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Bureau of Construction and Materials

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Laura Kelly, Governor

April 2, 2018

RE: Annual Report on Stormwater Compliance

The following document is KDOT's Annual Construction Stormwater Report for calendar year 2018. The Consent Decree was terminated January 30, 2018 and this is the second 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 2, 2018
Kansas Department of Transportation
Annual Construction Stormwater Report
Calendar Year 2018

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1.0 Introduction

This is the second annual report prepared following the January 30, 2018 termination of the 2013 Consent Decree. This report shall summarize actions taken during calendar year 2018 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 Manager. In July 2018 Mervin Lare, P.E., replaced Jason Van Nice, P.E., as 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 2018 were required to have completed either the Environmental Inspector Training or 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 2018. 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.

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 seven training sessions were conducted in 2018 including the KDOT CIT program courses and those offered by the KCA. At the end of 2018, 314 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 2018. The Stormwater Compliance Engineer was invited to present information regarding KDOT's stormwater program and the 2017 KDHE General Permit updates to industry professionals at the 2018 Transportation Engineering Conference.

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.

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 2018. 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.

Three projects were assigned to headquarters staff for oversight inspection. These projects range in size between 8.8 and 109.7 acres disturbed. Headquarters staff performing oversight inspections in 2018 included the Stormwater Compliance Engineer and the Field Construction Engineer. These individuals maintained the required Environmental Inspector Training certification during the performance of these oversight inspections.

The remaining 3 projects ranging from 5 to 123 acres disturbed were assigned to district staff, primarily Area Engineers. These individuals maintained either the required Environmental Inspector Training or Construction Stormwater Training certification during the performance of these oversight inspections.

6.0 Specification and Standards

6.1 General

After terminating the Consent Decree in January 2018, KDOT combined and revised 15-PS0360-R2 and 15-09002-R2 into 15-09002-R3. Special provision 15-09002-R3 was 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 2018 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 2018 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 2018.

7.0 Quarterly Stormwater Bulletin

Four editions of KDOT's "Stormwater Update" bulletin were published in 2018. Bulletins were distributed on the first business days of 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 2018.

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 2019

With the termination of the Consent Decree, KDOT is not foreseeing any major changes to the 2019 Stormwater Compliance Program. 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	Kansas Permit	Fed Permit	Contractor	Contract .	NOTPR	NOTAC	Permit Rec	Permit Version
I435	46	KA-3993-01	12	27.9	S-KS55-0316	KSR 112 140	CLARKSON CONSTRUC	516102161	2/24/2017	6/1/2019	7/18/2016	2017
	23	Lawrence Sul	14	4.8	S-KS31-0342	KSR 111 028	N/A - KDOT Maintenance Project		7/6/2015	6/1/2018	5/8/2015	2017
U077	31	KA-2367-04	21	50.86	S-KS97-0159	KSR 111 618	HAMM INC	516032262	6/1/2016	11/1/2018	12/14/2015	2017
U081	79	KA-3237-01	22	3.2	S-LR03-0018	KSR 111 630	PAVERS INC.	516026262	4/27/2016	1/5/2018	12/14/2015	2012
I070	32	KA-0726-01	34	123	S-SH12-0005	KSR 113 469	KOSS CONSTRUCTION	518042373	8/27/2018	12/11/2020	3/5/2018	2017
U069	6	KA-1553-02	41	160.3	S-MC11-0052	KSR 112 269	KOSS CONSTRUCTION	516102494	3/13/2017	4/12/2019	9/2/2016	2017
U169	1	KA-3254-02	41	109.7	S-NE36-0009	KSR 113 224	EMERY SAPP & SONS I	518022494	5/2/2018	4/9/2019	11/6/2017	2017
K007	11	KA-1586-01	44	224	S-NE15-0015	KSR 111 617	KOSS CONSTRUCTION	516032434	6/8/2016	4/1/2019	12/14/2015	2017
U069	106	KA-4496-01	44	8.76	S-NE57-0079	KSR 112 990	AMINO BROS CO INC	518026414	4/18/2018	3/29/2019	7/11/2017	2017
U056	24	KA-3267-01	51	5	S-UA22-0011	KSR 113 119	PAVERS INC.	517102575	1/3/2018	1/12/2019	10/16/2017	2017
U54	8	KA-3884-01	52	7.6	S-WA03-0049	KSR 112 410	DONDLINGER & SONS	517122545	6/18/2018	5/31/2019	11/4/2016	2017
U 166	18	KA-3106-01	53	2.7	S-WA18-0023	KSR 114 340	A M COHRON & SON I	518102525	11/29/2018	3/26/2021	11/26/2018	2017
I235	87	KA-0161-04	55	182	S-AR94-1242	KSR 111 198	DONDLINGER & SONS	515092595	11/10/2015	12/20/2019	6/29/2015	2017
U050	38	KA-3897-01	61	1.12	S-UA08-0004	KSR 113 190	BRIDGES INC	517102686	3/1/2018	12/7/2018	10/12/2017	2017

APPENDIX B

Quarterly Stormwater Bulletins

STORMWATER UPDATE

In This Issue

- ❖ Message from the STE
- ❖ Construction Stormwater Classes
- ❖ Frequently Asked Questions

CSW Training Upcoming Dates

KSU CIT Program

<http://citksu.com>

March 19-20, 2018

March 21-22, 2018

April 30 – May 1, 2018

May 1-2, 2018

June 6-7, 2018

Kansas Contractors Association

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

March 7-8, 2018

**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

Message from the STE

As of January 30, 2018, the US District Court of Kansas terminated our September 5, 2013 Consent Decree with the Environment Protection Agency. The Consent Decree arose out of allegations that KDOT and its contractors violated the Clean Water Act and stormwater permit requirements on our road construction projects.

Thank you! This would have not been possible without the great work and support from all of you. I know everyone has spent considerable time, effort and expense in complying with the Consent Decree and managing our stormwater compliance program. Jason Van Nice, Stormwater Compliance Engineer, will provide additional details and guidance regarding our specifications as we move forward.

We responded in an active and conscientious manner and I know termination of the Consent Decree will not lessen our commitment to environment protection and compliance in Kansas.

Thanks again,

Catherine M. Patrick, P.E.
State Transportation Engineer
Kansas Department of Transportation





Construction Stormwater (CSW) Classes

With the termination of the Consent Decree our training program has been updated. The EIT and EMT certifications will no longer be offered and have been replaced with the Construction Stormwater (CSW) certification. EIT and EMT certifications will remain valid until their expiration date. CSW certifications will be valid for four years from date of issue. Personnel performing stormwater related duties including inspectors, WPCMs and Area/Metro Engineers are required to maintain current certification.

A schedule has been set for CSW classes through the KDOT CIT program. Classes are currently planned for March 19-20, March 21-22, April 30-May 1, May 2-3 and June 6-7, 2018. Registration is online and open for these sessions. Visit <http://citksu.com> for details and to register.

The Kansas Contractors Association (KCA) also sponsors classes. Classes are tentatively scheduled for March 7-8, 2018. Contact the KCA for details and registration.

Everyone should review their recertification dates and enroll in the appropriate classes to ensure that certifications do not lapse. Classes may be canceled due to insufficient enrollment so please register early.



Frequently Asked Questions

Q: My project NOI was authorized under the 2012 general permit. Can I switch to the 2017 permit instead?

A: Projects authorized under the 2012 General Permit may continue to operate under that permit until February, 2019. Ongoing projects may transition to the new permit conditions according to procedures which have been sent to the Area and Metro Engineers. At a minimum, this transition requires a thorough review and update of the SWPPP documents to ensure compliance with the new permit. Active projects will also require change orders to replace the relevant special provision(s).

Frequently Asked Questions (continued)

Q: Do I still have to do SWPPP inspections on the weekend now that the consent decree has been terminated? Should we still be putting people on standby for weekend inspections?

A: This depends on your permit coverage. The 2012 permit does not exempt inspections on weekends or holidays. Personnel should be placed on standby as necessary to meet our permit obligations.

Q: Should we change order active LPA projects to 15-9002-R3?

A: In most cases this isn't necessary and won't be done. Contracts which include 15-9002-R2 are compliant with the 2017 general permit. If you have a project with 15-9002-R1 or an earlier version that will not be accepted before February, 2019 then a change order may be warranted.

Q: Does the WPCM still need to have completed the training within the 12 months prior to beginning work on a project?

A: Read the special provision for your project. This "12 month rule" has been removed from 15-9002-R3. WPCMs, Inspectors and Area/Metro Engineers are required to have and maintain a valid certification throughout the duration of the project.

Q: Now that the consent decree is over, do we still have to (do inspections, review the contractor's SWPPP, pay for all this erosion control, go to training, do oversight inspections etc.)?

A: Although we have made some adjustments to some practices, in general we are continuing with most of the elements implemented or enhanced during the consent decree.

Q: What is the biggest change to the 2017 permit?

A: There are a lot of changes. Probably the most notable is the change to the rainfall inspection requirements. If you haven't read the new rainfall inspection requirements **read them now**. Rain events are now more tightly defined based on daily rainfall monitoring. A single daily rainfall measurement of 0.5" or more **always** requires an inspection. Two consecutive measurements which total 0.5" or more when the first is less than 0.5" **always** require an inspection. The December 2017 newsletter addressed these frequency requirements in more detail. These new requirements are now in wide use so even though you have read the new requirements you should probably **read them again**.

Q: What is the biggest "lesson learned" from the Consent Decree?

A: I think we all learned a lot. To me the biggest or most important thing is that it takes a lot of communication and cooperation to be successful. Successfully navigating through the last four years required commitments all across KDOT and also from our contractor and consultant partners. There have been a number of bumps along the road but almost every one of them was caused by a breakdown in communication.



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 Jason Van Nice (jason.vannice@ks.gov) for questions, comments or suggestions for future content.

STORMWATER UPDATE

In This Issue

- ❖ A Long Strange Trip
- ❖ Construction Stormwater Classes
- ❖ Tied Concrete Block

CSW Training Upcoming Dates

KSU CIT Program

<http://citksu.com>

June 6-7, 2018

Tentative:

September 26-27, 2018

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

A Long Strange Trip

by Jason Van Nice

As many of you are aware, approximately one month ago I stepped away from the Stormwater Compliance Engineer position and accepted a new role within KDOT as the KC North Metro Engineer. While I am certainly looking forward to new experiences and opportunities, I wanted to take this space to look back on my five-plus years as SWCE.

When I started as SWCE in January, 2013, I had very little idea of what exactly this new position would require. KDOT was in the midst of negotiating the consent decree that would eventually define many of my core responsibilities. There was little to no established structure or policy within KDOT to build around so the first couple of years were focused on developing processes to help meet the mandates of decree.

One of my first "duties" as SWCE was to attend Nebraska's erosion control training class. We knew that KDOT needed to develop training and wanted to get some ideas of what that training might look like. I remember sitting in the meeting rooms at Mahoney State Park listening to their guest instructor, Mr. Leo Holm, tell fantasy tales of immediate stabilization, finishing as you go, and maintaining compliance as the job is built. These ideas were so far from the practices I was familiar with at KDOT that they seemed almost absurd or even impossible to implement.

Here we are five years later, and I am amazed at how much we have changed. So much so that those absurd or impossible ideas have become something we expect and that we accomplish on a regular basis. I will always say that this is due primarily to our inspectors, engineers and contractors who have "bought in" and continuously found ways to incorporate these principles in our projects. As I try to tell everyone who comes through our training program, it takes a lot of people working together to be successful, no person working alone can keep a project in compliance.

Of course, we at KDOT have only just begun on this journey. The next Stormwater Compliance Engineer certainly will have many challenges in front of them. We are starting to see the benefits of good construction stormwater management but we must continue to grow and find ways to improve. I believe we can also build upon our visibility within our state to provide improved guidance for cities, counties and others seeking to improve their programs.

It has truly been a pleasure working with you and serving as your Stormwater Compliance Engineer. Thank you!

JVN



Construction Stormwater (CSW) Classes

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A schedule has been set for CSW classes through the KDOT CIT program. Classes are currently planned for June 6-7, 2018. Tentative dates have been set for September 26-27, 2018 and for March 18-19, March 20-21, May 6-7 and May 7-8, 2019. Visit <http://citksu.com> for details and to register. Registration for September 2018 and the 2019 classes will open on September 1, 2018.

The Kansas Contractors Association (KCA) also sponsors classes. No classes are scheduled at this time. Contact KCA for questions or to express interest in future offerings.

Everyone should review their recertification dates and enroll in the appropriate classes to ensure that certifications do not lapse. Classes may be canceled due to insufficient enrollment so please register early.



Tied Concrete Block

A recent project on US 283 in Norton County included the installation of Tied Concrete Block mats for erosion protection. The mats consist of high strength geogrid embedded into concrete blocks. This combination provides permanent erosion protection while allowing for vegetation to grow between the blocks.

Tied concrete blocks may be used in many cases as an alternative to aggregate ditch lining or slope protection. Various erosion control materials are available as a backing for the concrete blocks which provide stabilization between the blocks until vegetation establishes. The mats are trenched in on the edges and anchored with a combination of rebar “staples” and percussion earth anchors.

It certainly appears that this type of product can be beneficial in the right circumstances. As we gain familiarity with the strengths and weakness we will likely see more of it in the future.



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Contact Kevin Palic (kevin.palic@ks.gov) for questions, comments or suggestions for future content.

STORMWATER UPDATE

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- ❖ New Blood, Same Vision
- ❖ Pollinators in Peril! Part 1

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New Blood, Same Vision

Hello. I'm Mervin Lare, the new Stormwater Compliance Engineer for KDOT. I decided a question and answer piece would introduce myself to KDOT quite nicely. If you have any additional questions, please email them to me.

What is your background/How did you get started with KDOT?

I grew up in Phillipsburg, KS and started as summer-help for the sub-area crew. After graduating high school, I went to K-State. While at K-State I interned three times with KDOT, twice in Phillipsburg and once in Wamego. KDOT hired me in July 2009 and I went on rotation for 6 months.

After rotation I knew 2 things: I wanted to be in the field and I needed to be close to Manhattan since my girlfriend was still in college. Junction City and Wamego already had Engineers, so Marion was the next logical choice. I had such an impact on Marion that one of the employees chose to break their leg during a snow storm instead of working with me 😊. While in Marion I worked several different types of projects ranging from the full roadway reconstruction of K-61 in McPherson Co, the double round-a-bout in Marion Co, to the typical bread and butter 1R overlays. Heck Marion is putting together 402's for the next construction season that I helped on 8 years ago.

Then I got the opportunity to work for the Bureau of Local Projects. I covered D3, D6 and parts of D2. BLP gave me a good taste of design requirements, federal regulations, consultants, and working with city and county entities.

What is a fun experience you had while working for KDOT?

When I was an intern I ate some fresh picked corn that was cooked inside a pile of asphalt.

Have you had any scary experiences?

We had just started driving pile when the bolt holding the hammer cap to the hammer sheared off and fell 60 ft and hit one of the construction workers in the head. Luckily, he had on his hard hat, but he was still life flighted off the project. Several weeks passed before he came back to work.

What are your hobbies outside of work?

I'm typically hard to contact during pheasant, quail and deer season. When not hunting I'm hanging out with my son, studying martial arts or remodeling my home.

Do you have any tips for new engineers?

Learn from your technicians. They are training you, and they will make or break a new engineer. Earn your PE. Your PE license will open the floodgates of opportunity in the public and private sectors.

Finally, what is our stormwater mission?

100% compliance with the KDHE Construction Stormwater Permit.



Pollinators in Peril! Part 1

By Melissa Davidson, Roadside Vegetation Manager

Concerns about the decline of wild native pollinators, such as the monarch butterfly, has focused attention on the importance of habitat restoration and management in the conservation of pollinators and the ecosystem services they provide. The value of insect crop pollination is estimated to be up to \$27 billion in the U.S. Roadsides form one of the most extensive networks of linear habitats on earth, and in the United States, roadside right-of-way managed by State DOTs cover 17 million acres. Vegetation on most right-of-way lands is generally managed to prevent the growth of trees and other large woody vegetation, resulting in land that is void of healthy pollinator habitat. Transportation right-of-way presents an incredible opportunity to provide foraging habitat, places to breed, nest and overwinter, and may act as corridors, linking patches of fragmented habitat.

What Can We Do?

Strategies for increasing or improving monarch and pollinator habitat along right-of-way will vary depending on safety concerns and regulations and competing vegetation management objectives in any location.

There are two fundamental approaches to improving the quality of roadside habitat for pollinators:

- Adjusting vegetation management to accommodate pollinator resource needs
Examples: Adjust mowing schedules to allow for native vegetation to set seed; allow milkweed to establish to provide foraging and egg laying habitat for the Monarch butterfly; allow native wildflowers to grow to establish food sources such as pollen and nectar
- Enhancing and restoring native vegetation along roadsides
Examples: Select areas with significant acreage to plant native grasses and wildflowers; all projects requiring seeding will be seeded with native grasses and wildflowers

Value of Native Plants in Roadside Plantings

Establishing native plants on roadsides can help roadside managers achieve management goals such as soil stabilization and preventing storm water runoff. Root systems of native plants help to reduce runoff in the spring and improve infiltration; this helps reduce storm water contamination and replenishes groundwater. Native grasses and shrubs can act as snow fences in the winter, trapping and



preventing snow from blowing across roads. There are multiple benefits of establishing and managing roadside vegetation for monarch and pollinator habitat as well. Monarch butterflies will inevitably cross many miles of roadsides and right-of-way throughout their migratory journeys and managing roadsides for propagation of wildflowers and milkweeds will provide beneficial food and habitat for many species of wildlife that will be crossing the roadsides regardless of the presence of food and habitat. Managing roadsides for monarchs and pollinators also provides ample beautification of roadways, showcasing a region's natural beauty and provide a sense of place, natural heritage, and opportunities for education that could increase community engagement and awareness around monarch and pollinator conservation. The presence of native wildflowers and grasses on roadsides may actually increase highway safety. Research indicates that non-turf roadside vegetation provides aesthetic variety and breaks up monotony and can have a positive effect on human performance and improve highway safety.



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

- ❖ Soil Prep!
- ❖ Pollinators in Peril! Part 2

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 KDGT.stormwaterinspection@ks.gov. Failure to complete and submit inspection reports on time may result in disincentive assessment.

Soil Prep!

What is the most important aspect about establishing temporary and permanent vegetation on a construction project? Seed placement, correct fertilizer application, and proper mulch placement come to mind, but the one everyone forgets about is soil preparation.



Soil after compaction. Notice the irregular chunky surface

Specification 904.3b states, "Before seeding, use tillage equipment that penetrates 2 to 3 inches to prepare a firm, friable, and weed-free seedbed." What does that mean?

Most KDOT projects require a minimum soil compaction of 90% based on the soil proctor for the subgrade. This compaction creates a great base for a roadway but a terrible seed bed (unless you are growing weeds).

Tilling and plowing creates a uniform, loose and friable soil; allows easier root establishment for the new seed; and kills any existing weed vegetation. Friable soils allow seed drills to plant, cover and slightly compact the soil around the new seed.

However, soils can be too loose. Too loose soils can have up to 50% air voids in the seeding zone thus minimizing the amount of immediate seed/soil contact. Controlling seed depth can be difficult in too loose soils. Grass and wildflower seeds must be placed at maximum depths of 1/2" and 1/8", respectively, for proper germination.



Properly prepared soil bed

An easy field check is to walk in the freshly prepared area and look back at your footprints. If you sink deeper than the soles of your shoes the soil is probably too loose.

This next construction season keep an eye out for proper bed preparation. When the soil is prepped correctly the seed germinates better and the Notice of Termination (NOT) can be issued sooner.

Pollinators in Peril! Part 2

By Melissa Davidson, Roadside Vegetation Manager

To Mow, or Not To Mow

Routinely mowed areas range from 15 to 30 feet adjacent to pavement and are routinely maintained by mowing to provide for the safety of the motoring public. These areas are not generally considered to be suitable habitat for pollinators. Areas outside of routine mowing offer high potential habitat that extends from the routinely mowed area to the access control fence, including median areas and interchange infields. These areas are the highest value habitat areas within the highway transportation system when properly maintained.

Mowing is a critical component of maintaining right-of-way and ensuring the safety of the motoring public. Sight visibility, access to fixed assets and maintenance of drainage structures and features must be managed with mowing. Utilizing mowing strategies that improve or lengthen bloom time of nectaring plant species, control the spread of invasive species, and maintain the safety and integrity of the right-of-way should be considered when preparing a management strategy. Mowing strategies that have a positive impact include:

- Adjusting mowing standards by strategic or strip mowing, rotational section mowing or delayed roadside mowing, to avoid mowing during vulnerable times for pollinators.
- Adjusting mower deck heights to decrease the amount of chopping and mulching.
- When using mowing as a management tool, minimization and avoidance measures should be considered.
- Timing mowing in coordination with spot herbicide spraying.



Although mowing during the growing season can be harmful to pollinators, limited mowing can also be beneficial to pollinators by rejuvenating wildflower populations and keeping woody plants from invading. Without some management intervention, roadside vegetation may become degraded by the encroachment of woody plants or by the invasion of noxious weeds. Strategic reduced mowing and consideration of the timing of mowing can improve roadside habitat quality for pollinators. Beyond the value to pollinators, reducing mowing can provide DOTs with significant cost savings.

Mowing and Animal-Vehicle Collisions

Despite the economic and ecological benefits that reducing roadside mowing provides, it may not be adopted readily due to concerns that reduced mowing may increase dangerous animal-vehicle collisions. Common perceptions about reduced mowing include 1) that the unmown roadside vegetation will harbor more deer or other large herbivorous mammals that can be involved in vehicle crashes and 2) motorists will have greater difficulty viewing and avoiding animals entering the road.

In contrast to these perceptions, data indicates that reduced mowing of the entire roadside right-of-way may not influence deer-vehicle crash frequency. Researchers comparing deer vehicle crash frequency data before and after reduced mowing was implemented found no relationship between mowing regime and crashes. Researchers found that deer preferred the plots mowed four times a year over the plots mowed only once. Mowing can improve the palatability of some plants, thus increasing foraging by deer in roadsides.



Stormwater Update Online

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APPENDIX C

Inspection Procedures and Form 247 Instructions

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

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.

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 this RJOO to KDHE does not relinquish the KDOT's authorization to discharge stormwater runoff from construction activity at the site described herein.

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.
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.
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 RJOO 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: [] Y; [] 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.

KDOT Construction Project Stormwater Compliance Plan

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

KDOT Construction Project Stormwater Compliance Plan

- 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.