – Verify that the SWPPP site maps are complete and updated.
- v. Item 16 – Review attachment 247 E (Deficiencies) from previous inspection. Document if the required remedies are or are not complete.
- vi. The remaining space under Item 17 may be used for any other site-specific issues not otherwise addressed.

KDOT Form 247 Instructions

- c. 247B – Site Erosion. This form is used to document the inspection of disturbed areas throughout the project.
 - i. Identify areas disturbed by grading or other excavation activities (i.e. structure installation). These can be described by Station or by numbered reference to SWPP plan sheets.
 - 1. Note that there is no minimum size for an “area.” Areas are generally limited by specification to no more than 750,000 sqft per equipment spread without KDOT approval.
 - 2. Areas should generally be defined by physical proximity and/or by work activity.
 - ii. Note the date each area is cleared / grubbed or otherwise disturbed as “Date Area Disturbed.”
 - iii. Note the date the grading activity is complete or otherwise inactive as “Date Construction Activity Ceased.” If the area is actively being worked this field may be blank. If the activity has ceased temporarily this should be noted under Observations/Remarks along with the date grading is expected to resume
 - iv. Note the date stabilization measures were in place. Stabilization measures could include seeding / mulch, erosion control blankets, aggregate slope protection or other measures intended to limit soil erosion. Stabilization measure would not typically include sediment control devices such as ditch checks or slope barriers.
 - v. The following items should be checked for and documented under Observations / Remarks:
 - 1. Presence of rills or gullies on slopes and ditches.
 - 2. Other visible evidence of erosion (e.g. accumulations of downstream sediment)
 - 3. Quality / density of vegetation
 - vi. Special conditions relevant to the stabilization of a disturbed area shall be documented under Observations / Remarks
 - 1. The 2017 General Permit allows frozen or snow-covered ground to be considered as temporarily stabilized under certain conditions.
 - 2. The 2017 General Permit allows certain exceptions to the stabilization requirements based on the intended function.
 - vii. The Deficiency column shall be marked “Yes” for any area which requires maintenance or corrective action. Details of the required remedy shall be documented on 247E
- d. 247C – Sediment Control and Other Structural BMPs. This form is used to document the inspection of individual structural BMPs such as ditch checks, slope barriers, inlet protection systems, construction entrances and sediment basins. Every BMP should be closely inspected for condition and functionality.
 - i. Identify each BMP by Location and by BMP # from the SWPP plan sheets.
 - ii. Note installation date for each BMP
 - iii. Note for each device if it is a perimeter control
 - iv. Note type of BMP (ditch check, inlet protection, sediment basin etc.) and material (silt fence, bio-log, etc.)

KDOT Form 247 Instructions

- v. The following items should be inspected and documented:
 - 1. Correct installation
 - 2. Functionality – is the BMP performing as intended
 - 3. Condition of device – is repair or cleanout required
 - 4. Visible signs of erosion or sediment accumulation downstream of the device
 - 5. Any potential off-site discharge of sediment or other pollutants.
- vi. Construction Entrances. All construction entrance / exits should be identified.
 - 1. Note location and installation date for each entrance.
 - 2. Note surface type (aggregate, soil, etc. under Observations / Remarks)
 - 3. Any evidence of sediment tracking onto the roadway should be documented.
 - 4. Construction entrances should be monitored daily and sediment tracked onto the roadway should be cleaned as necessary.
- vii. Sediment basins. Note location and installation date for each basin
 - 1. The condition of the basin should be carefully checked during each inspection.
 - 2. Estimate the accumulated sediment volume as a percentage of the total capacity
 - 3. Inspect and document the condition of the basin slopes and outlet
 - 4. Check for evidence of water overtopping the basin berm
- viii. Any deficiencies observed should be indicated with a “Yes” in the last column. The required remedy should be detailed on 247E.
- e. 247D – Rainfall Log. This form is for documentation of rainfall amounts occurring on the project since the previous inspection.
 - i. The 2017 General Permit requires that rainfall amounts be recorded, at a minimum, for every business day.
 - ii. Record each day’s observed rainfall in the appropriate column.
 - 1. If no measurement is made (i.e. on a weekend or holiday) record “n/a”
 - 2. If no rainfall is received document 0.0”
 - iii. If a rainfall event which requires an inspection occurs, then indicate “yes” in the inspection required column and perform an inspection no later than the next business day.
 - iv. An inspection is required whenever 0.5” or more is measured in a single observation; or
 - v. Whenever 0.5” or more is measured in two consecutive observations when the first observation is less than 0.5”
 - 1. “n/a” as directed above is not considered to be an observation
 - 2. A measurement of 0.0” is considered to be an observation
- f. 247E – BMP Deficiencies. This form is a summary of observed deficiencies and remedies required.
 - i. This includes repairs, cleanup or other minor work required to maintain BMPs in use on the project.
 - ii. Any maintenance required should be detailed on this attachment.

KDOT Form 247 Instructions

- iii. Corrective Actions shall be required if the inspector determines that
 1. A required control device was never installed or was installed incorrectly
 2. Installed controls not effective or inadequate for a particular location
 3. Modification of the SWPPP is required
 - iv. All required corrective actions should be detailed on this attachment
 - v. Copies shall be made and distributed to the individuals responsible for the required actions
 - vi. A copy of this form should be included with the subsequent inspection. The Inspector shall verify that the actions have been completed and document the date of each action
 - vii. A copy of the form shall also be kept with the project SWPPP as a corrective action log. This shall be separate from the inspection reports and easily accessible for review.
2. Post-Construction (PC) Inspections
- a. Project inspections shall be performed and documented as detailed above except as described in this section.
 - b. Project site inspections are to be continued at the frequency required by the Permit following the Notice of Acceptance or Partial Notice of Acceptance to the Contractor.
 - i. The 2017 General Permit does not typically require post-rainfall inspections once all construction activities are completed and all stabilization BMPs have been installed.
 - c. Include a copy of the Notice of Acceptance or Partial Notice of Acceptance with the SWPPP documentation
 - d. The WPCM field should be left blank. No signature for the Contractor's Inspector or the WPCM is required
 - e. The Area Engineer is responsible to direct KDOT maintenance forces or coordinate other resources as necessary to remedy all deficiencies within seven calendar days of the inspection
3. Permit Termination
- a. Once the entire project is stabilized with perennial, permanent vegetation the permit may be terminated. Vegetation must have a density of at least 70 percent of the density of undisturbed areas at or near the site. For assistance in making this determination, contact the Stormwater Compliance Engineer or the Environmental Services Section
 - b. All remaining temporary sediment control devices shall be removed from the project prior to termination
 - c. Once the project is fully stabilized and all devices removed, termination may be requested by email to the Stormwater Compliance Engineer.
 - d. The Stormwater Compliance Engineer shall complete the Notice of Termination and provide a copy to the Area Engineer for inclusion with the SWPPP documentation
 - e. All SWPPP documentation is required to be retained for a minimum of three years following the Notice of Termination.
 - f. All SWPPP documentation shall be maintained at the area office for no less than three years following the Notice of Termination. Records relevant to the EPA Consent Decree (from September 5, 2013 through January 30, 2018) shall be retained until at least

KDOT Form 247 Instructions

January 30, 2021. Notify the Stormwater Compliance Engineer if the records will be kept at an alternate location.

Kansas Department of Transportation Storm Water Pollution Prevention Plan Inspection and Maintenance Report

Project #: _____

Permit #: _____

Area / Metro Engineer: _____

Water Pollution Control Manager: _____

Date of Last Significant Rain Event: _____

Date of Last Inspection: _____

Inspection Type: _____

Inspection Date: _____

(optional) Report # _____

CONTENTS

FORM ID #	DESCRIPTION	REQUIRED?
247A	General Issues / Housekeeping	YES
247B	Disturbed Areas / Site Erosion	YES
247C	Sediment Control and Other Structural BMPs	YES

FORM ID #	DESCRIPTION	REQUIRED?
247D	Rainfall Log	YES
247E	BMP Deficiencies	YES

INSPECTOR CERTIFICATION STATEMENT

" I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations."

TITLE	PRINT NAME	CERT ID #	EXP. DATE	SIGNATURE	DATE
KDOT INSP.					
CONT. INSP.					
AREA ENG					
WPCM*					

*WPCM Signature acknowledges awareness of all deficiencies noted. All documented deficiencies are required to be remedied within 7 days of this inspection unless determined to be infeasible by the Stormwater Compliance Engineer. Failure to do so will result in the assessment of stormwater compliance disincentive.

Kansas Department of Transportation Storm Water Pollution Prevention Plan Inspection and Maintenance Report

INSPECTION DATE:
PROJECT NUMBER:

REPORT #

General Issues / Housekeeping

Carefully review all questions on this form. This is an overview of the project housekeeping and documentation.

	BMP/Activity	Yes / No / NA	Observations / Remarks	Deficiency (Yes / No)
1	Are all slopes and disturbed areas not actively being worked properly stabilized?	Yes / No / NA		
2	Are natural resource areas (e.g. streams, wetlands, mature trees) protected with barriers or other BMPs?	Yes / No / NA		
3	Are perimeter controls and barriers adequately installed (keyed into substrate) and maintained?	Yes / No / NA		
4	Are discharge points and receiving waters free of sediment deposits?	Yes / No / NA		
5	Are storm drain inlets properly protected?	Yes / No / NA		
6	Are construction exits preventing sediment from being tracked into the roadway?	Yes / No / NA		
7	Is trash/litter from work areas collected and placed in covered dumpsters?	Yes / No / NA		
8	Are portable toilets available for sanitary waste?	Yes / No / NA		
9	Are washout facilities (e.g. paint, concrete) available, clearly marked, and maintained?	Yes / No / NA		
10	Are equipment fueling, cleaning and maintenance areas free of spills, leaks or other contaminants?	Yes / No / NA		
11	Are materials that are potential stormwater contaminants stored inside or under cover?	Yes / No / NA		
12	Are non-stormwater discharges (e.g. wash water, dewatering) properly controlled?	Yes / No / NA		
13	Are temporary sediment basins (if required) properly constructed and maintained?	Yes / No / NA		
14	Are soil stockpiles protected with perimeter barriers and appropriately stabilized?	Yes / No / NA		

Kansas Department of Transportation Storm Water Pollution Prevention Plan Inspection and Maintenance Report

INSPECTION DATE:
PROJECT NUMBER:

REPORT #

General Issues / Housekeeping

Carefully review all questions on this form. This is an overview of the project housekeeping and documentation.

	BMP/Activity	Yes / No / NA	Observations / Remarks	Deficiency (Yes / No)
15	Are SWPPP Site Maps complete and up to date?	Yes / No / NA		
16	Are there any outstanding deficiencies from previous inspections?	Yes / No / NA		
17	Other remarks / observations			

Kansas Department of Transportation Storm Water Pollution Prevention Plan Inspection and Maintenance Report

INSPECTION DATE:
PROJECT NUMBER:

REPORT #
PREVIOUS INSPECTION DATE:

Rainfall Log

Use this form to record rainfall observations beginning with the date of the previous inspection.

Observe and record rainfall totals on each business day at a minimum. Rainfall occurring on non-business days may be collected and measured on the subsequent business day.

A SWPPP inspection is required whenever a rainfall total of 0.5 inches or greater is recorded for a single observation.

A SWPPP inspection is required whenever a rainfall total of 0.5 inches or greater is recorded over two consecutive observations if the first is less than 0.5 inches.

Date	Observed Rainfall Amount	Inspection Required?	Remarks		Date	Observed Rainfall Amount	Inspection Required?	Remarks

Kansas Department of Transportation Storm Water Pollution Prevention Plan Inspection and Maintenance Report

INSPECTION DATE:
PROJECT NUMBER:

REPORT #

BMP Deficiencies

Document all deficiencies in maintenance, operation, effectiveness, adequacy or coverage extent of all BMPs installed or required to be installed. Include any required maintenance, corrective action, documentation updates or other items requiring action to maintain permit compliance.

Location	Date First Identified	Remedy Required	Date Action Completed	Elapsed Days	Inspector

APPENDIX D

Contract Special Provisions for Temporary Erosion and Pollution Control

**KANSAS DEPARTMENT OF TRANSPORTATION
SPECIAL PROVISION TO THE
STANDARD SPECIFICATIONS, 2015 EDITION**

Delete SECTION 901 and replace with the following:

SECTION 901

STORMWATER POLLUTION MANAGEMENT

901.1 DESCRIPTION

Design, implement, inspect and maintain appropriate best management practices to minimize or eliminate erosion, sediment and other pollutants in stormwater runoff from the project.

BID ITEMS

SWPPP Design
SWPPP Inspection
Water Pollution Control Manager
Stormwater Compliance Disincentive Assessment

UNITS

Lump Sum
Each
Each
Lump Sum

901.2 MATERIALS

None Required.

901.3 CONSTRUCTION REQUIREMENTS

a. Permits.

(1) Projects requiring permit coverage:

(a) KDOT with 1.0 acre or more of erodible surface:

KDOT will submit the Notice of Intent (NOI) for authorization to discharge stormwater runoff from construction activities in accordance with the Kansas Water Pollution Control General Permit. This authorization does not cover Contractor plant sites and Contractor-Furnished borrow and waste sites outside the project limits.

The Contractor shall accept full responsibility, coverage, and liability for the permit, along with KDOT. Within 10 business days after notice of the award of contract, or within any time extension the Bureau Chief of Construction and Materials has granted for completion of documents required in the Bidding Proposal Form, complete, sign and return to KDOT the KDHE form "REQUEST FOR JOINT OWNER/OPERATOR" (RJOO). A blank copy of the form is attached. The Secretary will not sign the contract until the Contractor has returned the completed, signed RJOO. If the Contractor fails to complete, sign, and return the RJOO within the required time, the Secretary will cancel the award of contract as provided in **SECTION 103**. KDOT will submit the completed form to KDHE for authorization. After approved by KDHE, copies will be distributed to KDOT and the Contractor.

(b) Local Public Authority with 1.0 acre or more of erodible surface:

The local governmental agency will submit the Notice of Intent (NOI) for authorization to discharge stormwater runoff from construction activities in accordance with the Kansas Water Pollution Control General Permit. This authorization does not cover Contractor plant sites and Contractor-Furnished borrow and waste sites outside the project limits.

(2) Projects not requiring permit coverage: The Contractor is required to comply with **subsection 901.3b.** and use appropriate Best Management Practices (BMPs) to minimize stormwater pollution.

Select Contractor-furnished borrow or plant sites from which runoff will not significantly impact the same surface waters and stream segments that receive runoff from the project site. Selecting a site which does significantly impact the same surface waters may result in the project requiring permit coverage.

A Storm Water Pollution Prevention Plan (SWPPP) (**subsection 901.3c.**) is not required.

A Water Pollution Control Manager (**subsection 901.3d.**) is not required.

Inspection and Maintenance Reports (**subsection 901.3e.**) are not required.

Stormwater Erosion Control Conferences (**subsection 901.3f.**) are not required.

b. General. When Contractor-furnished borrow or plant sites are outside the project limits, obtain all required permits and clearances required for compliance, **SECTION 107**. Provide copies of all such permits and clearances to the Engineer.

Take all measures necessary to minimize or eliminate erosion, sediment and other pollutants in stormwater runoff from the project and project related borrow areas.

Assume responsibility for inspection and maintenance of all erosion and sediment control measures within the project limits, whether originally implemented by the Contractor, KDOT or a third party. Obtain information regarding the SWPPP and active Best Management Practices (BMPs) from the Area Engineer. Maintenance or removal of BMPs not installed by the Contractor may be considered Extra Work, **SECTION 104**, unless addressed by other items of the contract (e.g. sediment removal).

Install devices to establish a perimeter control of the project in areas where it is anticipated that stormwater runoff will leave the project. Install perimeter control devices prior to or simultaneously with the clearing and grubbing operations. Do not perform grading until perimeter control devices are in place and approved by the Engineer.

Unless requested in writing from the Contractor, and approved in writing by the Engineer, or specified otherwise in the Contract Documents, do not exceed 750,000 square feet of surface area of erodible earth material per equipment spread at one time. The Engineer will limit the surface area of erodible earth material exposed by clearing and grubbing, excavation, borrow (within right-of-way) and embankment operations. Limit the exposed erodible earth material according to the capability and progress, and in keeping with the approved schedule.

Areas will not count toward the 750,000 square feet limit, when the following conditions are met:

For areas that will not be disturbed again due to project phasing:

- Finish grade the completed area;
- Stabilize and maintain stabilization according to **SECTION 902**; and
- Do not disturb the area again without a written request from the Contractor and written approval from the Engineer;

For areas that will be disturbed again due to project phasing:

- Rough grade; and
- Stabilize and maintain stabilization according to **SECTION 902**.

DO NOT clear and grub areas unless meaningful work toward the completion of the project will actively be performed in the exposed area (or portions of the exposed area) within 7 calendar days on exposed steep slope areas (40% or greater) or within 14 calendar days for all other exposed areas.

If areas are cleared and grubbed and not finish graded, not part of project phasing and no meaningful work toward the completion of the project is performed within the exposed area (or portions of the exposed area) for 7 calendar days on exposed steep slope areas (40% or greater) or 14 calendar days for all other exposed areas, stabilize and maintain stabilization of the exposed areas according to **SECTION 902** at no cost to KDOT.

If on-site or state-furnished off-site borrow areas are to be excavated below the ground water elevation, construct a temporary berm around the borrow area to prevent stormwater runoff from entering the excavated area.

Do not ford live streams with construction equipment.

Restrict construction operations in rivers, streams and other water impoundments to those areas that must be entered for the construction of temporary or permanent structures. Only use clean aggregate fill for temporary crossing, work platforms, etc. When no longer required, promptly remove all falsework, piling, temporary crossings and other obstructions caused by the construction.

Do not store equipment or materials (including soil stockpiles) within 50 feet of rivers, streams or other surface waters. Avoid storing equipment or materials (including soil stockpiles) in flowlines of ditches or other

drainage courses. Where such storage is necessary, obtain the Area or Metro Engineer's written approval and include in the project SWPPP appropriate best management practices for the storage area.

Immediately initiate placement of appropriate erosion control Best Management Practices (BMPs) in any exposed steep slope areas (40% or greater) where construction activities have permanently or temporarily ceased, and will not resume for a period exceeding 7 calendar days. For vegetative cover areas, in addition to seeding, watering, mulching, and any other required activities related to the planting and establishment of vegetation, utilize other appropriate erosion control practices such as geotextiles or erosion control mats. Divert stormwater flows around steep slopes or install slope drains where feasible.

Immediately initiate temporary stabilization on areas that have been disturbed after construction activities have permanently ceased on that portion of the project site. Immediately initiate temporary stabilization measures on areas that have been disturbed after construction activities have temporarily ceased on that portion of the project site if construction activities will not resume for a period exceeding 14 calendar days. Temporary stabilization may include temporary seeding, geotextiles, mulches or other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place to re-disturb the area.

Stabilization is initiated when physical work on the project to install stabilizing BMPs has begun. "Immediately" in the context of the above provisions is defined to mean as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased. Prosecute stabilization work continuously and diligently until completed.

Install and maintain temporary erosion and pollution control devices as shown in the Contract Documents, **SECTION 902**, the SWPPP and as directed by the Engineer.

Provide and implement Best Management Practices (BMPs) that, at a minimum, are designed, installed and maintained to:

- Control stormwater volume and velocity within the site to minimize soil erosion;
- Control stormwater discharges to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points;
- Minimize sediment discharges from the site;
- Provide and maintain natural buffers around Waters of the United States, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges where feasible;
- Prevent contamination of adjacent streams or other watercourses, lakes, ponds or other areas of water impoundment;
- Coordinate temporary BMPs with the construction of permanent erosion control features to provide continuous erosion control;
- Schedule the construction of drainage structures as soon as practicable; and
- Schedule construction of permanent erosion control features as soon as practicable;

Notify the Engineer in writing within 24 hours of any chemical, sewage or other material spill which is required to be reported to the KDHE under part 10 of the NPDES permit. The notification shall include at a minimum the material spilled, location of the spill, and a description of containment or remediation actions taken. This notice to the Engineer does not relieve the Contractor of responsibility to report to the KDHE or to any other agency.

If temporary erosion and pollution control is not implemented and maintained according to this specification, the approved SWPPP, or the NPDES permit, the Area/Metro Engineer may suspend all or part of the work on the project until conditions are brought into compliance, as determined by the Area/Metro Engineer.

KDOT will not issue the Notice of Acceptance, **SECTION 105**, until all necessary maintenance, corrective actions, removal of unnecessary devices and temporary stabilization is completed for the project. Failure to complete this work within the contract time may result in liquidated damages, **SECTION 108**.

All SWPPP related documentation including the original SWPPP, all revisions/amendments, and inspection reports shall be retained by the Engineer upon Acceptance of the project.

c. SWPPP Design. Before the preconstruction conference, submit to the Field Engineer a minimum of 3 original copies of the SWPPP. No physical work on the project may begin until the Area/Metro Engineer has approved the SWPPP.

Design the SWPPP to comply with the NPDES permit for the project. At a minimum, the submittal shall include:

- A copy of the Project Notice of Intent Form (NOI) for Stormwater Runoff from Construction Activities. (obtained from KDOT);

- A copy of the “Request for Joint Owner/Operator” form signed by the Contractor and the Area/Metro Engineer (if applicable);
- The planned sequence of major construction activities;
- The Contractor’s Erosion Control Site Plan or Plans accounting for project phasing;
- Current training certification(s) for the designated WPCM (subsection 901.3d);
- Current training certification(s) for Contractor’s Environmental Inspector (subsection 901.3e);
- The SWPPP Contractor Certification Form 246. The Contractor and all subcontractors are required to certify that they understand the terms and conditions of the general NPDES permit. The Engineer will provide the SWPPP Certification Form (Form No. 246), or it can be found on the KDOT Internet;
- An acknowledgement that State and Local requirements have been included in the SWPPP. Review all applicable permits (Corps of Engineers, Department of Agriculture, etc.) for special conditions affecting stormwater pollution control. Include relevant permit documents with the SWPPP;
- A detailed description of Best Management Practices (BMPs) which will be used one or more times at the site for erosion and sediment control. In addition to the requirements of **subsection 901.3.b**, design, install and maintain BMPs to:
 - Minimize the amount of soil exposed during construction activity;
 - Minimize the disturbance of steep slopes (slopes of 40% or greater);
 - Control discharges from sediment or soil stockpiles;
 - Minimize the generation of dust;
 - Minimize off-site tracking of soils;
 - Provide storm drain inlet protection for inlets down gradient of disturbed project areas not fully stabilized or where construction will soon be started;
- A description of site management BMPs which minimize or eliminate contamination of stormwater runoff. Design, install and maintain such BMPs to:
 - Minimize discharge of pollutants from equipment and vehicle washing;
 - Minimize the exposure of construction waste, trash, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater;
 - Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures;
 - BMPs in this category include but are not limited to:
 - Waste management including trash containers and regular site cleanup for proper disposal of solid waste such as scrap material, product/material shipping waste, food containers and cups;
 - Containers and proper disposal for waste paints, solvents, and cleaning compounds;
 - Portable toilets for proper disposal of sanitary waste;
 - Storage for construction materials away from drainage courses and low areas;
 - Procedures and practices to eliminate the potential to discharge wash and/or rinse waters from concrete mixing equipment including ready-mix concrete trucks.

Update the erosion control site plan as work progresses to show changes due to revisions in work schedules or sequence of construction, or as directed by the Engineer. Update the site map to reflect BMPs that have been installed or removed.

Maintain a complete and updated copy of the project SWPPP on the project site or at the location approved by the Area/Metro Engineer. At a minimum, the complete project SWPPP shall include:

- The approved Contractor’s submittal as detailed above;
- KDOT Form 219, Approval of Storm Water Pollution Prevention Plan (SWPPP) completed by the Area or Metro Engineer;
- KDOT Form 248, Checklist for Contractor’s Stormwater Pollution Prevention Plan (SWPPP) completed by the Area or Metro Engineer;
- Current training certifications for KDOT, LPA or Consultant inspectors;
- SWPPP Inspection and Maintenance Report Form 247;
- Complete copy of the NPDES permit for the project;
- Reference Contract Documents pertaining to temporary erosion and water pollution control.

d. Water Pollution Control Manager. Designate a Water Pollution Control Manager (WPCM) who shall visit the project during normal work hours on a frequent basis and at least once per week until all physical work is complete and the Engineer issues the Notice of Acceptance or a partial Notice of Acceptance. The required 180-day observation period for pavement markings is not considered to be physical work. The WPCM shall thoroughly review the project and SWPPP documentation during the weekly site visits to verify the Contractor's compliance with this specification and with the NPDES permit. In addition, the WPCM shall:

- Have the authority to supervise all work performed by the Contractor and subcontractors that involves stormwater requirements or affects stormwater compliance;
- Have the responsibility and authority to order Contractor employees and subcontractors to take appropriate action to comply with stormwater requirements, including requiring any such person to cease or correct a violation of stormwater requirements and to order or recommend such other actions or sanctions as necessary to meet stormwater requirements;
- Be familiar with the Project SWPPP;
- Ensure BMPs are properly installed and maintained as necessary to maintain compliance;
- Be responsible for updating the Project SWPPP and site maps to accurately reflect the BMPs in use on the project;
- Be the point of contact for KDOT regarding stormwater compliance;
- Have completed and maintain current certification in either:
 - KDOT's Environmental Inspector Training (EIT) and Environmental Manager Training (EMT) programs or
 - KDOT's Construction Stormwater (CSW) training.
- Review and sign SWPPP inspection reports within 3 days after receiving such reports, acknowledging awareness of any deficiencies and ensuring the correction of all deficiencies.
- Maintain and monitor an active email account capable of receiving electronic communications including inspection reports, photos and other documents relevant to stormwater compliance.

The WPCM may, when approved by the Engineer, perform SWPPP Inspections according to **subsection 901.3e.**

Immediately notify the Engineer in writing if the designated WPCM is replaced. The replacement WPCM shall comply with the above requirements. The notification shall include training certificates and contact information for the replacement WPCM.

Failure to adequately perform the required duties may result in disqualification of the WPCM in accordance with the procedures outlined in the KDOT Policy and Procedure Manual for The Certified Inspection and Testing Training (CIT) Program.

e. SWPPP Inspections. The Contractor's Environmental Inspector shall have completed either KDOT's Environmental Inspector Training (EIT) or Construction Stormwater (CSW) training and maintain a current certification while performing SWPPP Inspections.

KDOT's Inspector and the Contractor's Environmental Inspector shall perform joint inspections of the project in compliance with the NPDES permit. Continue inspections as required until all physical work is complete and the Engineer issues the Notice of Acceptance or a partial Notice of Acceptance. The required 180-day observation period for pavement markings is not considered to be physical work.

Inspect the entire construction site and all BMPs according to the requirements in part 7.2.10 of the permit.

Complete post-rainfall SWPPP Inspections no later than the end of the next business day following the occurrence of a qualifying rainfall event. Determine the need for a post-rainfall SWPPP Inspection according to the following:

- Determine rainfall totals from local weather station reports of daily rainfall totals or from regularly scheduled on-site rain gauge monitoring.
- Observe and record rainfall totals on each business day at a minimum. Rainfall occurring on non-business days may be collected and measured on the subsequent business day.
- A SWPPP inspection is required whenever a rainfall total of 0.5 inches or greater is recorded for a single observation.
- A SWPPP inspection is required whenever a rainfall total of 0.5 inches or greater is recorded over two consecutive observations if the first is less than 0.5 inches.

Schedule routine SWPPP Inspections such that a minimum of one Inspection (either routine or post-rainfall) is performed within every 14-day period.

Perform additional SWPPP inspections if directed by the Engineer.

Document the SWPPP inspections on KDOT Form 247, (SWPPP Inspection and Maintenance Report). KDOT and Contractor Inspectors shall each sign the report.

Include in the inspection report any maintenance or corrective actions necessary to remedy deficiencies in maintenance, operation, effectiveness, adequacy or coverage extent of all BMPs installed or required to be installed on the project. Deficiencies to be documented include any required maintenance, corrective action, documentation updates, or any other item requiring action necessary to maintain permit compliance.

Remedy any deficiencies noted during a SWPPP Inspection within 7 days of the inspection despite weather conditions that make it difficult (but not impossible) to perform corrections. No additional time shall be granted to remedy deficiencies on the basis of weather unless it is infeasible due to flooding or frozen ground conditions for the Contractor to complete the remedy within the 7 days allowed. No additional time will be granted to remedy deficiencies unless approved by the Stormwater Compliance Engineer.

Submit completed copies of KDOT Form 247 to the Area/Metro Engineer and the Contractor's WPCM within 24 hours after an inspection has been made.

The WPCM shall review and sign the report within 3 calendar days of receiving the completed inspection report. The WPCM's signature acknowledges awareness of all reported deficiencies and actions required to be taken within 7 calendar days of the inspection.

The Contractor Inspector's signature acknowledges awareness of all reported deficiencies and actions required to be taken within 7 calendar days of the inspection.

The obligation to conduct formal inspections and complete an associated report does not limit or otherwise modify the Contractor's obligation to monitor and maintain temporary erosion and pollution control devices daily.

Failure to adequately perform the required duties may result in disqualification of the Contractor's Environmental Inspector in accordance with the procedures outlined in the KDOT Policy and Procedure Manual for The Certified Inspection and Testing Training (CIT) Program.

f. Stormwater Erosion Control Conferences. Each project shall have a stormwater erosion control pre-construction conference before the start of construction activities.

KDOT and the Contractor shall also hold stormwater erosion control conferences before the start of each major phase of construction and before the winter shutdown period begins.

These conferences shall be attended by the KDOT Area/Metro Engineer, the WPCM, and Environmental Inspector(s) for the Project, and any erosion control subcontractor(s). The attendance sheet and minutes of the conference will be kept in the SWPPP notebook.

g. Stormwater Compliance Disincentive Assessment. If the Contractor's Environmental Inspector fails to perform a SWPPP Inspection as required according to **subsection 901.3e**, the Contractor shall be liable for a disincentive assessment. The disincentive assessment charged and owing shall be determined using **TABLE 901-1**. Failure to participate in the joint inspection does not relieve the Contractor of the responsibility to correct deficiencies noted by KDOT's Inspector.

If deficiencies noted during SWPPP inspections performed according to **subsection 901.3e**, are not corrected within 7 calendar days of the inspection, or within a time extension approved by the Stormwater Compliance Engineer, the Contractor shall be liable for a disincentive assessment. The disincentive assessment charged and owing shall be determined using **TABLE 901-1**.

Should it be infeasible to perform corrections within the allowed time, notify the Area/Metro Engineer and the Stormwater Compliance Engineer immediately. Within 3 days of the notification, submit in writing an explanation and description of the reasons for the delay; the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; and a schedule for implementation of any measures to be taken to prevent or mitigate the delay. Include with the submittal any relevant documentation supporting the claim of infeasibility and that best efforts were made to complete the required corrections and to minimize any delay to the extent possible. No additional time will be granted to submit the required information unless approved in writing by the Stormwater Compliance Engineer.

The Engineer will deduct and withhold from contract funds the Stormwater Compliance Disincentive Assessment under **subsection 901.3g**. The assessments are to be computed in the same manner as damages under **SECTION 108** (Liquidated Damages and Disincentive Assessments) except calendar days include Sundays, Holidays

and the Winter Holiday Period. If contract funds are insufficient, the Contractor shall pay KDOT the balance owed. If the Contractor fails to pay KDOT the amount owed within 10 days after demand from KDOT, the Contractor shall be considered in breach of contract under **SECTION 108**.

The disincentive assessments under **subsection 901.3g**, are in addition to federal and state statutory penalties and fines that are allowed against the Contractor under the Clean Water Act and other environmental laws for violations of those laws. See also **subsection 901.3h**.

TABLE 901-1: TABLE OF STORMWATER COMPLIANCE DISINCENTIVES			
Original Contract Amount Range		Each SWPPP Inspection not performed according to 901.3e	Each deficiency per day not corrected within allowable time
\$0	\$1,000,000.	\$250.00	\$250.00
\$1,000,000.01	\$2,500,000.	\$500.00	\$500.00
\$2,500,000.01	\$5,000,000.	\$750.00	\$500.00
\$5,000,000.01	\$10,000,000.	\$1,000.0	\$500.00
Over \$10,000,000.00		\$1,500.0	\$500.00

h. Penalties and Fines. Nothing in **SECTION 901** prevents KDHE, EPA or both from assessing penalties and fines against the Contractor because of the Contractor’s failure to comply with applicable laws, regulations, ordinances, NPDES permit, other permits, the SWPPP, governmental administrative compliance orders or corrective orders for the Project, or a combination thereof.

Nothing in this **SECTION 901** prevents KDHE, EPA, or both from assessing penalties and fines against the Contractor because of the Contractor’s failure to comply with an administrative claims settlement or consent decree that governs KDOT projects and that is included in the Proposal Form or that is added "Extra Work", **SECTION 104**.

Understand that penalties/fines may be imposed against KDOT, the Contractor, or both because of “shared” responsibility/liability under applicable environmental law, regulations, ordinances; the NPDES permit, other permits, the SWPPP, administrative corrective action orders, administrative claims settlements, consent decrees, legal judgments or a combination thereof. The Contractor shall have no claim that such shared responsibility/liability voids the Contractor’s liability for disincentive assessments under **subsection 901.3g**, or for penalties/fines under **subsection 901.3h**.

901.4 MEASUREMENT AND PAYMENT

The Engineer will measure each SWPPP inspection performed in compliance with this specification.

The Engineer will measure each Water Pollution Control Manager (WPCM). Each is defined as each calendar week (Sunday-Saturday) that the Contractor provides a WPCM according to **subsection 901.3.d**. Each week will be measured only once, regardless of the number of site visits or time spent performing WPCM duties for that week.

The Engineer will measure SWPPP design for payment as a lump sum upon the Area Engineer’s approval. All revisions or updates to the SWPPP shall be subsidiary.

The Engineer will assess disincentives under the bid item "Stormwater Compliance Disincentive Assessment" by the Lump Sum.



REQUEST FOR JOINT OWNER/OPERATOR

For Authorization to Discharge Stormwater Runoff from Construction Activity
In accordance with Kansas Water Pollution Control General Permit No. S-MCST-1703-1
Under the National Pollutant Discharge Elimination System

Use this form only when stormwater discharge and control responsibility for the entire permitted area will be jointly held by adding an owner/operator to an existing Kansas Department of Transportation (KDOT) authorized permit. Submission of the Request for Joint Owner/Operator (RJO) constitutes notice of a request for joint authorization for coverage with KDOT under the Kansas Water Pollution Control General Permit, or KDHE issued successor permits, issued for discharge of Stormwater Runoff from Construction Activities in the State of Kansas. Completion of this RJO does not provide automatic coverage under the general permit to the added owner/operator. Coverage is provided and discharge permitted for the joint owners/operators when the Kansas Department of Health and Environment (KDHE) authorizes the Request for Joint Owner/Operator. **TO CONTINUE COVERAGE, KDOT AND THE ADDED OWNER/OPERATOR MUST CONTINUE TO IMPLEMENT THE STORMWATER POLLUTION PREVENTION PLAN DEVELOPED FOR THE PERMITTED AREA AND KDOT CONTINUES TO PAY THE ANNUAL PERMIT FEE.**

Submission of this RJO to KDHE does not relinquish the KDOT's authorization to discharge stormwater runoff from construction activity at the site described herein. Completion of this RJO does not automatically relieve KDOT of any civil, criminal and/or administrative penalties. To be considered complete, the RJO must be signed by the added owner/operator and KDOT or a duly authorized representative of the added owner/operator, and must include the permit number assigned to the construction site. KDHE will notify KDOT and the added Owner/Operator when the RJO is incomplete, deficient or denied.

TO BE COMPLETED BY THE ADDED OWNER/OPERATOR:

I hereby confirm that the Added Owner/Operator identified below shares joint stormwater discharge and operational control responsibility with KDOT and accepts being added to the below identified authorization under the Kansas Stormwater Runoff from Construction Activities General Permit. On Added Owner/Operator's behalf, I have reviewed the terms and conditions of the General Permit and accept full responsibility, coverage, and liability with KDOT under the General Permit. This addition will be effective when KDHE authorizes the RJO form. I understand KDHE and other regulatory entities can take action against one or all authorized Owner/Operators for permit violations.

The ADDED OWNER/OPERATOR is:

Owner or Operator's Name: _____ Contact Name: _____
Company Name: _____ Company Name: _____
Owner or Operator's Phone: _____ Contact Phone: _____
Mailing Address: _____ Mailing Address: _____
City: _____ State: ____ Zip Code: _____ City: _____ State: ____ Zip Code: _____

I certify that I have personally examined and am familiar with the information described herein.

Added Owner/Operator's Signature: _____ Date: _____
Name (typed or printed): _____ Title: _____

TO BE COMPLETED BY KDOT

As original Owner/Operator for the authorized project indicated below, I hereby certify the above Added Owner/Operator meets the General Permit definition of Owner/Operator and agree to the shared responsibilities with the Added Owner/Operator under the General Permit and continuance of my responsibilities thereunder. I understand that the addition of the Added Owner/Operator to the permit is effective when KDHE authorizes the RJO form.

Name of Project: _____
Address: _____ City: _____ County: _____ State: KS Zip Code: _____
Kansas Permit No. _____ Federal Permit No. _____
Permittee Signature: _____ Date: _____
Permittee Name: _____ Title: _____ Phone Number: _____

Submit the RJO with original signatures to:
Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612 - 1367

Authorized:	<input type="checkbox"/> Y; <input type="checkbox"/> N
Reviewer	Date

APPENDIX E

Construction Project Stormwater Compliance Plan

KDOT Construction Project Stormwater Compliance Plan

1. Personnel

- a. All persons performing inspections shall have a current KDOT Construction Stormwater Training (CSW) certification. See section 10 for additional information regarding the training program.
- b. Contractor's Water Pollution Control Manager (WPCM) and KDOT's Area / Metro Engineer shall maintain a current KDOT CSW certification.
- c. If the WPCM is replaced during the course of a project the replacement shall maintain a current CSW certification. The Area Engineer will be notified in writing of any such change in WPCM.
- d. If, during the course of the project, the designated Area/Metro Engineer is unavailable due to vacation, illness or other similar reasons, their responsibilities shall be assigned to another Area Engineer, the District Construction Engineer or other person of similar authority. The project Inspectors and the WPCM shall be notified of any such change in Area Engineer.
- e. Area / Metro Engineer Responsibilities:
 - i. Review and approve Contractor Stormwater Pollution Prevention Plan (SWPPP)
 - ii. Supervise all work necessary to meet stormwater requirements on the project.
 - iii. Order employees, contractors and sub-contractors to take appropriate action as necessary to comply with stormwater requirements, including requiring any such person to cease or correct a violation of stormwater requirements and to order or recommend such other actions as necessary to meet stormwater requirements.
 - iv. Be familiar with the project SWPPP and have the authority to modify the project SWPPP or approve modifications recommended by others.
 - v. Review and sign all inspection reports within 3 days after receiving such reports
 - vi. Be the point of contact for the project for regulatory officials, KDOT employees, contractors, sub-contractors and consultants regarding stormwater requirements
- f. WPCM Responsibilities:
 - i. Supervise all work performed by the Contractor and sub-contractors that involves stormwater requirements or affects stormwater compliance.
 - ii. Order Contractor employees and sub-contractors to take appropriate corrective action as necessary to comply with stormwater requirements, including requiring any such person to cease or correct a violation of stormwater requirements and to order or recommend such other actions or sanctions as necessary to meet stormwater requirements.
 - iii. Be familiar with the project SWPPP
 - iv. Recommend SWPPP modifications or amendments to the Area Engineer
 - v. Be the point of contact for KDOT regarding stormwater compliance
 - vi. Review and sign inspection reports within 3 days after receiving such reports, acknowledging awareness of any deficiencies and ensuring the correction of all deficiencies.
 - vii. Maintain SWPPP documentation and site maps to track installation and removal of BMPs throughout the project and ensure modifications are properly documented
- g. Inspector Responsibilities

KDOT Construction Project Stormwater Compliance Plan

- i. Be familiar with the project SWPPP
 - ii. Perform project inspections for compliance with the permit
 - iii. Recommend SWPPP modifications to the Area Engineer and WPCM
2. Pre-Construction Conference
 - a. A stormwater pollution pre-construction conference shall be held prior to beginning work on each project that requires permit coverage.
 - b. The Stormwater Compliance Engineer shall be notified of the meeting schedule
 - c. Attendees shall at a minimum include:
 - i. KDOT Area / Metro Engineer
 - ii. Contractor's Water Pollution Control Manager (WPCM)
 - iii. Environmental Inspectors (KDOT and Contractor)
 - iv. Erosion Control subcontractor(s)
 - d. Discussion Items shall include at a minimum:
 - i. Inspection schedule, procedures and contacts
 - ii. Responsibility for installation, inspection and maintenance of devices
 - iii. SWPPP site plan, process for modifying / updating
 - e. Minutes shall be kept and maintained with the project SWPPP documentation
 - f. A copy of the meeting minutes shall be forwarded to the Stormwater Compliance Engineer
3. General Inspection Requirements
 - a. Routine and post-rainfall inspections shall be conducted jointly by Contractor and KDOT.
 - b. Inspection requirements begin upon issuance of the Notice to Proceed.
 - c. Most devices and best management practices (BMPs) cannot be effectively inspected except while on foot. A good inspection will require walking and close examination of devices.
 - d. The SWPPP site map shall be used during each inspection to ensure inspection and documentation of all BMPs implemented on the project.
 - e. The SWPPP should be modified based on site conditions. Modifications shall be documented on the site maps. A modification log shall also be kept with the project SWPPP documents. Minor adjustments to locations or quantities of BMPs may be made based on agreement between the WPCM and KDOT inspectors. Significant changes to types of BMPs used or changes in overall erosion and sediment control strategy may require the approval of the Area/Metro Engineer.
 - f. All BMPs present on the project are to be inspected. Multiple inspectors may be required in order to complete the inspections within the required time frame.
 - g. Taking pictures is recommended. Photos are an excellent means of documenting conditions on the project. They can also be used to document pre-existing conditions and to assist with the determination of vegetation density for permit termination.
 - h. Rainfall shall be measured and documented according to the requirements in the permit.
 - i. The Contractor's responsibility to conduct inspections and maintain or correct identified deficiencies shall continue until the Engineer issues the Notice of Acceptance or a partial Notice of Acceptance when all physical work on the project is complete. The required 180-day observation period for pavement markings is not considered to be physical work.

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4. Frequency of Inspections
 - a. Projects will be inspected at a frequency compliant with the KDHE General Permit.
 - b. Oversight inspections shall be scheduled according to section 7 of this document.
 - c. Additional project-level or oversight inspections may be scheduled if needed to ensure compliance with the Permit and project specifications. This may be due to changes in construction sequence, completion of major project milestones or at other times as determined by the project staff or the Stormwater Compliance Engineer.
5. Required forms
 - a. Only the approved Form 247 may be used to document each inspection
 - b. Any modification to the form other than adding or deleting blank rows must be approved by the Stormwater Compliance Engineer.
 - c. Electronic Inspection reporting or alternative forms may be used with the approval of the Stormwater Compliance Engineer.
6. Submittal of Reports
 - a. Inspection reports are to be submitted to the Area / Metro Engineer no later than the next business day following the day of the inspection.
 - b. Inspection reports are to be submitted to the Contractor's WPCM no later than the next business day following the day of the inspection.
 - c. Inspection reports signed by the Area / Metro Engineer and WPCM shall be electronically submitted to KDOT.stormwaterinspection@ks.gov within 4 business days of the inspection.
7. Oversight Inspections
 - a. Independent inspectors will be assigned to perform oversight inspections on selected projects.
 - b. Area/Metro Engineers or District Staff will not be assigned to perform Oversight Inspections within their own District.
 - c. Oversight inspection reports will be completed and submitted according to section 6 of this document.
 - d. Oversight inspection frequency will be determined by the Stormwater Compliance Engineer based on the following risk factors:
 - i. Project scope
 - ii. Project size and/or complexity
 - iii. Proximity to environmentally sensitive areas
 - iv. Special environmental concerns or permit requirements
8. Post-Construction Inspections
 - a. Project site inspections are to be continued by the owner at the same frequency following the Notice of Acceptance or Partial Notice of Acceptance to the Contractor until the Notice of Termination is submitted to KDHE.
 - b. Include a copy of the Notice of Acceptance or Partial Notice of Acceptance with the SWPPP documentation.
 - c. No signature for the Contractor's Inspector or the WPCM is required.
 - d. The Area Engineer is responsible to ensure that any maintenance or corrective actions required are completed in compliance with the Permit.
9. Permit Termination

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- a. Once the entire project is stabilized with perennial, permanent vegetation the permit may be terminated. Vegetation must have a density of at least 70 percent of the density of undisturbed areas at or near the site. For assistance in making this determination, contact the Stormwater Compliance Engineer or the Environmental Services Section.
 - b. All remaining temporary sediment control devices shall be removed from the project prior to termination.
 - c. Once the project is fully stabilized and all devices removed, termination may be requested by email to the Stormwater Compliance Engineer.
 - d. The Stormwater Compliance Engineer shall complete the Notice of Termination and provide a copy to the Area Engineer for inclusion with the SWPPP documentation.
 - e. All SWPPP documentation shall be maintained at the area office or construction office for no less than three years following submittal of the Notice of Termination or no less than three years following termination of the Consent Decree (if applicable). Notify the Stormwater Compliance Engineer if the records will be kept at an alternate location.
10. Construction Stormwater Training
- a. The Environmental Inspector and Environmental Manager Training programs will be discontinued and replaced with Construction Stormwater (CSW) Training.
 - b. CSW certifications will be valid for a period of four years.
 - c. All Area/ Metro Engineers, Inspectors and WPCMs will be required to be current with either the EIT/EMT (until it is phased out) or the CSW certification.
 - d. Individuals may be disqualified and/or lose their certification status in accordance with the procedures outlined in the KDOT Policy and Procedure Manual for The Certified Inspection and Testing Training (CIT) Program.
11. Stormwater Newsletter
- a. The Stormwater Compliance Engineer will prepare and electronically distribute a quarterly newsletter to KDOT staff, contractors and other interested parties.
 - b. Stormwater newsletters will contain information relevant to stormwater management on KDOT construction projects.
 - c. Stormwater newsletters will be posted and maintained on the KDOT website.
12. Annual Report
- a. The Stormwater Compliance Engineer will prepare an annual report on stormwater compliance for each calendar year.
 - b. This report will summarize actions taken to improve state-wide practices related to stormwater management on construction projects.
 - c. This report will be posted and maintained on the KDOT website.