

COLE COUNTY DEPARTMENT OF PUBLIC WORKS



SOUTH LIBERTY ROAD  
LOW WATER CROSSING REPLACEMENT

Project No. 2017-801-1

BID DATE: March 9, 2018

BIDDING DOCUMENTS

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**ADVERTISEMENT FOR BIDS**

**NOTICE TO BIDDERS**

SEALED PROPOSALS consisting of:

**SOUTH LIBERTY ROAD  
LOW WATER CROSSING REPLACEMENT  
PROJECT NO. 2017-801-1**

Located on South Liberty Road over Sanford Creek in Sec 5, T43N, R10W in Cole County, Missouri,

WILL be received and opened publicly at the office of Cole County Commission, Courthouse Annex, Room 200, 311 East High Street, Jefferson City, Missouri 65101 at

**9:00 A.M. on Friday, March 9, 2018**

Any and all bids received after the time specified above will be returned unopened.

The proposed work consists of removals, grading, excavating, a triple cell box culvert, rock blanket, base rock placement, seeding and mulching, erosion control and miscellaneous work on South Liberty Road.

Plans and specifications may be viewed online in the bids section at [www.colecounty.org](http://www.colecounty.org). All contractors wishing to bid on this project shall obtain an official copy of the plans and specifications at the office of the Cole County Department of Public Works, 5055 Monticello Road, Jefferson City, Missouri 65109-9182, (573) 636-3614. A payment of **\$25.00** per set of complete plans and specifications will be charged for printing and is not refundable. All checks or money orders for plans and specifications for shall be made payable to Cole County Road & Bridge Fund.

A Pre-Bid Conference will be held on Friday, March 2, 2018, at 10:00 A.M. at the Cole County Fire Protection District "Training & Administration Building" located at 5206 Monticello Road, Jefferson City, MO 65109. All bidders are urged to attend.

The Owner reserves the right to reject any and all bids and to waive informalities therein, to determine the lowest and best bid and to approve the bond. E.O.E.

News Tribune: 02/11/18, 02/18/18 and 02/25/18



## **NOTICE TO BIDDERS**

Sealed proposals will be received at the office of the Cole County Commission, Courthouse Annex, Room 200, 311 East High Street, Jefferson City, Missouri, 65101, until **9:00 A.M. on Friday, March 9, 2018**. The bids will be opened and read aloud at the Cole County Commission, Courthouse Annex, Room 200, 311 East High Street at 9:00 A.M. on that same day.

The proposed work consists of removals, grading, excavating, a triple cell box culvert, rock blanket, base rock placement, seeding and mulching, erosion control and miscellaneous work on South Liberty Road for:

### **SOUTH LIBERTY ROAD LOW WATER CROSSING REPLACEMENT PROJECT NO. 2017-801-1**

All equipment, material, and workmanship must be in accordance with the plans, specifications, and contract documents on file with the Director of Cole County Public Works, 5055 Monticello Road, Jefferson City, Missouri 65109.

Plans and specifications may be inspected and are available to bidders at the office of the Director of the Cole County Department of Public Works, 5055 Monticello Road, Jefferson City, Missouri 65109-9182, (573) 636-3614.

#### **Payment for Plans and Specifications**

A payment of **\$25.00** per set of complete plans and specifications will be charged for printing and postage and is not refundable. All checks or money orders for plans and specifications shall be made payable to Cole County Road and Bridge Fund.

All wages paid for work under this contract shall comply with requirements of the prevailing wage law of the State of Missouri, Section 290.210 through 290.340, RSMo. 1986.

A certified check on a solvent bank or a bid bond by a satisfactory surety in an amount to five percent (5%) of the total amount of the bid must accompany each proposal.

A one-year Performance and Guarantee Bond is required.

The County reserves the right to reject any or all bids and to waive informalities therein to determine which is the lowest and best bid and to approve the bond.

COUNTY OF COLE  
Larry J. Benz, P.E.  
Director of Public Works



## **INSTRUCTIONS TO BIDDERS**

### **2-1 Scope of Work**

The proposed work consists of removals, grading, excavating, a triple cell box culvert, rock blanket, base rock placement, seeding and mulching, erosion control and miscellaneous work on South Liberty Road.

### **2-2 Inspection of Plans, Specifications, and Site of Work**

The bidder is required to examine carefully the site of the proposed work, the proposal, plans, specifications, supplemental specifications, special provisions, and contract forms before submitting a proposal.

### **2-3 Interpretation of Contract Documents**

If the bidder has any questions which arise concerning the true meaning or intent of the Plans, Specifications, or any part thereof, which affect the cost, quality, quantity, or character of the project, he shall request in writing that an interpretation be made and an addendum be issued by the Engineer, which shall then be delivered to all bidders to whom Plans and Specifications have been issued. Failure to have requested an addendum covering any questions affecting the interpretations of the Plans and Specifications shall not relieve the Contractor from delivering the completed project in accordance with the intent of the Plans and Specifications to provide a workable project.

### **2-4 Qualifications of Bidders**

The County of COLE may make such investigations as deemed necessary to determine the ability of the bidder to perform the work and the bidder shall furnish to the County of COLE all such information and data for this purpose as the County of COLE may request. The County of COLE reserves the right to reject any bid if the evidence submitted by the bidder or investigation of such bidder fails to satisfy the County of COLE that such bidder is properly qualified to carry out the obligations of the Contract and to complete the work contemplated therein.

### **2-5 Equivalent Material**

Wherever definite reference is made in these Specifications to the use of any particular material or equipment, it is to be understood that any equivalent material or equipment may be used which will perform adequately the duties imposed by the general design, subject to the approval of the Engineer.

### **2-6 Bid Security**

Each bid must be accompanied by a certified check or bid bond made payable to the County of COLE for five percent (5%) of the amount of the base bid. Bid securities will be returned after award of contract except to the successful bidder.

Should the successful bidder or bidders fail or refuse to execute the bond and the contract

required within ten (10) days after he has received Notice of Acceptance of his bid, he shall forfeit to the County of COLE as liquidated damages for such failure or refusal, the security deposited with his bid.

## **2-7 Preparation of Bids**

Bid must be made upon prescribed forms attached at the back of these Specifications. Only sealed bids will be considered, all bids otherwise submitted will be rejected as irregular.

All sales taxes which might lawfully be assessed against the County of COLE are to be paid by the Contractor from the monies obtained in satisfaction of his Contract, it being understood by the bidder that the bid prices submitted shall include the cost of such taxes.

All blank spaces in the bid must be filled in and no change shall be made in the phraseology of the bid or addition to the items mentioned therein. Any conditions, limitation, or provisions attached to bids will render them informal and may be considered cause for their rejection.

## **2-8 Prices**

The price submitted for each item of the work shall include all cost of whatever nature involved in its construction, complete in place, as described in the Specifications.

## **2-9 Addenda**

Addenda may be issued on this project at any time up to 24 hours prior to the bid date and time. Occasionally an addendum may contain information that could affect a contractor's bid. It shall be the responsibility of the contractor to verify if any addenda have been issued prior to submitting their bid. The County assumes no liability if a contractor fails to incorporate addenda into their bid.

## **2-10 Approximate Quantities**

In cases where any part or all of the bidding is to be received on a unit price basis, the quantities stated in the bid will not be used in establishing final payment due the successful Contractor. The quantities stated on which unit prices are so invited are approximate only and each bidder shall make his own estimate from the plans of the quantities required on each item and calculate his unit price bid for each item accordingly. Bids will be compared on the basis of number of units stated in the bid. Such estimated quantities, while made from the best information available, are approximate only. Payment on the Contract will be based on actual number of units installed on the completed work.

## **2-11 Lump Sum Items**

Payment for each lump sum item shall be at the lump sum bid for the item, complete in place, and shall include the costs of all labor, materials, tools, and equipment to construct the item as described herein and to the limits shown on the Plans.

## **2-12 Submission of Bids**

The Bid and the Bid Security guaranteeing the same shall be placed in a sealed opaque envelope and marked **SOUTH LIBERTY ROAD LOW WATER CROSSING REPLACEMENT, PROJECT NO. 2017-801-1**. The envelope shall be clearly marked with the project name, project number, and the bidder's name and address.

## **2-13 Alternate Bids**

In making the award if alternate bids have been requested, that alternate bid will be used which will be to the best interest of the County of COLE.

## **2-14 Withdrawal of Bids**

If a bidder wishes to withdraw his bid, he may do so before the time fixed for the opening, without prejudice to himself. No bidder may withdraw his bid for a period of ninety (90) days after the scheduled closing time for the receipt of bids.

## **2-15 Right to Reject Bids**

The County of COLE reserves the right to reject any or all bids, to waive any informality in the bids received, or to accept the bid or bids that in its judgment will be for the best interest of the County of COLE.

## **2-16 Award of Contract**

If within ten (10) days after he has received Notice of Acceptance of his bid, the successful bidder or bidders shall refuse or neglect to come to the office of the Director of Public Works and to execute the Contract and to furnish the required Contractor's Bond, properly signed by the Contractor and the Surety or Sureties satisfactory to the County of COLE as hereinafter provided, the bidder or bidders shall be deemed to be in default and shall forfeit the deposit.

## **2-17 Performance Bond**

A Performance Bond in an amount equivalent to one hundred percent (100%) of the Contract price, must be furnished and executed by the successful bidder or bidders, this bond to be in the form contained in this Contract.

The Surety shall be a corporate Surety Company or companies of recognized standing licensed to do business in the State of Missouri and acceptable to the County of COLE.

## **2-18 Indemnification and Insurance**

The Contractor agrees to indemnify and hold harmless the County and the Engineer from all claims and suits for loss of or damage to property, including loss of all judgments recovered therefore, and from all expense in defending said claims, or suits, including court costs, attorney fees, and other expense caused by any act or omission of the Contractor and/or his subcontractors, their respective agents, servants, or employees.

## Certificate of Insurance

The Contractor shall be required to provide the County of COLE with a "Certificate of Insurance."

## **2-19 Bid Security Returned to Successful Bidder**

Upon the execution of the Contract and approval of Bond, the Bid Security will be returned to the bidder unless the same shall have been presented for collection prior to such time, in which case the amount of the deposit will be refunded by the County of COLE.

## **2-20 Nondiscrimination in Employment**

Contracts for work under this bid will obligate the Contractor and subcontractors not to discriminate in employment practices.

## **2-21 Prevailing Wage Law**

The principal contractor and all subcontractors shall pay not less than the prevailing wage hourly rate for each craft or type of workman required to execute this contract as determined by the Department of Labor and Industrial Relations of Missouri, pursuant to Sections 290.210 through 290.340, RSMo. 1986. (See Determination herewith included in Section 5.)

## **2-22 Guarantee**

The Contractor guarantees that the equipment, materials, and workmanship furnished under this contract will be as specified and will be free from defects for a period of one (1) year from the date of final acceptance. In addition, the equipment furnished by the Contractor shall be guaranteed to be free from defects in design.

Within the guarantee period and upon notification of the Contractor by the County, the Contractor shall promptly make all needed adjustments, repairs, or replacements arising out of defects which, in the judgment of the Engineer, or the County, become necessary during such period.

The cost of all materials, parts, labor, transportation, supervision, special tools, and supplies required for replacement of parts, repair of parts, or correction of abnormalities shall be paid by the Contractor, or by his surety under the terms of the Bond.

The Contractor also extends the terms of this guarantee to cover repaired parts and all replacement parts furnished under the guarantee provisions for a period of one (1) year from the date of installation thereof.

If within ten (10) days after the County gives the Contractor notice of a defect, failure, or abnormality of the work, the Contractor neglects to make, or undertake with due diligence to make, the necessary repairs or adjustments themselves or order the work to be done by a third party, the costs of the work shall be paid by the Contractor.

In the event of an emergency where, in the judgment of the County, delays would cause serious loss or damage, repairs or adjustments may be made by the County, or a third party chosen by the County, without giving notice to the Contractor, and the cost of the work shall be paid by the Contractor, or by his surety under the terms of the Bond.

### **2-23 Notice to Proceed**

A written notice to begin construction work will be given to the Contractor by the County of Cole immediately after the Contractor has executed the Contract Documents and returned them to the County. The time for completion of the project shall begin to run on the date established in this notice.

### **2-24 Work Schedule**

To insure that the work will proceed continuously through the succeeding operations to its completion with the least possible interference to traffic and inconvenience to the public, the Contractor shall submit for approval a complete schedule of his proposed construction procedure, stating the sequence in which various operations of work are to be performed. The Contractor may not change the work sequence without the prior approval of the Engineer. Additional detailed information can be found in the job special provisions.

### **2-25 Section 292.675 RSMo. Safety Training Requirements**

In 2008 the Missouri General Assembly adopted HB 1549, creating additional requirements affecting public works contracts by requiring all contractors and subcontractors doing work on a project to provide and require their on-site employees to complete a ten (10) hour course in construction safety and health that is approved by the federal Occupational Safety and Health Administration ("OSHA") or a similar program approved by the Missouri Department of Labor and Industrial Relations, which is at least as stringent as an approved OSHA program; and

**The following items will be required in this contract:**

**Section One:** Any contractor for Cole County for purposes of construction of public works and any subcontractor to such contractor shall comply with the provisions of section 292.675, RSMo. and provide a ten-hour OSHA construction safety program for the on-site employees which includes a course in construction safety and health approved by OSHA or a similar program approved by the Missouri Department of Labor and Industrial Relations that is at least as stringent as an approved OSHA program, unless such employees have previously completed the required program.

**Section Two:** All employees who have not previously completed this course must do so within sixty (60) days of beginning work on a Cole County construction project.

**Section Three:** Any employee found on a work site subject to this ordinance without documentation of successfully completing this course shall have twenty (20) days to produce such documentation before being subject to removal from the project.

## **2-26 Excessive Unemployment Law and Restrictive States**

Bidders are hereby notified that the excessive unemployment law is in effect. During times of high unemployment, state law permits the Department's Division of Labor Standards to declare that excessive unemployment is in effect, allowing only workers from certain states to work on the Missouri's public works projects. Public works projects are construction projects funded wholly or partially from public funds, or are projects that benefit the public such as but not limited to schools, parks, fire houses, and government buildings. The excessive unemployment law does not apply to projects funded in part by Federal Funds.

Restrictive states have laws in place restricting Missouri workers to work on their public works projects. Workers from these states are also not allowed to work on Missouri's public works projects.

Only Missouri laborers and laborers from nonrestrictive states are allowed by law to be employed on Missouri's public works projects when the unemployment rate exceeds **5 percent** for two consecutive months. **(See Sections 290.550 through 290.580 RSMo).**

**Restrictive States-** workers from these states are **NOT** allowed to be employed on Missouri public works projects: Alaska, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Idaho, Illinois, Iowa, Maine, Massachusetts, Mississippi, Montana, Nevada, New Jersey, North Dakota, South Dakota, and the U.S. Virgin Islands, West Virginia and Wyoming.

**Non-Restrictive States-** workers from these states are allowed to be employed on Missouri public works projects: Alabama, Arkansas, Georgia, Hawaii, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Nebraska, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington and Wisconsin.

## **2-27 Contract Time**

This contract shall be a completion date contract. The contract shall be completed by no later than **December 15, 2018**.

## **2-28 Liquidated Damages**

Liquidated damages shall be assessed at the rate of **Seven Hundred Dollars (\$700.00)** per calendar day until the project is complete, should the project not be completed within the specified time periods.

## **2-29 Pre-Construction Meeting**

A pre-construction meeting will be scheduled before construction begins. The contractor's project manager and foreman shall be required to attend.

**PROPOSAL FORM**

**COUNTY OF COLE, MISSOURI**

**SOUTH LIBERTY ROAD  
LOW WATER CROSSING REPLACEMENT  
PROJECT NO. 2017-801-1**

Name of Bidder: \_\_\_\_\_

Address of Bidder: \_\_\_\_\_

To: Cole County Department of Public Works  
5055 Monticello Road  
Jefferson City, MO 65109

**THE UNDERSIGNED BIDDER**, having examined the Plans, Specifications, Regulations of the Contract, Special Conditions and other proposed Contract Documents, and all addenda thereto; and being acquainted with and fully understanding (a) the extent and character of the work covered by this Proposal; (b) the location, arrangement, and specified requirements for the proposed work; (c) the location, character, and condition of existing streets, roads, highways, railroads, pavement, surfacing, walks, driveways, curbs, gutters, trees, sewers, utilities, drainage courses and structures, and other installation, both surface and underground which may affect or be affected by the proposed work; (d) the nature and extent of the excavations to be made, and the type, character, and general condition of materials to be excavated; (e) the necessary handling and re-handling of excavated materials; (f) the location and extent of necessary or probable dewatering requirements; (g) storm and flood water; (h) local conditions relative to labor, transportation, hauling, and rail delivery facilities; and (i) all other factors and conditions affecting or which may be affected by the work.

**HEREBY PROPOSED** to furnish all required materials, supplies, equipment, tools, and plant; to perform all necessary labor and supervision; and to construct, install, erect, and complete all work stipulated in, required by, and in accordance with the proposed Contract Documents and the drawings, Specifications, and other documents referred to therein (as altered, amended, or modified by addenda), in the manner and time prescribed and that he will accept in full payment sums determined by applying to the quantities of the following items, the following unit prices and/or any lump sum payments provided, plus or minus any special payments and adjustments provided in the Specifications and he understands that the estimated quantities herein given are not guaranteed to be the exact or total quantities required for the completion of the work shown on the drawings and described in the Specifications, and that increases or decreases may be made over or under the Contract estimated quantities to provide for needs that are determined during progress of the work and that prices bid shall apply to such increased or decreased quantities as follows:

**SOUTH LIBERTY ROAD LOW WATER CROSSING REPLACEMENT  
PROJECT NO. 2017-801-1**

**ITEMIZED PROPOSAL**

Item No.	Item Description	Unit	Quantity	\$ Unit Price	\$ Amount
<b>Roadway Items</b>					
201-10.00	Clearing and Grubbing	LS	1		
203-99.01	Earthwork	LS	1		
304-00.00	2" Base Rock (4" Thick)	SY	2,330		
304-01.43	Type 1 Aggregate for Base (4" Thick)	SY	2,220		
611-30.20	Furnishing Type 2 Rock Blanket	CY	87		
611-30.40	Placing Type 2 Rock Blanket	CY	87		
616-99.01	Traffic Control	LS	1		
618-10.00	Mobilization	LS	1		
624-01.03A	Permanent Erosion Control Geotextile	SY	262		
802-10.00	Mulching - Type 4 (Embedded)	AC	0.77		
805-10.00	Seeding, Fertilizing and Liming	AC	0.77		
806-10.10	Type B Berm	LF	225		
806-10.19	Silt Fence	LF	76		
806-10.22	Rock Ditch Checks	LF	144		
<b>Bridge Items</b>					
206-33.00	Class 4 Excavation	CY	620		
206-34.00	Class 4 Excavation in Rock	CY	165		
703-40.40	Class B-1 Concrete (Culverts-Bridge)	CY	276.8		
706-10.20	Reinforcing Steel (Culverts-Bridge)	lb	40,100		
<b>TOTAL BASE BID:</b>					

BIDDER recognizes and acknowledges the receipt of the following Addenda:

DATE                      Addendum Number                      DATE                      Addendum Number

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If the Bidder intends to use any subcontractor in the course of the construction, he shall list them. (If necessary, attach additional pages to list all subcontractors.)

<u>Company Name</u>	<u>Address</u>	<u>City, State, Zip</u>	<u>Work To Be Performed</u>	<u>% of Bid</u>

**TIME OF COMPLETION:**

The undersigned hereby agrees to complete the project by no later than **December 15, 2018**, subject to the stipulations of the regulations of the Contract and the Special Conditions.

It is understood that the specifications governing the construction of the work contemplated are those known and designated as the "Missouri Highway & Transportation Commission Standard Specifications for Highway Construction, 2016" approved by the Missouri Highways & Transportation Commission, together with the special provisions, job and general, if any attached to this proposal.

It is understood and agreed that if this Proposal is accepted, the prices quoted above include all applicable state taxes and that said taxes shall be paid by the Contractor.

The undersigned, as Bidder, hereby declares that the only persons or firms interested in the Proposal as principal or principals is or are named herein and that no other persons or firms than herein mentioned have any interest in this Proposal or in the Contract to be entered into; and this Proposal is made without connection with any other person, company, or parties making a bid or proposal; and that it is in all respects fair and in good faith, without collusion or fraud.

The undersigned agrees that the accompanying bid deposit shall become the property of the County should he fail or refuse to execute the Contract or furnish Bond as called for in the specifications within the time provided.

If written notice of the acceptance of this bid is mailed, telegraphed, or delivered to the

undersigned within ninety (90) days after the date of opening of bids, or any time thereafter before this bid is withdrawn, the undersigned will, within ten (10) days after the date of such mailing, telegraphing, or delivering of such notice, execute and deliver a Contract in the form of Contract attached.

The undersigned hereby designates as his office to which such notice of acceptance may be mailed, telegraphed, or delivered:

\_\_\_\_\_  
Contact Person      Company Name      Mailing Address      City, State & Zip Code

It is understood and agreed that this bid may be withdrawn at any time prior to the scheduled time for the opening of bids or any authorized postponement thereof.

Attached hereto is a Bid Bond for the sum of \_\_\_\_\_

\_\_\_\_\_ (\$ \_\_\_\_\_)

Dollars (cashier's check), made payable to the County of COLE.

**SIGNATURE AND IDENTITY OF BIDDER**

The undersigned states that the correct LEGAL NAME and ADDRESS of (1) the individual bidder, (2) each partner or joint venturer (whether individuals or corporation, and whether doing business under a fictitious name), or (3) the corporation (with the state in which it is incorporated) are shown below; and that (if not signing with the intention of binding himself to become the responsible and sole contractor) he is the agent of, and duly authorized in writing to sign for the Bidder or Bidders; and that he is signing and executing this (as indicated in the proper spaces below) as the proposal of

**AN INDIVIDUAL:**

\_\_\_\_\_  
Name of Individual      Residence Street Address

\_\_\_\_\_  
Social Security Number      City, State & Zip Code

\_\_\_\_\_  
Firm Name, If Any      Business Address

\_\_\_\_\_  
Business Telephone Number      City, State & Zip Code

\_\_\_\_\_  
Signature      Date

**A PARTNERSHIP:**

\_\_\_\_\_  
Name of Partnership (State Names & Addresses of All Partners)

\_\_\_\_\_  
Partner \_\_\_\_\_  
Residence Address

\_\_\_\_\_  
Partner \_\_\_\_\_  
Residence Address

\_\_\_\_\_  
Business Address

\_\_\_\_\_  
City, State & Zip Code \_\_\_\_\_  
Business Telephone Number

\_\_\_\_\_  
Signature of At Least One Partner \_\_\_\_\_  
Date

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**A CORPORATION:**

\_\_\_\_\_  
Name of Corporation Incorporated under the laws of the State  
of \_\_\_\_\_

\_\_\_\_\_  
Name and Title of Officer Corporate License No. \_\_\_\_\_  
(If a corporation organized in state other  
than Missouri, attach Certificate of \_\_\_\_\_  
Authority to do business in the State of  
Missouri.)

\_\_\_\_\_  
Business Telephone Number

\_\_\_\_\_  
Business Address \_\_\_\_\_  
City, State & Zip Code

\_\_\_\_\_  
Signature of Officer \_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Signature of Secretary (SEAL) \_\_\_\_\_  
Date







**CONTRACTOR'S AFFIDAVIT**

STATE OF \_\_\_\_\_ )  
 )  
 )  
COUNTY OF \_\_\_\_\_ )

This affidavit is hereby made a part of the Proposal, and an executed copy thereof shall accompany each Proposal submitted.

The undersigned, \_\_\_\_\_, of  
lawful age, being first duly sworn states upon oath that he is \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

the Contractor submitting the attached proposal, that he knows of his own knowledge and states it to be a fact that neither said proposal nor the computation upon which it is based include any amount of monies, estimate or allowance representing wages, moneys or expenses, however designated, proposed to be paid to persons who are not required to furnish material or actually perform services upon or as a part of the proposed project.

\_\_\_\_\_  
AFFIANT

Subscribed and sworn to before me, a Notary Public, in and for the County and State aforesaid, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_



## CONSTRUCTION CONTRACT

**THIS CONTRACT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between **[INSERT CONTRACTOR'S NAME]**, hereinafter called "Contractor," and the **County of Cole, Missouri**, hereinafter called "County."

**WITNESSETH:** That Whereas, the Contractor has become the lowest responsible bidder for furnishing the supervision, labor, tools, equipment, materials, and supplies and for constructing the following County improvements:

**SOUTH LIBERTY ROAD  
LOW WATER CROSSING REPLACEMENT  
PROJECT NO. 2017-801-1**

**NOW, THEREFORE**, the parties to this contract agree to the following:

**1. Manner and Time for Completion** The Contractor agrees with the County to furnish all supervision, labor, tools, equipment, materials, and supplies; to perform all necessary labor and supervision; and to construct, install, erect and complete all work stipulated in, required by and in accordance with the contract documents and drawings, specifications and other documents referred therein (as altered, amended or modified by addenda) and with any applicable County regulations and state and federal laws, within ten (10) working days from the date Contractor is ordered to proceed, which order shall be issued by the Director of Public Works in accordance with the contract documents.

**2. Prevailing Wages** All labor utilized in the construction of the aforementioned improvements shall be paid a wage of no less than the "prevailing hourly rate of wages" for work of a similar character in this locality, as established by the Department of Labor and Industrial Relations of the State of Missouri. Contractor acknowledges that Contractor knows the prevailing hourly rate of wages for this project because Contractor has obtained the prevailing hourly rate of wages from the contents of **ANNUAL WAGE ORDER NUMBER 24 - COLE COUNTY** in which the rate of wages is set forth. The Contractor further agrees that Contractor will keep an accurate record showing the names and occupations of all workmen employed by Contractor in connection with the work to be performed under the terms of this contract. The record shall show the actual wages paid to the workmen in connection with the work to be performed under the terms of this contract. A copy of the record shall be delivered to the Director of Public Works each week. In accordance with Section 290.250 RSMo., Contractor shall forfeit to the County One Hundred Dollars (\$100.00) for each workman employed, for each calendar day or portion thereof that the workman is paid less than the stipulated rates for any work done under this contract, by the Contractor or any subcontractor under the Contractor.

**3. Contract Sum** The County shall pay the Contractor for the prompt, faithful, and efficient performance of the conditions and undertakings of this contract, subject to additions, and deductions as provided, herein, in current funds the sum of **[Insert Construction Amount]**.

**TOTAL CONTRACT AMOUNT.....\$0,000,000.00**

The County hereby accepts and reserves and the Contractor is hereby bound thereby, Unit Prices of the Proposal submitted as follows:

**UNIT PRICES:**

For changing specified quantities of work from those indicated by the plans and specifications, upon written instructions of the County, the following unit prices shall prevail. The unit prices include all labor, overhead and profit, materials, equipment, appliances, bailing, shoring, shoring removal, etc., to cover the finished work of the several kinds called for. Only a single unit price shall be given and it shall apply for either MORE or LESS work than shown on the plans and called for in the specifications. In the event of more or less units than so indicated or included, change orders shall be issued for the increased or decreased amount.

***Itemized Quantities shall be placed here in awarded contract***

**4. Insurance** Contractor shall procure and maintain at its own expense during the life of this contract:

(a) **Workers Compensation Insurance** for all of its employees to be engaged in work under this contract.

(b) **Contractor's Public Liability Insurance** in an amount not less than \$1,000,000 for all claims arising out of a single occurrence and \$100,000 for any one person in a single accident or occurrence, except for those claims governed by the provisions of the Missouri workers compensation law, Chapter 287, RSMo., and Contractor's Property Damage Insurance in an amount not less than \$800,000 for all claims arising out of a single accident or occurrence and \$100,000 for any one person in a single accident or occurrence.

(c) **Automobile Liability Insurance** in an amount not less than \$1,000,000 for all claims arising out of a single accident or occurrence and \$100,000 for any one person in a single accident or occurrence.

(d) **Owner's Protective Liability Insurance** The Contractor shall also obtain at its own expense and deliver to the County a Owner's Protective Liability Insurance Policy naming the County of Cole as the insured, in an amount not less than \$1,000,000 for all claims arising out of a single accident or occurrence and \$100,000 for any one person in a single accident or occurrence, except for those claims governed by the provisions of the Missouri workmen's compensation law, Chapter 387, RSMo. No policy will be accepted which excludes liability for damage to underground structures or by reason of blasting, explosion, or collapse.

(e) **Subcontracts** In case any or all of this work is sublet, the Contractor shall require the Subcontractor to procure and maintain all insurance required in Subparagraphs (a), (b), and (c) hereof and in like amounts.

(f) **Scope of Insurance and Special Hazard** The insurance required under Subparagraphs (b) and (c) hereof shall provide adequate protection for the Contractor and its subcontractors, respectively, against damage claims which may arise from operations under this contract, whether such operations be by the insured or by anyone directly or indirectly employed by it, and also against any special hazards which may be encountered in the performance of this contract.

**NOTE:** Paragraph (f) is construed to require the procurement of Contractor's protective insurance (or contingent public liability and contingent property damage policies) by a general contractor whose subcontractor has employees working on the project, unless the general public liability and property damage policy (or rider attached thereto) of the general contractor provides adequate protection against claims arising from operations by anyone directly or indirectly employed by the Contractor.

**5. Contractor's Responsibility for Subcontractors** It is further agreed that Contractor shall be as fully responsible to the County for the acts and omissions of its subcontractors, and of persons either directly or indirectly employed by them, as Contractor is for the acts and omissions of persons it directly employs. Contractor shall cause appropriate provisions to be inserted in all subcontracts relating to this work, to bind all subcontractors to Contractor by all the terms herein set forth, insofar as applicable to the work of subcontractors and to give Contractor the same power regarding termination of any subcontract as the County may exercise over Contractor under any provisions of this contract. Nothing contained in this contract shall create any contractual relations between any subcontractor and the County or between any subcontractors.

**6. Liquidated Damages** The Director of Public Works may, at his discretion, deduct **Seven Hundred Dollars (\$700.00)** per day from any amount otherwise due under this contract for every day Contractor fails or refuses to prosecute the work, or any separable part thereof, with such diligence as will insure the completion by the time above below, or any extension thereof, or fails to complete the work by such time, as long as the County does not terminate the right of Contractor to proceed. It is further provided that Contractor shall not be charged with liquidated damages because of delays in the completion of the work due to unforeseeable causes beyond Contractor's control and without fault or negligence on Contractor's part or the part of its agents.

**7. Termination** The County reserves the right to terminate this contract by giving at least five (5) days' prior written notice to the Contractor, without prejudice to any other rights or remedies of the County should the Contractor be adjudged as bankrupt, or if Contractor should make a general assignment for the benefit of its creditors, or if a receiver should be appointed for Contractor or for any of its property, or if Contractor should persistently or repeatedly refuse or fail to supply enough properly skilled workmen or proper material, or if Contractor should refuse or fail to make prompt payment to any person supplying labor or materials for the work under the contract, or persistently disregard instructions of the County or fail to observe or perform any provisions of the contract.

**8. County's Right to Proceed** In the event this contract is terminated pursuant to Paragraph 6, then the County may take over the work and prosecute the same to completion, by contract or otherwise, and Contractor and its sureties shall be liable to the County for any costs over the amount of this contract thereby occasioned by the County. In any such case the County may take possession of, and utilize in completing the work, such materials, appliance, and structures as may be on the work site and are necessary for completion of the work. The foregoing provisions are in addition to, and not in limitation of, the rights of the County under any other provisions of the contract, County regulations, and state and federal laws.

**9. Indemnity** The Contractor agrees to defend, indemnify, and save the County harmless from and against all claims, suits, and actions of every description, brought against the County and from all damage and costs by reason or on account of any injuries or damages received or sustained by any person or persons, or their property, by Contractor, its servants, agents, or subcontractors in the construction of said work, or by any negligence or carelessness in the performance of the same, or on account of any act or omission of

Contractor, its servants, agents, or subcontractors, or arising out of the award of this contract to Contractor.

**10. Payment for Labor and Materials** The Contractor agrees and binds itself to pay for all labor done, and for all the materials used in the construction of the work to be completed pursuant to this contract. Contractor shall furnish to the County a bond to insure the payment of all materials and labor used in the performance of this contract. The Contractor is aware of, understands and agrees to abide by RSMo. 34.057.

**11. Payment** The County hereby agrees to pay the Contractor for the work done on a monthly basis pursuant to this contract according as set forth in the Contract Documents upon acceptance of said work by the Director of Public Works and in accordance with the rates and/or amounts stated in the proposal of Contractor dated **March 9, 2018**, which are by reference made a part hereof. No partial payment to the Contractor shall operate as approval or acceptance of work done or materials furnished hereunder.

**12. Contract Time** The project covered under this contract shall be completed by no later than **December 15, 2018**.

**13. Contract Documents** The contract documents shall consist of the following:

- |                            |                             |
|----------------------------|-----------------------------|
| a. This Contract           | f. General Conditions       |
| b. Addenda                 | g. Special Provisions       |
| c. Notice to Contractors   | h. Technical Specifications |
| d. Instructions to Bidders | i. Drawings and/or Sketches |
| e. Signed Copy of Bid      |                             |

This contract and the other documents enumerated in this paragraph, form the Contract between the parties. These documents are as fully a part of the contract as if attached hereto or repeated herein.

**14. Nondiscrimination** The Contractor agrees in the performance of this contract not to discriminate on the ground or because of race, creed, color, national origin, or ancestry, sex, religion, handicap, age, or political opinion, or affiliation, against any employee of Contractor or applicant for employment and shall include a similar provision in all subcontracts let or awarded hereunder.

**15. Notices** All notices required to be in writing may be given by first class mail addressed to Cole County Commission, Courthouse Annex, Room 200, 301 East High Street, Jefferson City, Missouri 65101, and **[INSERT CONTRACTOR'S NAME AND MAILING ADDRESS]**. The date of delivery of any notice shall be the second full day after the day of its mailing.

**16. Jurisdiction** This agreement and every question arising hereunder shall be interpreted according to the laws and statutes of the State of Missouri.

**IN TESTIMONY WHEREOF**, the parties have hereunto set their hands and seals as of the day and year below written.

Executed by the **COUNTY** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**COLE COUNTY COMMISSION**, Party of the First Part

\_\_\_\_\_  
Cole County Commission

**ATTEST:**

\_\_\_\_\_  
County Clerk (SEAL)

\_\_\_\_\_  
County Auditor  
*"I certify there is a balance otherwise unencumbered to the credit of the appropriation to which it is to be charged and a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be incurred."*

Executed by the **CONTRACTOR** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**CONTRACTOR**, Party of the Second Part

By \_\_\_\_\_

\_\_\_\_\_  
Title

**ATTEST:**

\_\_\_\_\_  
Secretary (SEAL)

**CERTIFICATE OF INSURANCE**

Issued at the request of The County of COLE, Missouri

Address: Cole County Commission  
Courthouse Annex, Room 200  
311 East High Street  
Jefferson City, Missouri 65101

THIS IS TO CERTIFY that the insured named below is at this date insured with as described in the following schedule, and in full compliance with the Contract Documents, including all contractual liability coverage.

**DESCRIPTIVE SCHEDULE**

Name of Insured: \_\_\_\_\_

Address of Insured: \_\_\_\_\_

\_\_\_\_\_

Locations Covered: \_\_\_\_\_

\_\_\_\_\_

Description of Work: \_\_\_\_\_

\_\_\_\_\_



**PERFORMANCE, PAYMENT AND ONE YEAR GUARANTEE BOND**

**KNOW ALL MEN BY THESE PRESENTS**, that we, the undersigned \_\_\_\_\_  
\_\_\_\_\_  
hereinafter referred to as "Contractor" and \_\_\_\_\_  
a Corporation organized under the laws of the State of \_\_\_\_\_, and authorized to  
transact business in the State of \_\_\_\_\_, as Surety, are held and firmly  
bound unto the County of COLE, Missouri hereinafter referred to as "County" in the penal  
sum of \_\_\_\_\_  
\_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_),  
lawful money of the United States of America for the payment of which sum, well and truly  
to be made, we bind ourselves and our heirs, executors, administrators, successors, and  
assigns jointly and severally by these presents.

**THE CONDITION OF THE FOREGOING OBLIGATION IS SUCH THAT: WHEREAS**, the  
above bounden Contractor has on the \_\_\_\_\_ day of \_\_\_\_\_, 2018,  
entered into a written contract with the aforesaid County for furnishing all materials,  
equipment, tools, superintendence, labor, and other facilities and accessories, for the  
construction of certain improvements as designated, defined, and described in the said  
Contract and the Conditions thereof, and in accordance with the specifications and plans  
therefore; a copy of said Contract being attached hereto and made a part hereof:

**NOW THEREFORE**, if the said Contractor shall and will, in all particulars, well, duly, and  
faithfully observe, perform, and abide by each and every covenant, condition, and part of  
the said Contract, and the Conditions, Specifications, Plans, Prevailing Wage Law, and  
other Contract Documents thereto attached or, by reference, made a part thereof,  
according to the true intent and meaning in each case, and if said contractor shall replace  
all defective parts, material and workmanship for a period of one year after acceptance by  
the County, then this Obligation shall be and become null and void; otherwise it shall  
remain in full force and effect.

**PROVIDED FURTHER**, that if the said Contractor fails to duly pay for any labor, materials,  
sustenances, provisions, provender, gasoline, lubricating oils, fuel oils, greases, coal  
repairs, equipment, and tools consumed or used in said work, groceries and foodstuffs,  
and all insurance premiums, compensation liability, and otherwise, or any other supplies or  
materials used or consumed by such Contractor or his, their, or its subcontractors in  
performance of the work contracted to be done, the Surety will pay the same in any  
amount not exceeding the amount of this Obligation, together with interest as provided by  
law:

**PROVIDED FURTHER**, that the said Surety, for value received, to be performed  
thereunder, or the specifications accompanying the same, shall in any way affect its  
obligation on this bond and it does hereby waive notice of any change, extension of time,  
alteration, or addition to the terms of the Contract, or to the work, or to the specifications:

**PROVIDED FURTHER**, that if said Contractor fails to pay the prevailing hourly rate of

wages, as shown in the attached schedule, to any workman engaged in the construction of the improvements as designated, defined and described in the said Contract, specifications and conditions thereof, the Surety will pay the deficiency and any penalty provided for by law which the Contractor incurs by reason of (his/its) act or omission, in any amount not exceeding the amount of this obligation together with interest as provided by law:

**IN TESTIMONY WHEREOF**, the said Contractor has hereunto set his hand, and the said Surety has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by it attorney-in-fact duly authorized thereunto so to do, at \_\_\_\_\_ this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

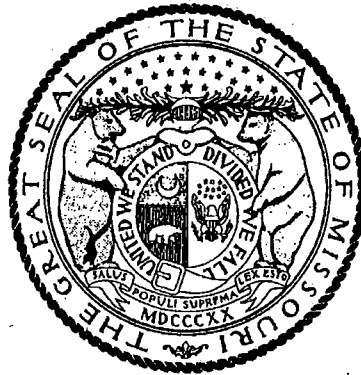
_____	_____
SURETY COMPANY	CONTRACTOR
By _____ (SEAL)	By _____ (SEAL)
By _____ (SEAL) Attorney-in-Fact	By _____ (SEAL) (State Representative)

(Accompany this bond with Attorney-in-Fact's authority from the Surety Company certified to include the date of the bond.)

# Missouri

## Division of Labor Standards

WAGE AND HOUR SECTION



ERIC R. GREITENS, Governor

## Annual Wage Order No. 24

Section 026  
COLE COUNTY

In accordance with Section 290.262 RSMo 2000, within thirty (30) days after a certified copy of this Annual Wage Order has been filed with the Secretary of State as indicated below, any person who may be affected by this Annual Wage Order may object by filing an objection in triplicate with the Labor and Industrial Relations Commission, P.O. Box 599, Jefferson City, MO 65102-0599. Such objections must set forth in writing the specific grounds of objection. Each objection shall certify that a copy has been furnished to the Division of Labor Standards, P.O. Box 449, Jefferson City, MO 65102-0449 pursuant to 8 CSR 20-5.010(1). A certified copy of the Annual Wage Order has been filed with the Secretary of State of Missouri.

Original Signed by \_\_\_\_\_

Tammy Cavender  
Acting Department Director  
Division of Labor Standards

This Is A True And Accurate Copy Which Was Filed With The Secretary of State: March 10, 2017

Last Date Objections May Be Filed: April 10, 2017

Prepared by Missouri Department of Labor and Industrial Relations

OCCUPATIONAL TITLE	** Date of Increase	*	Basic Hourly Rates	Over-Time Schedule	Holiday Schedule	Total Fringe Benefits
Asbestos Worker (H & F) Insulator			\$32.42	55	60	\$22.40
Boilermaker			\$35.41	126	7	\$30.38
Bricklayer and Stone Mason			\$29.76	59	7	\$17.44
Carpenter	6/17		\$25.34	60	15	\$16.85
Cement Mason			\$27.82	9	3	\$12.92
Communication Technician	6/17		\$32.00	28	7	\$13.37 + 13%
Electrician (Inside Wireman)	6/17		\$32.00	28	7	\$13.37 + 13%
Electrician (Outside-Line Construction) Lineman			\$43.50	43	45	\$5.50 + 36%
Lineman Operator			\$37.48	43	45	\$5.50 + 36%
Groundman			\$28.86	43	45	\$5.50 + 36%
Elevator Constructor	6/17	a	\$47.07	26	54	\$33.275
Glazier	6/17		\$27.32	122	76	\$12.08
Ironworker			\$28.96	11	8	\$24.99
Laborer (Building):						
General			\$23.01	42	44	\$13.54
First Semi-Skilled			\$25.01	42	44	\$13.54
Second Semi-Skilled			\$24.01	42	44	\$13.54
Lather			USE CARPENTER RATE			
Linoleum Layer and Cutter	6/17		\$25.22	60	15	\$16.85
Marble Mason	6/17		\$22.24	124	74	\$13.05
Marble Finisher	6/17		\$14.35	124	74	\$9.52
Millwright	6/17		\$26.34	60	15	\$16.85
Operating Engineer						
Group I	6/17		\$29.06	86	66	\$26.00
Group II	6/17		\$29.06	86	66	\$26.00
Group III	6/17		\$27.81	86	66	\$26.00
Group III-A	6/17		\$29.06	86	66	\$26.00
Group IV	6/17		\$26.83	86	66	\$26.00
Group V	6/17		\$29.76	86	66	\$26.00
Painter	6/17		\$23.69	18	7	\$12.08
Pile Driver			\$26.16	60	15	\$16.10
Pipe Fitter		b	\$38.00	91	69	\$26.93
Plasterer			\$26.33	94	5	\$12.97
Plumber		b	\$38.00	91	69	\$26.93
Roofer \ Waterproofer			\$29.30	12	4	\$15.19
Sheet Metal Worker			\$31.34	40	23	\$17.04
Sprinkler Fitter - Fire Protection			\$34.79	33	19	\$20.17
Terrazzo Worker	6/17		\$29.55	124	74	\$14.76
Terrazzo Finisher	6/17		\$19.22	124	74	\$14.76
Tile Setter	6/17		\$22.24	124	74	\$13.05
Tile Finisher	6/17		\$14.35	124	74	\$9.52
Traffic Control Service Driver			\$26.415	22	55	\$9.045
Truck Driver-Teamster						
Group I			\$25.30	101	5	\$10.70
Group II			\$25.95	101	5	\$10.70
Group III			\$25.45	101	5	\$10.70
Group IV			\$25.95	101	5	\$10.70

Fringe Benefit Percentage is of the Basic Hourly Rate

\*\*Annual Incremental Increase



**COLE COUNTY  
BUILDING CONSTRUCTION - OVERTIME SCHEDULE**

**FED:** Minimum requirement per Fair Labor Standards Act means time and one-half (1 ½) shall be paid for all work in excess of forty (40) hours per work week.

**NO. 9:** Means the regular workday starting time of 8:00 a.m. (and resulting quitting time of 4:30 p.m.) may be moved forward to 6:00 a.m. or delayed one hour to 9:00 a.m. All work performed in excess of the regular work day and on Saturday shall be compensated at one and one-half (1½) times the regular pay. In the event time is lost during the work week due to weather conditions, the Employer may schedule work on the following Saturday at straight time. All work accomplished on Sunday and holidays shall be compensated for at double the regular rate of wages. The work week shall be Monday through Friday, except for midweek holidays.

**NO. 11:** Means eight (8) hours shall constitute a day's work, with the starting time to be established between 6:00 a.m. and 8:00 a.m. from Monday to Friday. Time and one-half (1½) shall be paid for first two (2) hours of overtime Monday through Friday and the first eight (8) hours on Saturday. All other overtime hours Monday through Saturday shall be paid at double (2) time rate. Double (2) time shall be paid for all time on Sunday and recognized holidays or the days observed in lieu of these holidays.

**NO. 12:** Means the work week shall commence on Monday at 12:01 a.m. and shall continue through the following Friday, inclusive of each week. All work performed by employees anywhere in excess of forty (40) hours in one (1) work week, shall be paid for at the rate of one and one-half (1½) times the regular hourly wage scale. All work performed within the regular working hours which shall consist of a ten (10) hour work day except in emergency situations. Overtime work and Saturday work shall be paid at one and one-half (1½) times the regular hourly rate. Work on recognized holidays and Sundays shall be paid at two (2) times the regular hourly rate.

**NO. 18:** Means the regular work day shall be eight (8) hours. Working hours are from six (6) hours before Noon (12:00) to six (6) hours after Noon (12:00). The regular work week shall be forty (40) hours, beginning between 6:00 a.m. and 12:00 Noon on Monday and ending between 1:00 p.m. and 6:00 p.m. on Friday. Saturday will be paid at time and one-half (1½). Sunday and Holidays shall be paid at double (2) time. Saturday can be a make-up day if the weather has forced a day off, but only in the week of the day being lost. Any time before six (6) hours before Noon or six (6) hours after Noon will be paid at time and one-half (1½).

**NO. 22:** Means a regular work week of forty (40) hours will start on Monday and end on Friday. The regular work day shall be either eight (8) or ten (10) hours. If a crew is prevented from working forty (40) hours Monday through Friday, or any part thereof by reason of inclement weather, Saturday or any part thereof may be worked as a make-up day at the straight time rate. Employees who are part of a regular crew on a make-up day, notwithstanding the fact that they may not have been employed the entire week, shall work Saturday at the straight time rate. A workday is to begin between 6:00 a.m. and 9:00 a.m. However, the project starting time may be advanced or delayed if mutually agreed to by the interest parties. For all time worked on recognized holidays, or days observed as such, double (2) time shall be paid.

**NO. 26:** Means that the regular working day shall consist of eight (8) hours worked between 6:00 a.m., and 5:00 p.m., five (5) days per week, Monday to Friday, inclusive. Hours of work at each jobsite shall be those established by the general contractor and worked by the majority of trades. (The above working hours may be changed by mutual agreement). Work performed on Construction Work on Saturdays, Sundays and before and after the regular working day on Monday to Friday, inclusive, shall be classified as overtime, and paid for at double (2) the rate of single time. The employer may establish hours worked on a jobsite for a four (4) ten (10) hour day work week at straight time pay for construction work; the regular working day shall consist of ten (10) hours worked consecutively, between 6:00 a.m. and 6:00 p.m., four (4) days per week, Monday to Thursday, inclusive. Any work performed on Friday, Saturday, Sunday and holidays, and before and after the regular working day on Monday to Thursday where a four (4) ten (10) hour day workweek has been established, will be paid at two times (2) the single time rate of pay. The rate of pay for all work performed on holidays shall be at two times (2) the single time rate of pay.

**COLE COUNTY  
BUILDING CONSTRUCTION - OVERTIME SCHEDULE**

**NO. 28:** Means a regular workday shall consist of eight (8) hours between 7:00 a.m. and 5:30 p.m., with at least a thirty (30) minute period to be taken for lunch. Five (5) days a week, Monday through Friday inclusive, shall constitute a work week. The Employer has the option for a workday/workweek of four (4) ten (10) hour days (4-10's) provided:

- The project must be for a minimum of four (4) consecutive days.
- Starting time may be within one (1) hour either side of 8:00 a.m.
- Work week must begin on either a Monday or Tuesday: If a holiday falls within that week it shall be a consecutive work day. (Alternate: If a holiday falls in the middle of a week, then the regular eight (8) hour schedule may be implemented).
- Any time worked in excess of any ten (10) hour work day (in a 4-10 hour work week) shall be at the appropriate overtime rate.

All work outside of the regular working hours as provided, Monday through Saturday, shall be paid at one & one-half (1½) times the employee's regular rate of pay. All work performed from 12:00 a.m. Sunday through 8:00 a.m. Monday and recognized holidays shall be paid at double (2) the straight time hourly rate of pay. Should employees work in excess of twelve (12) consecutive hours they shall be paid double time (2X) for all time after twelve (12) hours. Shift work performed between the hours of 4:30 p.m. and 12:30 a.m. (second shift) shall receive eight (8) hours pay at the regular hourly rate of pay plus ten (10%) percent for seven and one-half (7½) hours work. Shift work performed between the hours of 12:30 a.m. and 8:00 a.m. (third shift) shall receive eight (8) hours pay at the regular hourly rate of pay plus fifteen (15%) percent for seven (7) hours work. A lunch period of thirty (30) minutes shall be allowed on each shift. All overtime work required after the completion of a regular shift shall be paid at one and one-half (1½) times the shift hourly rate.

**NO. 33:** Means the standard work day and week shall be eight (8) consecutive hours of work between the hours of 6:00 a.m. and 6:00 p.m., excluding the lunch period Monday through Friday, or shall conform to the practice on the job site. Four (4) days at ten (10) hours a day may be worked at straight time, Monday through Friday and need not be consecutive. All overtime, except for Sundays and holidays shall be at the rate of time and one-half (1½). Overtime worked on Sundays and holidays shall be at double (2) time.

**NO. 40:** Means the regular working week shall consist of five (5) consecutive (8) hour days' labor on the job beginning with Monday and ending with Friday of each week. Four (4) 10-hour days may constitute the regular work week. The regular working day shall consist of eight (8) hours labor on the job beginning as early as 6:00 a.m. and ending as late as 5:30 p.m. All full or part time labor performed during such hours shall be recognized as regular working hours and paid for at the regular hourly rate. All hours worked on Saturday and all hours worked in excess of eight (8) hours but not more than twelve (12) hours during the regular working week shall be paid for at time and one-half (1½) the regular hourly rate. All hours worked on Sundays and holidays and all hours worked in excess of twelve (12) hours during the regular working day shall be paid at two (2) times the regular hourly rate. In the event of rain, snow, cold or excessively windy weather on a regular working day, Saturday may be designated as a "make-up" day. Saturday may also be designated as a "make-up" day, for an employee who has missed a day of work for personal or other reasons. Pay for "make-up" days shall be at regular rates.

## COLE COUNTY BUILDING CONSTRUCTION - OVERTIME SCHEDULE

**NO. 42:** Means eight (8) hours between the hours of 8:00 a.m. and 4:30 p.m. shall constitute a work day. The starting time may be advanced one (1) or two (2) hours. Employees shall have a lunch period of thirty (30) minutes. The Employer may provide a lunch period of one (1) hour, and in that event, the workday shall commence at 8:00 a.m. and end at 5:00 p.m. The workweek shall commence at 8:00 a.m. on Monday and shall end at 4:30 p.m. on Friday (or 5:00 p.m. on Friday if the Employer grants a lunch period of one (1) hour), or as adjusted by starting time change as stated above. All work performed before 8:00 a.m. and after 4:30 p.m. (or 5:00 p.m. where one (1) hour lunch is granted for lunch) or as adjusted by starting time change as stated above or on Saturday, except as herein provided, shall be compensated at one and one-half (1½) times the regular hourly rate of pay for the work performed. All work performed on Sunday and on recognized holidays shall be compensated at double (2) the regular hourly rate of pay for the work performed. When working a five 8-hour day schedule and an Employer is prevented from working forty (40) hours, Monday through Friday, or any part thereof by reason of inclement weather (rain or mud), Saturday or any part thereof may be worked as a make-up day at the straight time rate. The Employer shall have the option of working five eight (8) hour days or four ten (10) hour days Monday through Friday. If an Employer elects to work five (5) eight (8) hour days during any work week, hours worked more than eight (8) per day or forty (40) hours per week shall be paid at time and one-half (1½) the hourly rate Monday through Friday. If an Employer elects to work four (4) ten (10) hour days in any week, work performed more than ten (10) hours per day or forty (40) hours per week shall be paid at time and one-half (1½) the hourly rate Monday through Friday. If an Employer is working ten (10) hour days and loses a day due to inclement weather, they may work ten (10) hours Friday at straight time. All hours worked over the forty (40) hours Monday through Friday will be paid at time and one-half (1½) overtime rate. Overtime shall be computed at half-hour intervals. Shift Work: Two (2) or three (3) shifts shall be permitted, provided such shifts are scheduled for a minimum of three (3) consecutive days. The second shift shall begin at 4:30 p.m. and end at 12:30 a.m. with one-half (1/2) hour for lunch between 7:30 p.m. and 9:00 p.m. and shall received eighty (8) hours' pay. The third shift shall begin at 12:30 a.m. and end at 8:00 a.m. with one-half (1/2) hour for lunch between 3:30 a.m. and 5:00 a.m. and shall received (8) hour's; pay. There shall be at least one (1) foreman on each shift on jobs where more than one shift is employed, provided that there are two (2) or more employees on second and on the third shifts. All shifts shall arrange to interchange working hours at the end of each week. When three shifts are used, the applicable rate must be paid from Saturday at 8:00 a.m. until the following Monday at 8:00 a.m. When three shifts are employed, the second and third shifts shall contain at least one-half (1/2) as many employees as the first shift.

**NO. 43:** Eight (8) hours shall constitute a work day between the hours of 7:00 a.m. and 4:30 p.m. Forty (40) hours within five (5) days, Monday through Friday inclusive, shall constitute the work week. Work performed in the 9th and 10th hour, Monday through Friday, shall be paid at time and one-half (1½) the regular straight time rate of pay. Contractor has the option to pay two (2) hours per day at the time and one-half (1½) the regular straight time rate of pay between the hours of 6:00 a.m. and 5:30 p.m., Monday through Friday. Work performed outside the regularly scheduled working hours and on Saturdays, Sundays and recognized legal holidays, or days celebrated as such, shall be paid for at the rate of double (2) time.

**NO. 55:** Means the regular work day shall be eight (8) hours between 6:00 a.m. and 4:30 p.m. The first two (2) hours of work performed in excess of the eight (8) hour work day, Monday through Friday, and the first ten (10) hours of work on Saturday, shall be paid at one & one-half (1½) times the straight time rate. All work performed on Sunday, observed holidays and in excess of ten (10) hours a day, Monday through Saturday, shall be paid at double (2) the straight time rate.

**NO. 59:** Means that except as herein provided, eight (8) hours a day shall constitute a standard work day, and forty (40) hours per week shall constitute a week's work. All time worked outside of the standard eight (8) hour work day and on Saturday shall be classified as overtime and paid the rate of time and one-half (1½). All time worked on Sunday and holidays shall be classified as overtime and paid at the rate of double (2) time. The Employer has the option of working either five (5) eight hour days or four (4) ten hour days to constitute a normal forty (40) hour work week. When the four (4) ten-hour work week is in effect, the standard work day shall be consecutive ten (10) hour periods between the hours of 6:30 a.m. and 6:30 p.m. Forty (40) hours per week shall constitute a week's work, Monday through Thursday, inclusive. In the event the job is down for any reason beyond the Employer's control, then Friday and/or Saturday may, at the option of the Employer, be worked as a make-up day; straight time not to exceed ten (10) hours or forty (40) hours per week. When the five day eight (8) hour work week is in effect, forty (40) hours per week shall constitute a week's work, Monday through Friday, inclusive. In the event the job is down for any reason beyond the Employer's control, then Saturday may, at the option of the Employer, be worked as a make-up day; straight time not to exceed eight (8) hours or forty (40) hours per week. The regular starting time (and resulting quitting time) may be moved to 6:00 a.m. or delayed to 9:00 a.m. Make-up days shall not be utilized for days lost due to holidays.

**COLE COUNTY  
BUILDING CONSTRUCTION - OVERTIME SCHEDULE**

**NO. 60:** Means the Employer shall have the option of working five 8-hour days or four 10-hour days Monday through Friday. If an Employer elects to work five 8-hour days during any work week, hours worked more than eight (8) per day or forty (40) per week shall be paid at time and one-half (1½) the hourly wage rate plus fringe benefits Monday through Friday. **SATURDAY MAKE-UP DAY:** If an Employer is prevented from working forty (40) hours, Monday through Friday, or any part thereof by reason of inclement weather (rain or mud), Saturday or any part thereof may be worked as a make-up day at the straight time rate. It is agreed by the parties that the make-up day is not to be used to make up time lost due to recognized holidays. If an Employer elects to work four 10-hour days, between the hours of 6:30 a.m. and 6:30 p.m. in any week, work performed more than ten (10) hours per day or forty (40) hours per week shall be paid at time and one half (1½) the hourly wage rate plus fringe benefits Monday through Friday. If an Employer is working 10-hour days and loses a day due to inclement weather, the Employer may work ten (10) hours on Friday at straight time. All hours worked over the forty (40) hours Monday through Friday will be paid at time and one-half (1½) the hourly wage rate plus fringe benefits. All Millwright work performed in excess of the regular work day and on Saturday shall be compensated for at time and one-half (1½) the regular Millwright hourly wage rate plus fringe benefits. The regular work day starting at 8:00 a.m. (and resulting quitting time of 4:30 p.m.) may be moved forward to 6:00 a.m. or delayed one (1) hour to 9:00 a.m. All work accomplished on Sundays and recognized holidays, or days observed as recognized holidays, shall be compensated for at double (2) the regular hourly rate of wages plus fringe benefits. **NOTE:** All overtime is computed on the hourly wage rate plus an amount equal to the fringe benefits.

**NO. 86:** The regular workday shall consist of eight (8) consecutive hours, exclusive of a thirty (30) minute lunch period, with pay at the straight time rate with all hours in excess of eight (8) hours in any one day to be paid at the applicable overtime rate at time and one-half (1½). The regular workday shall begin between the hours of 6:00 a.m. and 8:00 a.m. The Employer may have the option to schedule the work week from Monday through Thursday at ten (10) hours per day at the straight time rate of pay with all hours in excess of ten (10) hours in any one day to be paid at the applicable overtime rate at time and one-half (1½). If the Employer elects to work from Monday through Thursday and is stopped due to inclement weather, holiday or other conditions beyond the control of the Employer, they shall have the option to work Friday at the straight time rate of pay to complete the forty (40) hours for the workweek. All overtime work performed on Monday through Saturday shall be paid at time and one-half (1½) the hourly rate. Fringe benefits shall be paid at the one and one half the hourly rate. All work performed on Sundays and recognized holidays shall be paid at double (2) the hourly rate. Fringe benefits shall be paid at double the hourly rate. Shifts may be established when considered necessary by the Employer. Shift hours and rates will be as follows. If shifts are established, work on the First Shift will begin between 6:00 a.m. and 9:00 a.m. and consist of eight (8) hours of work plus one-half hour unpaid lunch. Hours worked during the first shift will be paid at the straight time rate of pay. The second shift shall start eight hours after the start of the first shift and consist of eight (8) hours of work plus one-half hour unpaid lunch. Work on the second shift will begin between 2:00 p.m. and 5:00 p.m. and be paid the straight time rate plus \$2.50 per hour. The third shift shall start eight hours after the start of the second shift and consist of eight (8) hours plus one-half hour unpaid lunch. Work on the third shift will begin between 10:00 p.m. and 1:00 a.m. and be paid the straight time rate plus \$3.50 per hour. The additional amounts that are to be paid are only applicable when working shifts. Shifts that begin on Saturday morning through those shifts which end on Sunday morning will be paid at time and one-half these rates. Shifts that begin on Sunday morning through those shifts which end on Monday morning will be paid at double time these rates.

**NO. 91:** Means eight (8) hours shall constitute a day's work commencing at 7:00 a.m. and ending at 3:30 p.m., allowing one-half (½) hour for lunch. The option exists for the Employer to use a flexible starting time between the hours of 6:00 a.m. and 9:00 a.m. The regular workweek shall consist of forty (40) hours of five (5) workdays, Monday through Friday. The workweek may consist of four (4) ten (10) hour days from Monday through Thursday, with Friday as a make-up day. If the make-up day is a holiday, the employee shall be paid at the double (2) time rate. The employees shall be paid time and one-half (1½) for work performed on Saturdays, before the regular starting time or after the regular quitting time or over eight (8) hours per work day (unless working a 10-hour work day, then time and one-half (1½) is paid for work performed over ten (10) hours a day) or over forty (40) hours per work week. Work performed on Sundays and recognized holidays shall be paid at the double (2) time rate of pay. **SHIFT WORK:** When it is necessary for the project to operate in shifts, there will be three (3) eight (8) hour shifts commencing at 8:00 a.m. Shift work must continue for a period of not less than three (3) consecutive work days, two (2) days which must be regular work days (Monday through Friday). In the event the second or third shift of any regular work day shall fall into a Saturday or a holiday, such extension into a Saturday or holiday shall be considered as part of the previous workday and employees shall be paid at the regular shift rate. The first day shift shall work a regular eight (8) hour day at regular rates. The second shift shall be eight (8) hours regular time pay plus \$2.50 per hour premium for eight (8) hours work. Third shift will be for eight (8) hours regular time pay plus \$3.00 per hour premium for eight (8) hours work.

**COLE COUNTY  
HOLIDAY SCHEDULE – BUILDING CONSTRUCTION**

**NO. 3:** All work done on New Year's Day, Decoration Day, July 4th, Labor Day, Veteran's Day, Thanksgiving and Christmas shall be compensated at the double (2) time rate of pay. When any of these holidays fall on a Sunday, the following Monday shall be observed.

**NO. 4:** All work done on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas Day shall be paid at the double time rate of pay. If any of the above holidays fall on Sunday, Monday will be observed as the recognized holiday. If any of the above holidays fall on Saturday, Friday will be observed as the recognized holiday and holidays falling on Sunday will be observed on the following Monday.

**NO. 5:** All work that shall be done on New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day shall be paid twice the amount of his or her regular hourly wage rate for each hour or fraction thereof worked on any such day .

**NO. 7:** The following days are assigned days and are recognized as holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If a holiday falls on a Sunday, it shall be observed on the following Monday. If a holiday falls on a Saturday, it shall be observed on the preceding Friday. No work shall be performed on Labor Day except in case of jeopardy to work under construction. This is applied to protect Labor Day. When a holiday falls during the normal workweek, Monday through Friday, it shall be counted as eight (8) hours toward the forty (40) hour week. However, no reimbursement for these eight (8) hours is to be paid to the workman unless worked. If workman are required to work the above enumerated holidays or days observed as such, or on Sunday, they shall receive double (2) the regular rate of pay for such work.

**NO. 8:** All work performed on New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day, or the days observed in lieu of these holidays, shall be paid at the double time rate of pay.

**NO. 15:** All work accomplished on the recognized holidays of New Year's Day, Decoration Day (Memorial Day), Independence Day (Fourth of July), Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day, or days observed as these named holidays, shall be compensated for at double (2) the regular hourly rate of wages plus fringe benefits. If a holiday falls on Saturday, it shall be observed on the preceding Friday. If a holiday falls on a Sunday, it shall be observed on the following Monday. No work shall be performed on Labor Day, Christmas Day, Decoration Day or Independence Day except to preserve life or property.

**NO. 19:** All work done on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day shall be paid at the double time rate of pay. The employee may take off Friday following Thanksgiving Day. However, the employee shall notify his or her Foreman, General Foreman or Superintendent on the Wednesday preceding Thanksgiving Day. When one of the above holidays falls on Sunday, the following Monday shall be considered a holiday and all work performed on either day shall be at the double (2) time rate. When one of the holidays falls on Saturday, the preceding Friday shall be considered a holiday and all work performed on either day shall be at the double (2) time rate.

**NO. 23:** All work done on New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day and Sundays shall be recognized holidays and shall be paid at the double time rate of pay. When a holiday falls on Sunday, the following Monday shall be considered a holiday. When a holiday falls on Saturday, Friday is recognized as a holiday.

**NO. 44:** All work done on New Year's Day, Decoration Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day shall be paid at the double time rate of pay. If a holiday falls on a Sunday, it shall be observed on the Monday following. If a holiday falls on a Saturday, it shall be observed on the preceding Friday. No work shall be performed on these days except in emergency to protect life or property. All work performed on these holidays shall be compensated at double the regular hourly rate for the work performed. Overtime shall be computed at half-hour intervals.

**NO. 45:** All work performed on New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving, the day before Christmas, and Christmas Day, shall be paid at the double time rate of pay.

**COLE COUNTY  
HOLIDAY SCHEDULE – BUILDING CONSTRUCTION**

**NO. 54:** All work performed on New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the Friday after Thanksgiving Day, and Christmas Day shall be paid at the double (2) time rate of pay. When a holiday falls on Saturday, it shall be observed on Friday. When a holiday falls on Sunday, it shall be observed on Monday.

**NO. 55:** The following days are recognized as holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. If a holiday falls on a Sunday, it shall be observed on the following Monday. No work shall be performed on Labor Day except in case of jeopardy to work under construction. This rule is applied to protect Labor Day. When a holiday falls during the normal work week, Monday through Friday, it shall be counted as eight (8) hours toward the forty (40) hour week; however, no reimbursement for this eight (8) hours is to be paid the workmen unless worked. An Employer working a four (4) day, ten (10) hour schedule may use Friday as a make up day when an observed holiday occurs during the work week. Employees have the option to work that make up day. If workmen are required to work the above enumerated holidays, or days observed as such, they shall receive double (2) the regular rate of pay for such work.

**NO. 60:** All work performed on New Year's Day, Armistice Day (Veteran's Day), Decoration Day (Memorial Day), Independence Day (Fourth of July), Thanksgiving Day and Christmas Day shall be paid at the double time rate of pay. No work shall be performed on Labor Day except when triple (3) time is paid. When a holiday falls on Saturday, Friday will be observed as the holiday. When a holiday falls on Sunday, the following Monday shall be observed as the holiday.

**NO. 66:** All work performed on Sundays and the following recognized holidays, or the days observed as such, New Year's Day, Decoration Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day, shall be paid at double (2) the hourly rate plus an amount equal to the hourly Total Indicated Fringe Benefits. Whenever any such holidays fall on a Sunday, the following Monday shall be observed as a holiday.

**NO. 69:** All work performed on New Year's Day, Memorial Day, July Fourth, Labor Day, Veteran's Day, Thanksgiving Day or Christmas Day shall be compensated at double (2) their straight-time hourly rate of pay. Friday after Thanksgiving and the day before Christmas are also holidays, however, if the employer chooses to work the normal work hours on these days, the employee will be paid at straight -time rate of pay. If a holiday falls on a Saturday, the holiday will be observed on Saturday; if a holiday falls on a Sunday, the holiday will be observed on the following Monday.

**NO. 74:** All work performed on New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day, shall be paid at double (2) time of the hourly rate of pay. In the event one of the above holiday's falls on Saturday, the holiday shall be celebrated on Saturday. If the holiday falls on Sunday, the holiday will be celebrated on Monday.

**NO. 76:** The following days are recognized as holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas. No work of any pretense shall be performed on Charismas Day or Independence Day. Any work performed on the other holidays shall be paid for at least two (2) times the regular rate of pay. If a holiday falls on a Sunday, the following Monday will be observed. If a holiday falls on a Saturday, the preceding Friday will be observed.

OCCUPATIONAL TITLE	* Date of Increase	Basic Hourly Rates	Over-Time Schedule	Holiday Schedule	Total Fringe Benefits
Carpenter	6/17	\$31.02	23	16	\$16.85
Electrician (Outside-Line Construction)\Lineman		\$43.50	9	12	\$5.50 + 36%
Lineman Operator		\$37.48	9	12	\$5.50 + 36%
Lineman - Tree Trimmer		\$24.53	32	31	\$9.98 + 3%
Groundman		\$28.86	9	12	\$5.50 + 36%
Groundman - Tree Trimmer		\$18.14	32	31	\$7.19 + 3%
Laborer					
General Laborer	6/17	\$28.56	2	4	\$13.52
Skilled Laborer	6/17	\$28.56	2	4	\$13.52
Millwright	6/17	\$31.02	23	16	\$16.85
Operating Engineer					
Group I	6/17	\$28.14	21	5	\$25.89
Group II	6/17	\$27.79	21	5	\$25.89
Group III	6/17	\$27.59	21	5	\$25.89
Group IV	6/17	\$23.94	21	5	\$25.89
Oiler-Driver	6/17	\$23.94	21	5	\$25.89
Pile Driver	6/17	\$31.02	23	16	\$16.85
Traffic Control Service Driver		\$26.415	28	27	\$9.045
Truck Driver-Teamster					
Group I	6/17	\$29.87	25	21	\$12.85
Group II	6/17	\$30.03	25	21	\$12.85
Group III	6/17	\$30.02	25	21	\$12.85
Group IV	6/17	\$30.14	25	21	\$12.85

Use Heavy Construction Rates on Highway and Heavy construction in accordance with the classifications of construction work established in 8 CSR 30-3.040(3).

Use Building Construction Rates on Building construction in accordance with the classifications of construction work established in 8 CSR 30-3.040(2).

If a worker is performing work on a heavy construction project within an occupational title that is not listed on the Heavy Construction Rate Sheet, use the rate for that occupational title as shown on the Building Construction Rate sheet.

**REPLACEMENT PAGE  
COLE COUNTY  
OVERTIME SCHEDULE - HEAVY CONSTRUCTION**

**FED:** Minimum requirement per Fair Labor Standards Act means time and one-half (1 ½) shall be paid for all work in excess of forty (40) hours per work week.

**NO. 2:** Means a regular workweek shall be forty (40) hours and will start on Monday and end on Friday. The Employer shall have the option of working five 8-hour days or four 10-hour days Monday through Friday. If an Employer elects to work five 8-hour days during any workweek, hours worked more than eight (8) per day or 40 per week shall be paid at time and one-half the hourly rate Monday through Friday. If an Employer elects to work four 10-hour days in a week, work performed more than ten (10) hours per day or 40 hours per week shall be paid at time and one-half the hourly rate Monday through Friday. When working a five 8-hour day schedule and an Employer is prevented from working forty (40) hours Monday through Friday, or any part thereof, by reason of inclement weather, Saturday or any part thereof may be worked as a make-up day at the straight time rate. If an Employer is working a four 10-hour day schedule and loses a day due to inclement weather, he may work 10 hours Friday at straight time. All hours worked over the 40 hours Monday through Friday will be paid at 1 ½ overtime rate. A workday shift is to begin at the option of the Employer, between 6:00 a.m. and not later than 9:00 a.m. However, the project starting time may be advanced or delayed if required. If workmen are required to work the enumerated holidays or days observed as such or Sundays, they shall receive double (2) the regular rate of pay for such work. Overtime shall be computed at one-half (1/2) hour intervals. Shift: The Contractor may elect to work one, two or three shifts on any work. When operating on more than one shift, the shifts shall be known as the day shift, swing shift, and graveyard shift as such terms are recognized in the industry. When two shifts are worked on any operation, the shifts will consist of eight (8) or ten (10) hours exclusive of lunchtime. When three shifts are worked the first day or day shift will consist of eight (8) hours exclusive of lunchtime. The second or swing shift shall consist of seven and one-half (7 1/2) hours work for eight hours pay, exclusive of lunchtime, and the third or the graveyard shift shall consist of seven (7) hours work for eight (8) hours pay, exclusive of the lunchtime. All time in excess of normal shifts shall be considered overtime. Multiple shift (the two or three shift) operation will not be construed on the entire project if at anytime it is deemed advisable and necessary for the Employer to multiple shift a specific operation. However, no shift shall be started between midnight and six a.m. except the graveyard shift on a three-shift operation, or except in an unusual or emergency situation. If an Employer starts a shift between midnight and 6 a.m. except the graveyard shift on a three-shift operation, he shall reimburse all employees for the entire shift at the double time rate. Completion of the second shift on a two-shift operation or completion of the graveyard shift on a three-shift operation that carries over into Saturday morning, shall be at the straight time rate. Overtime shall be computed at ½ hour intervals.

**NO. 9:** Eight (8) hours shall constitute a work day between the hours of 7:00 a.m. and 4:30 p.m. Forty (40) hours within five (5) days, Monday through Friday inclusive, shall constitute the work week. Work performed in the 9th and 10th hour, Monday through Friday, shall be paid at time and one-half (1½) the regular straight time rate of pay. Contractor has the option to pay two (2) hours per day at the time and one-half (1½) the regular straight time rate of pay between the hours of 6:00 a.m. and 5:30 p.m., Monday through Friday. Work performed in the first eight (8) hours on Saturday shall be paid at the rate of one and eight tenths (1.8) the regular straight time rate. Work performed outside these hours and on Sundays and recognized legal holidays, or days celebrated as such, shall be paid for at the rate of double (2) time.

**NO. 21:** Means the regular workday for which employees shall be compensated at straight time hourly rate of pay shall, unless otherwise provided for, begin at 8:00 a.m. and end at 4:30 p.m. However, the project starting time may be advanced or delayed at the discretion of the Employer. At the discretion of the Employer, when working a five (5) day eight (8) hour schedule, Saturday may be used for a make-up day. If an Employer is prohibited from working on a holiday, that employer may work the following Saturday at the straight time rate. However, the Employer may have the option to schedule his work from Monday through Thursday at ten (10) hours per day at the straight time rate of pay with all hours in excess of ten (10) hours in any one day to be paid at the applicable overtime rate. If the Employer elects to work from Monday through Thursday and is stopped due to circumstances beyond his control, he shall have the option to work Friday or Saturday at the straight time rate of pay to complete his forty (40) hours. If an Employer is prohibited from working on a holiday, that Employer may work the following Friday or Saturday at the straight time rate. Overtime will be at one and one-half (1½) times the regular rate. If workmen are required to work the enumerated holidays or days observed as such, or Sundays, they shall receive double (2) the regular rate of pay for such work.

**REPLACEMENT PAGE  
COLE COUNTY  
OVERTIME SCHEDULE - HEAVY CONSTRUCTION**

**NO. 23:** Means the regular workweek shall start on Monday and end on Friday, except where the Employer elects to work Monday through Thursday, (10) hours per day. All work over ten (10) hours in a day or forty (40) hours in a week shall be at the overtime rate of one and one-half (1½) times the regular hourly rate. The regular workday shall be either eight (8) or ten (10) hours. If a job can't work forty (40) hours Monday through Friday because of inclement weather or other conditions beyond the control of the Employer, Friday or Saturday may be worked as a make-up day at straight time (if working 4-10's). Saturday may be worked as a make-up day at straight time (if working 5-8's). An Employer, who is working a four (4) ten (10) hour day work schedule may use Friday as a make-up day when a workday is lost due to a holiday. A workday is to begin at the option of the Employer but not later than 11:00 a.m. except when inclement weather, requirements of the owner or other conditions beyond the reasonable control of the Employer prevent work. Except as worked as a make-up day, time on Saturday shall be worked at one and one-half (1½) times the regular rate. Work performed on Sunday shall be paid at two (2) times the regular rate. Work performed on recognized holidays or days observed as such, shall also be paid at the double (2) time rate of pay. For all overtime hours worked during the week or on Saturday \$16.25 of the fringe benefits portion of the prevailing wage shall be paid at time and one-half (1½). For all overtime hours worked on Sundays or recognized holidays \$16.25 of the fringe benefits portion of the prevailing wage shall be paid double time. The remaining \$.60 of the fringe benefit portion of the prevailing wage shall be paid at straight time.

**NO. 25:** Means a regular work week of forty (40) hours, starting on Monday and ending on Friday. The regular work day shall be either eight (8) or ten (10) hours. If a crew is prevented from working forty (40) hours Monday through Friday, or any part thereof by reason of inclement weather, Saturday or any part thereof maybe worked as a make-up day at the straight time rate. Employees who are part of a regular crew on a make-up day, notwithstanding the fact that they may not have been employed the entire week, shall work Saturday at the straight time rate. A work day is to begin between 6:00 a.m. and 9:00 a.m. However, the project starting time maybe advanced or delayed if mutually agreed to by the interest parties. All hours worked on recognized holidays, or days observed as such, double (2) time shall be paid.

**NO. 28:** Means a regular work week of forty (40) hours will start on Monday and end on Friday. The regular work day shall be either eight (8) or ten (10) hours. If a crew is prevented from working forty (40) hours Monday through Friday, or any part thereof by reason of inclement weather, Saturday or any part thereof may be worked as a make-up day at the straight time rate. Employees who are part of a regular crew on a make-up day, notwithstanding the fact that they may not have been employed the entire week, shall work Saturday at the straight time rate. A workday is to begin between 6:00 a.m. and 9:00 a.m. However, the project starting time may be advanced or delayed if mutually agreed to by the interest parties. For all time worked on recognized holidays, or days observed as such, double (2) time shall be paid.

**NO. 32:** Means the overtime rate shall be time and one-half the regular rate for work over forty (40) hours per week. Sundays and Holidays shall be paid at double the straight time rate.

**COLE COUNTY  
HOLIDAY SCHEDULE – HEAVY CONSTRUCTION**

**NO. 4:** All work performed on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, or observed as such, shall be paid at the double time rate of pay. When a Holiday falls on a Sunday, Monday shall be observed. No work shall be performed on Labor Day, except in case of jeopardy to life or property. This is applied to protect Labor Day.

**NO. 5:** The following days are recognized as holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day. If a holiday falls on a Sunday, it shall be observed on the following Monday. If a holiday falls on a Saturday, it shall be observed on the preceding Friday. No work shall be performed on Labor Day except in case of jeopardy to work under construction. This rule is applied to protect Labor Day. When a holiday falls during the normal work week, Monday through Friday, it shall be counted as eight (8) hours toward a forty (40) hour week; however, no reimbursement for this eight (8) hours is to be paid the workman unless worked. If workmen are required to work the above recognized holidays or days observed as such, or Sundays, they shall receive double (2) the regular rate of pay for such work. The above shall apply to the four 10's Monday through Friday work week. The ten (10) hours shall be applied to the forty (40) hour work week.

**NO. 12:** All work performed on New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day, or days celebrated as such, shall be paid at the double time rate of pay. When one of the foregoing holidays falls on Sunday, it shall be celebrated on the following Monday. When one of the foregoing holidays falls on Saturday, it shall be celebrated on the Friday before the holiday.

**NO. 16:** The following days are recognized as holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day. If a holiday falls on Sunday, it shall be observed on the following Monday. If a holiday falls on Saturday, it shall be observed on the preceding Friday. No work shall be performed on Labor Day except in case of jeopardy to work under construction. This rule is applied to protect Labor Day. When a holiday falls during the normal work week, Monday through Friday, it shall be counted as eight (8) hours toward the forty (40) hour week; however, no reimbursement for this eight (8) hours is to be paid to the worker unless worked. If workers are required to work the above recognized holidays or days observed as such, they shall receive double (2) the regular rate of pay for such work.

**NO. 21:** The following days are recognized as holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. If a holiday falls on a Sunday, it shall be observed on the following Monday. No work shall be performed on Labor Day except in case of jeopardy to work under construction. This rule is applied to protect Labor Day. When a holiday falls during the normal work week, Monday through Friday, it shall be counted as eight (8) hours toward the forty (40) hour week; however, no reimbursement for this eight (8) hours is to be paid the workman unless worked. An Employer working a four (4) day, ten (10) hour schedule may use Friday as a make-up day when an observed holiday occurs during the work week. Employees have the option to work that make-up day. If workmen are required to work the above enumerated holidays, or days observed as such, they shall receive double (2) the regular rate of pay for such work.


**NO. 27:** The following days are recognized as holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. If a holiday falls on a Sunday, it shall be observed on the following Monday. No work shall be performed on Labor Day except in case of jeopardy to work under construction. This rule is applied to protect Labor Day. When a holiday falls during the normal work week, Monday through Friday, it shall be counted as eight (8) hours toward the forty (40) hour week; however, no reimbursement for this eight (8) hours is to be paid the workmen unless worked. An Employer working a four (4) day, ten (10) hour schedule may use Friday as a make up day when an observed holiday occurs during the work week. Employees have the option to work that make up day. If workmen are required to work the above enumerated holidays, or days observed as such, they shall receive double (2) the regular rate of pay for such work.

**NO. 31:** All work performed on New Year's Day, Presidents' Day, Veterans' Day, Good Friday, Decoration Day, Fourth of July, Labor Day, Christmas Eve Day, Christmas Day, Thanksgiving Day and Day after Thanksgiving or days celebrated for the same.

JOB SPECIAL PROVISIONS

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	<b>COLE COUNTY PUBLIC WORKS</b> 5055 Monticello Road JEFFERSON CITY, MO 65109 Phone (573) 636-3614
	<b>COOK, FLATT &amp; STROBEL ENGINEERS, INC.</b> 310 MONROE JEFFERSON CITY, MO 65101 Certificate of Authority # 000522 Phone (573) 635-2338
	If a seal is present on this sheet, JSP's has been electronically sealed and dated.
	S. Liberty Road over Sanford Creek In Cole County, MO Date Prepared: 1/8/20188

JOB SPECIAL PROVISIONS

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A. GENERAL

**1.0** Except as may be otherwise provided for by the Job Special Provisions and the plans, the work shall be done in accordance with the Missouri Standard Specifications for Highway Construction, dated 2016, and its revisions. Said specifications are part and parcel of this Contract and are incorporated in this Contract as fully and effectively as if set forth in detail herein.

**2.0** The standard drawings for this project shall consist of the latest effective edition of the Missouri Standard Plans for Highway Construction.

**2.1** Copies of the Missouri Standard Plans for Highway Construction can be found at [http://www.modot.org/business/standards\\_and\\_specifications/currentstandardplans.htm](http://www.modot.org/business/standards_and_specifications/currentstandardplans.htm) and are available upon request from the County.

**3.0** The contractor shall familiarize himself with these drawings and specifications prior to bidding. Failure to do so shall not relieve the contractor from delivering the completed project in accordance with the intent of the Plans and Specifications to provide a workable project.

B. WORK ZONE TRAFFIC MANAGEMENT PLAN

**1.0 Description.** Work zone traffic management shall be in accordance with applicable portions of Division 100 and Division 600 of the Standard Specifications, and specifically as follows.

**2.0 Traffic Management Schedule.**

**2.1** Traffic management schedules shall be submitted to the engineer for review prior to the start of work and prior to and revisions to the traffic management schedule.

**2.2** The contractor shall notify the engineer TWO WEEKS prior to road closures or shifting traffic onto detours.

**2.3** The engineer shall be notified as soon as practical of any postponement due to weather, material, or other circumstances.

**2.4** In order to ensure minimal traffic interference, the contractor shall schedule road closures for the absolute minimum amount of time required to complete the work. Roads shall not be closed until material is available for continuous construction and the contractor is prepared to diligently pursue the work until the closed road is opened to traffic.

**3.0 Work Hour Restrictions.**

**3.1** There will be no work hour restrictions with this project.

**4.0 Detours and Lane Closures.**

**4.1 Furnishing of Signs and Devices.** All traffic control signs and devices for closing the road and marking the detour as shown on the plans shall be furnished by the contractor.

JOB SPECIAL PROVISIONS

**4.2 Installation of Signs and Devices.** All traffic control signs and devices for closing the road and marking the detour as shown on the plans shall be installed by the contractor.

**4.3 Basis of Payment.** All costs incurred for equipment, labor, materials, or time required to fulfill this special provision, except as noted above, shall be considered completely covered by the contract lump sum price for Item No. 616-99.01, Traffic Control.

**C. PROJECT CONTACT FOR CONTRACTOR/BIDDER QUESTIONS**

**1.0** All questions concerning this project during the bidding process shall be forwarded to the project contacts listed below.

Eric Landwehr, P.E., Project Contact  
County Engineer  
Cole County Public Works  
5055 Monticello Road  
Jefferson City, MO 65109-9182

Telephone Number: (573) 636-3614  
Fax Number: (573) 636-8389  
Email: [elandwehr@colecouny.org](mailto:elandwehr@colecouny.org)

**2.0** All questions concerning the plans and specifications can be directed to the contact below.

Michelle Mahoney, P.E.  
CFS Engineers  
310 Monroe Street  
Jefferson City, MO 65101-3106

Telephone Number: (573) 635-2338  
Email: [mmahoney@cfse.com](mailto:mmahoney@cfse.com)

**D. EMERGENCY PROVISIONS AND INCIDENT MANAGEMENT**

**1.0** The contractor shall have communication equipment on the construction site or immediate access to other communication systems to request assistance for the police or other emergency agencies for incident management. In case of traffic accidents or the need for police to direct or restore traffic flow through the job site, the contractor shall notify police or other emergency agencies immediately, as needed.

**2.0** In addition to the 911 emergency telephone number for ambulance, fire or police services, the following agencies may also be notified for accident or emergency situation within the project limits.

Missouri Highway Patrol	(573) 751-1000
Cole County Sheriff Department	(573) 634-9160

JOB SPECIAL PROVISIONS

Cole County Fire Protection District	911 (emergency)
Non-emergency	(573) 634-9011

**2.1** This list is not all inclusive. Notification of the need for wrecker or tow truck services will remain the responsibility of the appropriate police agency.

**2.2** The contractor shall notify enforcement and emergency agencies before the start of construction to request their cooperation and to provide coordination of services when emergencies arise during the construction at the project site. When the contractor completes this notification with enforcement and emergency agencies, a report shall be furnished to the engineer on the status of incident management.

**3.0** No direct pay will be made to the contractor to recover the cost of the communication equipment, labor, materials, or time required to fulfill the above provisions.

**E. UTILITIES**

**1.0** The presence and approximate location of those utility facilities known to exist, as shown on the plans, are based upon the best information available to Cole County at this time. This information is provided by Cole County "as-is" and Cole County expressly disclaims any representation or warranty as to the completeness, accuracy, or suitability of the information for any use. Reliance upon this information is done at the risk and peril of the user and Cole County shall not be liable for any damages that may arise from any error in the information. It is, therefore, the responsibility of the contractor to verify the above listing information indicating existence, location, and status of any facility. Such verification includes direct contact with the listed utilities.

**1.1** The contractor agrees that any effects of the presence of the utilities, their relocation, contractor's coordination of work with the utilities, and any delay in utility relocation shall not be compensable as a suspension of work, extra work, a change in the work, as a differing site condition, or otherwise including but, without limitation, delay, impact, incidental, or consequential damages. The contractor's sole remedy for the effects of the presence of utilities, delay in their relocation, or any other effects shall be an excusable delay as provided in Sec. 105.7.3. The contractor waives, for itself, its subcontractors, and suppliers the compensability of the presence of utilities, delay in their relocation, and any cost to the contractor, its subcontractors, and suppliers in any claim or action arising out of or in relation to the work under contract.

**1.2** The contractor shall be solely responsible and liable for incidental and consequential damage to any utility facilities or interruption of the service caused by it or its subcontractor's operation. The contractor shall hold and save harmless Cole County from damages to any utility facility's interruption of service by it or its subcontractor's operation.

**2.0** Prior to beginning work, the contractor shall request locates from Missouri One Call.

**F. TIME FOR COMPLETION OF WORK**

**1.0 Description.** Completion of this contract shall be in accordance with Sec. 108.7 and will be administered on a completion date as well as a calendar days basis.

JOB SPECIAL PROVISIONS

1.1 For the entirety of this project, Sec. 108.8.1.3(a) shall not apply.

1.2 Regardless of when the work is begun on this contract, all work shall be completed on or before the date specified below.

**Completion Date: 12/15/2018**

2.0 **Closure Days.** South Liberty Road may not be closed to traffic more than the number of calendar days listed below.

**Closure Days = 100 days**

3.0 Should the contractor, or in case of default, the surety, fail to complete the work within the above specified calendar days or the completion date, whichever occurs first, a deduction of the amount shown below will be made for each day that the contract remains uncompleted in accordance with the requirements of Sec. 108.8. These damages are in addition to any other damages as specified elsewhere in this contract.

**Liquidated Damages per Day: \$700.00**

G. EARTHWORK

1.0 **Description.** This work shall consist of any grading or excavation work required as part of the project, except as noted. The estimated quantities for excavation and compacting embankment are provided for information only and are not to be considered exact. According to the borings, rock will be present and the cross-sections reflect assumed elevations.

2.0 **Construction Requirements.**

2.1 Grading activities shall conform to Sec. 203 and Sec. 207, except as noted.

2.2 The contractor shall clear any objects or obstructions from within the streambanks and return the streambed to the pre-construction condition, except as specified in the plans or per the approval of the engineer.

3.0 **Method of Measurement.**

3.1 No measurement will be made and contract quantity will be used.

4.0 **Basis of Payment.** All costs incurred for equipment, labor, materials or time required to fulfill this provision, except as noted above, shall be considered completely covered by the contract lump sum price for Item No. 203-99.01, Earthwork.

H. AGGREGATE BASE COURSE

1.0 **Description.** This work shall consist of furnishing and placing two courses of aggregate on a prepared subgrade in accordance with the standard specifications, and as shown on the plans or as directed by the engineer.

JOB SPECIAL PROVISIONS

**2.0 Material.**

**2.1** Material for Type 1 aggregate base shall be crushed stone and meet the requirements of MoDOT Division 1000, Section 1007.

**2.2** Material for 2" Rock Base shall be Jefferson City Dolomite or equivalent rock formation. The aggregate shall not contain more than 15 percent deleterious rock and shale. The fraction passing the No. 40 sieve shall have a plasticity index not to exceed six. Any sand, silt and clay, and any deleterious rock and shale shall be uniformly distributed throughout the material.

**2.2.1** Gradation for the 2" Base shall be in accordance with the following gradation requirements:

Sieve	% Passing by Weight
1 1/2"	100
1 "	70 - 90
1/2 "	55 - 75
# 8	20 - 50
# 200	0 - 12

**3.0 Construction Requirements.** Construction shall be in accordance with Section 304.3 with the following revisions:

Delete Sec 304.3.4 and replace with the following:

**3.1** Shaping and compacting shall be performed until a true, even, and uniform surface of proper grade, cross section, and density is obtained. Aggregate shall be compacted by not less than three complete coverages with a self-propelled smooth double wheel roller weighing not less than 10 tons. Rolling shall be continued until there is no visible evidence of further consolidation and the base is firm and unyielding. During shaping and compaction operations, the moisture content of the base shall be maintained at the level necessary for compaction by wetting or drying as required. Final rolling shall not leave appreciable ridges in the base material.

**3.2** The finished surface shall be firm and unyielding. The roadbed shall be tested for density prior to final acceptance by the County with a fully loaded tandem dump truck. In the opinion of the Engineer, repairs with acceptable materials and additional compaction will be required if there is appreciable movement or rutting of the aggregate at no additional cost to the owner.

Delete Sec. 304.3.5

Delete Sec. 304.3.6 and replace with the following:

**3.3 Maintenance.** The contractor shall maintain the base by wetting or drying, blading, and rolling in a manner satisfactorily to the Engineer until final acceptance. This maintenance,

JOB SPECIAL PROVISIONS

including necessary water, shall be entirely at the Contractor's expense. The Contractor shall maintain the required density and surface condition of a portion of the completed base until final acceptance.

Delete Sec. 304.4

Delete Sec. 304.5 and replace with the following:

**4.0 Method of Measurement.** Final measurement of the completed aggregate base course will not be made except for authorized changes during construction, or where appreciable errors are found in the contract quantity. Where required, measurement of aggregate base course, complete in place, will be made to the nearest square yard. Where the aggregate base course extends to the inslope of the shoulder, the pay limit of the aggregate base course will be measured from the midpoint of the sloped portion. The revision or correction will be computed and added to or deducted from the contract quantity.

Delete Sec. 304.6 and replace with the following:

**5.0 Basis of Payment.** The accepted quantities of aggregate base course of the thickness and type specified will be paid for at the contract unit price for each of the pay items included in the contract. Payment will be considered full compensation for water used in performing this work.

I. SEEDING, FERTILIZING, AND MULCH

**1.0** Final grade shall be established and seeded within ten (10) working days of proposed improvements being completed on a property unless approved otherwise by the Engineer.

**1.1** All disturbed areas of the project outside the roadbed and streambed shall be seeded, unless noted on the plans. The seed mixture shall be 80% Millennium Fescue, 10% Pizzazz Rye, and 10% Brooklawn Bluegrass. The seeding rate shall be 350 pounds per acre (0.72 pounds per square yard).

**1.2** Fertilizer shall be a standard commercial product which, when applied at the proper rates, shall supply the quantity of total nitrogen (N), available phosphoric acid (P<sub>2</sub>O<sub>5</sub>), and soluble potash (K<sub>2</sub>O) to provide a final mixture of 13-13-13. The rate of application shall be 500 pounds per acre of 13-13-13 fertilizer. Material may be accepted on the basis of bag label analysis or supplier's certification, or on the basis of samples tested in the laboratory. For samples tested in the laboratory, tolerances in the nominal composition as shown by label or certification of 10 percent up to the maximum of two units (2% plant food) for the individual constituents, and minus 3 percent for the sum of constituents, will be permitted. There is no limit on the plus tolerances for such samples.

**1.3** Type 1 Mulch (Vegetative) shall be applied at the rate of 1 ½ tons per acre.

**2.0 Basis of Payment.** Any expenses incurred by the contractor by reason of their compliance with these provisions shall be considered as completely covered by Item No. 805-99.01, Seeding, Cool Season Mixtures, per lump sum.

JOB SPECIAL PROVISIONS

J. COOPERATION WITH OTHERS

**1.0** The contractor is advised that all permanent signing will be installed by others. Others shall be defined as either County personnel or a separate contractor working for the County.

**1.1** The Contractor shall cooperate with the others specified above to complete the project within the specified time periods and to ensure that the project is built in accordance with the specifications. Failure to do so may result in the contractor not completing the project on time and being assessed liquidated damages.

**2.0 Basis of Payment.** All costs associated with the work specified under this provision shall be considered completely covered by the various items of work in the contract.

K. PERMITS

**1.0 MoDNR Land Disturbance Permit.** The County of Cole has obtained a General Operating Permit (Permit No. MO-R100034) from the Missouri Department of Natural Resources, Water Protection for construction and land disturbance activity, which covers the work entailed in the project.

**1.1** In signing the contract, the contractor obligates himself to follow the provisions of the permit. The Contractor shall obtain a copy of the permit prior to beginning construction. Specifically, the contractor shall be responsible for:

- a) Developing and maintaining Stormwater Pollution Prevention Plan
- b) All required inspections of erosion control BMP's.
- c) Maintaining records of precipitation.
- d) Maintaining logs of BMP inspections, BMP maintenance, and BMP corrective actions taken to correct deficiencies identified during inspections.
- e) Documenting any changes made to the Erosion Control Plan.

**2.0 Corps of Engineers 404 Permit.** The project has been approved for use of the Nationwide Permit 14 from the Corps of Engineers. A copy of the permit is included in the Project Manual, and in signing the contract, the contractor obligates himself to follow the provisions of the permit.

**3.0 Basis of Payment.** All expenses incurred by the contractor by reason of their compliance with this provision shall be considered as completely covered by each of the appropriate pay items included in this contract.

## GENERAL SPECIAL PROVISIONS

The General Special Provisions for this particular Cole County project shall consist of the currently corrected (2004) version of the *Missouri Standard Specifications for Highway Construction*, Sections 101 through 110, except as modified or contradicted herein.

### **SECTION 101.2 - DEFINITION OF TERMS**

**Delete definition for "Commission" and substitute the following:**

If the words "Commission" or "The Missouri Highway and Transportation Commission" are used in the *Missouri Standard Specifications for Highway Construction*, the word "Owner" shall be substituted, and shall mean the County of COLE acting by and through any of its authorized representatives.

**Delete definition for "Contract" and substitute the following:**

**Contract.** The written agreement between the Owner and the Contractor covering the performance of the work for the proposed construction. The contract shall include Notice to Contractors, Instruction to Bidders, Plans, Proposal, Addenda, Contract Bond, Contract Agreement, Acknowledgment, Special Provisions, Standard Specifications, Notice to Proceed, and all Supplemental Contracts and Change Orders. It may cover a single project, or a combination of projects awarded as a single unit.

**Delete definition for "Engineer" and substitute the following:**

If the words "Engineer" or "Chief Engineer" are used in the *Missouri Standard Specifications for Highway Construction*, the word "Engineer" shall be substituted, and shall mean the County Engineer acting by and through any of his authorized representatives.

**Delete definition for "Laboratory" and substitute the following:**

**Laboratory.** Any testing laboratory which may be designated by the Engineer, for inspecting and determining the suitability of materials.

**Delete definition for "Plans" and substitute the following:**

**Plans.** Drawings or reproductions thereof approved by the Owner, which show the location, character, and details of the work. Plans shall prevail over standard specifications, general special provisions, and job special provisions when in conflict therewith.

**Insert the following definition for "Job Special Provision" where none currently exists:**

**Job Special Provisions.** Directions or requirements, peculiar to the work and not otherwise thoroughly or satisfactorily detailed or set forth in the standard specifications. Job special provisions shall prevail over general special provisions, and general special provisions shall prevail over standard specifications whenever in conflict therewith.

**Delete definition for "State" and substitute the following:**

If the words "State" or "State of Missouri" are used in such a manner which implies ownership of the project, the word "Owner" shall be substituted and shall mean the County of COLE acting by and through any of its authorized representatives.

## **SECTION 102 - BIDDING REQUIREMENTS AND CONDITIONS**

**Delete Sec. 102.1 and substitute the following:**

**102.1 Notice of Bid Opening.** After the date is fixed for the receipt of bids, the Owner may, in addition to the notice required by law, give notice of such date by mail directly to interested Contractors. The Notice of Letting will contain a description of the proposed work, together with instructions and information to the potential bidder regarding proposal forms, plans, specifications, and the reservation of the right of the Owner to reject any and all bids.

**Delete Sec. 102.2 thru Sec. 102.2.1 and substitute the following:**

**102.2 Bidder's Qualifications.** To demonstrate his qualifications for the project, each bidder must be prepared to submit within seven (7) calendar days of the Owner's request, written evidence as to the Contractor's financial status, equipment, previous experience and personnel.

**Delete Sec. 102.2.2 and substitute the following:**

**102.2.2** Each prospective bidder shall execute the affidavit of labor standards compliance, stating that such bidder will fully comply with all written requests by the Missouri Department of Labor and Industrial Relations, Division of Labor Standards, to provide information for the purpose of establishing a prevailing wage.

**Delete Sec. 102.2.3 and substitute the following:**

**102.2.3** The prospective bidder, if a corporation, shall submit a copy of its current annual registration report, or initial registration report if a new corporation, on file with the Corporation Division of the Missouri Secretary of State's Office. Each corporation which is a party to a joint venture shall submit the same required report with its joint venture contractor.

**Delete 102.6 and substitute the following:**

**102.6 Sales and Use Taxes.** The sales tax exemption for public works contractors of certain entities, enacted in 1994 in Section 144.062 RSMo, may apply to contractors for the Owner or their subcontractors or suppliers. This exemption is for materials consumed in the construction of, or incorporated into this project. The Owner will judge each project and determine if the sales tax exemption of the Owner will apply. If sales tax exemption is allowed on a project, it will be duly noted on the proposal form. The Owner will make the tax exemption certificate available, if applicable, to the successful bidder upon award of this contract. If the Owner does not allow the use of sales tax exemption, the contractor, subcontractor or suppliers shall pay all applicable state and local sales taxes or state use taxes on all material and supplies used on a project and should include those taxes in their bid.

**Delete 102.7.2 in its entirety.**

**Delete Sec. 102.7.3 and substitute the following:**

**102.7.3** A bid of an individual, including those doing business under a fictitious name, shall include the signature and address of the individual.

**Delete Sec. 102.7.4 and substitute the following:**

**102.7.4** A bid by a partnership or joint venture, including individuals doing business under fictitious names, or corporations, shall be executed by at least one of the partners followed by the title "Partner", or one of the joint venturers followed by the title "Joint Venturer" and the business address of the partnership or joint venturer shown. The true legal name and address of each partner and joint venturer shall also be shown.

**Delete Sec. 102.7.5 and substitute the following:**

**102.7.5** A bid by a corporation whether acting alone or as a joint venturer, shall show the address and name of the corporation and shall include the signature and title of a person authorized by its board of directors to bind the corporation.

**Add Section 102.7.9**

**102.7.9** All names must be typed or printed in ink below all signatures.

**Add Section 102.7.10**

**102.7.10** The bid shall contain an acknowledgement of receipt of all addenda (the number and dates of which shall be filled in on the Proposal Form).

**Add Section 102.7.11**

**102.7.11** All bidders shall complete and submit with their proposal the following forms included in the bid documents.

- (a) Proposal
- (b) Signature and Identity of Bidder
- (c) Bid Guaranty
- (d) Contractor's Affidavit
- (e) Anti-Collusion Statement

**Delete Sec. 102.9 and substitute the following:**

**102.9 Bid Guaranty.** No proposal will be considered unless accompanied by a certified check or cashier's check, on any bank or trust company, insured by the Federal Deposit Insurance Corporation, payable to the Owner, for not less than 5 percent of the amount of the bid, or by a bond secured by a qualified surety, or sureties, for not less than 5 percent of the amount of the bid. Surety companies shall furnish a Certificate of Authority in accordance with Section 103.4.2. Bid bonds may be submitted on forms furnished in these Contract documents. The proposal Guaranty shall be attached to the back of the bid proposal form.

**Delete Sec. 102.10 and substitute the following:**

**102.10 Delivery of Proposals.** Each proposal shall be submitted in a sealed, opaque envelope marked clearly "Construction Bid" and shall also be clearly marked with project title, project number, bid date, bid time and bidder's name and address. If sent by mail, the sealed bid shall be addressed to the Cole County Commission, Courthouse Annex, Room 200, 311 East High Street, Jefferson City, Missouri, 65101. All proposals shall be filed prior to the time and at the place specified in the Notice To Bidders. Proposals received after the time for opening of bids will be returned to the bidder unopened. No bids which are submitted by fax will be accepted.

## **SECTION 103 - AWARD AND EXECUTION OF CONTRACT**

**Delete Sec. 103.2.1 and substitute the following:**

**103.2.1** The contract will be awarded by the Owner to the lowest responsible bidder as soon as practicable after the opening of the bids. The responsibility of the Contractor will be determined by the Owner based upon, but not limited to the Contractor's previous work, financial standing, and record for the payment of local bills incurred by the Contractor, his employees, and subcontractors. The successful bidder will be notified by letter mailed to the address shown on the proposal that his bid has been accepted and that he has been awarded the contract.

**Delete Sec. 103.4.1 and substitute the following:**

**103.4.1** The successful bidder shall, at the time of the execution of the contract, furnish a contract bond in a sum equal to the contract price. The bond shall be to the Owner, in a form and with surety, or sureties, acceptable to the Owner, to insure the proper and prompt completion of the work in accordance with the provisions of the contract, and to

insure payment for all labor performed and materials consumed or used in the work. The bond, if executed by a surety which is a corporation organized in a state other than Missouri, shall be signed by an agent or broker licensed by the Missouri Division of Insurance. All proposals shall be submitted on the basis of furnishing a contract bond executed by an approved surety, or sureties, as herein set out.

## **SECTION 104 - SCOPE OF WORK**

### **Add Sec. 104.6.3.5**

**104.6.3.5** All proposals shall be submitted to the Engineer. If so desired, the Contractor may submit a conceptual proposal for approval stating the basic proposal and approximate cost savings. The conceptual proposal will give the Contractor the opportunity to submit his idea without large initial development costs should the proposal be rejected.

### **Delete Sec. 104.11.2 and substitute the following:**

**104.11.2** The Contractor shall open and clean all existing channels and culverts leaving them free from all excess mud or silt, drift, brush, and debris of any kind. This work shall be considered incidental to the work, and no direct payment shall be made for work covered by this section.

### **Delete Sec. 104.13 in its entirety and substitute the following:**

#### **104.13 Warranty.**

**104.13.1** The Contractor shall warranty that the equipment, materials, and workmanship furnished under this contract will be as specified and will be free from defects for a period of one (1) year from the date of final acceptance. In addition, the equipment furnished by the Contractor shall be warranted to be free from defects in design.

**104.13.2** Within the warranty period and upon notification of the Contractor by the Owner, the Contractor shall promptly make all needed adjustments, repairs, or replacements arising out of defects which, in the judgment of the Engineer, or the County, become necessary during such period.

**104.13.3** The cost of all materials, parts, labor, transportation, supervision, special tools, and supplies required for replacement of parts, repair of parts, or correction of abnormalities shall be paid by the Contractor, or by his surety under the terms of the bond.

**104.13.4** The Contractor shall extend the terms of this warranty to cover repaired parts and all replacement parts furnished under the guarantee provisions for a period of one (1) year from the date of installation thereof.

**104.13.5** If within ten (10) days after the Owner gives the Contractor notice of a defect, failure, or abnormality of the work, the Contractor neglects to make, or undertake

with due diligence to make, the necessary repairs or adjustments themselves or order the work to be done by a third party, the Owner may complete the work and the costs of the work shall be paid by the Contractor.

**104.13.6** In the event of an emergency where, in the judgment of the Owner, delays would cause serious loss or damage, repairs or adjustments may be made by the Owner, or a third party chosen by the Owner, without giving notice to the Contractor, and the cost of the work shall be paid by the Contractor, or by his surety under the terms of the bond.

**104.13.7** No direct payment will be made for complying with the requirements of this section.

## **SECTION 105 - CONTROL OF WORK**

**Delete Sec. 105.5 and substitute the following:**

**105.5 Cooperation by Contractor.** The Contractor will be supplied with four (4) sets of approved plans and contract assemblies including special provisions. Additional sets of approved plans and contract assemblies including special provisions may be purchased as provided in the notice to bidders. One (1) set of approved plans and contract documents including special provisions shall be kept available on the job at all times.

**Add Sec. 105.5.3:**

**105.5.3** The Contractor shall notify the Engineer not less than four (4) working days prior to closing the road.

**Delete Sec. 105.7.1 and substitute the following:**

**105.7.1** The Contractor shall cooperate with utility owners and the Engineer in the location and relocation of utility facilities to minimize effects upon Contractor's work, interruption to utility service and duplication of work by utility owners. The Contractor shall perform the necessary clearing and grubbing as soon as practicable after the notice to proceed is issued to allow the utilities to locate or relocate their facilities. Facilities or appurtenances that are to remain in place during construction shall be accounted for and protected by the Contractor's work procedures. Utility location and relocation shall be made in accordance with 7 CSR Division 10, Chapter 3, Utility Location and Relocation.

**Add Section 105.7.7**

**105.7.7** The Contractor shall make suitable and timely verbal and written requests to all utility locating agencies, all railroad and utility owners, all pipe owners, and other parties affected, and endeavor to have all necessary locates and adjustments of public or private utility fixtures, pipe lines, and other appurtenances within or adjacent to the limits of construction, made as soon as practicable. One (1) copy of all requests shall be submitted to the Engineer.

**Delete Sec. 105.8 thru Sec. 105.8.2 and substitute the following:**

**105.8 Construction Stakes, Lines and Grades.** The Engineer will set initial field control consisting of bench marks and control monuments.

**105.8.1** The Contractor shall be responsible for the preservation of all bench marks and control monuments, and if any of these bench marks or control monuments are carelessly or willfully destroyed or disturbed, the cost of replacing them may be charged to the Contractor.

**105.8.2** These bench marks and control monuments will constitute the initial field control by and in accordance with which the Contractor shall establish all other necessary controls and perform the work in the correct position to correspond to the information shown on the plans and given by the Engineer during the progress of the work. Elevations shown on the drawings and referred to in the specifications are based on the bench marks shown.

**105.8.3** The Contractor shall employ competent personnel for making position, gradient and alignment determinations and measurements.

**Delete Sec. 105.10.2 and substitute the following:**

**105.10.2** Inspections and job control tests will generally be made by the Engineer on the following items of work. It shall be the responsibility of the Contractor to notify the Engineer by 1:00 P.M. of the day preceding any operation which affects these items.

- Initial Layout
- Removal of Existing Structure
- Pile Driving
- Footing Excavation
- Reinforcing Steel Placement
- All Concrete Operations
- All Asphalt Operations
- Girder Erection
- Requests for Compaction Testing
- All Base Rock Operations
- All Earthwork Operations
- All Roadway Surfacing Operations
- Post-Tensioning Material Placement
- Post-Tensioning Stressing
- Cutting of Tendon Ends
- Grouting of Stressing Pockets

If any operation which affects the above mentioned items is to be performed on a Monday, notification must be made to the Engineer by 1:00 P.M. of the preceding Friday. The lack

of supervision or inspection by the Engineer shall not relieve the Contractor of the responsibility to construct the project according to the plans and specifications. Any work performed or materials used without authorization by the Engineer may be ordered removed and replaced at the Contractor's expense.

**Delete Sec. 105.11.2 and substitute the following:**

**105.11.2** All changes in the work or departures from the plans, will be considered unauthorized, and the Engineer may order such work removed and replaced at the expense of the Contractor unless, before proceeding with the work, the Contractor has a copy of an Order Record signed by the Engineer, or a Change Order signed by all parties whose signatures are provided for, except the Federal Engineer. These forms will contain complete detailed instructions regarding the proposed changes. Any departure from the instructions contained in such written order shall be considered unauthorized.

**Delete Sec. 105.11.3 and substitute the following:**

**105.11.3** All construction and materials which have been rejected or declared unsatisfactory shall be remedied or removed and replaced in an acceptable manner by the Contractor at his expense. All expense incurred by the Engineer due to corrections or removal and replacement of construction and materials shall be born by the Contractor, and will be deducted from any payment which is or may become due the Contractor. Upon failure of the Contractor to remedy or remove and properly dispose of rejected materials or work, or to replace them immediately after receiving written notice from the Engineer, the Engineer may employ labor to rectify the work, and the cost of rectification will be deducted from any payment due or which may become due the Contractor.

**Delete Sec. 105.16.5 and Sec. 105.16.6 and substitute the following:**

**105.16.6** If the claim is against the Owner, the notice of claim shall be personally delivered or sent by certified mail to the Owner. If the claim is against the Contractor, the notice of the claim will be personally delivered or sent by certified mail to the Contractor at the address shown under the signature on the proposal. If the claim is against an assignee, notice of the claim will be personally delivered or sent by certified mail to the assignee at the address shown on the accepted notice of assignment. The party against whom a claim is filed shall file any counter claims within sixty (60) days after receipt of such notice. All notices of claims shall contain an itemized statement showing completely and fully the items and amounts forming the basis of the claim.

**SECTION 106 - CONTROL OF MATERIAL**

**Add Sec. 106.1.4.1:**

**106.1.4.1** Unless otherwise specified, all materials shall be subject to visual inspection and job control tests, as determined by the Engineer, and shall be certified by the material supplier that the material supplied conforms to the requirements of these specifications. All

certifications shall make reference to the specific project, and shall contain the supplier's name and address.

**Delete Sec. 106.2.2 and substitute the following:**

**106.2.2 Contractor Furnished Sources.** If sources of material are not designated in the plans or described in the contrast, or if the Contractor desires to use material from sources other than those designated, the Contractor shall acquire the necessary rights to take materials from the sources and shall pay all costs related thereto, including any which may result from testing of samples by an approved laboratory as required by the Engineer and for an increase in length of haul. All costs of exploring, meeting environmental requirements and developing such other sources shall be borne by the Contractor. The use of material from other than designated sources which have not had prior approval of the Engineer shall be used at the Contractor's risk and may be considered as unacceptable and unauthorized and, if so considered, will not be paid for. Where practicable, borrow areas, gravel pits, and quarry sites shall be located so that they will not be plainly visible from the state highway or county road.

**Delete Sec. 106.3 and substitute the following:**

**106.3 Samples, Tests, and Cited Specifications.** The Contractor shall submit certifications and substantiating test reports, furnished by the supplier or fabricator, certifying that material and manufacturing procedures conform to the specifications. There shall be no direct charge to the Owner for materials taken as samples, either for field tests or for laboratory tests. If a specification of a recognized national standard agency (ASTM, AASHTO, AWWA, AWS, etc.) is designated, the material may, unless otherwise specified, meet either the designated specification or the latest revision thereof in effect at the time of letting of the contract. Unless otherwise specified, all sampling and testing required by the specifications shall be performed by the supplier or fabricator at no cost to the Owner in accordance with the methods specified in the contract or in accordance with the latest methods in effect at the time of letting of the contract, as prescribed by the national standard agency, and the results shall be signed, sealed and stamped according to laws related to professional Engineers. If appropriate methods have not been so prescribed, tests shall be performed in a manner determined by the Engineer.

**Delete Sec. 106.8 and substitute the following:**

**106.8 Material Furnished by the Owner.** If any material is to be furnished by the Owner, special provisions designating such materials and their locations will be included in the proposal. The cost of handling and placing all materials shall be considered as included in the contract price for the item in connection with which they are used. The Contractor will be responsible for all material provided to him, and deductions will be made from any monies due him to make good any shortages and deficiencies, from any cause whatsoever, and for any damage which may occur, and for any demurrage charges.

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

**Delete Sec. 107.13 and substitute the following:**

**107.13 Insurance Requirements.** The Contractor shall procure and maintain at its own expense, until acceptance by the Engineer, liability insurance for all damages and losses imposed by law and assumed under the contract, of the kinds and in the amounts specified in Secs 107.13.1 through 107.13.3. Before the Contractor commences the work, the Contractor shall require the insurance company or companies to furnish to the Engineer evidence of such insurance showing compliance with these specifications. All insurance required in Sec 107.13 shall be occurrence policies in a form acceptable to the Engineer, and shall remain in form until all work required to be performed under the terms of the contract is satisfactorily completed as evidenced by its formal acceptance by the Engineer. Each policy or its declaration pages shall provide that the policy shall not materially changed or canceled until the Engineer has been given at least 30 days advance notice in writing. If any policy is canceled before the contract work is complete, a satisfactory replacement policy must be in force, with notice and evidence of insurance submitted to the Engineer, prior to the effective date of cancellation of the former policy. All evidence of insurance and notices shall be submitted to the Engineer. Upon request, the Contractor shall promptly furnish the Engineer with a complete copy of the policy. Failure to furnish evidence of proper insurance, or complete insurance policies when requested, will result in the temporary suspension of work as provided in Sec 108.6, and may result in order claims or actions for breach of contract or otherwise, as may be recognized at law or in equity.

**Delete Sec. 107.13.2.3 and substitute the following:**

**107.13.2.3 Additional Insureds.** Each policy of commercial general liability insurance shall name the Owner, Engineer and its members, agents and employees as additional insureds. Each commercial general liability insurance policy shall also contain a separation of insured conditions. The insurance afforded by the Contractor shall be primary insurance.

**Delete Sec. 107.15 and substitute the following:**

**107.15 Personal Liability of Public Officials.** There shall be no personal liability upon the public officials, or any member, employee or agent of the Owner in carrying out any of the provisions of the contract or in exercising any power or authority granted to them, it being understood that in such matters they acted as agents and representatives of the Owner with official and public duty doctrine immunity. If any provision of the contract appears to impose a duty on such an individual, the duty remains exclusively that of the Owner and is not a personal duty or obligation of the individual.

## **SECTION 108 - PROSECUTION AND PROGRESS**

**Delete Sec. 108.1.1 and substitute the following:**

**108.1.1** The Contractor shall not sublet, sell, transfer, assign, or otherwise dispose of the contract or contracts or any portion thereof, or of his right, title, or interest therein, without written consent of the Engineer. Requests for permission to sublet, assign, or otherwise dispose of any portion of the contract shall be in writing and shall be accompanied by evidence that the organization which will perform the work is particularly experienced and equipped for such work. In case such consent is given, the Contractor will be permitted to sublet a portion thereof, but shall perform with his own organization work amounting to not less than forty percent (40%) of the total contract cost, except that any items designated by the Engineer as specialty items may be performed by subcontract and the contract value of any such specialty items so performed by subcontract may be deducted from the total contract cost before computing the amount of work required to be performed by the Contractor with his own organization. The subcontractor shall not sublet, sell, transfer, assign, or otherwise dispose of the subcontract. Consent to a subcontract shall constitute the Owner's endorsement of the qualifications of the subcontractor.

**Delete Sec. 108.4 and substitute the following:**

**108.4 Progress Schedules.** The Contractor shall, if requested by the Engineer, submit a progress schedule for review and approval. The progress schedule shall be submitted to the Engineer within three (3) days of the receipt of the request. The progress schedule shall be used to establish the construction operations and to monitor the progress of the work although the Engineer's determination of the then major operation or controlling item of work shall always prevail. The progress schedule shall be in the form specified in Sec 108.4.1, unless the contract contains a different requirement. The progress schedule shall be based on the number of working days, calendar days or other increments as set forth in the contract that the Contractor expects to require in completing the project recognizing the capabilities of labor, equipment, arrangements for materials, mobilization, shop drawing preparation and approvals, and other relevant items.

**Delete Sec. 108.4.2 and substitute the following:**

**108.4.2 Preparation of Initial Schedule.** The Contractor shall, if requested by the Engineer, complete development of the initial activities schedule chart and written narrative and present a copy to the Engineer at least seven (7) days prior to the pre-construction conference.

**Delete Sec. 108.7.2.2 and substitute the following:**

**108.7.2.2** The count of working days will start on the date the Contractor starts construction operations, or the authorization date in the Notice to Proceed, whichever is earlier. The Engineer will be the judge of the number of working days to be charged under the contract. In computing the working days charged against the Contractor in the execution of the work, allowance will be made for days that are not working days and for days during which work is suspended with the written approval of the Engineer. The Engineer may make allowance for working days lost due to causes he deems justified for the elimination of the count of working days. No allowance will be made for delay or

suspension of the prosecution of the work due to fault of the Contractor. On or about the first of each month, the Engineer will give the Contractor written notice of the number of working days charged to the contract for the preceding time period. Any objection by the Contractor to the number of working days so charged shall be made in writing within five (5) days, setting forth his objections and specifying the reasons therefore, or those objections shall be forever waived and may not constitute the basis for an excusable or compensable delay.

## **SECTION 109 - MEASUREMENT AND PAYMENT**

**Delete Sec. 109.1 and substitute the following:**

**109.1 Measurement of Quantities.** Unless otherwise specified hereinafter, all work performed under the contract will be paid for on contract quantity basis as set forth in these specifications. When the quantity of any item that is to be paid for on a contract quantity basis is found to include errors, or when an authorized revision of the plan is made, the quantity will be corrected before making final payment. The method of measurement and computations to be used in determination of quantities of material furnished and of work performed under the contract will be those methods generally recognized as conforming to good engineering practice.

**Add Sec. 109.5.9:**

**109.5.9** The Contractor shall not begin any work for which price payments are not provided in the contract without first bringing the matter to the attention of the Engineer, and no bills or charges for extra or force account work will be allowed except for that ordered in writing and approved by the Engineer.

**Delete Sec 109.6 and substitute the following:**

**109.6 Method of Payment.** Payment to the Contractor for furnishing all material and performing all work under the contract shall be made by check.

**Delete Sec. 109.7 in its entirety and substitute the following:**

### **109.7 Partial Payments**

**109.7.1** The engineer will make semi-monthly payment estimates in writing for the material in place and the work performed during the semi-monthly interval and the value thereof at the contract bid prices. For partially complete items, the proper percentage with relation to completion will be allowed.

**109.7.2** The contractor may request in any payment estimate that the engineer include the value of any non-perishable material that will be finally incorporated in the completed work. The engineer shall make the final decision whether to allow a partial payment.

Provisions shall be in accordance with Sec. 109.7.2 of the *Missouri Standard Specifications for Highway Construction*.

**109.7.3** From the total amount of work items of each estimate, there will be deducted five (5) percent. The retained percentage will be released as provided in Sec. 109.9. The net amount due on the estimate will be certified to the Owner for payment.

**109.7.4** Payment may be withheld or nullified in whole or part to such extent as may be necessary to protect the Owner from loss on account of:

- a. Failure to properly submit material certifications and substantiating test reports required under Sec. 106.1.4.1 and Sec. 106.3.
- b. Failure to properly submit certified copies of labor payrolls required under Sec. 110.
- c. Defective work not remedied.
- d. Failure of the Contractor to properly make payment to suppliers or subcontractors for material and/or labor (RSMo 34.057)
- e. A reasonable doubt that the contract can be completed for the balance then unpaid.
- f. Damage to another Contractor.

**Delete Sec. 109.9.1 and substitute the following:**

**109.9.1 Withholding of Retained Percentage** Prior to any release of retained percentage, the Contractor shall file with the Owner the following:

- a. An affidavit, to the effect that all payments have been made and all claims have been released for all materials, labor, and other items covered by the contract bond;
- b. Written consent of the surety to such payment;
- c. Certification regarding work performed by and payments made to Disadvantaged Business Enterprises (DBE's);
- d. Lien Waivers signed by each supplier furnishing materials to the project and/or each subcontractor providing services/materials for the project releasing all claims to said materials and services;
- e. The Contractor and all subcontractors shall file an affidavit stating that each has fully complied with the provisions and requirements of the Prevailing Wage Law;

- f. Any other documents which may be required by the contract, or the Engineer.

**Add Sec. 109.9.1.3:**

**109.9.1.3** When the work has been completed and certified by the Owner, a final estimate will be executed and submitted, which will provide payment to the Contractor for the entire sum due him as set forth in these specifications, including the amount previously retained by the Owner. All prior partial estimates and payments shall be subject to correction by the Owner in this final estimate and payment.

**SECTION 110 - STATE AND FEDERAL WAGE RATES AND OTHER REQUIREMENTS**

**Add Sec. 110.5:**

**110.5** The Contractor and all subcontractors shall maintain books, accounts, ledgers, invoices, drafts, documents, pages and other business records pertaining to the performance of the contract with such materials available at the Contractor's field or permanent business offices at all reasonable times during the performance of the contract and for four (4) years from the date of final payment under the contract, for inspection by authorized representatives.

**Add Sec. 110.6:**

**110.6** The Contractor and each subcontractor shall be required to submit to the Engineer one certified copy of labor payrolls and a weekly statement of compliance (Form WH-347) for each week that work is in progress, within seven (7) days of the payment date of the payroll. If work is temporarily suspended, the last payroll shall be marked appropriately to note that it will be the last payroll until work is resumed.

**Add Sec. 110.7:**

**110.7** Payrolls to be submitted shall be checked for compliance with the contract requirements and will be retained by the Owner for a period of three (3) years following final audit, during which time they will be open to inspection.

**Add Sec. 110.8:**

**110.8** The Contractor shall be responsible for the submittal of payrolls and certifications for all subcontractors.

**Add Sec. 110.9:**

**110.9** The Owner may check payrolls with the following checks, however, it will still be the Contractor's responsibility to ensure proper labor compliance:

- a. The employee's full name as shown on his social security card, his address and social security number shall be entered on each payroll.
- b. Check the payroll for correct employee classification.
- c. Check the payroll for correct hourly wage and, if applicable, the correct overtime hourly rate.
- d. Check the daily and weekly hours worked in each classification including actual overtime hours worked. (Not adjusted hours)
- e. All deductions are listed in the net wage shown. The Form WH-347 is to be used if fringe benefits are paid into established programs. However, if fringe benefits are paid in cash to the employee, the amount shall be indicated on the payroll.
- f. To assure that the payrolls are arithmetically correct, approximately ten percent (10%) of the extensions on the first three (3) payrolls shall be checked. The Contractor will be advised of any violations noted on the labor payroll. All the errors will be corrected by means of a supplementary payroll.
- g. All checking by the Owner will be made in red pencil and initialed by the checker.
- h. Final payroll will be marked "Final" or "Last Payroll".
- i. A record of all payrolls will be maintained by the Owner.

**Add Sec. 110.10:**

**110.10** The contracts for construction projects require that certain applicable information be displayed in a conspicuous place within the project limits for the duration of the contract. The following is a list of required information to be posted both on the project and in the Owner's office:

- a. In the Owner's office:
  1. Missouri Equal Employment Opportunity Notice
  2. PR-1022, Title 18, Section 1020, Notice on False Statements
- b. On the Projects:
  1. State and Federal Wage Rates Notice
  2. Federal Equal Employment Opportunity Notice (English and Spanish version)
  3. PR-1022, Title 18, Section 1020, Notice on False Statements
  4. Form FHWA-1495, and FHWA-1495A, Wage Rate Information (Post with Federal Wage Rates, if applicable)

5. Contractor's and Subcontractor's EEO Policy Statements and name, address, and telephone number of designated EEO Officers
6. Notice to Labor Unions of Contractor's commitment to EEO (if applicable)
7. Notice requesting referral of minorities by present employees

**Add Sec. 110.11:**

**110.11** The Owner's personnel will generally conduct one wage rate interview on each project every month. Labor interviews are not required on railroad and other utility adjustments. The interviewer will determine the employee's name, the employer's name, the classification of the employee, the actual wage paid, and the posted wage.

## TECHNICAL SPECIFICATIONS

The Technical Specifications for this project shall consist of the currently effective (2016) version of the *Missouri Standard Specifications for Highway Construction*, Sections 201-1092 except as modified or contradicted by the County's Contract, Job Special Provisions, General Provisions and Plans.





DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, KANSAS CITY DISTRICT  
MISSOURI STATE REGULATORY OFFICE  
515 EAST HIGH STREET, #202  
JEFFERSON CITY, MISSOURI 65101

January 26, 2018

Missouri State Regulatory Office  
(NWK-2018-00073)  
(Cole County, MO NWP14)

Cole County Public Works  
Attn: Eric Landwehr  
5055 Monticello Road  
Jefferson City, MO 65109

Dear Mr. Landwehr:

This letter pertains to an application received on January 9, 2018, for a Department of the Army (DA) permit. The proposed work concerns the replacement of an existing, deficient low-water crossing with a new triple (15'x6') reinforced concrete box culvert. Additionally, rock rip rap will be placed upstream and downstream of the new crossing for erosion protection. The project site is located in Sanford Creek, along South Liberty Road in Section 5, Township 43 North, Range 10 West, Cole County, Missouri.

The Corps of Engineers has jurisdiction over all waters of the United States. Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (33 USC 1344). The implementing regulations for these Acts are found at 33 CFR 320-332.

We have reviewed the information furnished and have determined that your project is authorized by nationwide permit (NWP) 14, **Linear Transportation Projects**, provided you ensure that the conditions listed in the enclosed copy of excerpts from the January 6, 2017 Federal Register, Issuance of Nationwide Permits, are met. You must also comply with the Kansas City District Regional NWP Conditions posted at:  
<http://www.nwk.usace.army.mil/Missions/RegulatoryBranch/NationWidePermits.aspx>

The Missouri Department of Natural Resources has certified that this NWP will not violate existing state water quality standards provided you comply with the conditions included in their attached certification document. All conditions included in the water quality certification become conditions of the NWP authorization. Please review all conditions associated with this NWP. If you have any questions concerning state water quality standards or compliance issues with the associated certification conditions, please contact the Missouri Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, Missouri 65102-0176. You may also contact the office at 573-526-3589 or by email at [wpsc401cert@dnr.mo.gov](mailto:wpsc401cert@dnr.mo.gov).

**General condition 30** requires you to sign and submit the enclosed "Compliance Certification" within 30 days of completing the authorized activity or the completion of the implementation of any required compensatory mitigation.

This NWP verification is valid until March 18, 2022. Should your project plans change or if your activity is not complete within the specified verification term, you must contact this office for another permit determination. Although the Corps has verified your project would meet the terms and conditions of a nationwide permit, other Federal, state and/or local permits may be required. You should verify this yourself.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. Please feel free to complete our Customer Service Survey form on our website at: [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey). You may also call and request a paper copy of the survey which you may complete and return to us by mail.

James Reenan, Regulatory Specialist, reviewed the information furnished and made this determination. If you have any questions concerning this matter, please feel free to contact Mr. Reenan at (816) 389-3832, or by email at [james.s.reenan@usace.army.mil](mailto:james.s.reenan@usace.army.mil). Please reference Permit No. NWK-2018-00073 in all comments and/or inquiries relating to this project.

cc (electronically w/o enclosures):

Environmental Protection Agency,  
Watershed Planning and Implementation Branch  
U.S. Fish and Wildlife Service, Columbia, Missouri  
Missouri Department of Natural Resources,  
Water Protection Program  
State Historic Preservation Office  
Missouri Department of Conservation

**COMPLIANCE CERTIFICATION**

General condition 30 of this Nationwide Permit requires that you submit a signed certification regarding the completed work and any required mitigation. This certification page satisfies this condition if it is provided to the Kansas City District at the address shown at the bottom of this page within 30 days of completing the authorized activity or the completion of the implementation of any required compensatory mitigation.

**APPLICATION NUMBER:** NWK-2018-00073

**APPLICANT:** Cole County Public Works  
Attn: Eric Landwehr  
5055 Monticello Road  
Jefferson City, MO 65109

**PROJECT LOCATION:** The project site is located in Sanford Creek, along South Liberty Road in Section 5, Township 43 North, Range 10 West, Cole County, Missouri.

Latitude: 38.509046 – Longitude: -92.048466

- a. I certify that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions.
- b. I certify that any required mitigation was completed in accordance with the permit conditions.
- c. Your signature below, as permittee, indicates that you have completed the authorized project as certified in paragraphs a and b above.

\_\_\_\_\_  
(PERMITTEE)

\_\_\_\_\_  
(DATE)

Return this certification to:

U.S. Army Corps of Engineers  
Missouri State Regulatory Office  
515 East High Street, Suite 202  
Jefferson City, Missouri 65101-3261

# MISSOURI NATIONWIDE PERMIT REGIONAL CONDITIONS

## For All Nationwide Permits

**1. Stream Crossings.** In addition to requirements of General Condition 2 and General Condition 9 of the Nationwide Permits, the following guidelines for stream crossings apply for regulated activities in waters of the United States. The guidelines are available at:  
<http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2017/MORC1Streams.pdf>.

- Corps Districts may waive Regional Condition 1 when project site geomorphology (i.e. bedrock, gradient) or existing alterations (i.e. adjacent impoundment, as part of a dry detention basin) creates conflict with the guidelines. The applicant must provide preconstruction notification to the District Engineer for any waiver request.

**2. Seasonal Restrictions for Activities Proposed in Spawning Areas.** In addition to the requirements of General Condition 3 of the Nationwide Permits, the following specific seasonal restrictions apply for regulated activities in waters of the United States. Between the closed dates listed in the Missouri Combined Stream Spawning List, the permittee must not excavate from or discharge into the listed waters. The list of waters with seasonal restrictions is available on request from the Corps or at:  
<http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2017/MORC2Spawning List.pdf>.

- Corps Districts may waive Regional Condition 2 when the applicant demonstrates imminent threats to public safety and health, or to property. The Corps will consult with the U.S. Fish and Wildlife Service and Missouri Department of Conservation before granting the waiver and may add additional special conditions to protect aquatic life during the operation. The applicant must provide preconstruction notification to the District Engineer for any waiver request.

**3. Invasive and Exotic Species.** Plant species listed at:

<http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2017/MOInvasivePlants.pdf> shall not be used for revegetation unless this requirement is waived by the district engineer based on a case specific analysis of the revegetation plan. Best management practices should be used to reduce the risk of transferring invasive plant and animal species to or from the project site. Best management practices can be found at: <http://www.invasivespeciesinfo.gov/toolkit/prevention.shtml>. Known zebra mussel waters within Missouri can be found at:  
[https://huntfish.mdc.mo.gov/sites/default/files/downloads/zebraapril2013\\_0.pdf](https://huntfish.mdc.mo.gov/sites/default/files/downloads/zebraapril2013_0.pdf).

**4. Suitable Material.** In addition to the specific examples in General Condition 6 of the Nationwide Permits, the following materials are not suitable for fill activities in waters of the United States: vehicle bodies, construction or demolition debris, asphalt in any form, garbage, tires, treated lumber products that do not comply with the Registration Documents issued by the U.S. Environmental Protection Agency (USEPA) under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and that are not in accordance with standards issued by American Wood Protection Association of the International Code Council, liquid concrete not poured into forms, grouted riprap, bagged cement and sewage or organic waste.

Broken concrete used as bank stabilization must be reasonably well graded, consisting of pieces varying in size from 20 pounds up to and including at least 150 pound pieces to withstand expected high flows. Applicants must break all large slabs to conform to the well graded requirement.

Generally, the maximum weight of any piece should not be more than 500 pounds. Gravel and dirt should not exceed 15% of the total fill volume when using broken concrete as fill. All protruding reinforcement rods, trash, asphalt, and other extraneous materials must be removed from the broken concrete prior to placement in waters of the United States.

**5. Priority Watersheds.** The applicant must provide preconstruction notification to the District Engineer for any regulated activity in a priority watershed. The list of priority watersheds requiring notification is available on request from the Corps or at:  
<http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2017/PriorityWatersheds.pdf>

**6. Special Aquatic Resources.** The applicant must provide preconstruction notification to the District Engineer for any regulated activity which may impact a jurisdictional fen, seep or bog of any size.

**7. Sensitive Aquatic Species.** The applicant must provide preconstruction notification to the District Engineer for any regulated activity in waters listed at:  
<http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2017/MORC7AquaticSpecies.pdf>  
The submitted preconstruction notification will be coordinated in accordance with General Condition 32(d) with the U.S. Fish and Wildlife Service as determined appropriate by the Corps.

#### **For Specific Nationwide Permits:**

**8. NWP 12 – Utility Line Activities.** The applicant must provide preconstruction notification to the District Engineer prior to commencing the activity if the discharge is in a special aquatic site or when new utility line construction activities have multiple crossings of the same stream and/or parallel a stream. The preconstruction notification must include a revegetation plan for impacted wetlands and riparian areas in accordance with Regional Condition 3. Where preconstruction notification is required for utility line activities within streams, the submittal must include site-specific plans for the stabilization of disturbed channel bed and bank areas.

**9. NWP 23 – Approved Categorical Exclusions.** The applicant must provide preconstruction notification to the District Engineer for all regulated Nationwide Permit 23 activities in waters of the United States. In addition to information required by General Condition 32, the applicant must identify the approved categorical exclusion that applies and provide documentation that the project fits the categorical exclusion.

**10. NWP 27 – Stream and Wetland Restoration Activities.** The applicant must provide preconstruction notification to the District Engineer prior to commencing the activity if the discharge is associated with impacts to forested wetlands.

**11. NWP 44 – Mining Activities.** Nationwide Permit 44 cannot be used to authorize in-stream mining projects, including in-stream sand and gravel mining operations.

**12. Requirements for Waiver of 300 Linear Foot Limit Associated with NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51 and 52 and all Waiver Limits Associated with NWP 13.** Waiver considerations for NWP 13 include activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharge of dredged or fill material into special aquatic sites. The applicant must

request the waiver in writing and provide documentation and environmentally based reasons to support the waiver request in accordance with the requirements of General Condition 32(d) for making waiver determinations.

**13. Lake of the Ozarks:** The applicant must provide a preconstruction notification to the District Engineer for any regulated activity associated with Nationwide Permits 3, 7, 12, 14, 15, 18, 22, 27, 33 and 45 within Lake of the Ozarks. A copy of this notification must also concurrently be sent to Ameren Missouri. Nationwide Permits 2, 13, 16, 19, 25, 29, 31, 35, 36, 39, 41 and 44 are revoked in the Lake of the Ozarks. NWP's 1, 9, 10, 11 and 28 are only valid when both Ameren Missouri and the Missouri State Water Patrol have approved the activity. The Corps and Ameren Missouri, regardless of the request to use any Nationwide Permit, may verify the activity under the provisions of Regional General Permit 38M

<http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/permits/2016-07-05GP-38M.pdf>. Additional information on Ameren Missouri and Lake of the Ozarks permit requirements can be found at the following webpage: <https://www.ameren.com/missouri/lake-of-the-ozarks>.

**Note: Preconstruction Notification to the District Engineer must be in accordance with General Condition 32 of the Nationwide Permits.**

## **Excerpts from the January 6, 2017 Federal Register Nationwide Permit General Conditions**

### **1. Navigation.**

(a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

### **2. Aquatic Life Movements.**

No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

### **3. Spawning Areas.**

Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

### **4. Migratory Bird Breeding Areas.**

Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

### **5. Shellfish Beds.**

No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

### **6. Suitable Material.**

No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes.

No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments.

If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows.

To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains.

The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment.

Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls.

Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills.

Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance.

Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project.

The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers.

(a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. Tribal Rights.

No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species.

(a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate

documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWP.

(e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA

section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

#### 19. Migratory Birds and Bald and Golden Eagles.

The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

#### 20. Historic Properties.

(a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include

background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

#### 21. Discovery of Previously Unknown Remains and Artifacts.

If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or

remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

## 22. Designated Critical Resource Waters.

Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

## 23. Mitigation.

The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management.

In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions.

The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits.

The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications.

If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

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(Transferee)

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(Date)

### 30. Compliance Certification.

Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(1)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

### 31. Activities Affecting Structures or Works Built by the United States.

If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

### 32. Pre-Construction Notification.

(a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided

results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form

must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

#### D. District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects. For those NWPs that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (i.e., NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters and wetlands, cannot exceed 1/2-acre.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

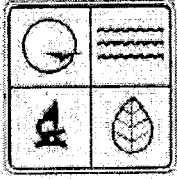
3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters (e.g., streams). The district

engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31, or to evaluate PCNs for activities authorized by NWPs 21, 49, and 50), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

E. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).



# Missouri Department of Natural Resources

## CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION 2017 GENERAL AND SPECIFIC CONDITIONS

Water Protection Program

03/2017

Division of Environmental Quality Acting Director: Steve Feeler

PUB02235

Consistent with Section 401 of the Clean Water Act, these precertified conditions are designed to ensure activities carried out under Nationwide Permits (NWP) authorized by the U.S. Army Corps of Engineers (USACE) do not violate Missouri Water Quality Standards at 10 CSR 20-7.031, resulting in permanent damage to habitat, increased turbidity, reduced bank and channel stability or impacts to the biological and chemical integrity of the waters. Where applicable, these conditions are in addition to, not a replacement for, any federal requirements or conditions.

The conditions outlined in this document apply to those authorized projects where the applicant has chosen to accept these conditions instead of pursuing an individual Clean Water Act Section 401 Water Quality Certification (WQC) for the following NWPs:

- Only General Conditions apply to projects authorized by NWPs 5, 7, 15, 18, 23, 25, 27, 29, 30, 31, 36, 39, 40, 43, 45, and 46.
- Both General and Specific Conditions apply to projects authorized by NWPs 3, 4, 6, 7, 12, 13, 14, 16, 19, 20, 22, 33, 41, 42, 53 and 54.

Alternatively, an applicant may apply for individual WQC if they do not wish to accept the conditions outlined in this document.

Projects authorized by NWPs 17, 21, 32, 34, 37, 38, 44, 48, 49, 50, 51 and 52 require individual WQC by the Department of Natural Resources.

NWPs 1, 2, 8, 9, 10, 11, 28 and 35 authorize projects under Section 10 of the Rivers and Harbors Act of 1899 only. An activity needing only a Section 10 permit may require a WQC if that activity can reasonably be expected to result in any discharge either during construction or operation of the facility. Thus, if the agency determines the activity is likely to result in a discharge during construction or operation, the Department of Natural Resources has the discretion to require a WQC for a Section 10 activity. The USACE will advise a Section 10 permit applicant that they may need a WQC if there is a reasonable expectation that a discharge will occur either during the construction or operation of the project.

Pursuant to Chapter 644.037, RSMo, the Department of Natural Resources shall certify without conditions NWPs as they apply to impacts on wetlands in Missouri.

Pursuant to Chapter 644.038, RSMo, the Department of Natural Resources certifies all NWPs for impacts in all waters of the state without the above-stated or any other conditions for the construction of highways and bridges approved by the Missouri Highway and Transportation Commission. The Memorandum of Understanding of 2016 and any subsequent modifications between the two agencies outline the requirements by which the Missouri Department of Transportation will design and construct projects in order to protect the water quality of waters of the state.

### GENERAL CONDITIONS

1. NWPs shall not allow the filling of jurisdictional springs such as those associated with a water body's point of origin or located in a streambed.
2. Acquisition of NWPs and the attendant WQCs shall not be construed or interpreted to imply the requirements for other permits are replaced or superseded, including Clean Water Act Section 402 National Pollutant Discharge Elimination System Permits for land disturbance or return water from material deposition. Permits or any other requirements shall remain in effect. Applicants with questions are encouraged to contact the Department of Natural Resources' regional office in the project area. A regional office map with contact information can be located at [www.dnr.mo.gov/regions/regions.htm](http://www.dnr.mo.gov/regions/regions.htm).

3. Care shall be taken to keep machinery out of the water way as much as possible. If work in the water way is unavoidable, it shall be performed in a way that minimizes the duration and amount of any disturbance to banks, substrate and vegetation to prevent increases in turbidity. Fuel, oil and other petroleum products, equipment, construction materials and any solid waste shall not be stored below the ordinary high water mark at any time or in the adjacent flood-prone areas beyond normal working hours. All precautions shall be taken to avoid the release of wastes or fuel to streams and other adjacent waters as a result of this operation.
4. Petroleum products spilled into any water or on the banks where the material may enter waters of the state shall be immediately cleaned up and disposed of properly. Any such spills of petroleum shall be reported as soon as possible, but no later than 24 hours after discovery to the Department of Natural Resources' Environmental Emergency Response number at 573-634-2436 or website at <http://dnr.mo.gov/env/esp/esp-eer.htm>.
5. Only clean, nonpolluting fill shall be used. The following materials are not suitable where contact with water is expected such as for bank stabilization, and shall not be used due to their potential to cause violations of the general and numeric criteria of the Water Quality Standards:
  - a. Earthen fill, gravel, broken concrete where the material does not meet the specifications stated in the "Missouri Nationwide Permit Regional Conditions" ([updated link based on 2017 regional condition revisions](#)) and fragmented asphalt, since these materials are usually not substantial enough to withstand erosive flows.
  - b. Concrete with exposed rebar.
  - c. Tires, vehicles or vehicle bodies, construction or demolition debris are solid waste and are excluded from placement in the waters of the state.
  - d. Liquid concrete, including grouted riprap, if not placed as part of an engineered structure.
  - e. Any material containing chemicals that would result in violation of water quality standards.
6. Clearing of vegetation and trees shall be the minimum necessary to accomplish the activity except for the removal of invasive or noxious species and placement of ecologically beneficial practices. A vegetated riparian buffer strip shall be maintained during all stages of the project, including post-construction, from the high bank on either side of the jurisdictional channel to protect water quality and to provide for long-term stability of the stream channel, unless physical barriers prevent such a corridor. For purposes of these NWP, lack of ownership or control of any portion of the riparian buffer strip may be considered a legitimate and discretionary cause to waive this requirement on that portion.
7. An individual WQC is required for any NWP issued on a water that is:
  - a. Listed for a sediment-related impairment, aquatic habitat alteration or unknown impairment as listed in the most current Water Quality Report (Section 305(b) Report) at <http://dnr.mo.gov/env/wpp/waterquality/303d/303d.htm>; or
  - b. Located in or occur within two miles upstream of a designated outstanding state or national resource water as found in 10 CSR 20-7.031, Tables D and E at <http://s1.sos.mo.gov/cmsimages/adrules/csr/current/10csr/10c20-7a.pdf>.

The Department of Natural Resources' geospatial data is available upon request, and all published data is available on the Missouri Spatial Data Information Services website at [msdis.missouri.edu/](http://msdis.missouri.edu/). Additional information to identify the project location, including stream reaches with listed impairments or special water designations, may be obtained from the Department of Natural Resources' Water Protection Program at 573-522-4502.

8. Discharge to designated metropolitan no-discharge streams is prohibited, except as specifically permitted under the Water Quality Standards, 10 CSR 20-7.031, and non-contaminated stormwater flows. No water contaminant except uncontaminated cooling water, permitted stormwater discharges in compliance with permit conditions, and excess wet-weather bypass discharges not interfering with beneficial uses should be discharged to the watersheds of streams listed in 10 CSR 20-7.031, Table F at <http://s1.sos.mo.gov/cmsimages/adrules/csr/current/10csr/10c20-7a.pdf>.
9. A stream's pattern, profile and dimension, including but not limited to sinuosity, slope and channel width, shall be maintained as much as practicable. Streambed gradient shall not be adversely impacted during project construction. No project shall accelerate bed or bank erosion.
10. NWPs authorized by the USACE for which the district engineer waives the impact limit related to linear feet (LF) or width shall require notification to the Department of Natural Resources. The Department of Natural Resources shall respond within 15 calendar days whether or not individual WQC would be required. This is applicable to NWPs 13, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52 and 54.

11. Proposed projects authorized by the USACE and containing a waiver of any "Missouri Nationwide Permit Regional Condition," except Regional Conditions 2, 3 and 7, shall require an individual WQC by the state.
12. Representatives from the Department of Natural Resources shall be allowed upon request on the project property, which includes the site(s) where the authorized activity takes place and any associated compensatory mitigation site(s), to inspect the authorized activity and mitigation efforts as deemed necessary by the Department of Natural Resources to ensure compliance with WQC conditions and water quality standards. The applicant or their consultant shall submit any requested information deemed necessary by the Department of Natural Resources to ensure compliance with WQC conditions.
13. After avoidance and minimization for the project, all unavoidable, adverse impacts shall be mitigated appropriately based on type and extent of impact.
  - a. Mitigation for loss of aquatic resources shall be in conformance with the currently approved "Missouri Stream Mitigation Method" and/or other mitigation guidance approved for use in Missouri. Mitigation guidance documents can be located online at [www.nwk.usace.army.mil/Missions/RegulatoryBranch/StateofMissouri](http://www.nwk.usace.army.mil/Missions/RegulatoryBranch/StateofMissouri).
  - b. Mitigation shall be within the state of Missouri.
  - c. The applicant shall comply with the higher value of compensatory mitigation required by either the Department of Natural Resources or the USACE, but not both unless explicitly noted.
  - d. Stream impacts shall require compensatory mitigation with only in-stream or riparian corridor credits, unless the Department of Natural Resources agrees to an alternative.
14. Antidegradation requirements dictate all appropriate and reasonable Best Management Practices related to erosion and sediment control, project stabilization and prevention of water quality degradation are applied and maintained; for example, preserving vegetation, streambank stability and basic drainage. Best Management Practices shall be properly installed prior to conducting authorized activities and maintained, repaired and/or replaced as needed during all phases of the project to limit the amount of discharge of water contaminants to waters of the state. The project shall not involve more than normal stormwater or incidental loading of sediment caused by project activities so as to comply with Missouri's general water quality criteria [10 CSR 20-7.031(4); Page 15 at <http://www.sos.mo.gov/cmsimages/adrules/csr/current/10csr/10c20-7a.pdf>].
15. Channelization of streams is not allowed under this precertification:
  - a. Channelization includes but is not limited to reducing the length of the channel, widening the channel for increased water storage or flow, and/or construction of hard structures which concentrate flow.
  - b. Bank stabilization activities along one bank of a stream are permitted, including but not limited to, bank sloping and riprapping.
  - c. The redirection of flow by excavation of the opposite bank or a streambed is considered a channel modification and is prohibited.
16. No new or expanded wet stormwater retention basins or similar impoundment structures may be constructed unless they are located off-channel. In-channel dry stormwater detention basins are allowable if the stream channel is either temporarily or not adversely affected by the basin.
17. Any waste concrete or concrete rinsate shall be disposed of in a manner that does not result in any discharge to the jurisdictional waterways.

## **SPECIFIC CONDITIONS**

18. Nationwide Permit 3 Maintenance
  - a. Silt, sediment and debris removal shall be limited to a maximum of 100 LF upstream and 100 LF downstream of structures.
  - b. During dewatering, water shall not be returned directly to the water way but shall be pumped upland and filtered through an appropriate treatment device as prescribed in any existing separate permit authorizing the discharge of return water. If, however, instream flow is 1 cubic foot per second (cfs) or greater and the return rate is set at 1 cfs or less, return may be made directly to the stream.
19. Nationwide Permit 4 Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities  
Any inorganic or extraneous debris such as may be found on Christmas trees shall be removed to qualify as clean, nonpolluting fill.

20. Nationwide Permit 6 Survey Activities  
Water, fines and excavated materials displaced by activities such as borings, shall not be returned directly to the water way, but shall be pumped upland and filtered through an appropriate treatment device as prescribed in any existing separate permit authorizing the discharge of return water.
21. Nationwide Permit 7 Outfall Structures and Associated Intake Structures  
WQC does not replace or negate the need to obtain any required state permits under the Missouri Clean Water Law (Chapter 644, RSMo) for construction of wastewater treatment facility components including outfall structures; permits to release wastewater effluents; or for the construction of components related to public water supplies including intake structures as may be required by the Missouri Safe Drinking Water Law (Chapter 640, RSMo).
22. Nationwide Permit 12 Utility Line Activities
- For utility crossings that must disturb a water body, work shall be conducted in such a manner as to seal off the work area from flow and minimize sediment transport.
  - Material resulting from activity may not be temporarily side-cast into waters of the state for more than one month.
  - Directional boring to avoid impacts to waters of the state is recommended.
  - Drilling mud and/or other materials shall not be discharged into waters of the state. Best Management Practices shall be implemented to prevent possible discharges from reaching waters of the state. In the event materials are inadvertently discharged to waters of the state, notification to the Department of Natural Resources is required within 24 hours by calling 573-522-4502. Restoration of the impacted water(s) may be required.
  - Utility line crossings shall be placed as close to perpendicular as possible, and be limited to a maximum crossing length of no more than one and one-half times the width of the stream.
  - New utilities lines, when considering the project as a whole, which (1) Cross more than one jurisdictional water resulting in greater than 500 LF and/or 0.50 acre of impact to jurisdictional waters as a project total, and (2) Travel through more than two county jurisdictions or more than one state jurisdiction shall be viewed as a whole project in the WQC process and require individual WQC of all crossings, except crossings utilizing directional boring.
23. Nationwide Permit 13 Bank Stabilization  
Innovative stabilization approaches require consultation with the Department of Natural Resources prior to approval and may require an individual WQC. The permittee shall invite the USACE and the Department of Natural Resources as well as the other state and federal resource agencies to examine innovative approaches.
24. Nationwide Permit 14 Linear Transportation Projects
- The permittee must propose and employ measures to mitigate the removal of impounded sediment (e.g., sand, gravel) in the unstable area upstream of a proposed project to prevent it from being transported downstream and/or construct a notched weir to slow the release of impounded sediment from upstream of the proposed project. Accumulated gravel may be allowed to naturally deposit into downstream plunge pool voids. Consultation with a hydrologist or other scientist is recommended if the amount of accumulated unconsolidated gravel exceeds the volume of plunge pool voids.
  - Where this NWP is used to authorize bridge and culvert structures, stream channel work is limited to a maximum of 100 feet upstream and a maximum of 100 feet downstream of the bridge or culvert. For purposes of this condition, a channel modification is any activity that alters the width, depth, length and/or sinuosity of a water way.
25. Nationwide Permit 16 Return Water from Upland Contained Disposal Areas  
These activities could have specific tasks or processes involved which may require the acquisition of separate general or site specific permits. All applicants shall contact the Department of Natural Resources' Water Protection Program at 573-522-4502 to determine any specific requirements which may or may not require an individual WQC.
26. Nationwide Permit 19 Minor Dredging  
These activities could have specific tasks or processes involved which may require the acquisition of separate general or site specific permits. All applicants shall contact the Department of Natural Resources' Water Protection Program at 573-522-4502 to determine any specific requirements which may or may not require an individual WQC.
27. Nationwide Permit 20 Response Operations for Oil and Hazardous Substances
- These activities could have specific tasks or processes involved which may require the acquisition of separate general or site specific permits. All applicants shall contact the Department of Natural Resources' Water Protection Program at 573-522-4502 to determine any specific requirements which may or may not require an individual WQC.
  - Oil and hazardous substance releases are to be reported to the Department of Natural Resources' Environmental Emergency Response number at 573-634-2436. Continue to report updates with regard to the containment and cleanup of releases.

28. Nationwide Permit 22 Removal of Vessels

Use of this NWP in Missouri is limited to removal actions only and shall not be used for any disposal of vessel.

29. Nationwide Permit 33 Temporary Construction, Access and Dewatering

- a. The use of this NWP shall be limited to impacts of six months or less in duration.
- b. Any removal of accumulated sediment (e.g., sand, gravel) upstream of a proposed project shall be limited to the quantity necessary to relieve any obstruction or to protect downstream habitat. The permittee must propose and employ measures to mitigate the removal of impounded sediment in the unstable area upstream of a proposed project to prevent it from being transported downstream and/or construct a notched weir to slow the release of impounded sediment from upstream of the proposed project.

30. Nationwide Permit 41 Reshaping Existing Drainage Ditches

- a. Material from the reshaping activities shall not be side-cast into any jurisdictional waters.
- b. Removal of vegetation shall be the minimum necessary to conduct approved activity except for the removal of invasive or noxious species. The Department of Natural Resources encourages deep-rooted vegetation to be maintained on at least one side of the water way to protect water quality; for example, leaving trees on the west side to prevent temperature exceedances in the water way.

31. Nationwide Permit 42 Recreational Facilities

The vegetated riparian buffer strip to be maintained from the high bank on either side of the jurisdictional channel may be used in part for the construction of public recreational trails, including those constructed to standards set by the Americans with Disabilities Act (ADA).

32. Nationwide Permit 53 Removal of Low-Head Dams

- a. The permittee must propose and employ measures to mitigate the removal of impounded sediment (e.g., sand, gravel) in the unstable area upstream of a proposed project to prevent it from being transported downstream and/or construct a notched weir to slow the release of impounded sediment from upstream of the proposed project. Accumulated gravel may be allowed to naturally deposit into downstream plunge pool voids. Consultation with a hydrologist or other scientist is recommended if the amount of accumulated unconsolidated gravel exceeds the volume of plunge pool voids.
- b. Stream channel work is limited to a maximum of 100 feet upstream and a maximum of 100 feet downstream of the dam.
- c. Restoration of the stream channel to its former, natural state is authorized. Individual WQC is required for non-natural channel modifications. For purposes of this condition, a channel modification is any activity that alters the width, depth, length and/or sinuosity of a water way.

33. Nationwide Permit 54 Living Shorelines

Innovative stabilization approaches require consultation with the Department of Natural Resources prior to approval and may require an individual WQC. Invite the USACE and the Department of Natural Resources as well as the other state and federal resource agencies to examine innovative approaches.

Applications for WQC should be sent to the Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176, or electronically to [wpsc401cert@dnr.mo.gov](mailto:wpsc401cert@dnr.mo.gov). A complete application consists of the application submitted to the USACE as well as additional information necessary for a complete review of the project. This may include but is not limited to topographical maps, locational maps, engineering plans, project diagrams and where applicable mitigation plans [Section 644.026.26, RSMo and 10 CSR 20-6.060(5)].

An issued WQC becomes part of and expires with the Section 404 and/or Section 10 permit unless explicitly stated in the WQC. Consultation with the Department of Natural Resources is required should the permit require modification. Not all permit modifications require the WQC to be modified or reissued. For example when a permit expiration date is extended or the permit is reissued and there are no changes to the original project or water quality standards, the WQC may remain valid for that project.

The Department of Natural Resources encourages, but does not require the permittee to consider environmentally-friendly design techniques to include stormwater management strategies that maintain or restore the original site hydrology through infiltration, evaporation or reuse of stormwater. Designs might include creating vegetated swales or rain gardens, or using porous pavement. More information can be found at these websites: [www.epa.gov/owow/NPS/lid/](http://www.epa.gov/owow/NPS/lid/) and [www.lid-stormwater.net/lid\\_techniques.htm](http://www.lid-stormwater.net/lid_techniques.htm).

The Department of Natural Resources encourages the use of native vegetation to protect impacted areas from future water quality concerns. Native vegetation has evolved with Missouri's geology, climate and wildlife to occur within a region as a result of natural processes rather than human intervention. For areas where direct impacts to streams are to be avoided, the Department of Natural Resources recommends a minimum riparian buffer strip width of 50 feet as measured from top of bank.

The following publication provides guidance on how to protect water quality through Best Management Practices on project sites. For more information, please read: "Protecting Water Quality: A field guide to erosion, sediment and stormwater best management practices for development sites in Missouri and Kansas" dated January 2011 and located online at <http://dnr.mo.gov/env/wpp/wpcp-guide.htm>.

To help determine if a proposed activity could encounter species or sites of conservation concern within or near a project, including those that have not been recorded, the applicant is encouraged to visit:

- Missouri Department of Conservation's "Natural Heritage Review" website at <https://naturalheritagereview.mdc.mo.gov/>, and
- U.S. Fish and Wildlife Service's "Information, Planning and Conservation" website at <http://ecos.fws.gov/ipac/>.

If the proposed project encounters and will potentially affect a species of concern, please report it to the Missouri Department of Conservation and the U.S. Fish and Wildlife Service.

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For more information  
Missouri Department of Natural Resources  
Water Protection Program  
P.O. Box 176  
Jefferson City, MO 65102-0176  
[wpsc401cert@dnr.mo.gov](mailto:wpsc401cert@dnr.mo.gov)  
800-361-4827 or 573-522-4502  
<http://www.dnr.mo.gov/env/wpp>

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STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES  
MISSOURI CLEAN WATER COMMISSION



MISSOURI STATE OPERATING PERMIT

General Operating Permit

In compliance with the Missouri Clean Water Law, (Chapter 644 R.S. Mo as amended, hereinafter, the Law), and the Federal Water Pollution Control Act (Public Law 92-500, 92nd Congress) as amended,

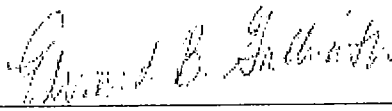
Permit No MOR100034  
Owner: Cole County  
Address: 301 E High Street  
Room 200  
Jefferson City, MO 65109  
  
Continuing Authority: Cole County Road and Bridge Department  
5055 Monticello Rd.  
Jefferson City, MO 65109  
  
Facility Name: Cole County Public Works  
Facility Address: 5055 Monticello Rd  
JEFFERSON CITY, MO 65109  
  
Legal Description: Sec. 04, T43N, R12W, Cole County  
UTM Coordinates: 565135.257/4262453.882  
Receiving Stream: Tributary to Moreau R. (U)  
First Classified Stream - ID#: 8-20-13 MUDD V1.0 (C) 3960.00  
USGS# and Sub Watershed#: 10300102 - 1206

is authorized to discharge from the facility described herein, in accordance with the effluent limitations and monitoring requirements as set forth herein.


**FACILITY DESCRIPTION** All Outfalls SIC #1629  
All Outfalls - Construction or land disturbance activity (e.g., clearing, grubbing, excavating, grading, filling and other activity that results in the destruction of the root zone and/or land disturbance activity that is reasonably certain to cause pollution of waters of the state)

This permit authorizes only wastewater, including storm water, discharges under the Missouri Clean Water Law and the National Pollutant Discharge Elimination System, it does not apply to other regulated areas. This permit may be appealed in accordance with RSMo Section 644.051.6 and 621.250, 10 CSR 20-6.020, and 10 CSR 20-1.020.

September 01, 2017  
Issue Date

  
Edward B. Galbraith, Director  
Division of Environmental Quality

June 22, 2022  
Expiration Date

  
Chris Wieberg, Director  
Water Protection Program

## APPLICABILITY

1. This general permit authorizes the discharge of stormwater and certain non-stormwater discharges from land disturbance sites that disturb one or more acres or disturb less than one acre when part of a larger common plan of development or sale that will disturb a cumulative total of one or more acres over the life of the project. This general permit also authorizes the discharge of stormwater and certain non-stormwater discharges from smaller projects where the Missouri Department of Natural Resources (department) has exercised its discretion to require a permit [10 CSR 20-6.200(1)(B)].
2. This general permit is issued to a city, county, state or federal agency or other governmental jurisdiction for land disturbance projects performed by or under contract to the permittee.
3. A general stormwater control plan or stormwater pollution prevention plan (SWPPP) must be developed prior to issuance of this permit. These plans must include a narrative of the types and appropriate uses of Best Management Practices (BMPs) for erosion and sediment control and stormwater management. All water pollution controls on land disturbance sites shall conform to the storm water control program and/or SWPPP of the city, county or other governmental jurisdiction in which the land disturbance activity is occurring. The requirements of the stormwater control program and/or SWPPP must be at least as stringent as those described in this permit and 10 CSR 20-6.200.
4. A Missouri State Operating Permit must be issued before any site vegetation is removed or the site disturbed. Any site owner/operator subject to these requirements for stormwater discharges and who disturbs land prior to permit issuance from the department is in violation of both State regulations per 10 CSR 20-6.200(1)(A) and Federal regulations per 40 CFR 122.26. The legal owner of the property, right-of-way or the holder of an easement on the property, and operator on which the site is located are responsible for compliance with this permit.
5. This permit authorizes discharges from construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that appropriate stormwater controls are designed, installed, maintained and provided:
  - a. The support activity is directly related to the construction site required to have permit coverage for stormwater discharges;
  - b. The support activity is not a commercial operation; and
  - c. The support activity does not continue to operate beyond the completion of the construction activity at the project it supports.The permittee is responsible for compliance with this permit for any construction support activities.
6. This permit authorizes non-stormwater discharges from the following activities provided that these discharges are addressed in the permittee's specific SWPPP required by this general permit:
  - a. Dewatering activities if there are no contaminants other than sediment present in the discharge, and the discharge is treated as specified in Requirements, Section 10.o. of this permit;
  - b. Flushing water hydrants and potable water lines;
  - c. Water only (i.e., without detergents or additives) rinsing of streets and buildings; and
  - d. Site watering to establish vegetation.
7. This general permit does not authorize the:
  - a. placement of fill materials in waters or floodplains
  - b. obstruction of stream flow,
  - c. redirection of stormwater across private property not owned or operated by the permittee, or

- d. Changing the channel of a defined drainage course.  
These actions may be regulated by other federal, state, or local entities, such as the U.S. Army Corps of Engineers or Federal Emergency Management Agency. This general permit addresses only the quality of the stormwater runoff and the minimization of off-site migration of sediments and other water contaminants.
8. This permit does not authorize land disturbance activity in jurisdictional waters of the United States, unless the permittee has obtained the required Clean Water Act Section 404 Department of the Army permit from the U.S. Army Corps of Engineers and its associated Section 401 Water Quality Certification from the department. Land disturbance activities may not begin in the affected waters of the United States until the required §404 permit and §401 water quality certification have been obtained.
9. This general permit prohibits any discharge of wastewater generated from air pollution control equipment or the containment of scrubber water in lined ponds to waters of the state.
10. This general permit prohibits any discharge of sewage or pollutants to waters of the state including but not limited to:
- Any hazardous material, oil, lubricant, solid waste or other non-naturally occurring substance from the site, including fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
  - Soaps or solvents used in vehicle and equipment washing;
  - Hazardous substances or petroleum products from an on-site spill or handling and disposal practices;
  - Wash and/or rinse waters from concrete mixing equipment including ready mix concrete trucks, unless managed by an appropriate control. Any such pollutants must be adequately treated and addressed in the SWPPP, and cannot be discharged to waters of the state;
  - Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
  - Domestic wastewaters, including gray waters; or
  - Industrial stormwater runoff.
11. The department reserves the right to revoke or deny coverage under this general permit to applicants for stormwater discharges from land disturbance activities at sites that have contaminated soils that will be disturbed by the land disturbance activity or where such materials are brought to the site to use as fill or borrow. A site-specific permit may be required to cover such activities.
12. If at any time the department determines that the quality of waters of the state may be better protected by requiring the owner/operator of the permitted site to apply for a site-specific or different general permit, the department may do so [10 CSR 20-6.010(13)(C)]. Examples of when this may occur:
- The permittee is not in compliance with the conditions of this general permit;
  - The discharge no longer qualifies for this general permit due to changed site conditions and/or regulations; or
  - Information becomes available that indicates water quality standards have been or may be violated.
- The permittee will be notified in writing of the requirement to apply for a site-specific permit or a different general permit. When issued to the authorized permittee, the applicability of this general permit to the permittee is automatically terminated upon the effective date of the site-specific or different general permit.
13. Any owner/operator authorized by a general permit may request to be excluded from the coverage of the general permit and apply for a site-specific permit [10 CSR 20-6.010(13)(D)].

14. This operating permit does not affect, remove, or replace any requirement of the National Environmental Policy Act; the Endangered Species Act; the National Historic Preservation Act; the Comprehensive Environmental Response, Compensation and Liability Act; or the Resource Conservation and Recovery Act. Determination of applicability for the above mentioned acts is the responsibility of the permittee.
15. This permit does not supersede any requirement for obtaining project approval under an established local authority.
16. This permit is not transferable to other owners or operators.

#### EXEMPTIONS FROM PERMIT REQUIREMENTS

1. Facilities that discharge all stormwater runoff directly to a combined sewer system are exempt from stormwater permit requirements.
2. Land disturbance activity as described in 10 CSR 20-6.010(1)(B) and 10 CSR 20-6.200(1)(B).
3. Oil and gas related activities as listed in 40 CFR 122.26(a)(2)(ii).

#### REQUIREMENTS

1. Electronic Discharge Monitoring Report (eDMR) Submission System.  
Per 40 CFR Part 127 National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule, reporting shall be submitted by the permittee via an electronic system to ensure timely, complete, accurate, and nationally-consistent set of data about the NPDES program. All general permit covered facilities under this master general permit shall comply with the department's requirements for electronic reporting.
  - a. Reporting Requirements.
    - (1) Application to participate in the department's eDMR system is required as part of the application for general permit coverage in order to constitute a complete permit application and may be accessed at [dnr.mo.gov/env/wpp/edmr.htm](http://dnr.mo.gov/env/wpp/edmr.htm).
    - (2) The permittee must electronically submit quarterly reports via the eDMR system.
  - b. Other actions. The following shall be submitted electronically after such a system has been made available by the department:
    - (1) General Permit Applications/Notices of Intent to discharge (NOIs);
    - (2) Notices of Termination (NOTs);
    - (3) No Exposure Certifications (NOEs); and
    - (4) Low Erosivity Waivers and Other Waivers from Stormwater Controls (LEWs).
  - c. Electronic Submissions. To access the eDMR system, use the following web link: <https://edmr.dnr.mo.gov/edmr/E2/Shared/Pages/Main/Login.aspx>.
  - d. Waivers from Electronic Reporting.
    - (1) The permittee must electronically submit reports unless a waiver is granted by the department in compliance with 40 CFR Part 127.
    - (2) The permittee may obtain a temporary or permanent electronic reporting waiver by first submitting an eDMR Waiver Request Form (Form 780-2692: <http://dnr.mo.gov/forms/780-2692-f.pdf>), by contacting the appropriate permitting office or emailing [edmr@dnr.mo.gov](mailto:edmr@dnr.mo.gov)). The department will either approve or deny this electronic reporting waiver request within 120 calendar days of receipt.
    - (3) Only permittees with an approved waiver request may submit reports on paper to the Department for the period that the approved electronic reporting waiver is effective.
2. Quarterly Reports: Permittees shall prepare a quarterly report with a list of active land disturbance sites including any off-site borrow or depositional areas associated with the construction project

and submit the following information electronically as an attachment to the eDMR system until such a time when the current or a new system is available to allow direct input of the data:

- a. The name of the project;
- b. The location of the project (including the county);
- c. The name of the primary receiving water(s) for each project;
- d. A description of the project;
- e. The number of acres disturbed;
- f. The percent of completion of the project;
- g. The projected date of completion.

The quarterly report(s) shall be maintained by the permittee and readily available for review by the department at the address provided on the application as well as submitted to the department quarterly via the department's eDMR system. When a permittee terminates permit coverage, the permittee shall submit with the request for termination, the final quarterly report for the current calendar quarter. The permittee shall submit quarterly reports according to Table A.

<b>Table A Schedule for Quarterly Reporting</b>	
Activity for the months of:	Report is due:
January, February, March (1st Quarter)	April 28
April, May, June (2nd Quarter)	July 28
July, August, September (3rd Quarter)	October 28
October, November, December (4th Quarter)	January 28

3. This permit is to ensure the design, installation and maintenance of effective erosion and sediment controls minimize the discharge of pollutants by:
  - a. Controlling stormwater volume and velocity within the site to minimize soil erosion;
  - b. Controlling stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion and scour in the immediate vicinity of discharge points;
  - c. Minimizing the amount of soil exposed during construction activity;
  - d. Minimizing the disturbance of steep slopes;
  - e. Addressing factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle size expected to be present on the site to minimize sediment discharges from the site;
  - f. Providing and maintaining natural buffers around surface waters as detailed in 10.f,
  - g. Directing stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration and filtering, unless infeasible; and
  - h. Minimizing soil compaction and, unless infeasible, preserve topsoil. Minimizing soil compaction or preserving topsoil is not required where the intended function of a specific area of the site dictates that it be compacted or the topsoil be disturbed or removed.
4. Installation of Best Management Practices (BMPs) necessary to prevent soil erosion at the project boundary must be complete prior to the start of all phases of construction.
5. Install sediment controls along any perimeter areas of the site..
  - a. Remove any sediment per the manufacturer's instructions or before it has accumulated to one-half of the above-ground height of any perimeter control.
  - b. For sites where perimeter controls are infeasible, other practices shall be implemented to minimize discharges to perimeter areas of the site.
6. BMPs shall be maintained and remain in effective operating condition during the entire duration of the project, with repairs made within the timeframe specified in the Requirements Section 9 of this permit, until final stabilization has been achieved.
7. Minimize sediment track-out from the site.
  - a. Restrict vehicle traffic to properly designed exit points such as an aggregate stone with an underlying geotextile or non-woven filter fabric.

- b. Use appropriate stabilization techniques at all points that exit onto paved roads.
  - c. Remove any sediment that has been tracked out within the same business day or by the end of the next business day if track-out occurs on a non-business day.
8. **SWPPP Development and Implementation:** The primary requirement of this permit is the development and implementation of a SWPPP which incorporates site-specific practices to best minimize the soil exposure, soil erosion, and the discharge of pollutants. The permittee shall fully implement the provisions of the SWPPP required under this part as a condition of this general permit throughout the term of the land disturbance project. **The SWPPP must be developed prior to issuance of the permit and must be updated with details specific to the land disturbance site prior to conducting any land disturbance activities at the site.** Either an electronic copy or a paper copy of the SWPPP must be accessible to anyone on-site at all times when land disturbance operations are in progress, or other operational activities that may affect the maintenance or integrity of the BMP structures and made available as specified under the Records Section of this permit.
9. The SWPPP must:
- a. List and describe all points of discharge to receiving water(s);
  - b. Incorporate required practices identified below;
  - c. Incorporate erosion control practices specific to site conditions;
  - d. Provide for maintenance and adherence to the plan;
  - e. Discuss whether or not additional authorizations, such as a Section 404 permit and associated Section 401 Water Quality Certification are required for the project; and
  - f. Name the person responsible for inspection, operation and maintenance of BMPs.

The purpose of the SWPPP is to ensure the design, implementation, management and maintenance of BMPs in order to prevent sediment and other pollutants in stormwater discharges associated with the land disturbance activities; compliance with the Missouri Water Quality Standards; and compliance with the terms and conditions of this general permit.

The following manuals are acceptable resources for the selection of appropriate BMPs. *Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites*, (Document number EPA 833-R-06-004) published by the United States Environmental Protection Agency (USEPA) in May 2007. This manual as well as other information, including examples of construction SWPPPs, is available at the USEPA internet site at <https://www.epa.gov/npdes/developing-stormwater-pollution-prevention-plan-swppp>; and the latest version of *Protecting Water Quality: A field guide to erosion, sediment and stormwater best management practices for development sites in Missouri*, published by the department is available on the department's internet site at <http://www.dnr.mo.gov/env/wpp/wpcp-guide.htm>.

The permittee is not limited to the use of these guidance manuals. Other guidance publications may be used to select appropriate BMPs. However, all BMPs should be described and justified in the SWPPP.

10. **SWPPP Requirements:** The following information and practices shall be provided for in the SWPPP:
- a. **Nature of the Construction Activity:** The SWPPP briefly must describe the nature of the construction activity, including:
    - (1) The function of the project (e.g., low density residential, shopping mall, highway, etc.);
    - (2) The intended sequence and timing of activities that disturb the soils at the site;
    - (3) Estimates of the total area expected to be disturbed by excavation, grading, or other construction activities including off-site borrow and fill areas; and
    - (4) A general map (e.g., United States Geological Survey quadrangle map, a portion of a city or county map, or other map) with enough detail to identify the location of the construction site and waters of the state within one mile of the site.

- b. Site Map: The SWPPP must contain a legible site map showing the site boundaries and points of discharge to receiving water(s) and identifying:
- (1) Direction(s) of stormwater flow and approximate slopes for all phases of construction activities;
  - (2) Areas of soil disturbance and areas that will not be disturbed (or a statement that all areas of the site will be disturbed unless otherwise noted);
  - (3) Location of permanent and temporary structural and non-structural BMPs identified in the SWPPP;
  - (4) Locations where stabilization practices are expected to occur;
  - (5) Locations of off-site material, waste, borrow or equipment storage areas;
  - (6) Locations of all waters of the state (including wetlands);
  - (7) Locations where stormwater discharges to a surface water; and
  - (8) Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.
- c. Site Description: In order to identify the site, the SWPPP shall include facility and points of discharge to receiving water(s) information. The SWPPP shall have sufficient information to be of practical use to contractors and site construction workers to guide the installation and maintenance of BMPs.
- d. Selection of Temporary and Permanent BMPs: The permittee shall select, install, use, operate and maintain appropriate BMPs for the permitted site and list them in the SWPPP.
- e. Preservation of trees and vegetation: The SWPPP shall require existing vegetation and trees to be preserved where practical.
- f. Surface Water Buffers: For surface waters of the state, defined as "all waters within the jurisdiction of this state, including all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common, located on or adjacent to the site," the permittee must comply with (1)-(3), except as noted in (4):
- (1) Provide and maintain a 50-foot undisturbed natural buffer;
  - (2) Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or
  - (3) If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.
  - (4) The permittee is not required to comply with (1), (2) or (3) above if one of the following exceptions apply and documentation is provided in the SWPPP:
    - (a) As authorized per Clean Water Act Section 404 Department of the Army permit and its associated Section 401 Water Quality Certification from the department.
      1. The angle of any crossing shall be as perpendicular as feasible to the water course or natural stream buffer to minimize adverse impacts.
    - (b) If there is no discharge of stormwater to waters of the state through the area between the disturbed portions of the site and waters of the state located within 50 feet of your site. This includes situations where you have implemented permanent control measures that will prevent such discharges, such as a berm or other barrier.
    - (c) Where no natural buffer exists due to preexisting development disturbances that occurred prior to the initiation of planning for the current development of the site.
      1. Where some natural buffer exists but portions of the area within 50 feet of the waters of the state are occupied by preexisting development disturbances, you are required to comply with (1), (2), or (3) above.
    - (d) For linear projects where site constraints make it infeasible to implement a buffer or equivalent provided you limit disturbances within 50 feet of any waters of the state and/or you provide supplemental erosion and sediment controls to treat stormwater

- discharges from earth disturbances within 50 feet of the water of state.
- (e) For small residential lot construction as defined as 'a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part a larger common plan of development or sale,' one has the option of complying with (1), (2) or (3) above or one of the following alternatives:
1. Tiered-technology approach where:
    - a. A 50-foot or larger buffer is retained, no additional requirements are needed,
    - b. The buffer is greater than 30 feet but less than 50 feet wide, implement double perimeter controls spaced a minimum of at least 5 feet apart between land disturbance and water of the state, or
    - c. A less than or equal to 30-foot buffer is maintained, implement double perimeter controls between land disturbance and water of the state and stabilization activities completed with 7 calendar days of temporary or permanent cessation of land disturbance; or
  2. Sediment discharge risk based on the site's slope, location and soil type when combined with buffer width.
- g. Measuring Buffer Width: Where the permittee is retaining a buffer of any size, the buffer should be measured perpendicularly from any of the following points, whichever is further landward from the water:
- (1) The ordinary high water mark of the water body, defined as the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris; or
  - (2) The edge of the stream or river bank, bluff, or cliff, whichever is applicable.
- h. Description of BMPs: The SWPPP shall include a description of both structural and non-structural BMPs used one or more times at the site, providing the following general information for each:
- (1) Physical description of the BMP;
  - (2) Site conditions that must be met for effective use of the BMP;
  - (3) BMP installation/construction procedures, including typical drawings; and
  - (4) Operation and maintenance procedures for the BMP.
- i. Specific Instance of BMPs: The SWPPP shall provide the following information for each specific instance where a BMP is to be installed:
- (1) Whether the BMP is temporary or permanent;
  - (2) Where, in relation to other site features, the BMP is to be located;
  - (3) When the BMP will be installed in relation to each phase of the land disturbance procedures to complete the project; and
  - (4) Site conditions that must be met before removal of the BMP if the BMP is not a permanent BMP.
- j. Disturbed Areas: Slopes for disturbed areas must be defined in the SWPPP. A site map or maps defining the sloped areas for all phases of the project must be included in the SWPPP.
- (1) For soil disturbing activities that have temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days:
    - (a) The permittee shall construct BMPs to establish interim stabilization; and
    - (b) Stabilization must be initiated immediately and completed within 14 calendar days.
  - (2) For soil disturbing activities that have been permanently ceased on any portion of the site, final stabilization of disturbed areas must be initiated immediately and completed within 14 calendar days.
  - (3) Allowances to the 14 day completion period for temporary and final stabilization may be made due to weather and equipment malfunctions. In drought-stricken areas where initiating vegetative stabilization measures immediately are infeasible, alternative stabilization measures must be employed. The use of allowances shall be documented in the SWPPP.

- (4) Interim stabilization shall consist of well-established and maintained BMPs that are reasonably certain to protect waters of the state from sediment pollution over an extended period of time. This may require adding more BMPs to an area than is normally used during daily operations. These BMPs may include a combination of sediment basins, check dams, sediment fences and mulch. The types of BMPs used must be suited to the area disturbed, taking into account the number of acres exposed and the steepness of the slopes. If the slope of the area is greater than 3:1 (three feet horizontal to one foot vertical) or if the slope is greater than 3% and greater than 150 feet in length, then the permittee shall establish interim stabilization within seven days of ceasing operations on that part of the site.
  - (5) In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed.
- k. Installation: The permittee shall ensure the BMPs are properly installed at the locations and relative times specified in the SWPPP.
- (1) Peripheral or border BMPs to control runoff from disturbed areas shall be installed or marked for preservation before general site clearing is started. Note that this requirement does not apply to earth disturbances related to initial site clearing and establishing entry, exit and access of the site, which may require that stormwater controls be installed immediately after the earth disturbance.
  - (2) For phased projects, BMPs shall be properly installed as necessary prior to construction activities.
  - (3) Stormwater discharges from disturbed areas which leave the site shall pass through an appropriate impediment to sediment movement such as a sedimentation basin, sediment traps and/or silt fences prior to leaving the land disturbance site.
  - (4) A drainage course change shall be clearly marked on a site map and described in the SWPPP.
  - (5) If vegetative stabilization measures are being implemented, stabilization is considered "installed" when all activities necessary to seed or plant the area are completed.
- l. Sedimentation Basins: The SWPPP shall include a sedimentation basin for each drainage area with ten or more acres disturbed at one time.
- (1) The sedimentation basin shall be sized to a local 2-year, 24-hour storm. A 2-year, 24-hour storm event shall be determined for the project location using the National Oceanic and Atmospheric Administration's National Weather Service Atlas 14 which can be located at <http://hdsc.nws.noaa.gov/hdsc/pfds/>.
  - (2) Basins designed and initiated under the 2012 Area-Wide Land Disturbance General Permit MO-R100000 or prior authorizations shall comply with the requirements held in those authorizations. Any construction activities designed and initiated under this authorization shall comply with the local 2-year, 24-hour storm event by January 1, 2018.
  - (3) Accumulated sediment shall be removed from the basin when basin is 50% full.
  - (4) Utilize outlet structures that withdraw water from the surface when discharging from basins and impoundments unless infeasible.
  - (5) Discharges from the basin shall not cause scouring of the banks or bottom of the receiving stream.
  - (6) The SWPPP shall require the basin be maintained until final stabilization of the disturbed area served by the basin.
  - (7) The SWPPP shall require both temporary and permanent sedimentation basins to have a stabilized spillway to minimize the potential for erosion of the spillway or basin embankment.
  - (8) Where use of a sediment basin is infeasible, the SWPPP shall evaluate and specify other similarly effective BMPs to be employed to control erosion and sediment delivery. These similarly effective BMPs shall be selected from appropriate BMP guidance documents authorized by this permit. The BMPs must provide equivalent water quality protection to achieve compliance with this permit.

- m. Pollution Prevention Measures: The SWPPP shall include BMPs for pollution prevention measures. At minimum such measures must be designed, installed, implemented and maintained to:
- (1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
  - (2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk or stormwater contamination (such as final products and material intended for outdoor use);
  - (3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures. Included but not limited to the installation of containment berms and use of drip pans at petroleum product and liquid storage tanks and containers; and
- n. Roadways: Where applicable, upon installation of or connection to roadways, all efforts should be made to prevent the deposition of earth and sediment onto roadways through the use of proper BMPs.
- (1) Stormwater inlets susceptible to receiving sediment from the permitted land disturbance site shall have curb inlet protection.
  - (2) Where stormwater will flow off the end of where a roadway terminates, a sediment catching BMP such as gravel berm or silt fence shall be provided.
  - (3) Curb inlets shall be cleaned weekly or following a precipitation event that generates a run-off.
- o. Dewatering: Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls. The SWPPP shall include a description of any anticipated dewatering methods.
- (1) The SWPPP shall call for specific BMPs designed to treat water pumped from trenches and excavations and in no case shall this water be pumped off-site without being treated by the specified BMPs.
11. Good housekeeping practices shall be maintained at all times to keep waste from entering waters of the state. Solid and hazardous waste management include providing trash containers and regular site cleanup for proper disposal of solid waste such as scrap building material, product/material shipping waste, and food containers and cups, and providing containers and proper disposal of waste paints, solvents and cleaning compounds. The provision of portable toilets for proper disposal of sanitary sewage and the storage of construction materials should be kept away from drainage courses and low areas.
12. All fueling facilities present shall at all times adhere to applicable federal and state regulations concerning underground storage, above ground storage and dispensers.
13. Hazardous substances that are transported, stored, or used for maintenance, cleaning, or repair shall be managed according to the provisions of the Missouri Hazardous Waste Laws and Regulations.
14. Containers: All paint, solvents, petroleum products, petroleum waste products and storage containers such as drums, cans, or cartons shall be stored according to BMPs. The materials exposed to precipitation shall be stored in watertight, structurally sound, closed containers. All containers shall be inspected for leaks or spillage during the inspection of BMPs.

15. Amending/Updating the SWPPP: The permittee shall amend and update the SWPPP as appropriate during the term of the land disturbance activity. The permittee shall amend the SWPPP at a minimum whenever the:
  - a. Design, operation, or maintenance of BMPs is changed;
  - b. Design of the construction project is changed that could significantly affect the quality of the stormwater discharges;
  - d. Department notifies the permittee in writing of deficiencies in the SWPPP;
  - e. SWPPP is determined to be ineffective in minimizing or controlling erosion and sedimentation (e.g., there is visual evidence of excessive site erosion or excessive sediment deposits in streams or lakes); and/or
  - f. Department determines violations of water quality standards may occur or have occurred.
  
16. An individual shall be designated by the permittee as the lead for environmental matters. The lead individual for environmental matters shall have a thorough and demonstrable knowledge of the site's SWPPP and sediment and erosion control practices in general. The lead individual for environmental matters or a designated inspector knowledgeable in erosion, sediment and stormwater control principles shall inspect all structures that function to prevent pollution of waters of the state
  
17. Site Inspections: The permittee (or a representative of the permittee) shall conduct regularly scheduled inspections.
  - a. These inspections shall be conducted by a qualified person, one who is responsible for environmental matters at the site, or a person trained by and directly supervised by the person responsible for environmental matters at the site.
  - b. Inspections are only required during the project's normal working hours.
  - c. For disturbed areas that have not been finally stabilized, all installed BMPs and other pollution control measures shall be inspected for proper installation, operation and maintenance.
  - d. Areas on-site that have been stabilized must be inspected at least once per month.
    - (1) For areas where disturbed portions have undergone temporary stabilization at the same time active construction continues on other areas, inspections shall occur at least once a month while stabilized and when re-disturbed shall follow either frequency outlined in subsection h. below.
    - (2) For areas where disturbed portions have undergone final stabilization at the same time active construction continues on other areas, inspection frequency may be cease on the finally stabilized areas according to the following:
      - (a) After the first monthly inspection, inspect once more within 24 hours of a storm event of 0.25 inches or greater.
      - (b) If there are no issues or evidence of stabilization problems, further inspections may cease.
      - (c) If unstable site conditions or sediment movement are observed, the site must be re-stabilized and monthly inspections shall occur until final stabilization is confirmed following a storm event of 0.25 inches or greater.
  - e. All stormwater outfalls shall be inspected for evidence of erosion or sediment deposition.
  - f. When practicable the receiving stream shall also be inspected for 50 feet downstream of the outfall.
  - g. Any structural or maintenance problems shall be noted in an inspection report and corrected as soon as possible but no more than seven calendar days after the inspection.
    - (1) If weather conditions prevent correction of BMPs within seven calendar days, the reasons for the delay must be documented (including pictures) and there must be a narrative explaining why the work cannot be accomplished within the seven day time period.
    - (2) The documentation must be filed with the regular inspection reports.
    - (3) The permittee shall correct the problem as soon as weather conditions allow.
  - h. All BMPs must be inspected in accordance to one of the two schedules listed below, and any

changes to the frequency of inspections, including switching between the options listed below, must be documented in the SWPPP:

- (1) At least once every seven calendar days and within 48 hours after any storm event equal to or greater than a 2-year, 24-hour storm has ceased during a normal work day and within 72 hours if the event ceases during a non-work day such as a weekend or holiday; or
  - (2) Once every 14 calendar days and within 24 hours of the occurrence of a storm event of 0.25 inches or greater or the occurrence of runoff from snowmelt. To determine if a storm event of 0.25 inches or greater has occurred on-site, the permittee must either keep a properly maintained precipitation gauge on site, or obtain the storm event information from a weather station near the site.
    - (a) Inspections shall be conducted within 24 hours once a storm event has produced 0.25 inches within a 24 hour period; even if the storm event is still continuing.
    - (b) If the permittee has elected to inspect every 14 calendar days and there is a storm event at the site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, the permittee is required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.
18. The SWPPP must explain how the person responsible for erosion control will be notified when stormwater runoff occurs
19. Site Inspections Reports: A log of each inspection and copy of the inspection report shall be kept readily accessible and must be available upon request by the department. Electronic logs are acceptable as long as reports can be provided in a timely manner. If inspection reports are kept off-site, the SWPPP must indicate where they are stored. The inspection report shall be signed by the permittee or by the person performing the inspection if duly authorized to do so. The inspection report is to include the following minimum information:
- a. Inspector's name;
  - b. Date of inspection;
  - c. Observations relative to the effectiveness of the BMPs;
  - d. Actions taken or necessary to correct the observed problem; and
  - e. Listing of areas where land disturbance operations have permanently or temporarily stopped.
20. Notification to All Contractors: The permittee shall be responsible for notifying each contractor or entity (including utility crews and city employees or their agents) who will perform work at the site of the existence of the SWPPP and what action or precautions shall be taken while on-site to minimize the potential for erosion and the potential for damaging any BMP. The SWPPP shall contain a record of notification; for example, a list of contractors or entities given a copy of the SWPPP or education session sign-in sheet. The permittee is responsible for any damage a subcontractor may do to established BMPs and any subsequent water quality violation resulting from the damage.
21. Public Notification: The permittee shall post a copy of the public notification sign on page 15 of this permit at the main entrance to the site. The public notification sign must be visible from the public road that provides access to the site's main entrance. An alternate location is acceptable provided the public can see it and it is noted in the SWPPP. The public notification sign must remain posted at the site until the permit has been terminated.

## OTHER DISCHARGES

A record of each reportable release of hazardous substance shall be retained with the SWPPP and made available to the department upon request. The department may also require the submittal of a written or electronic report detailing measures taken to clean up the spill within five (5) days of the spill. Such a report must include the type of material spilled, volume, date of spill, date clean-up was completed, clean-up method, and final disposal method.

## SAMPLING REQUIREMENTS AND EFFLUENT LIMITATIONS

The department may require sampling and reporting as a result of illegal discharges, compliance issues, complaint investigations, or other such evidence of contamination from activities at the site. If such an action is needed, the department will specify in writing any sampling requirements, including such information as location, extent and parameters.

## RECORDS

1. The permittee shall retain copies of this general permit, the SWPPP and all amendments for the site, results of any monitoring and analysis, and all site inspection records. The records shall be accessible during normal business hours. The records shall be retained for a period of at least three years from the date of the Letter of Termination.
2. The permittee shall provide a copy of the SWPPP to the department, USEPA, or any local agency or government representative if they request a copy in the performance of their official duties.
3. The permittee shall provide a copy of the SWPPP to those who are responsible for installation, operation, or maintenance of any BMP. The permittee, their representative, and/or the contractor(s) responsible for installation, operation and maintenance of the BMPs shall have a current copy of the SWPPP with them when on the project site.

## LAND PURCHASE AND CHANGE OF OWNERSHIP

1. If the permittee sells any portion of the permitted site to a developer for commercial, industrial, or residential use, this land remains a part of the common sale and the new owner must obtain a permit prior to conducting any land disturbance activity. Therefore, the original permittee must amend the SWPPP to show that the property has been sold and therefore no longer under the original permit coverage.
2. Property of any size which is part of a larger common plan of development where the property has been stabilized and the original permit terminated will require application of a new land disturbance permit for any future land disturbance activity unless exempted per 10 CSR 20-6.010(1)(B), 10 CSR 20-6.200(1)(B), and 40 CFR 122.26(a)(2)(ii).
3. If the entire tract is sold to a single entity, then this permit shall be terminated when the new owner obtains a new land disturbance permit for the site.
4. If a portion of a larger common plan of development is sold to an individual for the purpose of building his or her own private residence, a permit is required if the portion of land sold is equal to or greater than one acre while no permit is required for less than one acre of land sold.

## TERMINATION

This permit may be terminated when all projects are stabilized. The project is considered to be finally stabilized when perennial vegetation, pavement, buildings, or structures using permanent materials cover all areas that have been disturbed. With respect to areas that have been vegetated, vegetation cover shall be at least 70% over 100% of the site. In order to terminate the permit, the permittee shall notify the department by submitting *Form H- Request for Termination of a General Permit* (<http://dnr.mo.gov/forms/780-1409-f.pdf>).

## DUTY TO REAPPLY

Unless terminated, the permittee shall submit an application for the renewal of this permit by submitting *Form E-Application for General Permit* (<http://dnr.mo.gov/forms/780-0795-f.pdf>) and

*Form G – Application for Stormwater Permit Under the General Permit: Land Disturbance* (<http://dnr.mo.gov/forms/780-1408-f.pdf>) no later than thirty (30) days prior to the permit's expiration date. If a facility submits a timely and complete application in accordance with 10 CSR 20-6.010(5)(B), (5)(C), and (10)(E)1, as well as § 644.051.10, RSMo 2015, if the department is unable, through no fault of the permittee, to issue a renewal prior to expiration of the previous permit, the terms and conditions of the expired permit are administratively continued and will remain fully effective and enforceable until such time when a permit action is taken. Failure to submit a renewal application for a facility that is still in operation is a violation of the Missouri Clean Water Law. As part of the complete application and as required by the federal NPDES eReporting rule, participation in the department's Electronic Discharge Monitoring Report Submission System (eDMR) will be required. Facilities already participating in eDMR need not re-apply upon renewal. More information can be found at: <http://dnr.mo.gov/env/wpp/edmr.htm>. Failure to apply for renewal of a permit may result in termination of this permit and enforcement action to compel compliance with this condition and the Missouri Clean Water Law. This permit may be applied for and issued electronically once made available by the director in accordance with Section 644.051.10, RSMo.

#### MODIFICATION, REVOCATION, AND REOPENING

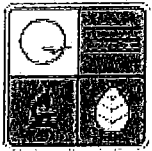
1. The full implementation of this operating permit shall constitute compliance with all applicable federal and state statutes and regulations in accordance with §644.051.16, RSMo, and the CWA section 402(k); however, this permit may be reopened and modified, or alternatively revoked and reissued to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a) (2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:
  - a. contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
  - b. controls any pollutant not limited in the permit.
2. If this permit is reopened, modified or revoked pursuant to this Section, the permittee retains all rights under Chapter 536 and 644 Revised Statutes of Missouri upon the department's reissuance of the permit as well as all other forms of administrative, judicial, and equitable relief available under law.

#### STANDARD CONDITIONS

These Standard Conditions incorporate permit conditions as required by 40 CFR 122.41 or other applicable state statutes or regulations. These minimum conditions apply unless superseded by requirements specified in the permit.

1. Other Information: Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the department, it shall promptly submit such facts or information.
2. Duty to Comply: The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Missouri Clean Water Law and Federal Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.
3. Duty to Provide Information: The permittee shall furnish to the department, within a reasonable time, any information which the department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the department upon request, copies of records required to be kept by this permit.

4. Inspection and Entry: The permittee shall allow the department, or an authorized representative (including an authorized contractor acting as a representative of the department), upon presentation of credentials and other documents as may be required by law, to:
  - a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  - d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Federal Clean Water Act or Missouri Clean Water Law, any substances or parameters at any location.
  
5. Signatory Requirement:
  - a. All permit applications, reports required by the permit, or information requested by the department shall be signed and certified. (See 40 CFR 122.22 and 10 CSR 20-6.010)
  - b. The Federal Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six (6) months per violation, or by both.
  - c. The Missouri Clean Water Law provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to sections 644.006 to 644.141 shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months, or by both.



Missouri  
Department of  
Natural Resources

STORMWATER DISCHARGES  
FROM THIS LAND DISTURBANCE  
SITE ARE AUTHORIZED BY THE  
MISSOURI STATE OPERATING  
PERMIT NUMBER:

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ANYONE WITH QUESTIONS OR  
CONCERNS ABOUT  
STORMWATER DISCHARGES  
FROM THIS SITE, PLEASE  
CONTACT THE MISSOURI  
DEPARTMENT OF NATURAL  
RESOURCES AT

**1-800-361-4827**

**Missouri Department of Natural Resources**  
**Fact Sheet**  
**MO-R100000**

The Federal Water Pollution Control Act [Clean Water Act (CWA)] Section 402 of Public Law 92-500 (as amended) established the National Pollution Discharge Elimination System (NPDES) permit program. This program regulates the discharge of pollutants from point sources into the waters of the United States, and the release of stormwater from certain point sources. All such discharges are unlawful without a permit (Section 301 of the CWA). After a permit is obtained, a discharge not in compliance with all permit terms and conditions is unlawful. Missouri State Operating Permits (permit) are issued by the Missouri Department of Natural Resources (department) under an approved program, operated in accordance with federal and state laws (Federal CWA and Missouri Clean Water Law Section 644 as amended). Permits are issued for a period of five (5) years unless otherwise specified.

Per 40 CFR 124.56, 40 CFR 124.8, and 10 CSR 20-6.020(1)(A)2., a Fact Sheet shall be prepared to give pertinent information regarding the applicable regulations, rationale for the development of effluent limitations and conditions, and the public participation process for the permit. A Fact Sheet is not an enforceable part of a permit.

This Fact Sheet is for a:

- Major
- Minor
- Industrial Facility
- Variance
- Master General Permit
- Permit with widespread public interest

**Definitions**

**Common Promotional Plan:** A plan undertaken by one (1) or more persons, to offer lots for sale or lease; where land is offered for sale by a person or group of persons acting in concert, and the land is contiguous or is known, designated or advertised as a common unit or by a common name or similar names, the land is presumed, without regard to the number of lots covered by each individual offering, as being offered for sale or lease as part of a common promotional plan.

**Immediately:** For the purposes of this permit, immediately should be defined as within 24 hours.

**Infeasible:** Infeasible means not technologically possible, or not economically practicable and achievable in light of best industry practices.

**Larger Common Plan of Development or Sale:** A contiguous area where multiple separate and distinct construction activities are occurring under one plan.

**Non-structural Best Management Practice:** Institutional, educational or pollution prevention practices designed to limit the amount of stormwater runoff or pollutants that are generated in the landscape. An example includes ordinance development.

**Ordinary High Water Mark:** The line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation and/or the presence of litter and debris.

**Peripheral:** For the purposes of this permit, peripheral should be defined as the outermost boundary of the area that will be disturbed.

**Permanently:** For the purposes of this permit, permanently should be defined as any activity that has been

ceased without any intentions of future disturbance.

Structural Best Management Practice: Physical controls working individually or as a group, appropriate to the source, location, and area climate for the pollutant to be controlled. Examples include moving earth for sedimentation basin and planting vegetation.

Waters of the state: Section 644.016.1(27), RSMo defines waters of the state as, "All waters within the jurisdiction of this state, including all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common."

### **Part I – Facility Information**

Facility Type: Industrial Stormwater  
Facility Description: Construction or land disturbance activity (e.g., clearing, grubbing, excavating, grading, filling, and other activities that result in the destruction of the root zone and/or land disturbance activity that is reasonably certain to cause pollution to waters of the state).

This permit establishes a SWPPP requirement to minimize pollutants of concern from this type of facility or for all facilities covered under this permit. 10 CSR 20-6.200(6)(A)7. specifies that "general permits shall contain BMP requirements and/or monitoring and reporting requirements to keep the stormwater from becoming contaminated." Local conditions are not considered when developing conditions for a general permit. A facility may apply for a site-specific permit if they desire a review of local conditions.

While drafting this permit for renewal, the department hosted four public meetings on January 27, February 24, April 18, and May 19, 2016, which allowed stakeholders to voice concerns about conditions within the permit and submit comments during the period of initial involvement. These concerns were taken into consideration when drafting the permit.

### **Part II – Receiving Stream Information**

#### **APPLICABLE DESIGNATIONS OF WATERS OF THE STATE:**

Per Missouri Effluent Regulations (10 CSR 20-7.015), the waters of the state are divided into seven (7) categories. This permit applies to facilities discharging to the following water body categories:

Please mark all appropriate designated waters of the state categories of the receiving stream.

- Missouri or Mississippi River [10 CSR 20-7.015(2)]
- Lakes or Reservoirs [10 CSR 20-7.015(3)]
- Losing Streams [10 CSR 20-7.015(4)]
- Metropolitan No-Discharge Streams [10 CSR 20-7.015(5)]
- Special Streams [10 CSR 20-7.015(6)]
- Subsurface Waters [10 CSR 20-7.015(7)]
- All Other Waters [10 CSR 20-7.015(8)]

Missouri Water Quality Standards (10 CSR 20-7.031) defines the Clean Water Commission water quality objectives in terms of "water uses to be maintained and the criteria to protect those uses." The receiving stream and/or 1<sup>st</sup> classified receiving stream's beneficial water uses shall be maintained in accordance with 10 CSR 20-7.031(4). The BMP requirement established by this permit are intended to be protective of all streams that fall within the categories of receiving water bodies indicated above. A general permit does not take into consideration site-specific conditions.

### **Part III – Applicability**

Condition number 5 includes support activities. Those support activities are to become part of the land disturbance permitted area and included in the acreage calculations, whether the support activities are located adjacent to, on-site or off-site from the main land disturbance construction area. For example, if the main land disturbance site is 0.6 acres and the project needs fills that is gathered from a borrow site specific to this project which equals 0.5 acres, then the total acreage for this project is an acre or more and the conditions of this permit apply to both the main construction area and the borrow area.

Condition number 14 was expanded to include a more comprehensive list of state and federal requirements that must be taken into consideration.

If the proposed project encounters and will potentially affect a species of concern, please report it to the Missouri Department of Conservation and the United States Fish and Wildlife Service. For more information about requirements of the Endangered Species Act, please visit the following links:

1. To determine the potential for species of concern within or near a project, please visit the United States Fish and Wildlife Services' "Information, Planning and Conservation" website at <http://ecos.fws.gov/ipac/>.
2. If there are listed species in the county or township, check to see if critical habitat has been designated and if that area overlaps or is near the project area. Critical habitat designations and associated requirements may also be found at 50 CFR Parts 17 and 226. For additional information, use the map view tool at <http://criticalhabitat.fws.gov/crithab/> to find data specific to the state and county.

The Missouri Department of Conservation's internet site for the Natural Heritage Review may be very helpful and can be found at the following link, <https://naturalheritagereview.mdc.mo.gov/>.

### **Part IV – Exemptions**

Condition Number 2 was added to cite all state exemptions from permitting requirements, combining several previous cited exemptions into one condition and reference. This includes an exemption for linear construction where the entire disturbance, including clearing of land to access the linear disturbance, is less than two feet in width.

Condition Number 3 was added to cite federal regulations that exclude land disturbance projects related to the installation or maintenance work for oil and gas related activities.

### **Part V – Rationale of Technology Based Limitations & Permit Conditions**

#### **303(d) LIST & TOTAL MAXIMUM DAILY LOAD (TMDL):**

Section 303(d) of the Federal CWA requires that each state identify waters that are not meeting Water Quality Standards and for which adequate water pollution controls have not been required. Water Quality Standards protect such beneficial uses of water as whole body contact, maintaining fish and other aquatic life, and providing drinking water for people, livestock, and wildlife. The 303(d) list helps state and federal agencies keep track of waters that are impaired but not addressed by normal water pollution control programs.

#### **ANTI-BACKSLIDING:**

A provision in the Federal Regulations [CWA Section 303(d) (4); CWA Section 402(c); 40 CFR Part 122.44(I)] that requires a reissued permit to be as stringent as the previous permit with some exceptions.

- Applicable: Backsliding proposed in this permit conforms to the anti-backsliding provisions of Section 402(o) of the CWA and 40 CFR 122.44. The department has determined that technical mistakes were made in the previous permit [CWA 402(o)(2)(B)(ii)]. The Department has determined that technical mistakes or mistaken interpretations of law were made in issuing the

In accordance with Developing Your Stormwater Pollution Prevention Plan, a Guide for Construction Sites (EPA 833-R-06-004; [https://www3.epa.gov/npdes/pubs/sw\\_swppp\\_guide.pdf](https://www3.epa.gov/npdes/pubs/sw_swppp_guide.pdf)) published by the United States Environmental Protection Agency (EPA) in May 2007, BMPs are measures or practices used to reduce the amount of pollution entering waters of the state. BMPs may take the form of a process, activity, or physical structure. EPA developed resources and tools related to construction stormwater along with the BMPs to control and minimize stormwater (<https://www.epa.gov/npdes/stormwater-discharges-construction-activities>). Along with EPA's resources and tools, the International Stormwater BMP database ([www.bmpdatabase.org/index.htm](http://www.bmpdatabase.org/index.htm)) may provide guidance on BMPs appropriate for specific industries.

Additionally in accordance with Stormwater Management, a SWPPP is a series of steps and activities to (1) identify sources of pollution or contamination, and (2) select and carry out actions which prevent or control the pollution of stormwater discharges.

- Applicable: A SWPPP shall be developed and implemented for each site and shall incorporate required practices identified by the department with jurisdiction, incorporate erosion control practices specific to site conditions, and provide for maintenance and adherence to the plan.

The new permit has been revised to allow permittees to store SWPPP documents electronically as long as they can be provided in an expedient manner.

Release of a hazardous substance must be reported to the department in accordance with 10 CSR 24-3.010. If the spill occurs outside of normal business hours, or if the permit holder cannot reach regional office staff for any reason, the permit holder is instructed to report the spill to the department's 24 hour Environmental Emergency Response hotline at (573) 634-2436 at the earliest practicable moment after discovery. Leaving a message on a department staff member voice-mail does not satisfy this reporting requirement.

#### **WATER QUALITY STANDARDS:**

Per 10 CSR 20-7.031(4), General Criteria shall be applicable to all waters of the state at all times, including mixing zones. Additionally, 40 CFR 122.44(d)(1) directs the department to include in each NPDES permit conditions to achieve water quality established under Section 303 of the CWA, including state narrative criteria for water quality.

#### **SPECIFIC CRITERIA CONSIDERATIONS:**

An evaluation of discharges associated with land disturbance activities has been conducted to determine if any pollutants discharged under this general permit would have reasonable potential to cause or contribute toward an excursion of specific water quality criterion. Pollutants discharged from land disturbance activities are not commonly associated with pollutants listed as specific criteria in the Missouri Water Quality Standards; therefore, reasonable potential to cause an excursion of a specific criterion does not exist.

#### **GENERAL CRITERIA CONSIDERATIONS:**

In accordance with 40 CFR 122.44(d)(1), effluent limitations shall be placed into the permit for those pollutants which have been determined to cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality. The rule further states that pollutants which have been determined to cause, have the reasonable potential to cause, or contribute to an excursion above a narrative criterion within an applicable State water quality standard, the permit shall contain a numeric effluent limitation to protect that narrative criterion. In order to comply with this regulation, the permit writer will complete reasonable potential determinations on whether the discharge will violate any of the general criteria listed in 10 CSR 20-7.031(4). These specific requirements are listed below followed by derivation and discussion [the lettering matches that of the rule itself, under 10 CSR 20-7.031(4)]. It should also be noted that Section 644.076.1, RSMo states that it shall be unlawful for any person to cause or permit any discharge of water contaminants from any water contaminant or point source located in Missouri that is in violation of sections 644.006 to 644.141 of the Missouri Clean Water Law or any

standard, rule or regulation promulgated by the commission.

- (a) Waters shall be free from substances in sufficient amounts to cause the formation of putrescent, unsightly or harmful bottom deposits or prevent full maintenance of beneficial uses. The SWPPP requires implementation of best management practices to store, prevent, or minimize stormwater and/or any related land disturbance activity discharges (namely sediment). If one follows their SWPPP and other permit conditions including timely inspections, no reasonable potential to cause an excursion of this narrative exists. Additionally, there had been no indication to the Department that a stream has had issues maintaining beneficial uses as a result of the controlled and managed stormwater discharges per the SWPPP. Therefore, based on the information reviewed during the drafting of this permit, no reasonable potential to cause or contribute to an excursion of this criterion exists.
- (b) Waters shall be free from oil, scum and floating debris in sufficient amounts to be unsightly or prevent full maintenance of beneficial uses. Please see (a) above as justification is the same.
- (c) Waters shall be free from substances in sufficient amounts to cause unsightly color or turbidity, offensive odor or prevent full maintenance of beneficial uses. Please see (a) above as justification is the same.
- (d) Waters shall be free from substances or conditions in sufficient amounts to result in toxicity to human, animal or aquatic life. This permit addresses discharges from land disturbance activities and it not expected to include an toxic pollutants. Best management practices are to be addressed in the SWPPP should any toxic pollutant of concern be on-site.
- (e) There shall be no significant human health hazard from incidental contact with the water. Please see (a) above as justification is the same.
- (f) There shall be no acute toxicity to livestock or wildlife watering. Please see (d) above as justification is the same.
- (g) Waters shall be free from physical, chemical or hydrologic changes that would impair the natural biological community. Please see (a) above as justification is the same.
- (h) Waters shall be free from used tires, car bodies, appliances, demolition debris, used vehicles or equipment and solid waste as defined in Missouri's Solid Waste Law, section 260.200, RSMo, except as the use of such materials is specifically permitted pursuant to section 260.200-260.247. Please see (a) above. Additionally, any solid wastes received or produced at this facility are wholly contained in appropriate storage facilities, are not discharged, and are disposed of offsite. Therefore, this discharge does not have reasonable potential to cause or contribute to an excursion of this criterion.

The settleable solids requirement was removed from this permit and was replaced with additional, more specific BMP requirements. The settleable solids limit was determined not to be protective of all waters across the state, therefore, it was removed. Examples of these BMPs include requirements to:

- Install and maintain perimeter controls along areas of the site that will receive pollutant discharges;
- Minimize sediment track-out from the site;
- Provide storage for runoff up to and including a 2-year, 24-hour storm event when designing sedimentation basins; and
- Direct stormwater to vegetated areas.

The minimum buffer width was increased from 25 feet to 50 feet. Studies have shown that a 50 foot vegetative buffer more adequately treats sediment from stormwater discharges. This appears to be standard in EPA's permit as well as in many other states. A literature review was conducted to assess the effectiveness of buffer widths in relation to sediment removal. In an early literature review on grass buffers in agricultural settings, Dosskey (2001) concluded that 40 -100% of sediment entering from cultivated fields was removed using buffer strips 0.5 to 20 meters. Liu *et al.* (2008) conducted an analysis of 85 estimates of sediment removal by vegetated buffers. They found that sediment removal efficiency ( $E_s$ , the percentage of inflowing sediment trapped within a buffer) increased with buffer width according to the relationship:  $E_s = 13.4 \log_e (w) + 56.9$  in

which  $w$  (m) is buffer width. This equation predicts that  $E_s$  increases from 78% for a 5 meter wide buffer to 88% and 97% at widths of 10 meters and 20 meters, respectively. Yaun *et al.* (2009; 93 estimates) and Zhang *et al.* (2010; 81 estimates) garnered similar results to Liu *et al.*

In order to design controls that match the sediment removal efficiency of a 50-foot buffer, first the permittee must know what this efficiency is for the site. The sediment removal efficiencies of natural buffers vary according to a number of site-specific factors, including precipitation, soil type, land cover, slope length, width, steepness, and the types of sediment controls used to reduce the discharge of sediment prior to the buffer.

Sediment removal efficiencies are based on the U.S. Department of Agriculture's RUSLE2 (Revised Universal Soil Loss Equation 2) model for slope profiles using a 100-foot long exposed slopes.

Sediment removal is defined as the annual sediment delivered at the downstream end of the 50-foot natural buffer (tons/yr/acre) divided by the annual yield from cleared area (tons/yr/acre).

Sediment removal is in part a function of (1) a perimeter control (i.e., silt fence) located between the disturbed portion of the site and the upland edge of the natural buffer and (2) stormwater flows traveling through a 50-foot buffer of undisturbed natural vegetation.

Additional guidance may be found at [https://www.epa.gov/sites/production/files/2017-02/documents/2017\\_cgp\\_final\\_appendix\\_g\\_-\\_buffer\\_reqs\\_508.pdf](https://www.epa.gov/sites/production/files/2017-02/documents/2017_cgp_final_appendix_g_-_buffer_reqs_508.pdf).

Inspection frequencies: Site inspection frequencies have been changed from the previous permit based upon guidance from the USEPA and from stakeholder discussions. These frequencies will allow flexibility but will still allow for frequent enough inspections to ensure that all BMPs are adequately functioning.

## **Part VI – Effluent Limitations Determination**

In this general permit, Technology-Based Effluent Limitations are established through the SWPPP and BMP requirements. Effective BMPs may have to be designed on a site-specific basis. The implementation of monitoring provides a tool for each facility to evaluate the effectiveness of BMPs to ensure protection of water quality.

## **Part VII – Land Purchase and Change of Ownership**

A “larger common plan of development or sale” is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan. This term is used in conjunction with common promotional plan, as defined in §644, RSMo.

Any portion of a project that is sold to a developer is still considered part of a larger common plan of development or sale and will require a permit.

If a portion of a site is sold to an individual for the purpose of building his or her private residence:

- A permit is required if the portion of land sold is equal to or greater than one acre.
- A permit is not required if the portion of land sold is less than one acre.

## **Part VIII – Termination**

The word ‘plant density’ was removed from the first paragraph since the department determined that percent of vegetative cover more accurately describes the vegetative requirements of this permit. This decision was made after discussion within the department and with stakeholders.

It is preferable that temporary BMPs such as sediment fence be removed prior to permit termination to

eliminate potential solid waste issues that may occur as a result of unnecessary and unmaintained BMPs.

Additional options for winter site stabilization as part of the vegetation requirement may exist, such as using a seeded erosion control blanket.

### **Part IX – Duty to Reapply**

This section has been revised to reflect the current applicable statutes which require applicants to submit an application for coverage 30 days prior to expiration of this permit. Currently, a paper application is required; however, applicants are to submit an application for coverage electronically as soon as they are made available by the director. The department will announce the availability status of the new permit and the process to reapply at least 60 days prior to the expiration of the existing permit.

### **Part X – Standard Conditions**

This section was revised to only include the standard conditions that specifically apply to this permit. All other conditions have been removed.

### **Part XI – Administrative Requirements**

On the basis of preliminary staff review and applicable standards and regulations, the department, as administrative agent for the Missouri Clean Water Commission, proposes to issue a permit(s) subject to certain effluent limitations, schedules, and special conditions contained herein and within the permit. The proposed determinations are tentative pending public comment.

#### **PUBLIC NOTICE:**

The department shall give public notice that a draft permit has been prepared and its issuance is pending. Additionally, public notice will be issued if a public hearing is to be held because of a significant degree of interest or because of water quality concerns related to a draft permit. No public notice is required when a request for a permit modification or termination is denied; however, the requester and facility must be notified of the denial in writing.

The department must give public notice of a pending permit or of a new or reissued Missouri State Operating Permit. The public comment period is a length of time not less than thirty (30) days following the date of the public notice, during which interested persons may submit written comments about the proposed permit.

For persons wanting to submit comments regarding this proposed permit, please refer to the Public Notice page located at the front of this draft permit. The Public Notice page gives direction on how and where to submit appropriate comments.

- The Public Notice period seeking comments on this permit occurred from March 31 to May 1, 2017.

DATE OF FACT SHEET: 06/16/2017

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# Storm Water Pollution Prevention Plan



## Cole County, Missouri Unincorporated Areas

July 2012

(Updated June 2017)

## **Site Description**

**COLE COUNTY** is located in central Missouri. It is bordered on the east by Osage County, the north by the Missouri River, the west by Moniteau County and the south by Miller County.

### **Population and Land Use**

Cole County is 250,240 acres in size with an unincorporated urbanized area of 5,346 Acres. The county has a population of 72,757. The largest city is Jefferson City, with a population of 39,636. Approximately 8,796 people live in the urbanized area of unincorporated Cole County. (US Census, 2000).

Jefferson City is the home of the Lincoln University with 3,349 students. Other towns in Cole County include Wardsville (1,506), St. Martins (1,140), Taos (878), Russellville (807), Centertown (278), St. Thomas (263), and Lohman (163). (US Census 2010).

According to the 2007 US Agriculture Census, there are over 1,100 farms in Cole County with an average size of 164 acres. The total land used for farming is almost 180,840 acres.

### **Water Supply**

Missouri-American Water Company – Missouri River; Cole County Public Water Supply District 1 – Wells; Cole County Public Water Supply District 2 – Wells; Cole County Water Supply District 3 – Wells; and Privately Owned Wells

### **Waste Water Treatment**

City of Jefferson – Treatment Plant; Aqua-Missouri – Lagoons and Small Treatment Plants; and Individual On-Site Septic Systems

### **Watershed**

North Moreau Creek to Moreau River to Missouri River; Grays Creek to Missouri River; and Wears Creek to Missouri River

### **Geologic Setting**

Northern Edge of the Ozark Plateau – Bedrock is shallow bedded consisting of Ordovician carbonates

### **Average Rainfall**

39.59 inches per year

## **Manufacturing**

The County has the following manufacturing plants located with the urbanized areas:

1. Capital Quarries – Limestone Quarry Operations
2. Menu Maker Foods, Inc. – Food Packaging
3. Wren Enterprises – Security Hardware
4. J C Mattress Factory – Bedding Manufacturing

## **Best Management Practices**

### **Temporary and Permanent Structural and Non-Structural BMPs**

See Appendix A for a table outlining the temporary and permanent structural and non-structural best management practices that may be used in land disturbance activities.

### **Description of Best Management Practices**

See Appendix B for descriptions of the best management practices that may be used in land disturbance activities.

### **Discharges to Valuable Resource Waters**

Storm water discharges as described below shall be considered discharges to “valuable resource waters” and will not be allowed to have Total Settleable Solids in excess of 0.5 mg/L/hr.

- Storm water discharges within 1000 stream feet of:
  - Streams identified as a losing stream
  - Streams or lakes listed as an outstanding national or state resource water
  - Reservoirs or lakes used for public drinking water supplies
  - Streams, lakes, or reservoirs identified as critical habitat of endangered species
  - Streams, lakes, or reservoirs listed as impaired for sediment and/or unknown pollutants by standard MDNR methodology
- Storm water discharges:
  - Within 100 stream feet of a permanent stream (class P) or major reservoir (class L2)
  - Within two stream miles upstream of biocriteria reference locations
- Storm water discharges where:
  - Any of the disturbed area is defined as a wetland (class W), by CSR 20-7.031(1)(F)7
  - The storm water discharges to a sinkhole or other direct conduit to groundwater.

For the purpose of this SWPPP, the term “stream feet” shall mean the distance in feet following the nearest drainage channel from the land disturbance to the valuable resource water.

### **Disturbed Areas**

- Slopes for disturbed areas must be defined for all projects.
- A site map or maps, defining the sloped areas must be included with all SWPPPs.
- Where soil disturbing activities cease in an area for 14 days or more, the contractor shall construct BMPs to establish interim stabilization
  - Interim stabilization consists of well established and maintained BMPs that are reasonable certain to protect waters of the state from sediment pollution.
- BMPs must be suited to the area disturbed, taking into account the drainage area, surfaces of drainage area, and steepness of slope.
- If the slope of the disturbed area is greater than 3:1 (H:V) or if the slope is greater than 3% and greater than 150 feet in length, then the contractor must establish interim stabilization within 7 days of ceasing operations on that part of the site.
- Delays in work caused by inclement weather or equipment malfunctions are not considered ceasing operations for the purpose of this section, as long as work resumes as soon as possible.

### **Installation**

- Installation of all BMPs shall in accordance with the descriptions and details of that BMP as shown in Appendix B.
- Cole County will ensure the BMPs are properly installed at the locations are relative times specified in the SWPPP specific to that site.
- Peripheral or border BMPs to control runoff from disturbed areas shall be installed or marked for preservation before general site clearing is started. Storm water discharges from disturbed areas, which leave the site, shall pass through and appropriate impediment to sediment movement, such as a sedimentation basin, sediment traps, silt fences, etc. prior to leaving the land disturbance site.
- A drainage course change shall be clearly marked on a site map, included in the SWPPP specific to that site.

### **Sedimentation Basins**

- The SWPPP for a specific site will require a sedimentation basin for each drainage area with 10 or more acres disturbed at one time.
- Sedimentation Basins shall be sized to contain a volume of at least 3600 cubic feet per each disturbed acre draining thereto.
- Accumulated sediment shall be removed from the basin as needed to ensure the minimum volume of 3600 cubic feet is maintained.
- Discharges from the basin shall not cause scouring of the banks or bottom of the receiving stream.

- The basin shall be maintained until final stabilization of the disturbed area served by the basin.
- Where the use of a sediment basin of this size is impractical, the SWPPP for a specific site will be allowed to use other similarly effective BMPs to be used to control erosion and sediment delivery. These similarly effective BMPs must:
  - Be selected from BMPs allowed by this SWPPP
  - Provide equivalent protection
- Both temporary and permanent sedimentation basins shall have a stabilized spillway to minimize the potential for erosion of the spillway or basin embankment.

### **Dewatering**

Any dewatering practices that are to be employed on a specific site shall state in that site's SWPPP:

- Description of the method used
- Anticipated volume of water to be discharged
- Anticipated maximum flow rate of discharge (gpm)
- Method for treatment of the water from dewatering operations
  - For no reason shall water from discharging operations be discharged off site without treatment.

### **Roadways**

- All efforts shall be made to prevent deposition of earth and sediment onto roadways through the use of proper BMPs.
- Where sediment is present on roadways, all storm water inlets shall have inlet protection.
- Where storm water will flow off the end of where a roadway terminates, a sediment catching BMP shall be provided
- Roadways and curb inlets shall be cleaned weekly or following a rainfall that generates runoff.
- Stabilized construction entrances shall be used to prevent sediment track out.

### **Amending/Updating the SWPPP**

The SWPPP manager for the site shall amend and update the SWPPP as appropriate during the term of the land disturbance activity. The SWPPP manager shall amend the SWPPP, at a minimum, whenever the:

- Design, operation, or maintenance of BMPs is changed
- Design of the construction project is changed that could significantly affect the quality of the storm water discharges
- SWPPP manager's inspections indicate deficiencies in the SWPPP or any BMP

- MDNR notifies Cole County in writing of deficiencies in the SWPPP
- The SWPPP is determined to be ineffective in significantly minimizing or controlling erosion and sedimentation
- Total Settleable Solids from a storm water outfall exceed 2.5 mg/L/hr (or 0.5 mg/L/hr if discharged to a valuable resource water)
- MDNR determines violations of Water Quality Standards may occur or have occurred

### **Site Inspection Reports**

- Inspections of the site of land disturbance activities shall occur at a minimum of:
  - Once per 7 calendar days
  - Within 48 hours of any rainfall that produces runoff on the site.
- For sites that have not been final stabilized, the following must occur for each inspection:
  - All installed BMPs and other pollution control measures shall be inspected for proper installation, operation and maintenance
  - All storm water outfalls shall be inspected for evidence of erosion or sediment deposition.
  - Receiving streams shall be inspected for 50 feet downstream of the outfall.
  - Any problems shall be noted in an inspection report and corrected within seven calendar days of inspection.
- The SWPPP Manager will be responsible for being aware of rain events that cause runoff on the site. Local weather reports should be viewed, or crews in the vicinity of the site should be consulted if the SWPPP manager does not report to the site regularly.
- If weather conditions make it impossible to correct the problems within seven days, a detailed report of the problem (including pictures), must be filed with the regular inspection reports.
- BMP malfunctions shall be corrected as soon as the weather conditions allow.
- Parts of the site that have been finally stabilized may be inspected once per month. (A once per month inspection schedule may be implemented for a site with interim stabilization if Boone County makes a written request for the schedule and it is approved by the Department)
- A log of each inspection shall be kept.
- The inspection report is to include the following minimum information:
  - Inspector's name
  - Date of inspection
  - Observations relative to the effectiveness of the BMPs
  - Actions taken or necessary to correct the problems
  - Listing of areas where land disturbance operations have permanently or temporarily stopped.
  - Signature of inspector

## **Proper Operation and Maintenance**

Cole County shall at all times maintain all pollution control measures and systems in good order to achieve compliance with the terms of the general permit.

## **Typical Activities**

The following are activities that are typically conducted by Cole County that may require a SWPPP. Some of these activities may need to meet additional requirement of MoDNR and/or other agencies.

Street/Road Construction/Removal  
Land Clearing and Grading  
Tree Clearing  
Storm Sewer Construction/Removal  
Bank Stabilization  
Drainage Channel Construction/Rehab.  
Building Construction/Removal  
Parking Lot Construction/Removal  
Bridge Construction/Removal  
Fill Material Stockpiling (Soil and Rock)

## **SWPPP Management Personnel**

The following Cole County Public Works personnel may be in charge of the management of the SWPPP for projects in Cole County. Other people not listed below may also be involved with the SWPPP of a specific project as employment conditions change. Please see the SWPPP for each particular site for details.

Larry Benz	Greg Block	Spencer Coonce
Larry Bishop	Joe Braun	Kevin Light
Eric Landwehr	Jimmy Rademann	Brad Wyss
Cliff Lepper	Gene Berhorst	Andy Myers

## **Appendix A**

### **Temporary and Permanent Structural and Non-Structural BMPs**

The following table lists the BMPs that can be expected to be used on projects requiring a Land Disturbance Permit

## **Appendix B**

### **BMP Descriptions and Details**

(Taken from Chapter 8 of the Boone County Storm Water Manual)

## **Appendix A**

### **Temporary and Permanent Structural and Non-Structural BMPs**

The following table lists the BMPs that can be expected to be used on projects requiring a Land Disturbance Permit

Construction Site Best Management Practices (BMPs)

BMP No.	Title	Environmental Category						Use
		Erosion Control	Pollution Prevention	Runoff Management	Sediment Capture	Tracking Control	Temporary Chapter	
EC-1	Scheduling*	S	P					
EC-2	Preservation of Existing Vegetation*	S	P	S	S			
EC-3	Dust Control*	P						
EC-4	Hydraulic Mulch-bonded Fiber Matrix	P						X
EC-5	Mulching*	P						X
EC-6	Seeding/Mulching*	P						X
EC-7	Sodding*	P						X
EC-8	Rolled Erosion Control Products	P						X
EC-9	Geotextiles and Plastic Covers	P						X
EC-10	Outlet/Energy Dissipation Devices	P			S			X
EC-11	Temporary Stream Crossings	P						
RM-1	Check Dams			P	S			X
RM-2	Earth Berms/Drainage Swales			P				X
RM-3	Terracing	S		P	S			X
RM-4	Slope Drains	S		P				
RM-5	Soil Roughening*	S		P				
RM-6	Fiber Rolls/Wattles	S		P	S			
SC-1	Vegetated Filter Strip*	S		S	P			X
SC-2	Silt Fence	S		S	P			
SC-3	Straw Bale Dike	S		S	P			
SC-4	Compost Filter Socks				P			
SC-5	Compost Filter Berms				P			X
SC-6	Sediment Basins				P			
SC-7	Sediment Traps				P			
SC-8	Curb and Gutter Inlet Protection				P			
SC-9	Drop Inlet Protection				P			
TC-1	Construction Entrance/Exit		S			P		
TC-2	Washdown Station*		S			P		
PP-1	Non-Sediment Pollution Control*		P					

F - Primary BMP function; S - Secondary function \*Non-Structural

# BMP Guidelines

## Erosion and Sediment Control Measures

BMP	Definition	Purpose	Where Applicable	Planning	Design Criteria
<p><b>Construction Sequence and Scheduling</b></p>	<p>A specified work schedule that coordinates the timing of land-disturbing activities and the installation of erosion and sedimentation control measures.</p> <p>The objective is to disturb only the immediate work areas.</p>	<p>To reduce on-site erosion and off-site sedimentation by performing land-disturbing activities and installing erosion and sediment control practices in accordance with a planned schedule.</p>	<p>All land-development projects that will disturb more than one contiguous acre.</p>	<p>The general order of construction and planning is:</p> <ul style="list-style-type: none"> <li>• Plan disturbances to coincide with work progress,</li> <li>• Order materials to avoid delays,</li> <li>• Build construction site access,</li> <li>• Implement sediment traps and barriers,</li> <li>• Apply runoff control (diversions),</li> <li>• Implement main runoff conveyance system,</li> <li>• Build stream crossings,</li> <li>• Land clearing and grading,</li> <li>• Surface stabilization,</li> <li>• Building construction,</li> <li>• Landscaping and final stabilization.</li> </ul>	<p>At a minimum, the construction sequence should include:</p> <ul style="list-style-type: none"> <li>• Erosion and sedimentation control practices to be installed,</li> <li>• Principal development activities,</li> <li>• What measures should be in place before other activities begin,</li> <li>• Compatibility with the general construction schedule of the contract.</li> </ul> <p>When changes in construction activities are needed, amend the sequence schedule as necessary to fit the changes.</p>

Adapted from IECAs Tools for Rules: How to Select, Install and Inspect Construction Site BMPs for NPDES Compliance

# BMP Guidelines

## Erosion and Sediment Control Measures

BMP	Definition	Purpose	Where Applicable	Planning	Design Criteria
Protect Existing Vegetation	A construction management tool that retains site vegetation where possible by designating areas on which vegetation will not be disturbed.	<p>Vegetation helps prevent soil erosion in the following ways:</p> <ul style="list-style-type: none"> <li>• Roots hold soil together</li> <li>• Leaves and stems break up rainfall impact</li> <li>• Ground cover slows down runoff and filters sediment out of water</li> <li>• Plants evapotranspire water from soil.</li> </ul>	All land-development projects that will disturb more than one contiguous acre.	<p>Conduct field survey to determine extent of development.</p> <p>Delineate areas of project where existing vegetation will be preserved.</p> <p>Provide a map outlining these areas to grading personnel.</p>	<p>At a minimum, areas of vegetation preservation should be shown on the grading map and instructions presented as to construction procedures to be followed in and around these sensitive areas, including:</p> <ul style="list-style-type: none"> <li>• Placement of safety fence along the perimeter of protected zones</li> <li>• Routine inspection schedule for compliance</li> <li>• Remedial measures for repair and maintenance</li> </ul>

Adapted from IECAs Tools for Rules: How to Select, Install and Inspect Construction Site BMPs for NPDES Compliance

# BMP Guidelines

## Erosion Control Measures

BMP	Definition	Purpose	Where Applicable	Planning	Design Criteria
Surface Roughening	Preparing the soil topography for the designed construction purpose while taking erosion and sediment control factors into consideration.	To leave the surface soil in a roughened condition to provide temporary soil stabilization and augment future erosion and sediment control practices.	To some extent, on most construction sites that require land disturbing activities, and in particularly where there are critical, erodible slopes.	Designate surface roughening practice based on site conditions and well as equipment availability.	<p>Designing surface roughening techniques into the project is determined by:</p> <ol style="list-style-type: none"> <li>1. Site conditions</li> <li>2. Available equipment (i.e. bulldozers, tractors, etc.)</li> <li>3. Supplemental BMP application (i.e. hydraulic mulch, erosion control blanket, etc.)</li> <li>4. Final landscape design.</li> </ol> <p>Types of surface roughening techniques include:</p> <ul style="list-style-type: none"> <li>• Track walking</li> <li>• Sheepfoot rolling</li> <li>• Ripping</li> <li>• Imprinting</li> </ul>

Adapted from IECAs Tools for Rules: How to Select, Install and Inspect Construction Site BMPs for NPDES Compliance

# BMP Guidelines

## Erosion Control Measures

BMP	Definition	Purpose	Where Applicable	Planning	Design Criteria
Bench Terracing	Erosion control accomplished by constructing benches or large steps across the land slope.	Reduce the length of slope and thereby the potential for soil erosion.	On steep slopes where erosive factors are very high and gully erosion is likely to take place.	Terrace spacing and slope maintenance need to be considered.	Reduce slope length proportional to the steepness of the slope. Control outlets from terraces so erosion is eliminated.
Slope Interrupter Devices	Tube-like devices composed of a mesh or netting enclosing a biodegradable plant fiber that are installed on the slope contour.	To reduce runoff water velocities and trap sediment particles, thereby ameliorating the impact of slope length and steepness on erosion.	On slopes steeper than 5:1	Follow manufacturer's instructions as to design and specification, particularly in terms of spacing.	Employ slope interrupter devices as a complementary practice to supplement: <ul style="list-style-type: none"> <li>• Surface roughening techniques</li> <li>• Revegetation</li> <li>• Surface mulches, including hydraulic applications and rolled erosion control products</li> <li>• Removal after slope stabilized is optional</li> </ul>

Adapted from IECAs Tools for Rules: How to Select, Install and Inspect Construction Site BMPs for NPDES Compliance

# BMP Guidelines

## Erosion Control Measures

BMP	Definition	Purpose	Where Applicable	Planning	Design Criteria
Temporary Seeding	Planting fast growing vegetation to provide temporary erosion control.	To provide stabilization on bare soil areas that will not be brought to final grade for a period of more than 30 working days.	May be used on cleared unvegetated areas where temporary erosion control is needed.	Selection of appropriate plant species, use of quality seed, proper bed preparation, and seed application method are important.	The area to be seeded should be uniform an loosened to a minimum depth of 3 inches. The area should be cleared of stones, roots and other debris.
Turf Reinforcement Materials (TRM)	Three-dimensional fabrics of synthetic materials placed in areas of concentrated flow to provide plant reinforcement.	To provide increased shear strength to allow plant material usage in drainage channels as a functional substitute for hard armoring.	Drainage channels, swales, slope drains and as separators between rip rap and underlying soil.	Follow manufacturer's recommendation as to design, specification and suitability of material for site.	Installation of TRMs is critical to their performance in the field. Follow manufacturer's recommendation as to design, specification and installation of the material in conjunction with its vegetative component.
Permanent Seeding/Planting of Grasses	Control of runoff and erosion with permanent vegetation.	To economically control erosion and sedimentation.	Used on graded or cleared areas where soil is unstable because of texture, structure, high water table, or slope.	Selection of appropriate plant species, use of quality seed, and proper bed preparation are important.	Planting should occur within 14 days of final grading.

Adapted from IECAs Tools for Rules: How to Select, Install and Inspect Construction Site BMPs for NPDES Compliance

# BMP Guidelines

## Erosion Control Measures

BMP	Definition	Purpose	Where Applicable	Planning	Design Criteria
Topsoiling	Stripping off, storing, and spreading the upper layers of soil over disturbed areas.	To provide a suitable medium for vegetation establishment and growth.	Wherever it is economically practical, this technique should be considered. Recommended for use in areas where subsoil is infertile and other methods will not produce or maintain a desirable stand of vegetation.	Recommended for placement on soils that do not have a deep rooting zone to support plants, and that may contain material toxic to plant growth, and where exposed subsoil is not suitable to produce adequate vegetation.	Should be applied on slopes 2:1 or flatter.  Sample topsoil or duff material and apply lime and fertilizer as appropriate.
Permanent Ground Cover Plants	Control of runoff and erosion with trees, vines and shrubs by stabilizing soils in areas where vegetation other than grasses or legumes is preferred.	To economically control erosion and sedimentation.	Used on steep banks, graded cleared areas, and shady areas where turf maintenance is difficult. Also, can be used between terraces.	Selection of species should match soil characteristics. Quality stock should be selected and kept moist form time of receipt and planted as soon as possible.	Usually more effective when planted in clumps or blocks. Competitive vegetation should be pulled out of the areas where the plants are to be planted.

Adapted from IECAs Tools for Rules: How to Select, Install and Inspect Construction Site BMPs for NPDES Compliance

# BMP Guidelines

## Erosion Control Measures

BMP	Definition	Purpose	Where Applicable	Planning	Design Criteria
Mulching	<p>Use of a protective layer of straw, hay, wood chips, wood fibers, gravel, or synthetic materials on the soil surface to reduce rainfall impact and dislodgement of soil particles.</p>	<p>To protect the soil surface from the erosive forces of raindrop impact and overland or sheet flows.</p> <p>A secondary benefit of surface mulch is to retain soil moisture and moderate soil temperatures, aiding plant establishment.</p>	<p>As a temporary, non-vegetative surface erosion control treatment and/or in conjunction with a temporary or permanent re-vegetation technique, such as aerial or hydraulic seeding.</p>	<p>Application of temporary or permanent mulch materials should be planned to coincide with schedule of disturbance and final landscape design.</p>	<p>Organic mulches are most effective when uniformly spread and secured to the soil structure.</p> <ul style="list-style-type: none"> <li>• Cost</li> <li>• Longevity</li> <li>• Ease of installation</li> <li>• Erosion control effectiveness</li> <li>• Runoff vs. infiltration characteristics</li> <li>• Compatibility with revegetation strategy</li> <li>• Water quality impact</li> </ul> <p>Types of surface mulch materials/techniques include:</p> <ul style="list-style-type: none"> <li>• Straw or hay fibers</li> <li>• Paper or wood fibers</li> <li>• Gravel</li> <li>• Wood chips</li> <li>• Compost</li> <li>• Hydraulic matrices of cellulose fiber and tackifying agent</li> <li>• Bonded fiber matrices</li> <li>• Rolled erosion control products</li> </ul>

Adapted from IECAs Tools for Rules: How to Select, Install and Inspect Construction Site BMPs for NPDES Compliance

# BMP Guidelines

## Erosion Control Measures

BMP	Definition	Purpose	Where Applicable	Planning	Design Criteria
Sodding	Use of grass sod to permanently stabilize an area.	To rapidly prevent erosion and sedimentation.	May be used in areas requiring immediate and permanent vegetative cover, particularly in landscaping applications.	More costly than seeding, but can be established during times of the year when grass seed may fail. Irrigation may be necessary.	On slopes, sod should be applied with the long dimension perpendicular to the slope and pegged or stapled sufficiently to prevent movement.
Riprap or Aggregate	Permanent layers of loose angular stones or aggregate with a filter fabric or granular underlining placed over an erodible soil surface.	To protect the soil surface from the erosive flow of water, slow water flow velocity, and stabilize slopes.	Used when soil may erode under design flow conditions and cannot be protected by vegetative cover or other means. Riprap can be used at: <ul style="list-style-type: none"> <li>• Storm drain outlets,</li> <li>• Channel banks and bottoms,</li> <li>• Roadside ditches,</li> <li>• Drop structures,</li> <li>• Toe of slopes,</li> <li>• Channel transitions</li> </ul>	Graded riprap contains a mixture of stone sizes while uniform riprap is made up of stones of similar sizes. <p>The size of stone used is directly related to the design flow velocity of the channel.</p> <p>Typically should be used for velocities in excess of 15 ft/sec.</p>	The minimum riprap thickness is 2 times the maximum stone diameter but not less than 6 inches. The specific gravity of the individual stones should be at least 2.5. <p>Maxim bank slope for application should not be steeper than 1.5:1.</p>

Adapted from IECAs Tools for Rules: How to Select, Install and Inspect Construction Site BMPs for NPDES Compliance

# BMP Guidelines

## Erosion Control Measures

BMP	Definition	Purpose	Where Applicable	Planning	Design Criteria
Outlet Protection	Structurally lined aprons or other acceptable energy dissipation devices placed at the outlets of pipes or paved channel sections.	To protect the soil surface from the erosive flow of water, slow the water flow velocity, and stabilize slopes or channels.	Used where the flow velocity at the design capacity will exceed the velocity of the receiving channel or area.	Geotextile fabrics in conjunction with vegetation create a natural outlet protection. Riprap aprons are relatively low cost and easy to install. Riprap stilling basins or plunge pools are used where overfalls exit the ends of pipes where high flows would require excessive apron lengths.	Capacity: 10-year peak runoff or design discharge of conveyance, whichever is greater.  Geotextile fabrics should be designed to handle peak flow rates and tractive forces.  The depth of a riprap apron should be 2 times the max. stone diameter but not less than 6 inches.
Dust Control	Actions or methods which reduce the erosive effects of wind on dry soils.	To prevent soil particles in the form of dust from becoming airborne.	Used where open dry areas of soil, particularly in dryer climates or during the dry season, are exposed to the erosive factors of the wind.	The direction of the prevailing winds and careful planning of clearing activities are important.	Minimize the period of soil exposure through use of temporary ground cover and other stabilization practices. Some possible dust control measures are: <ul style="list-style-type: none"> <li>• Vegetative cover,</li> <li>• Mulch or Stone</li> <li>• Spray-on adhesive</li> <li>• Calcium chloride</li> <li>• Sprinkling</li> </ul>

Adapted from IECAs Tools for Rules: How to Select, Install and Inspect Construction Site BMPs for NPDES Compliance

# BMP Guidelines

## Sediment Control Measures

BMP	Definition	Purpose	Where Applicable	Planning	Design Criteria
Sediment Basins	A suitably located temporary or permanent earthen embankment, barrier, dam, or excavated basin designed to capture sediment.	To retain sediment on the construction site and prevent sedimentation to off-site waterbodies, properties, etc.	Used where erosion control measures are not adequate to prevent off-site sedimentation on sites with disturbed area of 5 acres or more.	Hazard class must be considered so failure does not jeopardize property or lives. The location of the basin must be able to collect all of the site runoff.	Drainage area is between 5 and 150 acres. The flow length through the basin length to width ratio should be 2:1 or greater.
Temporary Sediment Trap	A small temporary ponding basin formed by constructing an embankment across a drainage swale, by excavating a pond or by rock fill.	To detain sediment-laden runoff from small, disturbed areas long enough to allow the majority of the sediment to settle out.	Used at the outlets of drains, diversions, channels, and other runoff conveyances. May be installed during early site development.	Access to trap must be maintained to periodically removed sediment for proper disposal. Structure life is limited to 18 months.	Used for drainage areas of 5 acres or less. Minimum storage area is fixed to meet 80% removal efficiency. Side slopes of the excavated trap should be 2:1 or flatter. Maximum height is 5 ft.
Silt Fence	Sediment barrier consisting of synthetic filter fabric stretched across posts with the bottom of the fabric being entrenched. In most cases the fabric should be reinforced with the support of a wire fence.	To catch and hold small amounts of sediment from disturbed areas by reducing the velocity of sheet flow to allow sediment deposition.	Used below small, disturbed areas less than 1/4 acre per 100 ft. of fence, and where runoff can be stored behind the fence without damaging the fence or the area behind it.	Should be located where shallow pools can be formed. Sediment deposition should be periodically removed and properly disposed of. Breaks in the fence should be used to minimize drainage areas.	Fence should be stable for the 10-yr storm. The slope should be no longer than 100 ft. and have a gradient of 2:1 or flatter. The minimum fabric height is 18 in. Maximum post spacing is 6 ft. Minimum post burial depth is 12 in.

Adapted from IECAs Tools for Rules: How to Select, Install and Inspect Construction Site BMPs for NPDES Compliance

# BMP Guidelines

## Sediment Control Measures

BMP	Definition	Purpose	Where Applicable	Planning	Design Criteria
<b>Rock Ditch Checks</b>	Small temporary dams constructed across a swale or drainage ditch to reduce the velocity of concentrated storm flows.	To reduce erosion of the channel by restricting the velocity of flow in the channel. Not to be installed in live channels or waters of the commonwealth.	Used as a temporary or emergency measure to limit erosion by reducing flow in a small open channel.	Ditch checks should not be used in live streams but are intended for temporary ditches and swales. Checks in grass channels may kill the vegetation. Ditch checks shall be promptly removed when their useful life has been completed.	Drainage area should not exceed 10 acres. The maximum height is 2 ft. at the center. The center should be at least 6 in. lower than the outer edges. The maximum spacing between checks should be such that the toe of the upstream check is at the same elevation as the top of the downstream check. The maximum size of stone used should be no greater than 8 in. in diameter.
<b>Stabilized Construction Entrance</b>	A gravel driveway or pad located at a point where vehicle enter and exit a construction site.	To reduce the amount of mud and soil transported onto public roads by traffic leaving the construction site.	Used wherever traffic leaves a construction site and enters a public right-of-way, street, alley, sidewalk, parking lot or other paved area.	Construction plans should limit all traffic to properly constructed entrances and exits.	Stone should be KTC #3 or larger. Pad thickness has a 6 in. minimum with a required geotextile fabric underlying the stone. The minimum width of the entrance shall be 24 ft. while the minimum length shall be 100 ft.

Adapted from IECA's Tools for Rules: How to Select, Install and Inspect Construction Site BMPs for NPDES Compliance

# BMP Guidelines

## Temporary Flow Control and Conveyance Measures

BMP	Definition	Purpose	Where Applicable	Planning	Design Criteria
<b>Temporary Pipe Slope Drains</b>	Flexible tubing or conduit extending temporarily from the top to the bottom of a cut or fill slope.	To convey concentrated runoff down the face of a cut or fill slope to a protected stable area without causing erosion.	Used on sites before permanent stormwater drainage structures are installed and where stormwater runoff above a cut or fill slope will cause severe erosion if allowed to flow over the slope.	Must be sized, installed, and maintained properly because failure results in slope gully erosion. The entrance must be securely entrenched with watertight connections, with securely staked conduit.	Should handle peak runoff from the 10-yr storm. The maximum drainage area per pipe is 10 acres. The entrance should be constructed of a standard flared end section of pipe or equivalent. Reinforced hold-down garments should be spaced at 10 ft. or less intervals.
<b>Runoff Control Measures</b>	A temporary ridge, excavated channel, or combination ridge and channel constructed across sloping land at a pre-determined grade.	To divert clean water around work sites to stable outlets and to divert sediment-laden water to sediment control structures such as sediment traps and basins.	<ul style="list-style-type: none"> <li>Above slopes to prevent clean runoff from flowing over unprotected soil.</li> <li>Across unprotected slopes to reduce flow lengths,</li> <li>Below slopes to divert runoff to a stable outlet, and</li> <li>Within and below disturbed areas to direct sediment-laden water to control structures.</li> </ul>	Design as a stable channel with a mild bed slope. Use of either uniform or a gradually increasing grade is preferred over sudden decreases or increases in grade. A permanent vegetative covering is required where the channel grade is between 0.2% and 3%.	Design drainage area is 5 acres or less based on the peak runoff from the 10-yr. storm. A channel lining is required if the average velocity is greater than 2 ft/sec. Channel side slopes are 2:1 or flatter. The berm must have side slopes of 2:1 or flatter, with a minimum top width of 2 ft. and a designed freeboard of at least 4 in.

Adapted from IECAs Tools for Rules: How to Select, Install and Inspect Construction Site BMPs for NPDES Compliance

# BMP Guidelines

## Permanent Flow Control and Conveyance Measures

BMP	Definition	Purpose	Where Applicable	Planning	Design Criteria
Subsurface Drains	A perforated pipe or conduit placed beneath the surface of the ground at a designated depth and grade.	Used to drain saturated soils by lowering the water table.	Used in areas free from tree roots where the soil layer depth is deep enough to allow proper installation.	Not recommended in areas where the drain will pass under heavy vehicle crossings.	Should be designed for required capacity. The minimum diameter should be 6 in. The line should be graded to achieve at least a velocity of 2.4 ft/sec to prevent silting.
Level Spreader	Structure that converts sediment-free channel flow and uniformly releases it over a stabilized area.	Provides stable outlets for diversion channels, basins, dikes and other structures.	Used where sediment free storm runoff can be released as sheet flow over a stable area.	Install in areas where the level lip can be constructed without using fill material. The discharge area should have a maximum 10% slope and be well-vegetated and stable for design flow conditions. There should be no traffic across a level spreader.	Capacity determined by peak flow from the 10-yr. storm. The maximum desirable flow into the spreader should not exceed 30 cfs. Spreader length, width and depth are designed based on flow. There should be a 20 ft. long transition section between the channel entrance and the design width of the spreader. The grade of the spreader invert and lip must be 0.

Adapted from IECAs Tools for Rules: How to Select, Install and Inspect Construction Site BMPs for NPDES Compliance

## **Appendix B**

### **BMP Descriptions and Details**

(Taken from Chapter 8 of the Boone County Storm Water Manual)



## CHAPTER 8 EROSION AND SEDIMENT CONTROL

### 8.1 Introduction

These guidelines are intended to provide the designer, contractor and builder with design criteria and minimum standards for the installation of erosion and sediment controls to comply with the Erosion and Sediment Control Regulations. The regulations were enacted to protect the health, safety, and property of the citizens and to help protect area water resources from pollution due to erosion and transportation of sediment. The regulations are applicable to all land development and land disturbance activity within the regulated MS4 area where the area of disturbance is more than one acre. The regulations require that no person cause or allow sediment to be deposited in any public street, public land, or on any property not under their control as a result of land disturbance from construction activities.

You can comply with the regulations by meeting the following objectives:

- a. Minimize the area disturbed by construction and development;
- b. Provide for containment of sediment until areas are stabilized;
- c. Stabilize disturbed areas as soon as practical after project completion; and
- d. Provide permanent erosion, drainage, and detention controls.

### 8.2 General Design Guidelines

Erosion is a natural process where soil and rock are loosened and removed. Natural erosion normally occurs at a very slow pace, but when land is disturbed by vegetation removal, grading and other construction activities, the erosion rate often increases dramatically. When erosion occurs on a construction site the sediment is available for transport by either wind or stormwater runoff. The discharge of sediment and other construction site pollutants can negatively impact downstream water quality.

The purposes of erosion and sediment controls are to minimize the amount of erosion that occurs as a result of construction activities and to prevent the sediment from leaving the property. Effective erosion and sediment control requires that the soil surface be protected from the erosive forces of wind, rain, and runoff and that the eroded soil be captured and retained onsite.

When designing sediment and erosion controls, it is necessary to determine whether there is **sheet flow** or **concentrated flow** of stormwater on the property. Sheet flow occurs on gently sloping land without defined drainage ways. The stormwater tends to disperse evenly across the property, although the drainage may be in one direction due to the overall slope. Concentrated flow occurs where there are defined drainage ways that may range from gentle swales to clearly defined waterways. It is possible to have a combination of sheet flow and concentrated flow on the same property.



### **1. Erosion Protection**

Proper planning will help identify potential erosion problems, particularly highly susceptible areas, such as areas of concentrated flow. Removing the vegetative cover and altering the soil structure by clearing, grading and compacting the surface increases an area's susceptibility to erosion. Scheduling can be a very effective means of reducing erosion by minimizing both the exposed area and the duration of exposure. Apply stabilizing measures as soon as possible after the land is disturbed. Plan and implement temporary or permanent vegetation, mulches, or other protective practices to correspond with construction activities. Protect channels from erosion forces by using protective linings and the appropriate channel design. Consider possible future repairs and maintenance of these practices in the design. In scheduling, take into account the season and the weather forecast.

Clearing existing vegetation reduces the surface roughness and infiltration rate and increases runoff velocities and volumes. This is particularly a concern in areas of concentrated flow. Use measures that break the slopes to reduce the problems associated with concentrated flow volumes and runoff velocities. Practical ways to reduce velocities include conveying stormwater runoff away from steep slopes to stabilized outlets, preserving natural vegetation where possible, and mulching and vegetating exposed areas immediately after construction.

### **2. Sediment Containment**

Even with careful planning some erosion is unavoidable, and the resulting sediment must be trapped on the site. In areas where runoff occurs primarily as sheet flow, containment of sediment is relatively simple. In these areas, temporary containment devices may be sufficient. Where concentrations of flow occur, containment of sediment becomes more difficult as the rate and volume of flow increase. In these areas, more extensive or permanent control devices need to be provided. Areas of steep topography and cut or fill slopes need to be given special consideration. Due to the environmental sensitivity of streams, rivers, losing streams, sinkholes, and other Karst topographic features, special consideration also needs to be given to these areas. Plan the location where sediment deposition will occur and maintain access for periodic removal of accumulated sediment. Protect low points below disturbed areas by building barriers to reduce sediment loss. Sediment traps and basins should be constructed before other land-disturbing activities occur.

### **3. Temporary versus Permanent Controls**

Temporary controls, such as straw bale dikes, silt fences, erosion control blankets, etc., are provided for the purpose of controlling erosion and containing sediment until construction is complete. Temporary controls are not needed after the area is stabilized.

Permanent controls consist of riprap, detention basins, etc., which will remain in place through the life of the development. It is possible for the same facility to serve both a temporary and permanent purpose.



#### 4. Maintenance

Regular inspection and maintenance of Best Management Practices (BMPs) are vital to the performance of erosion and sedimentation control measures. If not properly maintained, some practices may cause more damage than they prevent. Always evaluate the consequences of a measure failing when considering which control measure to use, since failure of a practice may be hazardous or damaging to both people and property. For example, a failure of a large sediment basin can have disastrous results, and low points in dikes can cause major gullies to form on a fill slope. It is essential to inspect all practices to determine that they are working properly and to ensure that problems are corrected as soon as they develop.

### 8.3 BMP Descriptions and Design Guidance

The following principles are effective when they are integrated into a system of control practices and management techniques to control erosion and prevent sedimentation offsite. As a matter of practicality, proprietary erosion and sediment control products are not specifically identified herein. However, the County encourages the use of these products when designed, specified and installed in accordance with manufacturer's recommendations. Sufficient details related to these products should be supplied to facilitate the review of the plans to ensure the suitability of the practice. The following is not meant to provide an exhaustive list of all acceptable erosion and sediment control practices accepted by the county, only as a general guidance document.

There may be instances where certain erosion control designs are beyond the scope of general civil engineering knowledge. Specifically, natural stream stabilization and/or restoration should only be done with specific expertise and experience with these systems. This manual is not intended to convey such a level of knowledge and therefore will not address this level of complexity.

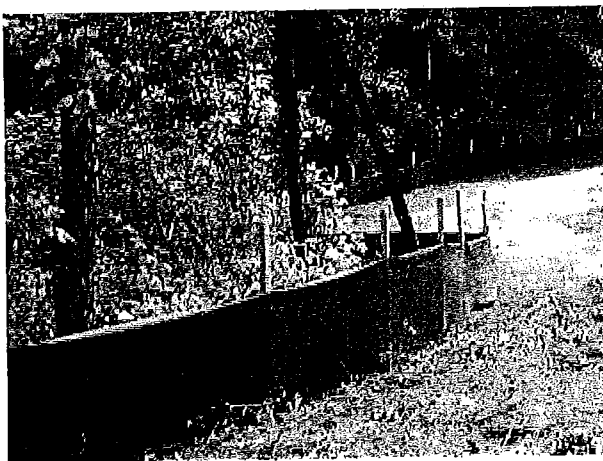


Figure 1. Silt Fences are placed at the perimeter of the job site to capture and prevent sediment from leaving the site.

Figure 2. Rock Check dams can reduce water velocities in areas of channelized flow.



## **EC-1 SCHEDULING**

This BMP involves developing a schedule that includes sequencing of construction activities with the implementation of construction site BMPs such as temporary soil stabilization (erosion control) and temporary sediment control measures for every project. The purpose is to reduce the amount and duration of soil exposed to erosion by wind, rain, runoff and vehicle tracking, and to perform the construction activities and control practices in accordance with the planned schedule.

### APPROPRIATE APPLICATIONS:

Construction sequencing shall be scheduled to minimize land disturbance for all projects at all times.

### CONDITIONS FOR EFFECTIVE USE:

All land disturbing activities.

### WHEN BMP IS TO BE INSTALLED:

Scheduling should take place during the planning stages and be modified throughout the duration of the project.

### STANDARDS AND SPECIFICATIONS:

Developing a schedule and planning the project are the very first steps in an effective storm water program. The construction schedule shall be incorporated into the SWPPP. Develop the sequencing and timetable for the start and completion of each item such as site clearing and grubbing, grading, excavation, paving, pouring foundations, installing utilities, etc., to minimize the active construction area during the rainy season. Schedule major grading operations for the non-rainy season when practical. Incorporate staged seeding and re-vegetation of graded slopes as work progresses. Consider the appropriate planting time for specified vegetation when establishing permanent vegetation.

### OPERATION AND MAINTENANCE PROCEDURES:

Verify that work is progressing in accordance with the schedule. If progress deviates, take corrective actions. Amend the schedule when changes are warranted.

## **EC-2 PRESERVATION OF EXISTING VEGETATION**

Preservation of existing vegetation is the identification and protection of desirable vegetation that provides erosion and sediment control benefits and includes establishing setbacks to protect stream banks according to the County stream buffer regulations.

### APPROPRIATE APPLICATIONS:

Preserve existing vegetation at areas on a site where no construction activity is planned or will occur at a later date.



CONDITIONS FOR EFFECTIVE USE:

Protection of existing vegetation requires planning, and may limit the area available for construction activities.

WHEN BMP IS TO BE INSTALLED:

Existing vegetation to be preserved shall be identified on the plans. Measures to protect said vegetation (such as construction fencing and signage) should be installed prior to the commencement of clearing and grubbing operations or other soil-disturbing activities.

STANDARDS AND SPECIFICATIONS:

Minimize the disturbed areas by locating temporary roadways to avoid stands of trees and shrubs and to follow existing contours to reduce cutting and filling. Mark areas to be preserved with temporary fencing at least 3.2 ft. tall. The fence post spacing and depth shall be adequate to completely support the fence in an upright position. Construction materials, equipment storage, and parking areas shall be located where they will not cause root compaction. Keep equipment away from trees to prevent trunk and root damage. Employees and subcontractors shall be instructed to honor protective devices. No heavy equipment, vehicular traffic, or storage piles of any construction materials shall be permitted within the drip line of any tree to be retained. Trenching shall be as far away from tree trunks as possible, usually outside of the tree drip line or canopy. The ends of damaged or cut roots shall be cut off smoothly.

OPERATION AND MAINTENANCE PROCEDURES:

During the construction phase(s), limits of disturbance shall remain clearly marked at all times. If damage to protected trees occurs, the injured tree shall be attended to by an arborist.

SITE CONDITIONS FOR REMOVAL:

Temporary fencing shall be removed after final stabilization of the site has occurred.

**EC-3 DUST (WIND EROSION) CONTROL**

Wind erosion control consists of applying water and/or other dust palliatives as necessary to prevent or alleviate erosion by the forces of wind. Alternatives to applying water or other dust palliatives include mulch or vegetative cover, wind barriers, and minimization of soil disturbance.

APPROPRIATE APPLICATIONS:

This practice is implemented on all exposed soils subject to wind erosion.

CONDITIONS FOR EFFECTIVE USE:

Effectiveness depends on soil, temperature, slope, aspect, humidity and wind velocity.

WHEN BMP IS TO BE INSTALLED:



Dust control should be performed routinely, especially in advance of and during periods of dry weather.

#### STANDARDS AND SPECIFICATIONS:

Water shall be applied by means of pressure-type distributors or pipelines equipped with a spray system or hoses and nozzles that will ensure even distribution. Phase work to the extent practical to minimize concurrent areas of soil disturbance. For areas not subjected to traffic, vegetation provides the most practical method of dust control and should be established as early as possible. Wind barriers such as solid board fences, snow fences, burlap fences, crate walls, and similar materials can be used to control air currents and blowing soil. Barriers placed at right angles to prevailing wind currents at intervals of about 10 times their height are effective in controlling soil blowing. Paved areas that have soil on them from construction sites should be cleaned regularly. Mulching offers a fast and effective means of controlling dust when properly applied. Binders and tackifiers may need to be used on organic mulches. NOTE: If calcium chloride or spray-on adhesives are used for dust control, a permit may be required from MoDNR.

#### OPERATION AND MAINTENANCE PROCEDURES:

Check areas that have been protected to ensure coverage.

#### SITE CONDITIONS FOR REMOVAL:

Dust control should be implemented when soils are exposed until cover is established.

### **EC-4 HYDRAULIC MULCH-BONDED FIBER MATRIX**

Hydraulic mulch consists of applying a mixture of shredded wood fiber or a hydraulic bonded fiber matrix (BFM) and a stabilizing emulsion or tackifier with hydroseeding equipment, which temporarily protects exposed soil from erosion by raindrop impact or wind. BFMs adhere directly to the soil, eliminating gaps between the product and the soil. A water-insensitive crust does not form; therefore plant growth is not inhibited. Mulch and BFMs will biodegrade completely into material beneficial to plant growth. Seed may be applied simultaneously with mulching.

#### APPROPRIATE APPLICATIONS:

Hydraulic mulch and BFMs are applied to disturbed areas requiring temporary protection until permanent vegetation is established or disturbed areas that must be re-disturbed following an extended period of inactivity.

#### CONDITIONS FOR EFFECTIVE USE:

Type of Flow: Sheet flow only.

Wood fiber hydraulic mulches and BFMs are generally short-lived (only last part of a growing season) and need 24 hours to dry before rainfall occurs to be effective.



WHEN BMP IS TO BE INSTALLED:

Hydraulic mulch or bonded fiber matrix should be applied immediately after completion of a phase of grading.

STANDARDS AND SPECIFICATIONS:

Follow manufacturer's recommendations to maximize usefulness. Avoid mulch over-spray onto the traveled way, sidewalks, and lined drainage channels. Materials for wood fiber-based hydraulic mulches and bonded fiber matrices shall meet environmental quality standards and not be a detriment to stormwater discharges from the site.

OPERATION AND MAINTENANCE PROCEDURES:

Inspect at least every week and after every storm until vegetation is fully established. Repair eroded areas and reapply product and vegetation.

SITE CONDITIONS FOR REMOVAL:

Typically these materials are left in place to degrade naturally.

## **EC-5 MULCHING**

A layer of organic material designed to protect exposed soil or freshly seeded areas from erosion by eliminating direct impact of precipitation and slowing overland flows. Mulch materials may include, but are not limited to, grass, hay, straw, wood chips, wood fibers, and shredded bark.

APPROPRIATE APPLICATIONS:

Typically used for soil stabilization as a temporary surface cover on disturbed areas until soils can be prepared for revegetation and permanent vegetation is established. Mulch can also be installed in land--scape areas for permanent use.

CONDITIONS FOR EFFECTIVE USE:

Type of Flow: Sheet flow only

The use of appropriate mulch will help ensure the vegetation is established under normal conditions and is essential to seeding success under harsh site conditions. General mulch recommendations to protect from raindrop splash and sheet flow include: straw applied at 2-2.5 tons/acre, wood fiber or wood cellulose applied at 0.5-1 ton/acre, wood chips applied at 5-6 tons/acre, and bark applied at 35 yd<sup>3</sup>/acre. Where slopes are 25 percent (4:1) or greater, hydromulch, bonded fiber matrix, or erosion control blankets are required.

WHEN BMP IS TO BE INSTALLED:

Mulch should be applied immediately after grading landscaped areas or seeding other areas.

STANDARDS AND SPECIFICATIONS:



Install upstream BMPs to protect area to be mulched. Rough grade area and remove all debris larger than 1 inch if area is to be vegetated and mowed in the future, larger than 2 inches if area is to be permanently mulched. If area is to be seeded, follow requirements of Seeding BMP. Spread mulch evenly.

#### OPERATION AND MAINTENANCE PROCEDURES:

Inspect at least every week and after every storm until adequate vegetation is established; annually for permanent mulch. Protect from vehicular and foot traffic. Repair damaged, degraded or eroded areas-reseed as needed and replace mulch.

#### **EC-6 SEEDING/MULCHING**

Establishment of vegetation by spreading grass seed designed to protect exposed soil from erosion by eliminating direct impact of precipitation and slowing overland flow rates. Once established, the vegetative cover will also filter pollutants from the runoff.

#### APPROPRIATE APPLICATIONS:

Exposed soil after a phase of rough or finish grading has been completed, or areas where no activity will occur for 14 days.

#### CONDITIONS FOR EFFECTIVE USE:

Type of Flow: Sheet flow and concentrated flow (additional stabilization is necessary).

Minimum Rates: Permanent seeding should consist of 90% tall fescue and 10% annual ryegrass. Seed mixture should be applied at 400 pounds/acre. Temporary seeding shall consist of any combination of tall fescue, annual ryegrass, millet, wheat or oats. Seed mixture should be applied at 200 pounds/acre. Dormant season seeding, seed mix should consist of 80% tall fescue, 10% annual ryegrass and 10% spring oats. Seed mixture is to be applied at 600 pounds/acre.

Acceptable Dates: Permanent seeding may be done March 1 to June 1 and August 15 to November 1. Temporary seeding can occur during any season, however winter is the least tolerant. Dormant season seeding includes December 15 to February 29.

#### WHEN BMP IS TO BE INSTALLED:

Seed and mulch should be applied immediately after rough or finished grading is completed.

#### STANDARDS AND SPECIFICATIONS:

Install upstream BMPs to prevent erosion and protect the area to be seeded. Complete grading and remove all debris larger than 1 inch. Loosen compacted soils to a depth of 4 inches. Groove or furrow on the contour if necessary. Spread loose topsoil at a depth of 4 inches.

Soil amendments should be applied per soil tests. When these are not available, lime shall be applied at the rate of 1500 pounds effective neutralizing material per acre. Soils with a pH of six



or higher need not be limed. When soil tests are not available, a 13-13-13 grade fertilizer shall be applied at a rate of 500 pounds/acre for permanent seeding and a 10-10-10 grade fertilizer shall be applied at the rate of 200 pounds/acre. Mix soil amendments (lime, fertilizer, etc.) into the top 4 inches of soil.

Plant seed  $\frac{1}{4}$  to  $\frac{1}{2}$  inches deep using a cyclone seeder, drill, cultipacker seeder, or hydro-seeder. Roll lightly to firm surface. Cover seeded area with mulch. Install additional stabilization (erosion control blankets, netting, bonded fiber matrix, etc.) on slopes steeper than 3:1 and in areas of concentrated flow. Water seeded area immediately. Provide enough water to soak 4 inches into the soil without causing runoff.

#### OPERATION AND MAINTENANCE PROCEDURES:

Inspect at least weekly and after every storm. Protect seeded areas from vehicular and foot traffic. Reseed and mulch areas that have not sprouted within 21 days of planting. Repair damaged or eroded areas and reseed/mulch and stabilize as needed. Do not mow until 4 inches of growth occurs. During the first 4 months, mow no more than  $\frac{1}{3}$  the grass height.

#### **EC-7 SODDING**

Sod consists of a  $\frac{3}{4}$  inch to 1 inch mat of vigorous turf, free from disease, insects and weeds. Sod prevents raindrops from disrupting the soil structure and causing erosion. Sod slows water runoff and acts as a filter when sediment laden runoff crosses over the sodded area.

#### APPROPRIATE APPLICATIONS:

Typically installed in areas requiring immediate erosion protection, such as swales or detention ponds and as filter strips, around inlets, and adjacent to curbs. Also installed in areas requiring immediate aesthetic appearance or function such as entrances to new subdivisions and off site construction areas.

#### CONDITIONS FOR EFFECTIVE USE:

Type of Flow: Sheet flow and low concentrated flows with velocities less than 5 fps.

#### WHEN BMP IS TO BE INSTALLED:

Sod should be installed immediately after finish grading, installation of area inlets, and installation of underground services and foundations of new homes.

#### STANDARDS AND SPECIFICATIONS:

Rough grade area and remove all debris larger than  $\frac{1}{2}$  inch in diameter and concentrated areas of smaller debris. Soil preparation of area to be sodded shall be determined by tests to determine lime and fertilizer requirements. Scarify soil and level to provide an even grade. Soil should not be excessively wet or dry. Lay first row of sod perpendicular to the slope or direction of flow. Butt subsequent rows tight against previous rows with strips staggered in brick-like pattern. Fill minor gaps with good soil and roll entire surface to ensure contact. Stake, staple and/or net



corners and centers of sod strips as required, especially areas of concentrated flow. Water should be applied immediately after installation of sod. Provide enough to soak 4 inches into the soil without causing runoff.

#### OPERATION AND MAINTENANCE PROCEDURES:

Water sod daily for 3 weeks, enough to soak 4 inches into the soil without causing runoff. Reposition areas of sod that have moved along the slope. Remove sediment accumulations, replace sod if necessary. Repair any eroded areas, replace sod, and stabilize as needed. Do not mow until 3 inches of new growth occurs. During the first 4 months, mow no more than 1/3 the grass height.

#### **EC-8 ROLLED EROSION CONTROL PRODUCTS**

Rolled erosion control products include erosion control blankets and turf reinforcement mats. Erosion control blankets are pre-formed protective blanket of plastic fibers, wood fibers, straw or other plant residue designed to protect soil from the impact of precipitation and overland flow, and retain moisture to facilitate establishment of vegetation. Turf reinforcement mats include netting designed to anchor the root system of the vegetation growing through it.

#### APPROPRIATE APPLICATIONS:

These products may be installed on seeded areas for temporary or permanent use.

#### CONDITIONS FOR EFFECTIVE USE:

Several factors, such as soil conditions, steepness and length of slope, depth of flow, runoff velocities, and time required to establish desired vegetation, influence the choice of product. Manufacturer's recommendations should be followed. Products are available for a variety of uses: Netting-synthetic or natural fiber mesh installed over disturbed areas to hold organic mulch and/or seed in place, Biodegradable Erosion Control Blanket-natural fiber blanket held together by netting to provide temporary erosion protection on slopes and channels, and Permanent Erosion Control Blanket-synthetic blanket material which provides permanent erosion control on slopes and channels with increased water flow velocities.

#### WHEN BMP IS TO BE INSTALLED:

Rolled erosion control products should be installed immediately after completion of a phase of grading or installation of vegetation.

#### STANDARDS AND SPECIFICATIONS:

Follow manufacturer's recommendations and specifications, particularly noting requirements for check slots, fastening devices and need for firm contact with soil.

#### OPERATION AND MAINTENANCE PROCEDURES:

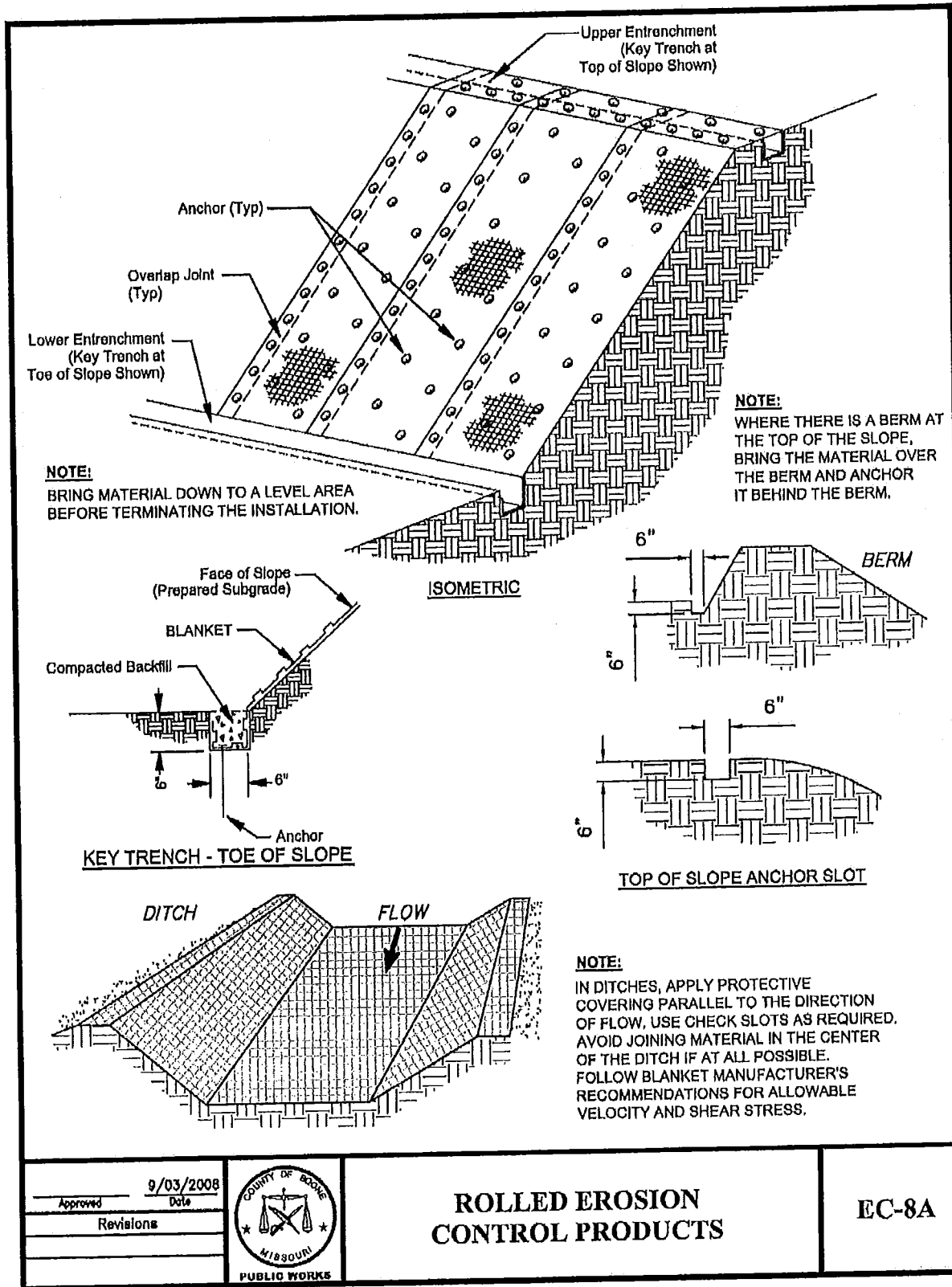


Inspect at least every week and after every storm until adequate vegetation is established. Repair erosion and/or undermining at top of slope. Repair undermining beneath blankets-pull back the blanket(s), fill compact eroded area, re-vegetate and then firmly secure the blanket(s). Reposition or replace blanket(s) that have moved along the slope or have been damaged.

SITE CONDITIONS FOR REMOVAL:

Temporary blankets will generally degrade naturally; permanent blankets remain in place.

STANDARD DRAWING: EC-8a and EC-8b





EROSION CONTROL BLANKET NOTES:

A) SITE PREPARATION:

AFTER SITE HAS BEEN SHAPED AND GRADED, PREPARE A FRIABLE SEEDBED RELATIVELY FREE FROM CLODS AND ROCKS MORE THAN 1 1/2 INCHES IN DIAMETER AND ANY FOREIGN MATERIAL THAT WILL PREVENT UNIFORM CONTACT OF THE BLANKET WITH THE SOIL SURFACE.

B) PLANTING:

LIME, FERTILIZE, AND SEED IN ACCORDANCE WITH SEEDING OR PLANTING PLAN. WHERE GROUND COVERS ARE TO BE PLANTED, LAY THE PROTECTIVE COVERING FIRST AND THEN PLANT THROUGH THE MATERIAL AS PER PLANTING PLAN.

C) LAYING AND STAPLING:

1. START LAYING THE BLANKET FROM THE TOP OF THE CHANNEL OR SLOPE AND UNROLL DOWN-GRADE. ALLOW TO LAY LOOSELY ON SOIL; DO NOT STRETCH.
2. UPSLOPE ENDS OF THE BLANKET SHOULD BE BURIED IN AN ANCHOR SLOT NO LESS THAN 6-INCHES DEEP. TAMP EARTH FIRMLY OVER THE MATERIAL.
3. WHERE MULTIPLE WIDTHS ARE LAID SIDE BY SIDE, THE ADJACENT EDGES SHALL BE OVERLAPPED A MINIMUM OF 6 INCHES AND STAPLED TOGETHER.
4. STAPLES SHALL BE PLACED PER MANUFACTURER'S RECOMMENDATIONS.

D) TROUBLESHOOTING:

- CONSULT WITH THE ENGINEER, IF ANY OF THE FOLLOWING OCCUR:
1. MOVEMENT OF THE BLANKET OR EROSION UNDER THE BLANKET IS OBSERVED.
  2. VARIATIONS IN TOPOGRAPHY ON SITE INDICATE EROSION CONTROL MAT WILL NOT FUNCTION AS INTENDED; CHANGES IN PLAN MAY BE NEEDED, OR A BLANKET WITH A SHORTER OR LONGER LIFE MAY BE NEEDED.
  3. DESIGN SPECIFICATIONS FOR SEED VARIETY, SEEDING DATES, OR EROSION CONTROL MATERIALS CANNOT BE MET; SUBSTITUTION MAY BE REQUIRED. UNAPPROVED SUBSTITUTIONS COULD RESULT IN FAILURE TO ESTABLISH VEGETATION.

E) MAINTENANCE & INSPECTION:

INSPECT CONTROLS AFTER EACH RAIN EVENT OF 1/2 INCH OR GREATER, AND EVERY 7 DAYS UNTIL VEGETATION IS ESTABLISHED. LOOK FOR EROSION OR UNDERMINING BENEATH THE NETTING, BLANKETS, OR MATS. IF ANY AREA SHOWS EROSION, PULL BACK THAT PORTION OF THE MATERIAL, ADD SOIL, AND RESEED; RESECURE THE MATERIAL IN PLACE. IF NETTING, BLANKETS OR MATS BECOME DISLOCATED OR DAMAGED, REPAIR OR REPLACE AND RESECURE IMMEDIATELY.

F) JOINING BLANKETS:

OVERLAP THE END OF THE PREVIOUS ROLL A MINIMUM OF 6 INCHES AND STAPLE. STAPLE ACROSS THE END OF THE ROLL JUST BELOW THE ANCHOR SLOT AND ACROSS THE MATERIAL EVERY 6 INCHES.

G) TERMINAL END:

AT THE POINT AT WHICH THE MATERIAL IS DISCONTINUED, OR WHERE THE BLANKET MEETS A STRUCTURE OF SOME TYPE, STAPLE A MINIMUM OF EVERY 12 INCHES.

H) FINAL CHECK:

- THESE INSTALLATION CRITERIA MUST BE ADHERED TO:
1. ALL DISTURBED AREAS ARE SEEDED.
  2. PROTECTIVE BLANKET IS IN UNIFORM CONTACT WITH THE SOIL.
  3. ALL LAP JOINTS ARE SECURE.
  4. ALL STAPLES ARE DRIVEN FLUSH WITH THE GROUND.

<p>9/03/2008 Approved _____ Date _____</p> <p>Revisions _____</p>		<p><b>ROLLED EROSION CONTROL PRODUCTS</b></p>	<p><b>EC-8B</b></p>
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## **EC-9 GEOTEXTILES AND PLASTIC COVERS**

This Best Management Practice (BMP) involves the placement of geotextiles or plastic covers to stabilize disturbed soil areas and protect soils from erosion by wind or water.

### **APPROPRIATE APPLICATIONS:**

Limited applications include very small graded areas and stockpiles.

### **CONDITIONS FOR EFFECTIVE USE:**

Type of Flow: Sheet and concentrated flows.

Geotextiles and plastic covers have maximum flow rate limitations; consult the manufacturer for proper selection. The use of plastic shall be limited to very short periods of time. The use of plastics and impermeable geotextiles results in 100% runoff, which may cause serious erosion problems in the areas receiving the increased velocities and flow. Use these products with caution. Plastic sheeting is easily vandalized, easily torn, and photodegradable.

### **WHEN BMP IS TO BE INSTALLED:**

Geotextiles and plastic covers should be installed immediately after completion of a phase of grading or while the stockpile is in place.

### **STANDARDS AND SPECIFICATIONS:**

Geotextile blankets shall be secured in place with wire staples or sandbags and by keying into tops of slopes and edges to prevent infiltration of surface water under the geotextile. Plastic sheeting shall be keyed in at the top of the slope and firmly held in place with sandbags or other weights placed no more than 10 feet apart. Seams are typically taped or weighted down their entire length. Anchoring the sheeting is crucial to keeping it in place during windy weather.

### **OPERATION AND MAINTENANCE PROCEDURES:**

All geotextile and plastic sheeting shall be inspected on a weekly basis and after storms to check for erosion, undermining, and anchorage failure. Any failures shall be repaired immediately. If washout or breakages occur, the material shall be re-installed after repairing the damage to the slope.

### **SITE CONDITIONS FOR REMOVAL:**

Upon establishment of other temporary stabilizations or after permanent stabilization has occurred.

## **EC-10 OUTLETS/VELOCITY DISSIPATION DEVICES**

These devices are placed at pipe outlets to prevent scour and reduce the velocity and/or energy of storm water flows. These devices protect the receiving area from erosion.



### APPROPRIATE APPLICATIONS:

These devices may be used at the following locations: outlets of pipes, drains, culverts, slope drains, diversion ditches, swales, conduits or channels, outlets located at the bottom of mild to steep slopes, discharge outlets that carry continuous flows of water, outlets subject to short, intense flows of water, such as flash floods, points where lined conveyances to unlined conveyances, and at emergency overflows or outlet pipes of a sediment basin.

### CONDITIONS FOR EFFECTIVE USE:

Type of Flow: Concentrated flow

### WHEN BMP IS TO BE INSTALLED:

Energy dissipation devices should be installed with the construction of the upstream BMP or pipe that creates a concentrated discharge.

### STANDARDS AND SPECIFICATIONS:

Install riprap, concrete apron, etc. at selected outlet. Riprap aprons are best suited for temporary use during construction. Carefully place riprap to avoid damaging the filter fabric. Align the apron with the receiving stream and keep straight throughout its length. If a curve is needed to fit site conditions, place it in the upper section of the apron. If the size of the apron riprap is comprised of large rocks, protect the underlying filter fabric with a gravel blanket. Outlets on slopes steeper than 10% need additional protection.

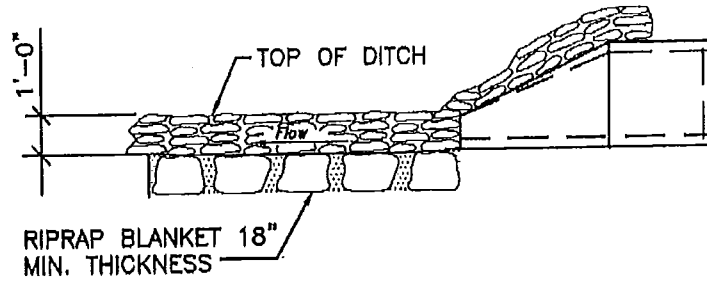
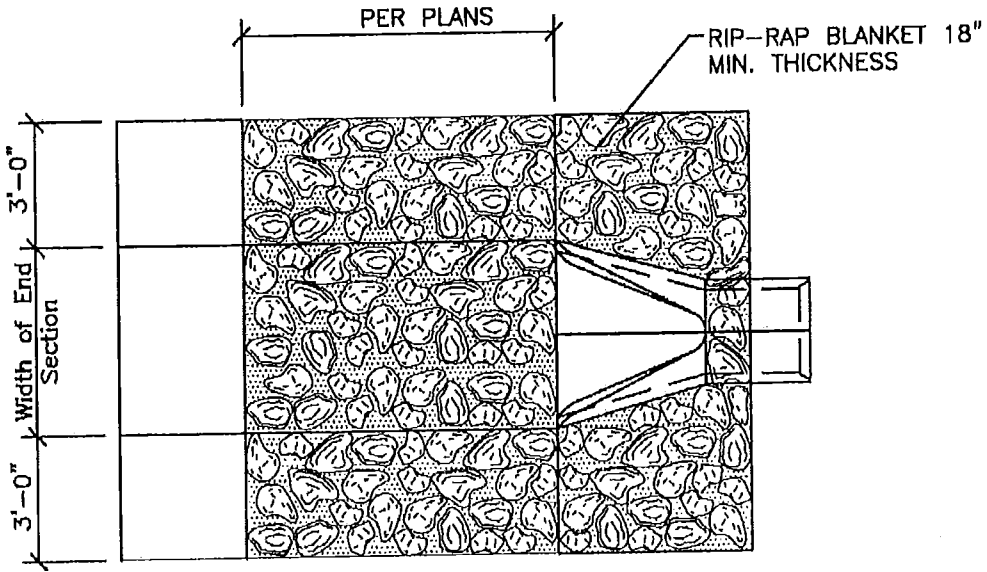
### OPERATION AND MAINTENANCE PROCEDURES:

Inspect at least every week and after every storm during construction. Remove sediment and trash accumulation. Inspect apron for displacement of the riprap and/or damage to the underlying fabric. Repair fabric and replace riprap that has washed away. Inspect for scour beneath the riprap and around the outlet. Repair damage to slopes immediately, extend the pad or place larger rock, as needed.

### SITE CONDITIONS FOR REMOVAL:

Temporary devices need to be completely removed as soon as the surrounding drainage area has been stabilized, or at the completion of construction.

### STANDARD DRAWING: EC-10



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**OUTLET/ENERGY  
DISSIPATION DEVICES**

**EC-10**



## **EC-11 TEMPORARY STREAM CROSSING**

A temporary stream crossing is a structure placed across a waterway that allows vehicles to cross the waterway during construction, minimizing, reducing, or managing erosion and downstream sedimentation caused by the vehicles. Use of temporary stream crossings is discouraged. Crossings are a direct source of pollution and should be avoided if alternatives are feasible.

### **APPROPRIATE APPLICATIONS:**

Temporary stream crossings are installed at sites: where appropriate permits have been secured (404, 401, etc.), where construction equipment or vehicles need to frequently cross a waterway, when alternate access routes impose significant constraints, and where construction activities will be less than 1 year.

### **CONDITIONS FOR EFFECTIVE USE:**

Design considerations include: current and proposed watershed conditions, average and peak discharge (2 year, 24 hour storm), effect on water surface elevation off-site, velocity, sediment removal, and protection of fish and trees. Criteria for a Low Water Crossing includes: any constant flow less than 3" deep, light traffic, bank height less than 5 feet, and perpendicular to flow or with a slight upstream arc. Criteria for a culvert crossing includes: sized for 2 year, 24 hour storm with 1 foot freeboard and no flooding of offsite areas, pipe parallel to flow, embankment perpendicular to channel or with a slight upstream arc, riprap on exposed faces sized for overtopping during a peak storm period.

### **WHEN BMP IS TO BE INSTALLED:**

The temporary stream crossing should be constructed during dry periods and may require dewatering or temporary diversion of the stream.

### **STANDARDS AND SPECIFICATIONS:**

Procedures are specific to the type of crossing used. Generally, provide a stable means to bypass normal channel flow prior to disturbing channel, stabilize channel bottom, install culvert (if used), grade and compact access ramps and soil embankment, install fabric, stone, and riprap according to design.

### **OPERATION AND MAINTENANCE PROCEDURES:**

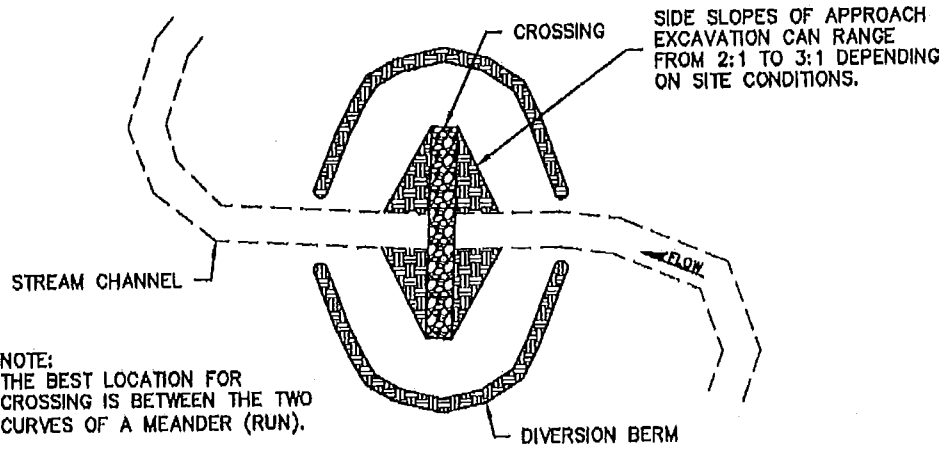
Inspect every week and after every storm-checking for: blockage in the channel, debris buildup, erosion of abutments, channel scour, riprap displacement, piping of soil, and structural weakening. Remove sediment and trash accumulation. Repair and stabilize eroded areas-extend riprap if necessary.

### **SITE CONDITIONS FOR REMOVAL:**

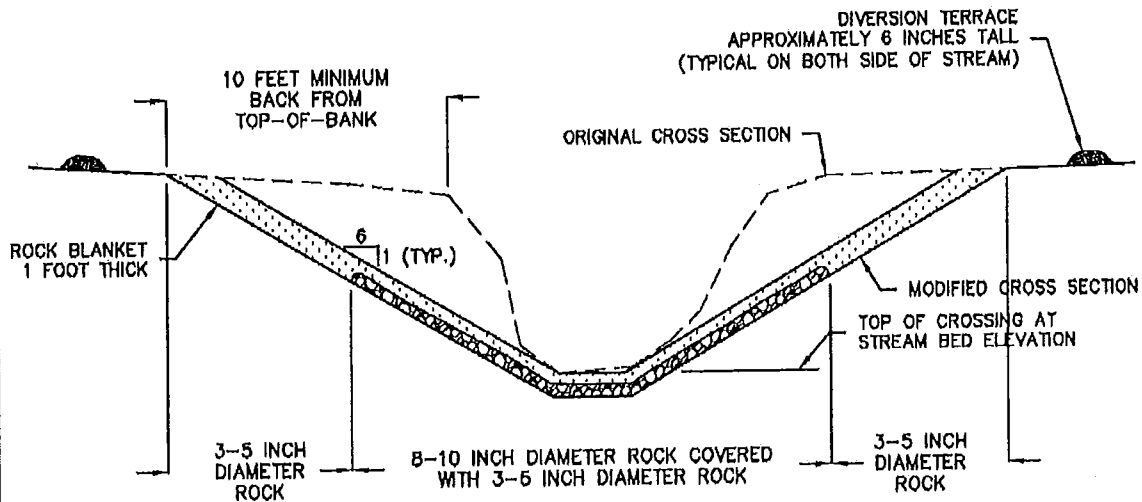


Remove as soon as alternative access is available. All foreign materials should be removed from creek. The streambed/banks should be returned to the original contour and stabilized if necessary.

STANDARD DRAWING: EC-11a and EC-11b



**REINFORCED STREAM CROSSING LAYOUT**  
NOT TO SCALE




**REINFORCED STREAM CROSSING PROFILE**  
NOT TO SCALE

Approved _____ Date <b>9/03/2008</b> Revisions _____		<b>REINFORCED STREAM CROSSING</b>	<b>EC-11A</b>
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**GENERAL NOTES AND SPECIFICATIONS FOR TEMPORARY (REINFORCED) STREAM CROSSINGS:**

1. THE STREAM BED FOR 0.5 MILE BELOW THE PROPOSED CROSSING MUST BE VERTICALLY STABLE. THE CHANNEL SHOULD NOT BE DOWNCUTTING (NO HEADCUTS DOWNSTREAM) OR RAPIDLY FILLING WITH SEDIMENT.
2. LOW FLOW WATER DEPTH SHALL BE LESS THAN SIX INCHES.
3. STREAM BANKS IN THE VICINITY (0.25 MILES UPSTREAM AND DOWNSTREAM) MUST BE STABLE.
4. THE CROSSING SHOULD BE LOCATED IN THE STRAIGHT REACH BETWEEN TWO BENDS.
5. APPROACHES SHOULD BE NO STEEPER THAN 6:1.
6. THE APPROACHES AND CROSSING SHOULD BE OVER EXCAVATED ONE FOOT THAN THE DESIRED SURFACE.
7. THE CROSSING AND THE APPROACHES FOR 10 FEET ON EITHER SIDE OF THE CROSSING SHOULD BE BACKFILLED WITH 8-10 INCH DIAMETER ROCK OR QUARRY RUN SHOT-ROCK TO WITHIN THREE TO FIVE INCHES OF THE DESIRED SURFACE. THE LARGE ROCK SHOULD BE COMPACTED INTO THE STREAM BED AND THE APPROACHES.
8. AFTER THE LARGE ROCK IS COMPACTED, THREE TO FIVE INCH DIAMETER ROCK SHOULD BE PLACED IN THE REMAINDER OF THE APPROACHES AND OVER THE LARGE ROCK TO PROVIDE A RELATIVELY SMOOTH SURFACE.
9. FINAL ELEVATION OF THE PORTION OF THE CROSSING SUBMERGED AT LOW FLOW SHALL NOT BE MORE THAN THREE INCHES ABOVE STREAM BED ELEVATION.
10. SIDE SLOPES OF THE APPROACH CAN RANGE FROM 2:1 TO 3:1 DEPENDING ON CONDITIONS AT THE SITE.
11. SIX INCH TALL DIVERSION BERM SHOULD BE BUILT AROUND THE CROSSING TO PREVENT OVERLAND FLOW FROM ERODING THE APPROACHES. THE DIVERSIONS SHOULD OUTLET AT STABLE LOCATIONS.
12. GROUTING (POURING CONCRETE OVER ROCK) IS PROHIBITED.
13. THE CROSSING SHOULD BE INSPECTED AFTER EACH FLOOD. BE ALERT FOR SIGNIFICANT SCOUR DOWNSTREAM OF THE CROSSING. THE SMALL DIAMETER ROCK MAY HAVE TO BE REPLACED OVER TIME. FREQUENT CLEARING OF SEDIMENT AND DEBRIS FROM THE APPROACHES WILL BE NECESSARY.

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Approved	9/03/2008 Date										
Revisions											



## **RM-1 CHECK DAMS**

Check dams reduce scour and channel erosion by reducing flow velocity and encouraging sediment settlement. A check dam is a small device constructed of rock, gravel bags, sandbags, fiber rolls, or other proprietary product placed across a natural or man-made channel or drainage ditch.

### APPROPRIATE APPLICATIONS:

Check dams can be placed at intervals along drainage swales or channels. The top of the downstream check dam should be level with the base of the upstream check dam. Check dams can also be used during the establishment of grass linings in drainage ditches or channels or in temporary ditches where the short length of service does not warrant establishment of erosion-resistant linings. Not to be used in streams.

### CONDITIONS FOR EFFECTIVE USE:

Type of Flow: Moderate concentrated flow.

### WHEN BMP IS TO BE INSTALLED:

Check dams can be installed prior to disturbance of natural vegetation in the contributing drainage area or immediately after construction of a drainage way.

### STANDARDS AND SPECIFICATIONS:

Check dams should be placed at a distance and height to allow small pools to form behind them. Install the first check dam approximately 16 feet from the outfall device and at regular intervals based on slope gradient and soil type. For multiple check dam installation, backwater from the downstream check dam should reach the toe of the upstream dam. High flows (typically a 2-year storm or larger) should safely flow over the check dam without an increase in upstream flooding.

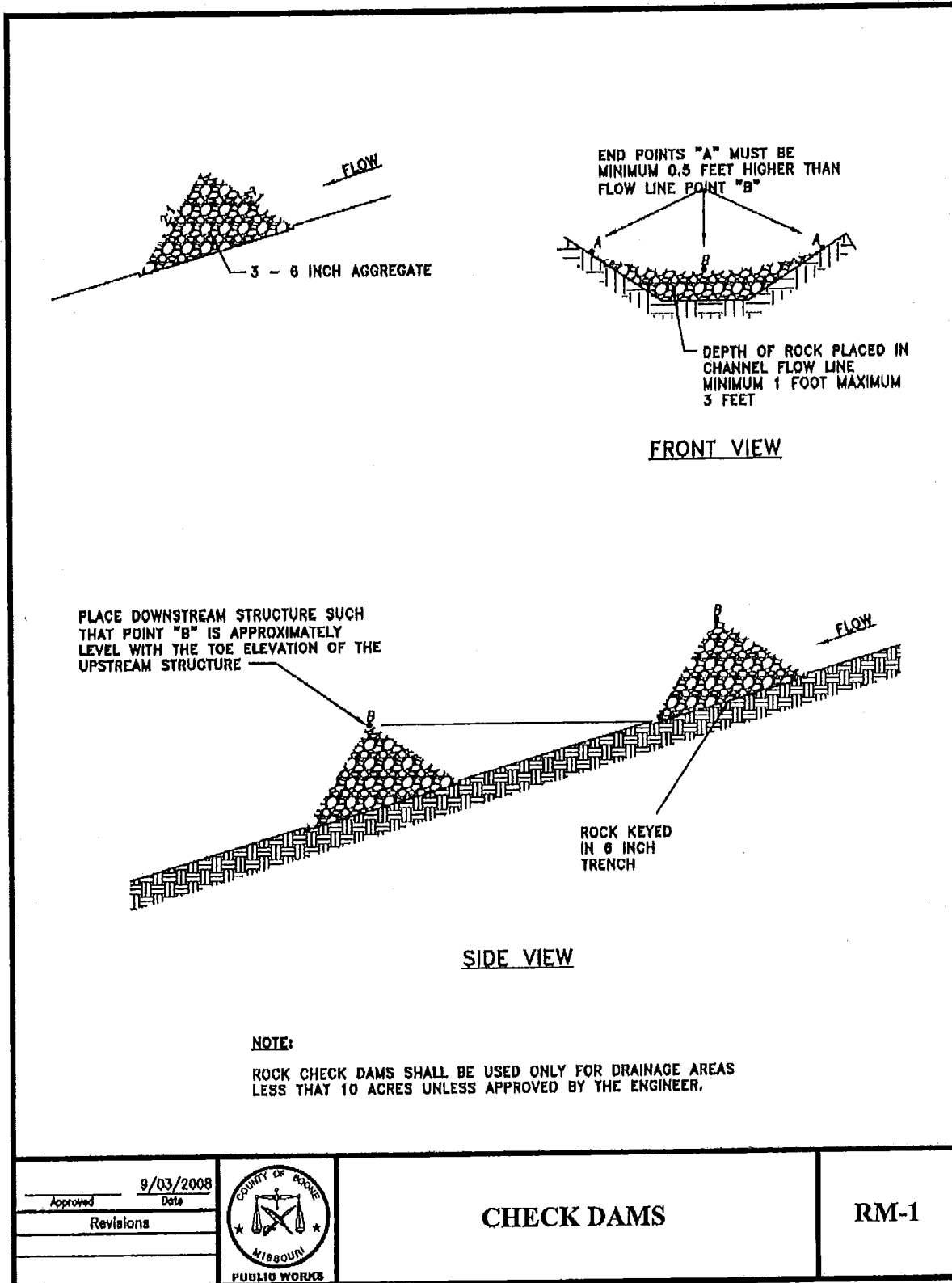
### OPERATION AND MAINTENANCE PROCEDURES:

Inspect at least every week and after every storm. Remove trash and leaf accumulation. Remove sediment when depth reaches one-half of the check dam height. Repair/restore dam structure, if necessary, to original configuration to protect the banks.

### SITE CONDITIONS FOR REMOVAL:

Remove after contributing areas have been adequately stabilized and vegetation is adequately established in drainage way. Regrade and vegetate the area.

### STANDARD DRAWING: RM-1





## **RM-2 EARTH BERMS AND DRAINAGE SWALES**

A compacted earth, compost or gravel ridge, excavated channel or a combination of ridge and channel designed to direct runoff away from or around disturbed areas. Diversions built on a level contour are used in combination with temporary slope drains to provide adequate conveyance. Diversions built with positive drainage slopes release runoff into additional BMPs, such as sediment traps or level spreaders.

### **APPROPRIATE APPLICATIONS:**

These features may be used to: convey surface runoff down sloping land, intercept and divert runoff to avoid sheet flow over sloped surfaces, divert and direct runoff towards a stabilized watercourse, drainage pipe or channel, intercept runoff from paved surfaces. Berms, swales, and lined ditches also may be used: below steep grades where runoff begins to concentrate, along roadways and facility improvements subject to flood drainage, at the top of slopes to divert runoff from adjacent or undisturbed slopes and at bottom and mid-slope locations to intercept sheet flow or to convey concentrated flows.

### **CONDITIONS FOR EFFECTIVE USE:**

Type of Flow: Sheet flow and low-volume concentrated flows.

Contributing Area: Contributing slope length-300 feet maximum; 100 feet for slopes greater than 5%.

### **WHEN BMP IS TO BE INSTALLED:**

Berms and/or swales should be installed prior to disturbance of natural vegetation on slopes and at intervals during construction of fill slopes.

### **STANDARDS AND SPECIFICATIONS:**

Care must be applied to correctly size and locate berms, swales, and ditches. Excessively steep, unlined berms and swales are subject to gully erosion. Grade and compact the channel and/or ridge. Provide stabilized outfall areas. Conveyances should be stabilized with vegetation or a protective lining. Other BMPs, such as check dams and erosion control blankets, may be necessary to prevent scour and erosion.

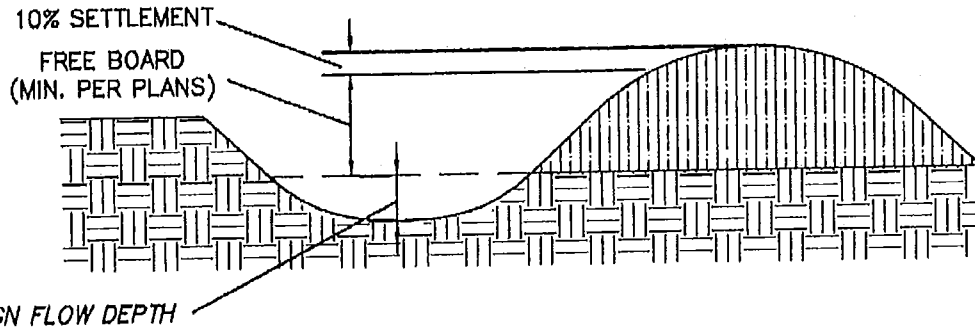
### **OPERATION AND MAINTENANCE PROCEDURES:**

Inspect at least every week and after every storm. Inspect channel linings, embankments, and beds of ditches and berms for erosion and accumulation of debris and sediment. Remove debris and sediment, repair linings and embankments as needed-replace riprap, linings or soil stabilizers as needed.

### **SITE CONDITIONS FOR REMOVAL:**

Temporary diversions should be removed as soon as the surrounding drainage area has been stabilized.

### **STANDARD DRAWING: RM - 2**



**NOTES:**

1. TEMPORARY DIVERSION BERMS MUST BE INSTALLED AS A FIRST STEP IN THE LAND-DISTURBING ACTIVITY AND MUST BE FUNCTIONAL PRIOR TO LAND DISTURBANCE.
2. THE OUTLET OF THE DIVERSION SHALL BE LOCATED IN AN UNDISTURBED OR STABILIZED AREA.
3. TEMPORARY OR PERMANENT SEEDING AND MULCH SHALL BE APPLIED TO THE BERM IMMEDIATELY FOLLOWING ITS CONSTRUCTION.
4. ALL TREES, BRUSH, STUMPS, OBSTRUCTIONS, AND OTHER OBJECTIONABLE MATERIAL SHALL BE REMOVED AND DISPOSED OF SO AS NOT TO INTERFERE WITH THE PROPER FUNCTIONING OF THE DIVERSION.
5. THE DIVERSION SHALL BE EXCAVATED OR SHAPED TO LINE, GRADE, AND CROSS-SECTION AS REQUIRED AND FREE OF IRREGULARITIES WHICH WILL IMPEDE FLOW.
6. FILLS SHALL BE COMPACTED AS NEEDED TO PREVENT UNEQUAL SETTLEMENT THAT WOULD CAUSE DAMAGE IN THE COMPLETED DIVERSION. FILL SHALL BE COMPOSED OF SOIL WHICH IS FREE FROM EXCESSIVE ORGANIC DEBRIS, ROCKS, OR OTHER OBJECTIONABLE MATERIALS.
7. ALL EARTH REMOVED AND NOT NEEDED IN CONSTRUCTION SHALL BE SPREAD OR DISPOSED OF SO THAT IT WILL NOT INTERFERE WITH THE FUNCTIONING OF THE DIVERSION.
8. THE BERM SHOULD BE ADEQUATELY COMPACTED TO PREVENT FAILURE.
9. THE BERM SHOULD BE LOCATED TO MINIMIZE DAMAGES BY CONSTRUCTION OPERATIONS AND TRAFFIC.

<p>Approved _____ Date <b>9/03/2008</b></p> <p>Revisions _____</p>		<p><b>EARTH BERMS/ DRAINAGE SWALES</b></p>	<p><b>RM-2</b></p>
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### **RM-3 TERRACING**

Terracing involves defined swales constructed at regular intervals along the face of a slope designed to reduce erosion by capturing surface runoff and directing it to an adequate, stable outlet.

#### **APPROPRIATE APPLICATIONS:**

Typically installed on long steep slopes on which erosion is a concern. Terraces should not be constructed in sandy or rocky soil.

#### **CONDITIONS FOR EFFECTIVE USE:**

Type of Flow: Sheet flow.

Slope Characteristics: Maximum of 3:1 slope.

Contributing Slope Length: Maximum of 30 feet for slopes steeper than 4:1; maximum for 50 feet for 4:1 and flatter.

#### **WHEN BMP IS TO BE INSTALLED:**

Terracing should be installed as fill is constructed. On existing slopes, terraces should be graded prior to removal of vegetation.

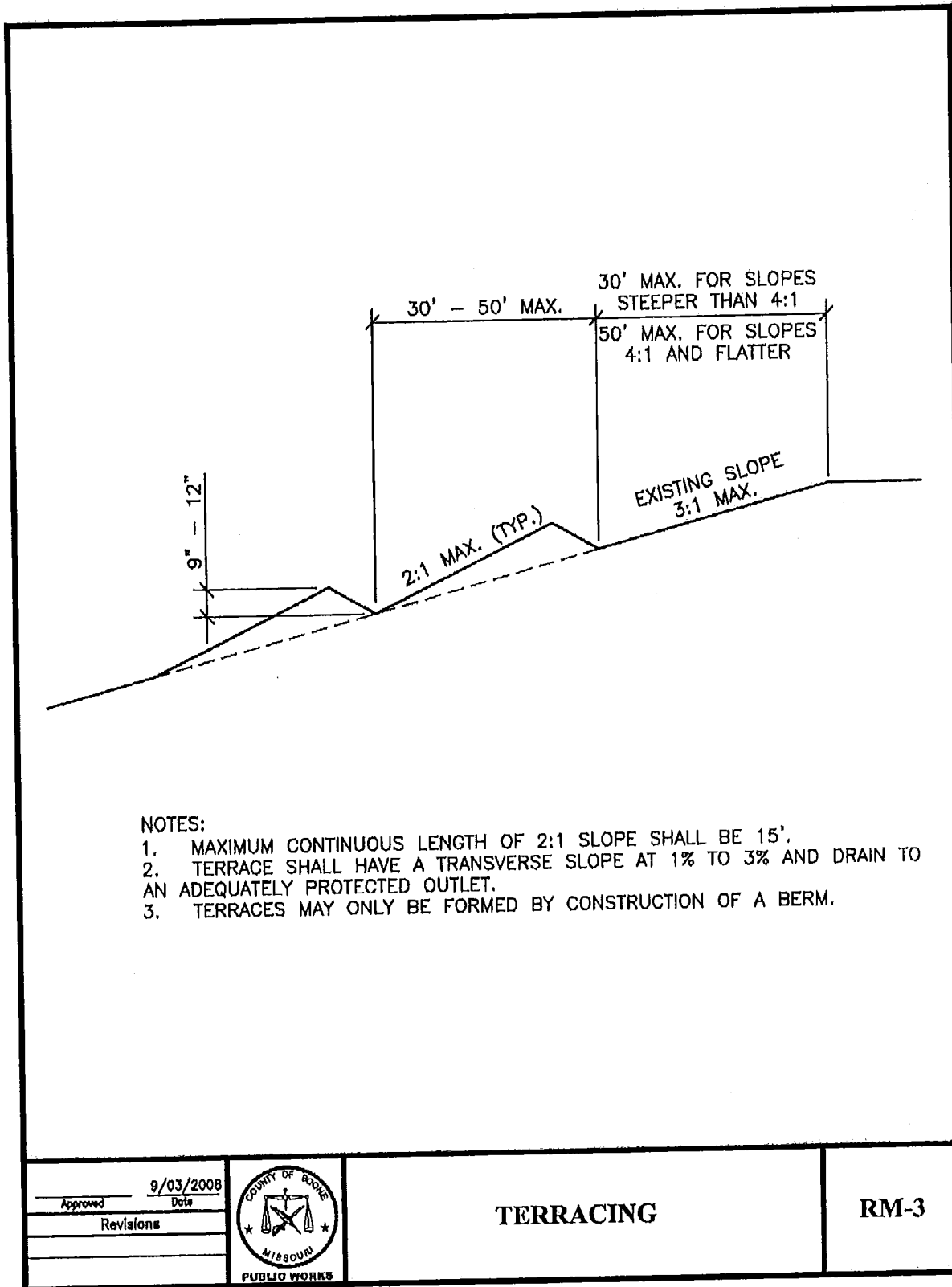
#### **STANDARDS AND SPECIFICATIONS:**

Grade terraces as required by the design. Construct the stable outfall as designed. Vegetate the slope and terraces immediately after BMP installation.

#### **OPERATION AND MAINTENANCE PROCEDURES:**

Inspect at least every week and after every storm during construction. Remove sediment accumulations along terraces. Repair settled and eroded areas. Remove sediment and stabilize eroded areas at outlet. Revegetate as needed

#### **STANDARD DRAWING: RM - 3**





#### **RM-4 SLOPE DRAINS**

A slope drain is a flexible or rigid pipe which extends from the top to the bottom of a cut or fill slope. These structures are designed to protect exposed slopes from upstream runoff and can be used with other BMPs to intercept and direct surface flow away from disturbed slope areas. Slope drains typically extend beyond the toe of the slope to a stable area or outlet.

##### APPROPRIATE APPLICATIONS:

Slope drains may be used on construction sites where slopes may be eroded by surface runoff.

##### CONDITIONS FOR EFFECTIVE USE:

Type of Flow: Sheet flow and concentrated flow. Contributing Area: Maximum of 5 acres per slope drain; pipe sized for 15 year, 20 minute storm.

##### WHEN BMP IS TO BE INSTALLED:

Slope drains should be installed concurrently with diversion devices as soon as cut and fill operations have occurred.

##### STANDARDS AND SPECIFICATIONS:

Slope drains must be installed and maintained properly because failure will usually result in severe erosion of the slope. Other points of concern are failure from overtopping due to inadequate pipe inlet capacity or blockage, and lack of maintenance of the upstream diversion device capacity. Generally install slope drain down the slope-perpendicular to slope contours, extending beyond toe of slope. Install flared end or t-section at pipe inlet. Section should be well entrenched and stable so water can enter freely. Place compacted fill over and around pipe in the area of diversion device. Ensure that all pipe connections are secure. Securely anchor the exposed section of the drain with stakes. Install flared end section at pipe outlet-discharge into a sediment trap or other stabilized outlet. Protect area around inlet with filter fabric. Protect outlet with riprap or other energy dissipation device.

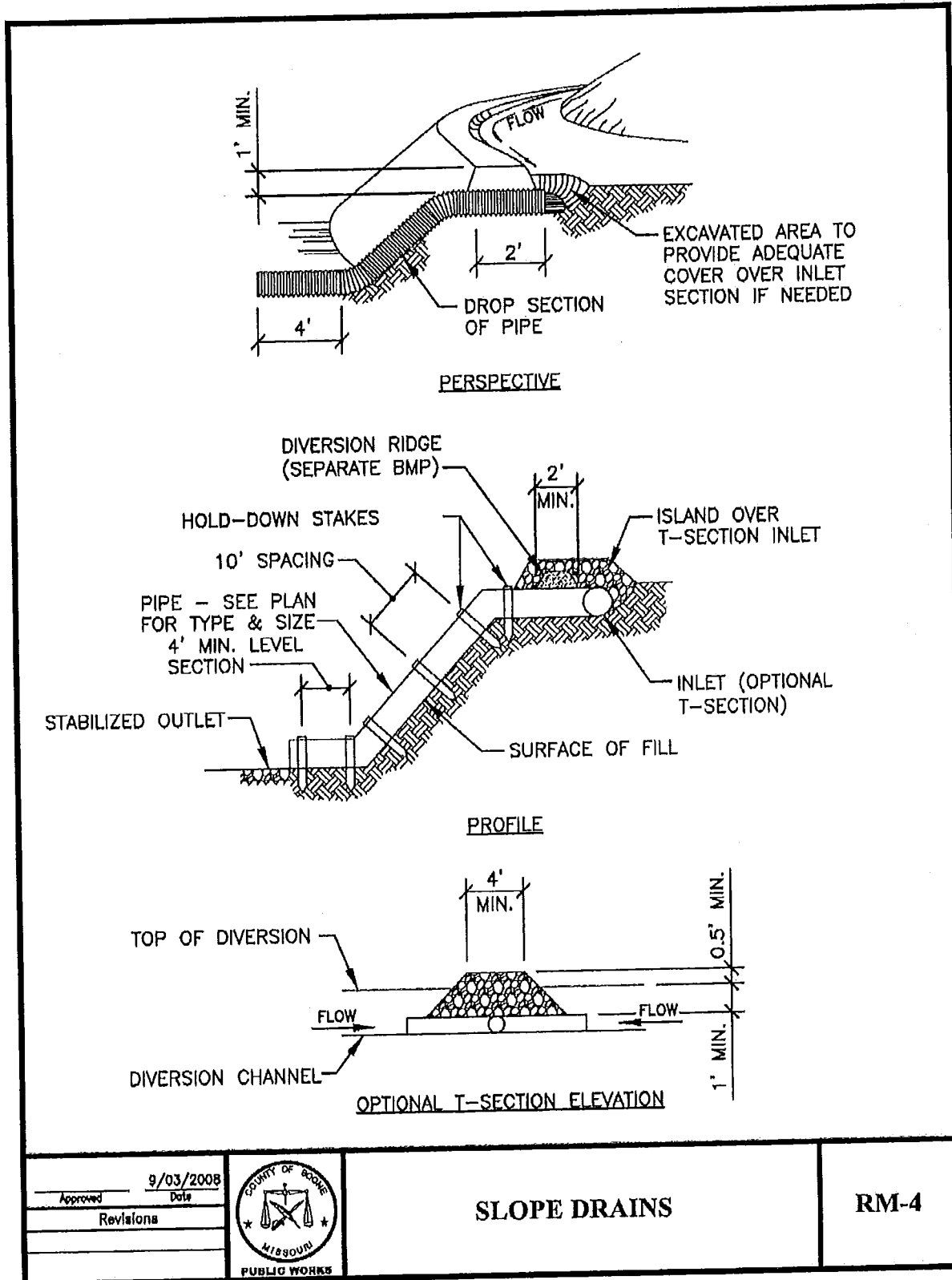
##### OPERATION AND MAINTENANCE PROCEDURES:

Inspect at least every week and after every storm during construction. Remove sediment and trash accumulation at inlet. Repair settlement, cracking, or piping holes. Repair leaks or inadequate anchoring along pipe. Remove sediment and stabilize eroded areas at outlet-extend if necessary.

##### SITE CONDITIONS FOR REMOVAL:

Remove concurrently with upstream diversion device after slope has been stabilized. Stabilize the exposed areas where the slope drain and diversion device were removed.

##### STANDARD DRAWING: RM - 4



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**SLOPE DRAINS**

**RM-4**



## **RM-5 SOIL ROUGHENING**

Soil roughening is a temporary erosion control practice often used in conjunction with grading. Soil roughening involves increasing the relief of a bare soil surface with horizontal grooves by either stair-stepping (running parallel to the contour of the land) or using construction equipment to track the surface. Slopes that are not fine graded and left in a roughened condition can reduce erosion by reducing runoff velocity, increasing infiltration, trapping sediment and preparing the soil for seeding and planting by giving seed an opportunity to take root and grow.

### APPROPRIATE APPLICATIONS:

Soil roughening is appropriate for all slopes, but works especially well on slopes greater than 3:1, on piles of excavated soil, and in areas with highly erodable soils. This technique is especially appropriate for soils that are frequently disturbed, because roughening is relatively easy.

### CONDITIONS FOR EFFECTIVE USE:

Type of Flow: Sheet flow.

Contributing Area: Unlimited on slopes <10%, slopes >10% require additional BMPs

### WHEN BMP IS TO BE INSTALLED:

Soil roughening should be done immediately after rough grading; prior to seeding or mulching.

### STANDARDS AND SPECIFICATIONS:

Methods for roughening soil differ depending on the type of slope and the available equipment. These methods include stair-step grading, grooving, and tracking. When choosing a method, consider factors such as slope steepness, mowing requirements, whether the slope is formed by cutting or filling, and available equipment. Soil roughening is not appropriate for rocky slopes. Tracked machinery can excessively compact the soil, therefore lightweight machinery should be used.

### OPERATION AND MAINTENANCE PROCEDURES:

Inspect at least every week and immediately after every storm. Rework the slope and regroove after sediment buildup is deeper than ½ the groove depth, or if rills have formed across the roughened surface.

### SITE CONDITIONS FOR REMOVAL:

The slope should be reworked to the design grades prior to final stabilization.



## **RM-6 FIBER ROLLS/WATTLES**

Fiber rolls (also called fiber logs or straw wattles) are tube-shaped erosion-control devices filled with straw, flax, rice, coconut fiber material, or composted material. Each roll is wrapped with UV-degradable polypropylene netting for longevity or with 100 percent biodegradable materials like burlap, jute, or coir. These devices reduce erosion on long or steep slopes by breaking up the slope length.

### APPROPRIATE APPLICATIONS:

Fiber rolls can be used in areas of low shear stress such as; along the toe, top, face, and at-grade breaks of exposed and erodible slopes to shorten slope length and spread runoff as sheet flow, at the end of a downward slope where it transitions to a steeper slope, along the perimeter of a project or stockpile, as check dams in unlined ditches, and downslope of exposed soil areas.

### CONDITIONS FOR EFFECTIVE USE:

Type of Flow: Sheet flow and concentrated flow.

### WHEN BMP IS TO BE INSTALLED:

Wattles should be installed immediately after rough grading; prior to seeding or mulching.

### STANDARDS AND SPECIFICATIONS:

On slopes, install fiber rolls along the contour with a slight downward angle at the end of each row to prevent ponding at the midsection. Turn the ends of each fiber roll upslope to prevent runoff from flowing around the roll. Determine the vertical spacing for slope installations on the basis of the slope gradient and soil type. A good rule of thumb is: 1:1 slopes=10 feet apart, 2:1 slopes=20 feet apart, 3:1 slopes=30 feet apart, and 4:1 slopes=40 feet apart. Stake fiber rolls securely into the ground and orient them perpendicular to the slope. Fiber rolls can also be used at projects with minimal slopes. Typically, the rolls are installed along sidewalks, on the bare lot side, to keep sediment from washing onto sidewalks and streets and into gutters and storm drains.

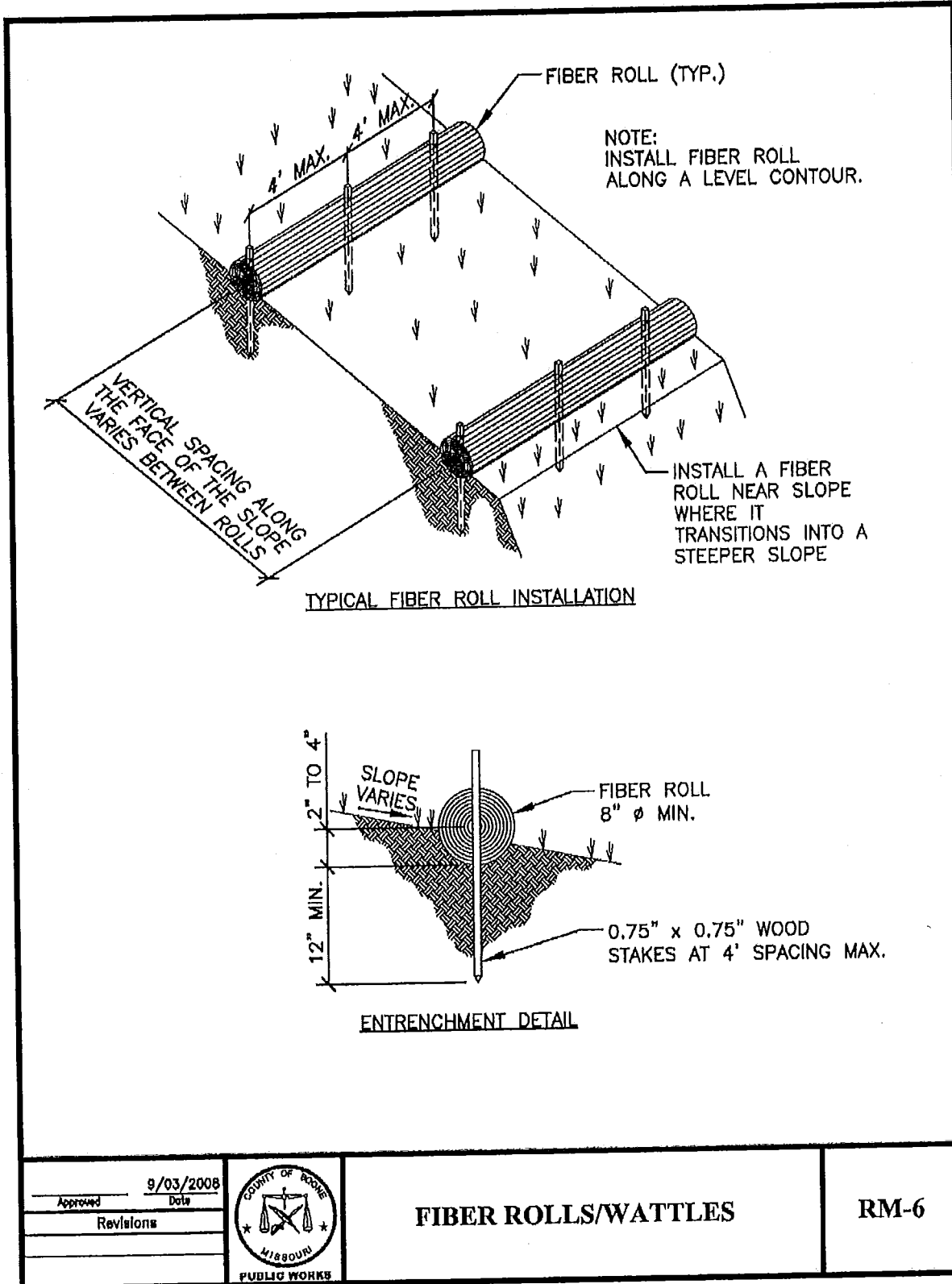
### OPERATION AND MAINTENANCE PROCEDURES:

Inspect at least every week and after every storm. Remove sediment accumulation when it reaches  $\frac{1}{2}$  the height of the roll/wattle. Repair or replace split, torn, unraveled, or slumping fiber rolls.

### SITE CONDITIONS FOR REMOVAL:

Fiber rolls are typically left in place on slopes. If they are removed after stabilization has been achieved, collect and dispose of the accumulated sediment.

### STANDARD DRAWING: RM-6





## **SC-1 VEGETATED FILTER STRIP**

Vegetated filter strips or buffers are areas of natural or established vegetation maintained to protect the water quality of neighboring areas. Buffer zones slow stormwater runoff, provide an area where runoff can permeate the soil, contribute to ground water recharge, and filter sediment. Slowing runoff also helps to prevent soil erosion and streambank collapse.

### APPROPRIATE APPLICATIONS:

Vegetated buffers can be used in any area able to support vegetation. They are most effective and beneficial on floodplains, near wetlands, along streambanks, and on unstable slopes. Filter strips can be used adjacent to low or medium density residential areas on gently sloping ground.

### CONDITIONS FOR EFFECTIVE USE:

Type of Flow: Overland sheet flow only-cannot treat high velocity flows.

### WHEN BMP IS TO BE INSTALLED:

Filter strips can be established immediately after rough grading to trap sediment during construction and/or immediately after final grading as a permanent measure to control surface runoff.

### STANDARDS AND SPECIFICATIONS:

Determine buffer widths after carefully considering slope, vegetation, soils, depth to impermeable layers, runoff sediment characteristics, type and amount of pollutants, and annual rainfall. Make sure buffer widths increase as slope increases. In areas where flows are more concentrated and fast, combine buffer zones with other practices such as level spreaders, infiltration areas, or diversions to prevent erosion and rilling. Fence off any undisturbed vegetated strips to be preserved. No activity, including parking/storing vehicles or equipment, shall be permitted in the vegetated/woody strip. If a grass filter strip is constructed, it must be completed and vegetated before construction in a contributing area is started.

### OPERATION AND MAINTENANCE PROCEDURES:

Inspect at least every week and after every storm. Remove sediment accumulation once it reaches 6" in depth. Fill and compact eroded areas and reseed, mulch and fertilize or establish other vegetation in the affected areas. After improvements are complete, regrade and reseed the top edge of the filter strip to remove sediment trapped during construction and prolong the effective use of the filter strip.



## SC-2 SILT FENCE

A silt fence is a length of filter fabric stretched between anchoring posts spaced at regular intervals along the site at low/downslope areas. The filter fabric should be entrenched in the ground at least 6". When installed correctly and inspected frequently, silt fences encourages the ponding of runoff and can be an effective barrier to sediment leaving the site.

### APPROPRIATE APPLICATIONS:

Installed along slopes, at base of slopes, and around the perimeter of a site as a final barrier to sediment being carried off site. Silt fence should not be used in areas of concentrated flow or as check dams.

### CONDITIONS FOR EFFECTIVE USE:

Type of Flow: Sheet flow only

Contributing Area: Drainage area should not exceed 0.25 acres per 100-foot fence length.

Slope Length: The slope length above the fence should not exceed 100 feet.

### WHEN BMP IS TO BE INSTALLED:

Silt fence should be installed prior to disturbance of natural vegetation and at intervals during construction of fill slopes.

### STANDARDS AND SPECIFICATIONS:

If a standard-strength fabric is used, it can be reinforced with wire mesh behind the filter fabric. This increases the effective life of the fence. The maximum life expectancy for synthetic fabric silt fences is about 6 months, depending on the amount of rainfall and runoff. The fence should be designed to withstand the runoff from a 10-year peak storm event. Generally, drive posts for fence line, dig trench to required dimensions in front of posts for fabric burial, attach wire mesh to posts (if necessary), attach fabric to posts-allowing required length below ground level to run fabric along bottom of trench, and backfill and compact soil in trench to protect and anchor fabric. Alternate (and actually preferred) construction procedures include installing the fence by slicing it into the ground with specialized equipment.

### OPERATION AND MAINTENANCE PROCEDURES:

Inspect at least every week and after every storm. Monitor and remove sediment buildup that is deeper than  $\frac{1}{2}$  the fence height. Replace torn/clogged fabric; repair loose fabric. Repair unstable or broken posts. Stabilize any areas susceptible to undermining. Add additional fencing if necessary to provide adequate protection.

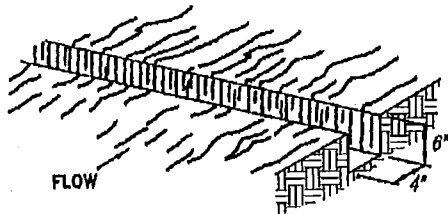
### SITE CONDITIONS FOR REMOVAL:

After permanent vegetation of slope is established, remove fence, regrade trench area and vegetate.

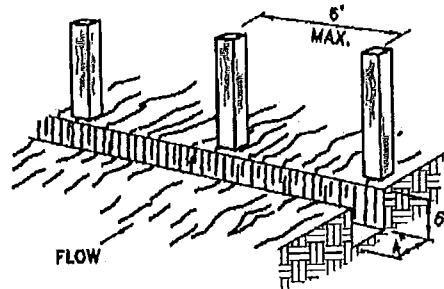


**STANDARD DRAWING: SC-2a and SC-2b**

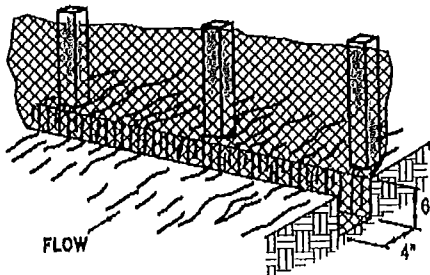
1. EXCAVATE A 6"x4" TRENCH



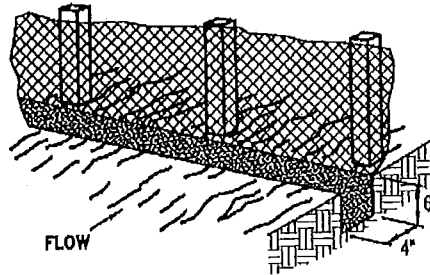
2. SET THE STAKES ALONG THE DOWN SLOPE SIDE OF THE TRENCH.



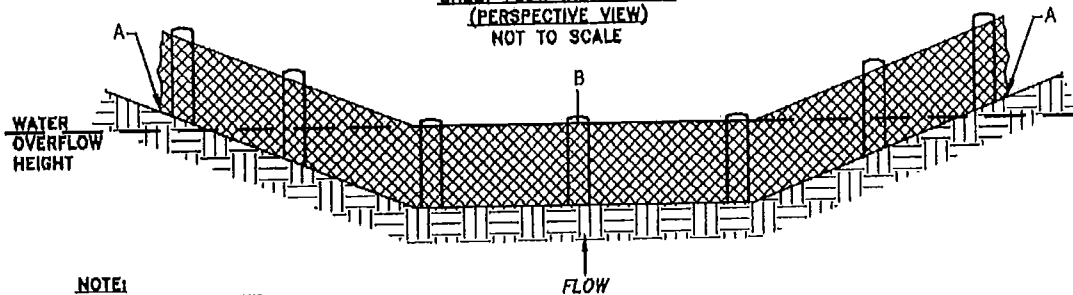
3. STAPLE GEOTEXTILE MATERIAL TO STAKES AND EXTEND IT INTO AND AROUND THE BOTTOM OF THE TRENCH.



4. BACK FILL AND COMPACT THE EXCAVATED SOIL OVER THE GEOTEXTILE IN THE TRENCH.



**SHEET FLOW INSTALLATION  
(PERSPECTIVE VIEW)  
NOT TO SCALE**



**NOTE:**  
POINT A SHOULD BE  
HIGHER THAN POINT B.

**DRAINAGE WAY INSTALLATION  
(FRONT ELEVATION)  
NOT TO SCALE**

<p>Approved _____ Date <b>9/03/2008</b></p> <p>Revisions _____</p>		<p><b>SILT FENCE</b></p>	<p><b>SC-2A</b></p>
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**SILT FENCE NOTES:**

**A) INSTALLATION**

1. THE HEIGHT OF SILT FENCE SHALL BE A MINIMUM OF 18 INCHES ABOVE THE ORIGINAL GROUND SURFACE AND SHALL NOT EXCEED 34 INCHES ABOVE THE GROUND SURFACE.
2. THE FABRIC SHALL BE PURCHASED IN A CONTINUOUS ROLL CUT TO LENGTH OF THE BARRIER TO AVOID THE USE OF JOINTS. WHEN JOINTS ARE UNAVOIDABLE, FILTER CLOTH SHALL BE SECURELY SPLICED TOGETHER ONLY AT SUPPORT POSTS, WITH A MAX 6 INCH OVERLAP.
3. DIG A TRENCH AT LEAST 6 INCHES DEEP AND 4 INCHES WIDE ALONG THE TRENCH ALIGNMENT.
4. DRIVE POSTS AT LEAST 24 INCHES INTO THE GROUND ON THE DOWNSLOPE SIDE OF THE TRENCH. SPACE POSTS A MAXIMUM OF 6 FEET APART.
5. THE SEDIMENT FABRIC SHALL BE FASTENED SECURELY TO THE UPSLOPE SIDE OF THE POSTS USING A MINIMUM OF ONE INCH LONG, HEAVY-DUTY WIRE STAPLES OR TIE-WIRES, AND EIGHT INCHES OF THE FABRIC SHALL BE EXTENDED INTO THE TRENCH. THE FABRIC SHALL NOT BE STAPLED TO EXISTING TREES.
6. PLACE THE BOTTOM 1 FOOT OF FABRIC IN THE MINIMUM-OF-6-INCH DEEP TRENCH, LAPPING TOWARD THE UPSLOPE SIDE. BACK FILL WITH COMPACTED EARTH OR GRAVEL.
7. IF A SILT FENCE IS TO BE CONSTRUCTED ACROSS A DITCH LINE OR SWALE, IT MUST BE OF SUFFICIENT LENGTH TO ELIMINATE ENDFLOW, AND THE PLAN CONFIGURATION SHALL RESEMBLE AN ARC OR HORSESHOE, PLACED ON A CONTOUR, WITH THE ENDS ORIENTED UPSLOPE. EXTRA-STRENGTH SEDIMENT FABRIC SHALL BE USED WITH A MAXIMUM 3-FOOT SPACING OF POSTS.
8. TO REDUCE MAINTENANCE, EXCAVATE A SHALLOW SEDIMENT STORAGE AREA IN THE UPSLOPE SIDE OF THE FENCE. PROVIDE GOOD ACCESS IN AREA OF HEAVY SEDIMENTATION FOR CLEAN OUT AND MAINTENANCE.
9. SILT FENCES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFUL PURPOSE, BUT NOT BEFORE THE UPSLOPE AREA HAS BEEN PERMANENTLY STABILIZED.
10. INSTALLATION WITH SLICING METHOD IS PREFERRED.

**B) TROUBLESHOOTING:**

1. DETERMINE THE EXACT LOCATION OF UNDERGROUND UTILITIES, BEFORE FENCE INSTALLATION SO UTILITIES ARE NOT DISTURBED.
2. GRADE ALIGNMENT OF FENCE NEEDED TO PROVIDE A BROAD, NEARLY LEVEL AREA UPSTREAM OF FENCE TO ALLOW SEDIMENT COLLECTION AREA.

**C) INSPECTION MAINTENANCE:**

1. INSPECT SILT FENCES AT LEAST ONCE A WEEK AND AFTER EACH 1/2" OF RAINFALL. MAKE ANY REQUIRED REPAIRS IMMEDIATELY.
2. SHOULD THE FABRIC OF A SEDIMENT FENCE COLLAPSE, TEAR, DECOMPOSE, OR BECOME INEFFECTIVE, REPLACE IT PROMPTLY.
3. REMOVE SEDIMENT DEPOSITS AS NECESSARY TO PROVIDE ADEQUATE STORAGE VOLUME FOR THE NEXT RAIN AND TO REDUCE PRESSURE ON THE FENCE. AVOID DAMAGING OR UNDERMINING THE FENCE DURING CLEANOUT. SEDIMENT ACCUMULATION SHOULD NOT EXCEED 1/2 THE HEIGHT OF THE FENCE.
4. REMOVE ALL FENCING MATERIALS AND UNSTABLE SEDIMENT DEPOSITS, AND BRING THE AREA TO GRADE AND STABILIZE IT AFTER THE CONTRIBUTING DRAINAGE AREA HAS BEEN PROPERLY AND COMPLETELY STABILIZED.

<p>9/03/2008 Approved _____ Date</p> <p>Revisions _____</p>		<p><b>SILT FENCE NOTES</b></p>	<p><b>SC-2B</b></p>
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### **SC-3 STRAW BALE DIKE**

A straw bale dike consists of a series of straw (or hay) bales butted firmly end to end and anchored in place with stakes placed along the low/downslope areas of a site. The straw bales should be entrenched in the ground. When installed correctly and inspected frequently, straw bale dikes encourage the ponding of runoff and can be an effective barrier to prevent sediment from leaving the site in stormwater runoff.

#### **APPROPRIATE APPLICATIONS:**

Installed along slopes, at base of slopes, and around the perimeter of a site as a final barrier to sediment being carried off site. Straw bale dikes should not be used in areas of significant concentrated flow as check dams.

#### **CONDITIONS FOR EFFECTIVE USE:**

Type of Flow: Sheet flow and minimal concentrated flow.

Contributing Area: Drainage area should not exceed 0.25 acres per 100-foot fence length. For minor swales where the dike will serve as a ditch check, the drainage area shall not exceed 2 acres.

Slope Length: The slope length above the fence should not exceed 100 feet. Reduce this as the area above the dike steepens.

#### **WHEN BMP IS TO BE INSTALLED:**

Straw bale dikes should be installed prior to disturbance of natural vegetation and at intervals during construction of fill slopes.

#### **STANDARDS AND SPECIFICATIONS:**

The maximum life expectancy for straw bale dikes is about 3 months, depending on the amount of rainfall and runoff. The dike should be designed to withstand the runoff from a 10-year peak storm event. The dike should be installed on level ground at least 10 feet from the toe of the slope. Excavate a trench at least 4" deep and a bale width wide and long enough that the end bales are upslope of the sediment pool. Anchor bales by driving two 36" long 2"x2" hardwood stakes through each bale until nearly flush with the top. Drive the first stake toward the previously laid bale to force the bales together. Wedge loose straw into any gaps between the bales. Backfill and compact the excavated soil against the bales to ground level on the downslope side and to 4" above ground level on the upslope side.

#### **OPERATION AND MAINTENANCE PROCEDURES:**

Inspect at least every week and after every storm. Remove sediment buildup that is deeper than ½ the dike height. Replace deteriorated or damaged bales. Repair unstable or broken stakes.

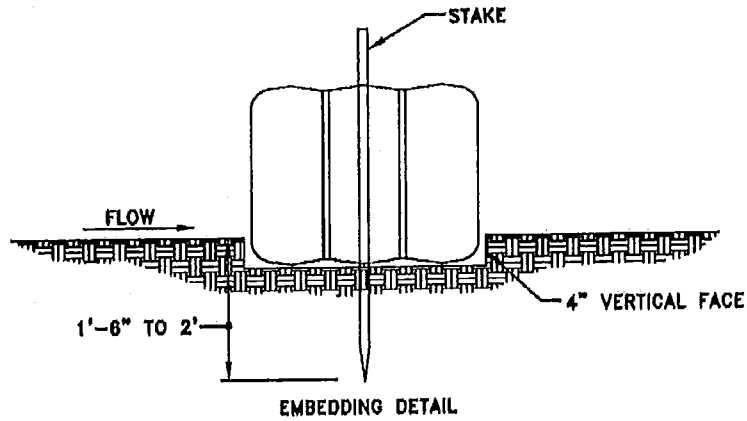


Stabilize any areas susceptible to undermining. Add additional bales if necessary to provide adequate protection.

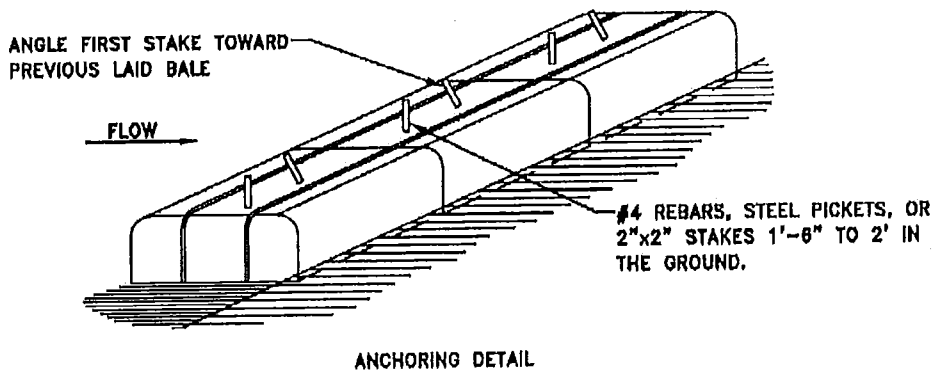
SITE CONDITIONS FOR REMOVAL:

After permanent vegetation of slope is established, remove the dike, regrade trench area and vegetate.

STANDARD DRAWING: SC-3



EMBEDDING DETAIL



ANCHORING DETAIL

1. BALES SHALL BE PLACED IN A ROW WITH ENDS TIGHTLY ABUTTING THE ADJACENT BALES.
2. EACH BALE SHALL BE EMBEDDED IN THE SOIL A MINIMUM OF 4".
3. BALES SHALL BE SECURELY ANCHORED IN PLACE BY STAKES OR RE-BARS DRIVEN THROUGH THE BALES. THE FIRST STAKE IN EACH BALE SHALL BE ANGLED TOWARD PREVIOUSLY LAID BALE TO FORCE BALES TOGETHER.
4. INSPECTION SHALL BE AT LEAST ONCE A WEEK AND AFTER EACH 1/2" RAIN. REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY.
5. BALES SHALL BE REMOVED BY THE OWNER WHEN THEY HAVE SERVED THEIR USEFULNESS SO AS NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAINAGE.

<p>Approved _____ Date <u>9/03/2008</u></p> <p>Revisions _____</p>		<h2>STRAW BALE DIKE</h2>	<h2>SC-3</h2>
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## SC-4 COMPOST FILTER SOCKS

A compost filter sock is a type of contained compost filter berm. It is a mesh tube filled with composted material that is placed perpendicular to sheet-flow runoff to control erosion and retain sediment in disturbed areas.

### APPROPRIATE APPLICATIONS:

Compost filter socks are generally placed along the perimeter of a site, or at intervals along a slope, to capture and treat stormwater that runs off as sheet flow. Filter socks can also be used on pavement as inlet protection for storm drains and as small check dams to slow water flow in small ditches. Filter socks used for erosion control are usually 12 inches in diameter, although 8 inch, 18 inch, and 24 inch– diameter socks are used in some applications.

### CONDITIONS FOR EFFECTIVE USE:

Type of Flow: Sheet flow and small concentrated flow

Contributing Area: Drainage area should not exceed 0.25 acres per 100-foot fence length.

Slope Length: The slope length above the fence should not exceed 100 feet.

### WHEN BMP IS TO BE INSTALLED:

Filter socks can be used prior to disturbance of natural vegetation and at intervals during construction of fill slopes.

### STANDARDS AND SPECIFICATIONS:

The diameter of the filter sock will vary depending upon the steepness and length of the slope. In areas of concentrated flow, filter socks are sometimes placed in an inverted V going up the slope, to reduce the velocity of water running down the slope. The project engineer may also consider placing filter socks at the top and base of the slope or placing a series of filter socks every 15 to 25 feet along the vertical profile of the slope. Generally, the filter sock is filled, put in place, and anchored using stakes, so no trenching is required. During installation, the ends of the sock should be directed upslope.

### OPERATION AND MAINTENANCE PROCEDURES:

Inspect at least every week and after every storm. Remove sediment buildup that is deeper than  $\frac{1}{2}$  the filter sock height. Repair unstable or broken posts. Stabilize any areas susceptible to undermining. Add additional socks if necessary to provide adequate protection.

### SITE CONDITIONS FOR REMOVAL:

Remove the sock after permanent vegetation of slope is established. Regrade trench area and vegetate.



## **SC-5 COMPOST FILTER BERMS**

A compost filter berm is a dike of compost or a compost product that is placed perpendicular to sheet flow runoff to control erosion in disturbed areas and retain sediment. It can be used in place of a traditional control tool such as a silt fence or compost filter socks.

### APPROPRIATE APPLICATIONS:

Vegetated compost filter berms are generally placed along the perimeter of a site, or at intervals along a slope. A filter berm also can be used as a check dam in small drainage ditches.

### CONDITIONS FOR EFFECTIVE USE:

Type of Flow: Sheet flow and small concentrated flow.

Contributing Area: Drainage area should not exceed 0.25 acres per 100-foot fence length.

### WHEN BMP IS TO BE INSTALLED:

Install the compost berm prior to disturbance of natural vegetation and at intervals during construction of fill slopes.

### STANDARDS AND SPECIFICATIONS:

The compost filter berm dimensions should be modified based on site-specific conditions, such as soil characteristics, existing vegetation, site slope, and climate, as well as project-specific requirements. Generally the berms are trapezoidal in cross section with the base twice the height of the berm. The compost should be uniformly applied to the soil surface, compacted, and shaped into a trapezoid. Compost filter berms can be installed on frozen or rocky ground. The filter berm may be vegetated by hand, by incorporating seed into the compost prior to installation, or by hydraulic seeding following berm construction.

### OPERATION AND MAINTENANCE PROCEDURES:

Inspect at least every week and after every storm. Remove sediment buildup deeper than  $\frac{1}{2}$  the filter berm. Any areas that have been washed away should be replaced. If the berm has experienced significant washout, the filter berm alone may not be the appropriate BMP for the area or the size of the berm may need to be increased.

### SITE CONDITIONS FOR REMOVAL:

Vegetated filter berms are normally left in place and provide long-term filtration of stormwater as a post-construction best management practice (BMP). If temporary, break down the berm once construction is complete and spread the compost around the site as a soil amendment or mulch.



## **SC-6 SEDIMENT BASIN**

A temporary settling basin designed to slowly release runoff, detaining it long enough to allow most of the sediment to settle out. Basins should be used in conjunction with additional BMPs, such as temporary seeding, to reduce the total amount of sediment washing into the structure. Sediment basins may also be designed to be converted from a temporary basin to a permanent storm water detention basin after construction has ended.

### **APPROPRIATE APPLICATIONS:**

Should be located as close to the sediment source as possible. A sediment basin should not be used in areas of continuously running water (live streams) nor areas where failure of the embankment will result in loss of life, damage to homes or structures, or prevent the use of roadways or utilities.

### **CONDITIONS FOR EFFECTIVE USE:**

Type of Flow: Sheet flow and concentrated flow.

Basin Volume: Volume of 10 year, 20 minute storm plus silt load of 1800 cf/acre below riser top.

### **WHEN BMP IS TO BE INSTALLED:**

Sediment basins should be placed prior to the disturbance of natural vegetation.

### **STANDARDS AND SPECIFICATIONS:**

For permanent structures, a qualified professional engineer experienced in designing dams should complete the basin design. Excavate basin to length, width, depth and slopes specified on plans. Place and compact fill to construct dam to elevation at least 1 foot above crown of outlet pipe. Install outlet pipe and compact clay soil around pipe. Install the perforated riser pipe, wrap with fabric, and surround with uniformly graded gravel. Install energy dissipation at downstream end of outlet pipe. Complete installation of dam to an elevation 10% above design height to allow for settling. Grade and stabilize spillway. Install monitoring post near outlet of basin. Mark maximum allowable sediment depth.

### **OPERATION AND MAINTENANCE PROCEDURES:**

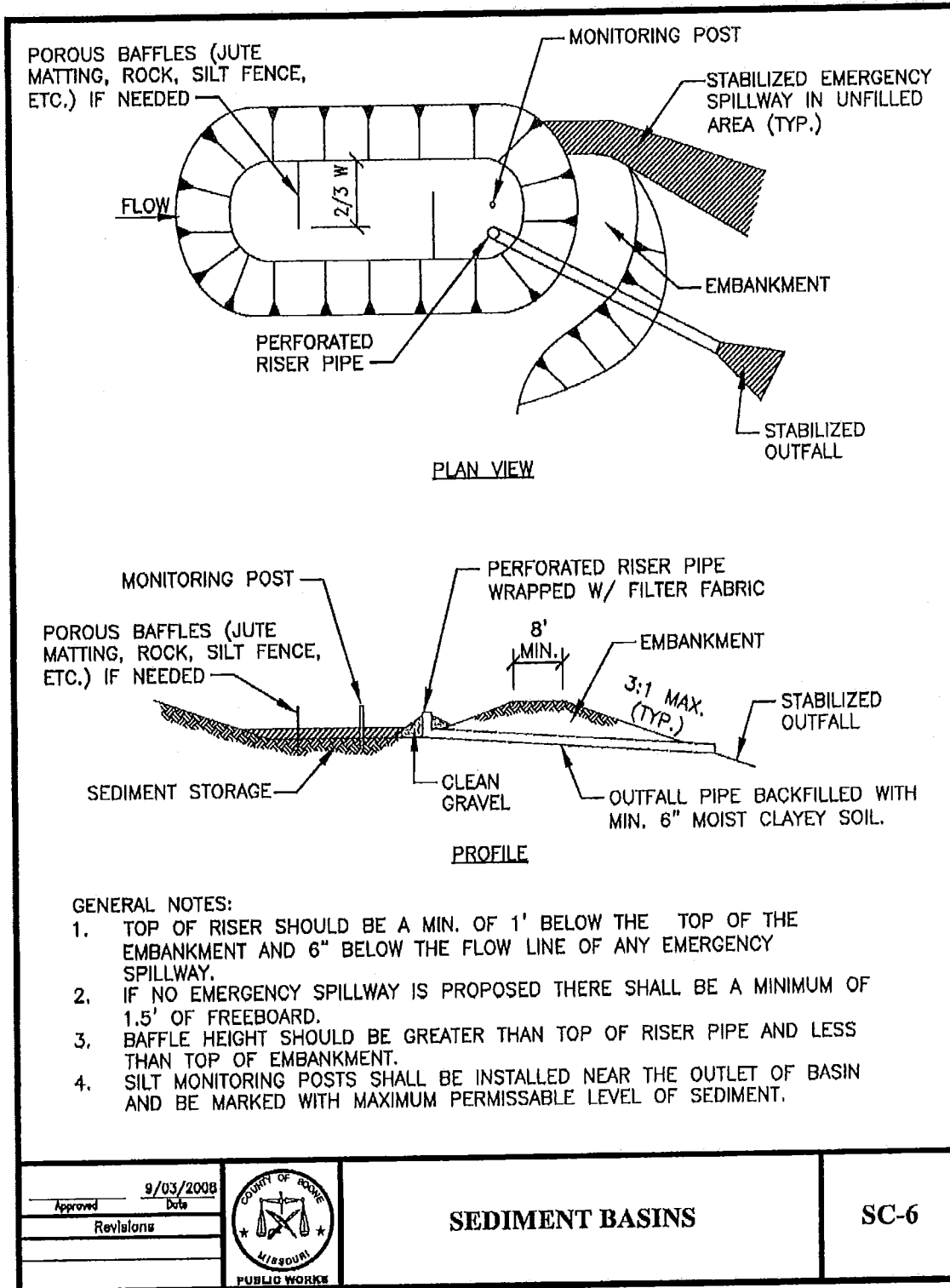
Inspect at least every week and after every ½" storm. Remove trash accumulation at outlet. Remove sediment accumulations once sediment reaches design depth, as indicated on monitoring posts. Repair and re-vegetate any erosion damage on spillway. Repair settlement, cracking, piping holes, or seepage at embankment. Replace gravel around riser if basin does not drain properly.

### **SITE CONDITIONS FOR REMOVAL:**

Remove after upstream areas are stabilized. Regrade as appropriate and vegetate immediately.



STANDARD DRAWING: SC-6





## **SC-7 SEDIMENT TRAP**

A sediment trap is a temporary containment area that allows sediment in collected storm water to settle out during infiltration or before the runoff is discharged.

### APPROPRIATE APPLICATIONS:

Sediment traps are commonly used at the outlets of stormwater diversion structures, channels, slope drains, construction site entrances, vehicle wash areas, or other runoff conveyances.

### CONDITIONS FOR EFFECTIVE USE:

Type of Flow: Sheet flow and concentrated flow.

Contributing Area: Maximum of 5 acres.

Trap Volume: Silt load of 1800 cf/acre.

### WHEN BMP IS TO BE INSTALLED:

Install sediment traps prior to disturbance of natural vegetation.

### STANDARDS AND SPECIFICATIONS:

Take care to situate sediment traps for easy access by maintenance crews. Excavate an area for the sediment trap, making sure the side slopes are no steeper than 2:1 and the embankment height no more than 5 feet from the original ground surface. Install dewatering pipe, if necessary. Place and compact fill to construct embankments and the spillway. To reduce flow rate from the trap, line the outlet with rip rap and gravel over the dewatering pipe, if necessary. The spillway weir for each temporary sediment trap should be at least 4 feet long for a 1-acre drainage area and increase by 2 feet for each additional drainage acre added, up to a maximum drainage area of 5 acres. Install monitoring posts in the trap which mark  $\frac{1}{2}$  the design depth for sediment accumulation.

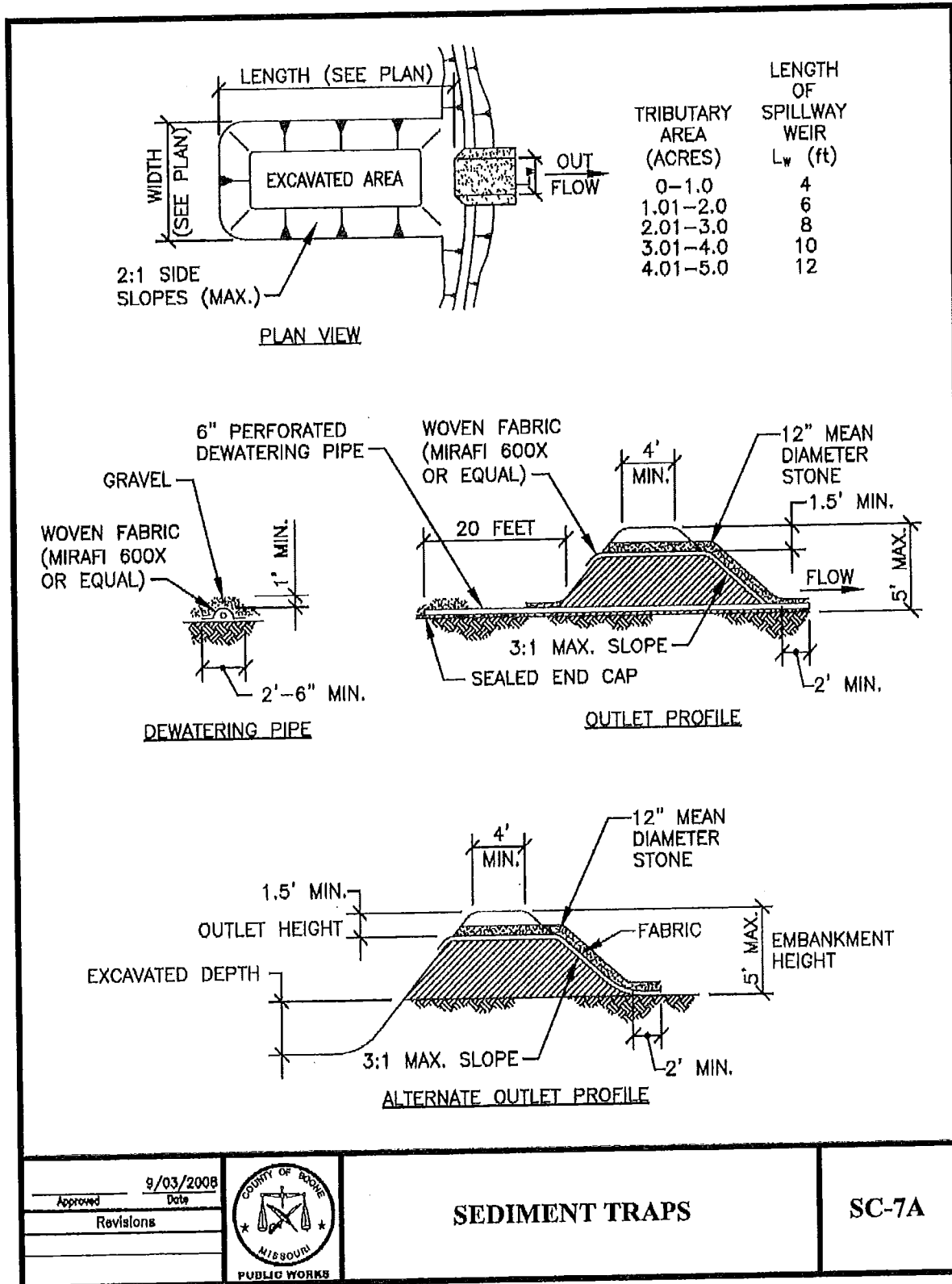
### OPERATION AND MAINTENANCE PROCEDURES:

Inspect at least every week and after every  $\frac{1}{2}$ " storm. Remove trash accumulation. Remove sediment accumulations once sediment reaches design depth, as indicated on monitoring posts. Repair and revegetate any erosion damage. Repair settlement, cracking, piping holes, or seepage at embankment.

### SITE CONDITIONS FOR REMOVAL:

Remove after upstream areas are stabilized. Regrade as appropriate and vegetate immediately.

### STANDARD DRAWING: SC-7a and SC-7b



9/03/2008	Date
Approved	
Revisions	



**SEDIMENT TRAPS**

**SC-7A**




TEMPORARY SEDIMENT TRAP NOTES:

A) CONSTRUCTION SPECIFICATIONS:

1. THE AREA UNDER THE EMBANKMENT SHALL BE CLEARED, GRUBBED, AND STRIPPED OF ANY VEGETATION AND ROOT MAT.
2. FILL MATERIAL FOR THE EMBANKMENT SHALL BE FREE OF ROOTS OR OTHER WOODY VEGETATION, ORGANIC MATERIAL, LARGE STONES, AND OTHER OBJECTIONABLE MATERIAL. THE EMBANKMENT SHOULD BE COMPACTED IN 6-INCH LAYERS BY TRAVERSING WITH CONSTRUCTION EQUIPMENT.
3. THE EARTHEN EMBANKMENT SHALL BE SEEDED WITH TEMPORARY OR PERMANENT VEGETATION IMMEDIATELY AFTER INSTALLATION
4. CONSTRUCTION OPERATION SHALL BE CARRIED OUT TO MINIMIZE EROSION AND WATER POLLUTION.
5. ALL CUT AND FILL SLOPES SHALL BE 2H:1V OR FLATTER EXCEPT FOR EXCAVATED, WET STORAGE AREAS WHICH MAY BE AT A MAXIMUM 1H:1V GRADE.

B) INSPECTION AND MAINTENANCE

1. INSPECT THE TEMPORARY SEDIMENT TRAP WEEKLY AND AFTER EACH STORM EVENT OF 1/2-INCH OR GREATER.
2. REMOVE AND PROPERLY DISPOSE OF SEDIMENT WHEN IT ACCUMULATES TO ONE-HALF THE DESIGN VOLUME.
3. PERIODICALLY CHECK THE EMBANKMENT, SPILLWAY, AND OUTLET APRON FOR EROSION DAMAGE, SETTLING SEEPAGE, OR SLUMPING ALONG THE TOE AND REPAIR IMMEDIATELY.
4. REPLACE THE SPILLWAY GRAVEL FACING IF IT BECOMES CLOGGED.
5. INSPECT VEGETATION AND RESEED IF NECESSARY.
6. REPLACE ANY DISPLACED RIPRAP SO THAT NO REPLACEMENT ROCK IS ABOVE THE DESIGN GRADE.
7. REMOVE THE TEMPORARY SEDIMENT TRAP AFTER THE DRAINAGE AREA HAS BEEN PERMANENTLY STABILIZED, INSPECTED, AND APPROVED. DO SO BY DRAINING ANY WATER, REMOVING THE SEDIMENT TO A DESIGNATED DISPOSAL AREA, AND GRADING THE SITE TO BLEND WITH THE SURROUNDING AREA; THEN STABILIZE.

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## **SC-8 CURB AND GUTTER INLET PROTECTION**

A temporary sediment control barrier consisting of a filter media, such as compost filter socks, gravel and mesh, sandbags, gravel bags, etc., around a curb and gutter inlet designed to prevent sediment from entering the storm sewer. Shallow temporary ponding may occur during and after rainfall events.

### **APPROPRIATE APPLICATIONS:**

Place protection at inlets where runoff may contain sediment-laden water.

### **CONDITIONS FOR EFFECTIVE USE:**

Type of Flow: Sheet flow and concentrated flow.

Contributing Area: Maximum of 1 acre.

### **WHEN BMP IS TO BE INSTALLED:**

Install inlet protection immediately after installation of the inlet, or prior to land disturbing activities beginning on the contributing upstream area to the inlet.

### **STANDARDS AND SPECIFICATIONS:**

Typical types of curb and gutter inlet protection include: fabricated inlet filters (follow manufacturer's instructions), compost filter sock (make sure that both ends of the sock are anchored accordingly), gravel and wire mesh (construct and anchor wood frame, fasten wire mesh and fabric to frame and place the gravel on top of the entire structure), sandbags and gravel bags (may be placed either as a j-hook on the upstream end of the inlet or as a full barrier, sometimes stacked 2 bags high, across the entire opening of the inlet). Incorporate an overflow bypass into the inlet protection structure in areas, such as heavy traffic streets, where excessive ponding of water around the inlet may become a safety issue. Sediment controls behind the curb will be necessary to prevent the discharge of sediment in these bypasses.

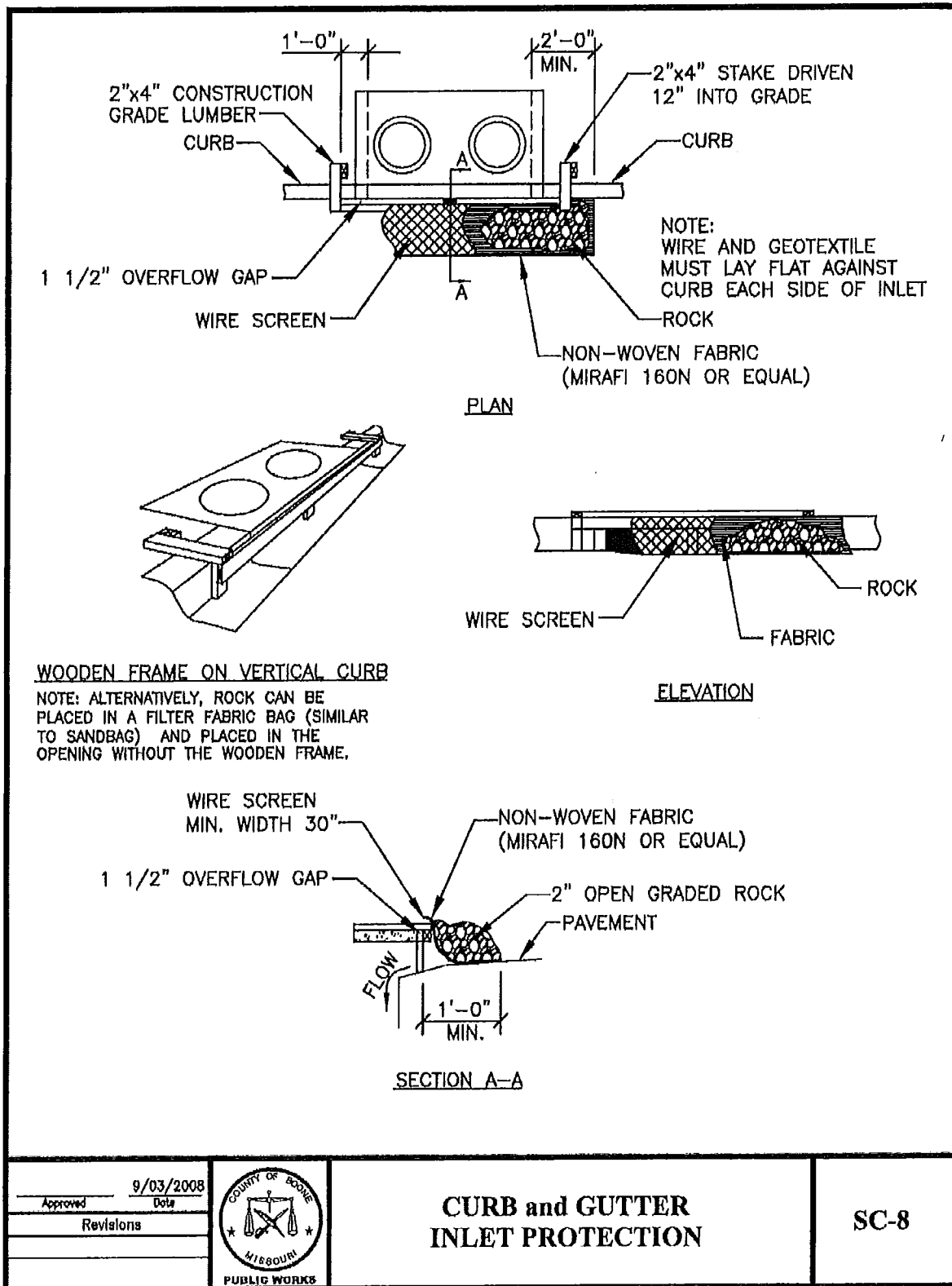
### **OPERATION AND MAINTENANCE PROCEDURES:**

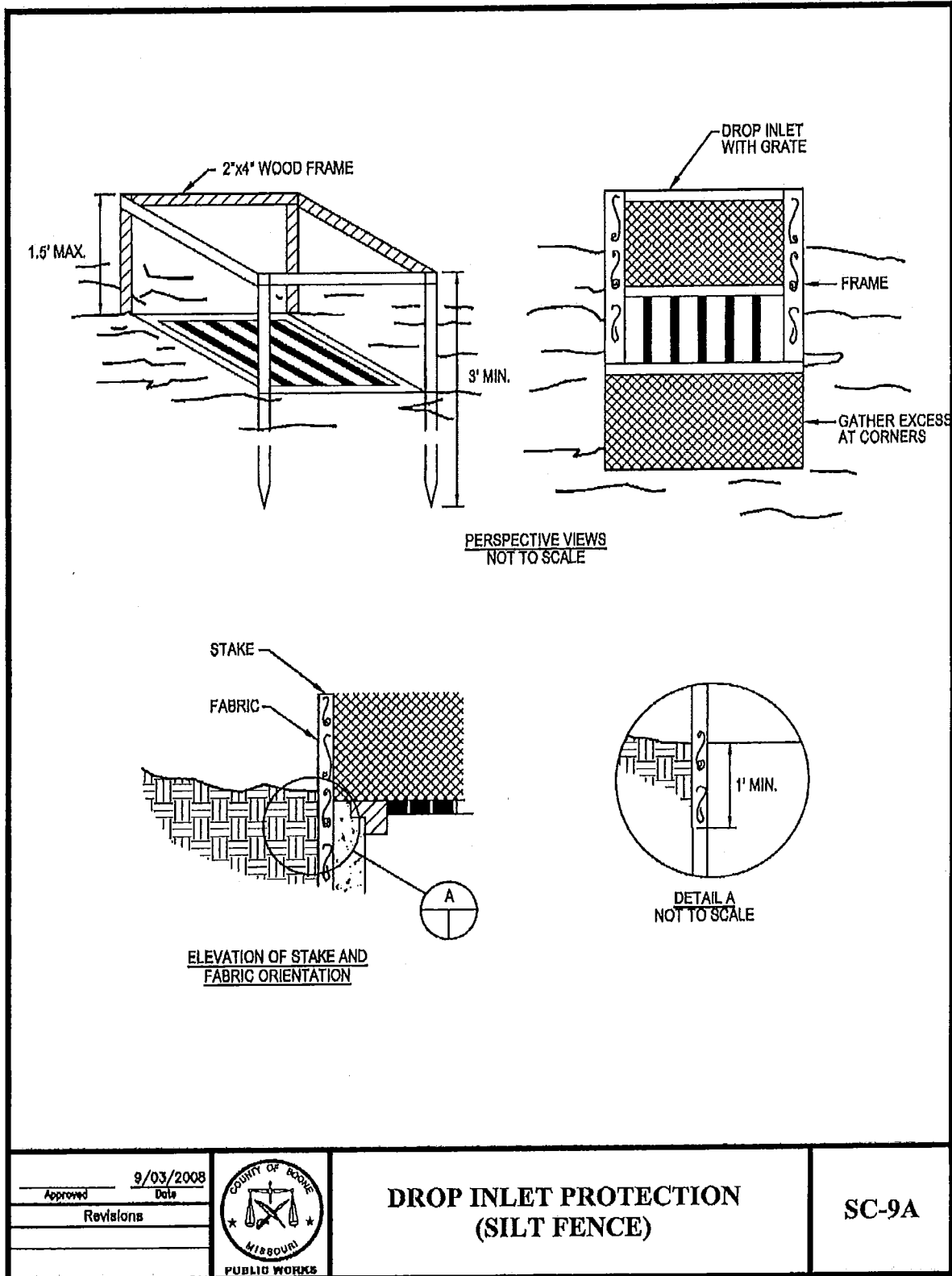
Inspect inlet protection of all media types weekly and after each ½" rainfall event to make sure they are functioning properly. Remove trash and debris. Remove sediment from the inlet protection when half of the protection structure height has been filled. Repair elements to original configuration as needed.

### **SITE CONDITIONS FOR REMOVAL:**

Remove after contributing drainage areas have been adequately stabilized.

### **STANDARD DRAWING: SC-8**








**SEDIMENT FENCE DROP INLET PROTECTION NOTES:**

**A) CONSTRUCTION SPECIFICATIONS:**

1. SEDIMENT FENCE SHALL BE CUT FROM A CONTINUOUS ROLL TO AVOID JOINTS.
2. FOR STAKES, USE 2X4 WOOD OR EQUIVALENT METAL WITH A MINIMUM LENGTH OF 3 FEET.
3. SPACE STAKES EVENLY AROUND THE PERIMETER OF THE INLET A MAXIMUM OF 3 FEET APART, AND SECURELY DRIVE THEM INTO THE GROUND, APPROXIMATELY 18 INCHES DEEP.
4. TO PROVIDE NEEDED STABILITY TO THE INSTALLATION, FRAME WITH 2X4 WOOD STRIPS AROUND THE CREST OF THE OVERFLOW AREA AT A MAXIMUM OF 1.5 FEET ABOVE THE DROP INLET CREST.
5. PLACE THE BOTTOM 12 INCHES OF THE FABRIC IN A TRENCH AND BACK FILL THE TRENCH WITH 12-INCHES OF COMPACTED SOIL.
6. FASTEN FABRIC SECURELY BY STAPLES, OR WIRE IT TO THE STAKES AND FRAME. JOINTS MUST BE OVERLAPPED TO THE NEXT STAKE.

**B) INSPECTION AND MAINTENANCE:**

1. THE STRUCTURE SHALL BE INSPECTED WEEKLY AND AFTER EACH RAIN EVENT OF 1/2 INCH OR GREATER AND REPAIRS MADE AS NEEDED.
2. SEDIMENT SHALL BE REMOVED AND THE TRAP RESTORED TO ITS ORIGINAL DIMENSIONS WHEN THE SEDIMENT HAS ACCUMULATED TO ONE HALF THE DESIGN DEPTH OF THE TRAP. REMOVED SEDIMENT SHALL BE DEPOSITED IN A SUITABLE AREA AND IN SUCH A MANNER THAT IT WILL NOT ERODE.
3. STRUCTURES SHALL BE REMOVED AND THE AREA STABILIZED WHEN THE REMAINING DRAINAGE AREA HAS BEEN PROPERLY STABILIZED.

<table border="1"> <tr> <td>Approved</td> <td>9/03/2008</td> </tr> <tr> <td>Revisions</td> <td>Date</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	Approved	9/03/2008	Revisions	Date						<p><b>DROP INLET PROTECTION (SILT FENCE) NOTES</b></p>	<p><b>SC-9B</b></p>
Approved	9/03/2008										
Revisions	Date										



## **TC-1 CONSTRUCTION ENTRANCE/EXIT**

A stabilized entrance to a construction site which is designed to minimize the amount of sediment tracked from the site on vehicles and equipment. Mud and sediment fall off of tires as they travel along the stabilized entrance.

### **APPROPRIATE APPLICATIONS:**

At locations where it is safe for construction vehicles and equipment to access existing streets, preferably at the location of future streets or drives.

### **CONDITIONS FOR EFFECTIVE USE:**

Site conditions will dictate design and need. Ditches or pipes, if needed, sized for 15 year, 20 minute storm; HGL 6" below surface of entrance.

### **WHEN BMP IS TO BE INSTALLED:**

Install stabilized construction entrance/exit prior to vehicles or equipment accessing unpaved areas. This will most likely be the first BMP to be installed on the site.

### **STANDARDS AND SPECIFICATIONS:**

Limit the points of entrance/exit to the construction site. Properly grade and compact each construction entrance/exit to prevent runoff from leaving the site. Install culvert under entrance if needed to maintain positive drainage. Place fabric and cover with aggregate, forming a diversion across the entrance, if needed, to direct runoff away from the roadway. Require all employees, subcontractors, and suppliers to utilize the stabilized construction access.

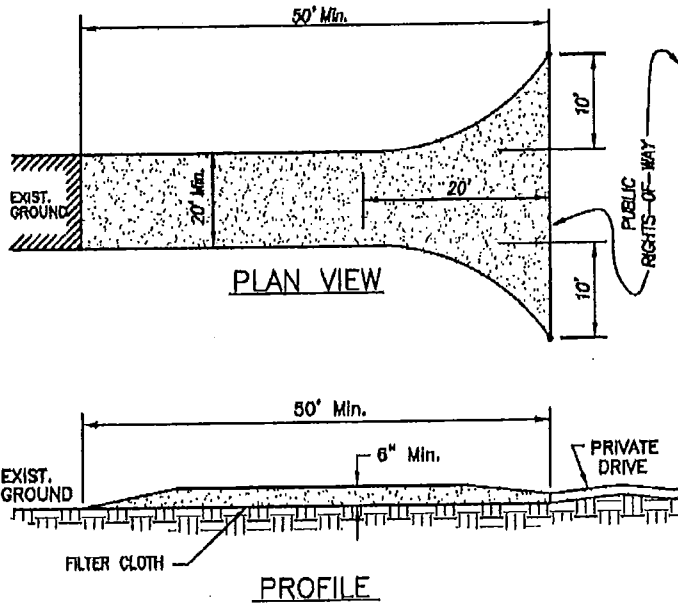
### **OPERATION AND MAINTENANCE PROCEDURES:**

Inspect routinely for damage and assess effectiveness of the BMP. Remove sediment and clods of dirt from construction entrance continuously. Replace rock, as necessary, to maintain a clean surface for traffic. Repair any areas that have settled. Keep all temporary roadway ditches clear. Immediately remove any mud or debris tracked onto paved surfaces.

### **SITE CONDITIONS FOR REMOVAL:**

Remove when vehicles and equipment will no longer require access to unpaved areas.

### **STANDARD DRAWING: TC-1**



**CONSTRUCTION SPECIFICATIONS**

1. STONE SIZE - USE 2" STONE.
2. LENGTH - AS REQUIRED, BUT NOT LESS THAN 50 FEET.
3. THICKNESS - NOT LESS THAN SIX (6) INCHES.
4. WIDTH - TWENTY (20) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS.
5. FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 3:1 SLOPES WILL BE PERMITTED.
7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
8. PERIODIC INSPECTION AS NEEDED MAINTENANCE SHALL BE PROVIDED WEEKLY AND AFTER EACH RAIN EVENT GREATER THAN 1/2".

<p>9/03/2008 Approved _____ Date</p> <p>Revisions</p>		<p><b>CONSTRUCTION ENTRANCE/EXIT</b></p>	<p><b>TC-1</b></p>
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## **TC-2 WASHDOWN STATION**

An area located at stabilized construction access points to remove sediment from tires and undercarriages, and to prevent sediment from being transported onto public roadways.

### **APPROPRIATE APPLICATIONS:**

Tire washes may be used on construction sites where dirt and mud tracking onto public roads by construction vehicles may occur.

### **CONDITIONS FOR EFFECTIVE USE:**

A downstream sediment trapping BMP is needed to treat dirty runoff from the washdown station. These stations require a supply of wash water and a turnout or doublewide exit to avoid having entering vehicles drive through the wash area.

### **WHEN BMP IS TO BE INSTALLED:**

Washdown stations should be installed along with the stabilized construction entrance/exit, prior to vehicles or equipment accessing unpaved areas.

### **STANDARDS AND SPECIFICATIONS:**

Grade and compact area for drainage under washdown pad. Install wash rack, which should be designed and constructed/manufactured for anticipated traffic loads. Provide a drainage ditch, grade that will convey the runoff from the wash area to a sediment trapping device. The drainage ditch should be of sufficient grade, width, and depth to carry the wash runoff. Install water supply and hose. Post signs in advance of the station indicating that all muddy vehicles and equipment must use the station prior to exiting the site.

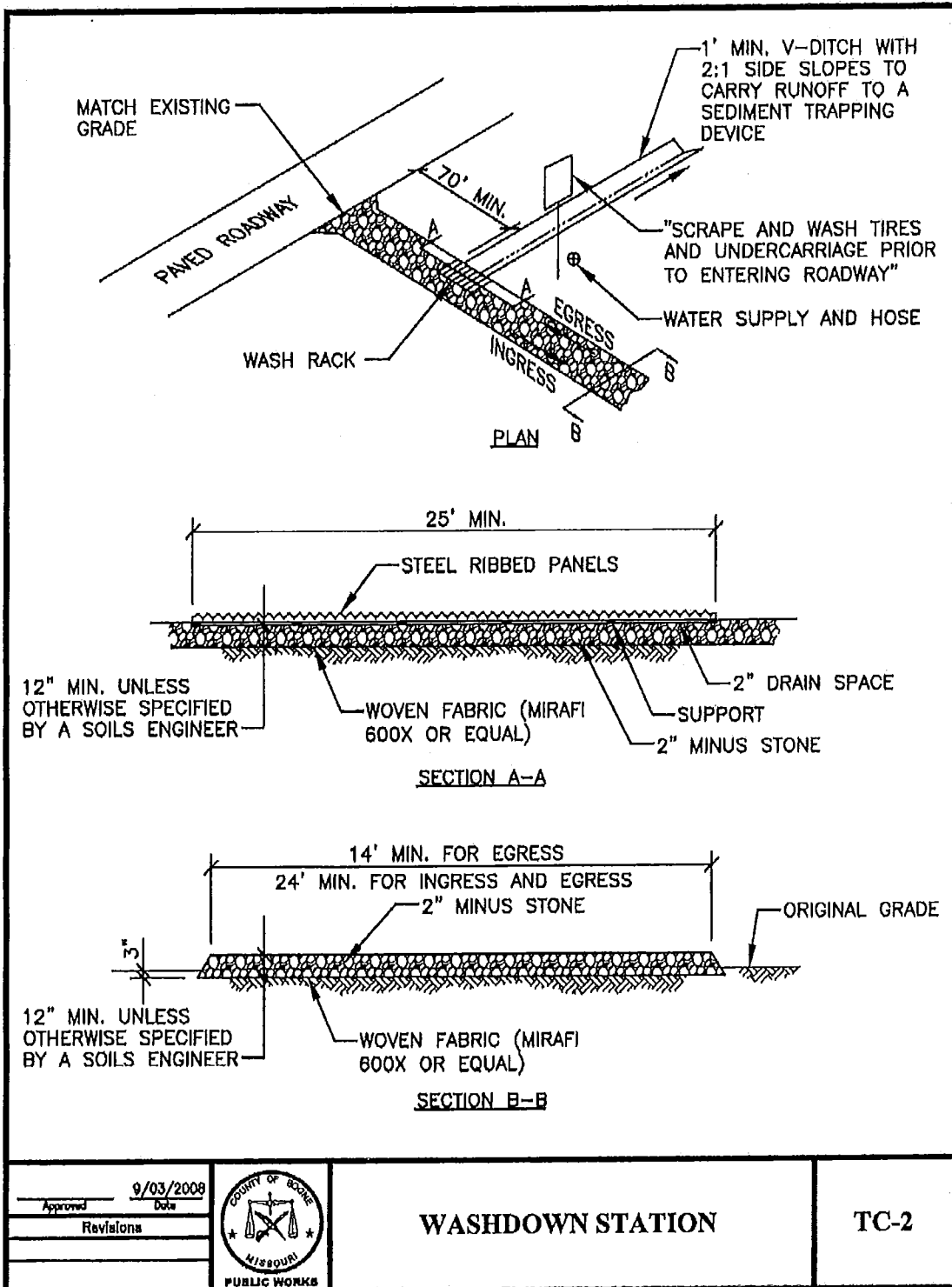
### **OPERATION AND MAINTENANCE PROCEDURES:**

Remove accumulated sediment in wash rack and/or sediment trap on a daily basis or as needed to maintain system performance. Repair any areas that have settled. Replace rock if necessary to maintain a clean surface.

### **SITE CONDITIONS FOR REMOVAL:**

Remove when vehicles and equipment will no longer access unpaved areas.

### **STANDARD DRAWING: TC-2**





## **PP-1 NON-SEDIMENT POLLUTION CONTROL**

These control measures are designed to prohibit chemicals, hazardous materials, solid waste, human waste and construction debris from polluting stormwater. Pollutants carried in solution or as surface films on runoff will be carried through most erosion control and sediment capture BMPs. Keeping substances like fuel, oil, asphalt, paint, solvents, fertilizer, soil additives, concrete wash water, solid waste, human waste and construction debris from polluting runoff can be accomplished to a large extent through good housekeeping on the site and following the manufacturer's recommendations for disposal.

### **APPROPRIATE APPLICATIONS:**

Temporary sanitary facilities, collection, storage and fueling areas should be located onsite in an area that does not receive a substantial amount of runoff from upland areas and does not drain directly to lakes, creeks, streams, rivers, sewers, groundwater, wetlands, or road ditches.

### **CONDITIONS FOR EFFECTIVE USE:**

An effective management system requires training and signage to promote proper storage, handling and disposal of materials, and follow up observations of actions and inspection of storage areas by management. Plans should contain notes clearly stating requirements for addressing potential pollutants.

### **WHEN BMP IS TO BE INSTALLED:**

Pollution control practices should begin immediately and continue throughout the project.

### **STANDARDS AND SPECIFICATIONS:**

Place waste receptacles near area of work. All fueling facilities present on the site shall adhere to applicable federal and state regulations concerning underground storage, above ground storage, and dispensers. Hazardous wastes shall be managed according to Missouri Hazardous Waste Laws and Regulations. Install appropriate signage. Post guidelines for proper handling, storage and disposal of materials, and emergency spill cleanup on site. Provide sufficient temporary toilet facilities to serve the number of workers on the site.

### **OPERATION AND MAINTENANCE PROCEDURES:**

Inspect activities on a regular basis. Inspect storage areas and control devices at least every week and after every storm. Maintenance of temporary toilet facilities should be frequent and thorough. Make necessary corrections and repairs.

### **SITE CONDITIONS FOR REMOVAL:**

Remove after contributing drainage areas have been adequately stabilized.

### **STANDARD NOTES:**

General pollution notes:



1. Handling and disposal of hazardous materials:

DO: Prevent spills  
Use up products completely  
Follow label directions for disposal  
Remove lids from empty bottles and cans when disposing in trash  
Recycle wastes whenever possible

DON'T: Don't pour waste into sewers or waterways on the ground  
Don't pour waste down the sink, floor drain or septic tanks  
Don't bury chemicals or containers, or dispose of them with other waste  
Don't burn chemicals or containers  
Don't mix chemicals together

2. Containers shall be provided for collection of all waste material including construction debris, trash, petroleum products and any hazardous materials to be used onsite. All waste material shall be disposed of at facilities approved for that material.

3. No waste materials shall be buried on-site.

4. Mixing, pumping, transferring or otherwise handling construction chemicals such as fertilizer, lime, asphalt, concrete drying compounds, and all other potentially hazardous materials shall be performed in an area away from any watercourse, ditch or storm drain.

5. Equipment fueling and maintenance, oil changing, etc., shall be performed only in an area designated for that purpose. The designated area is equipped for recycling oil and catching spills.

6. Concrete wash water shall not be allowed to flow directly to storm sewers, streams, ditches, lakes, etc without being treated. A sump or pit shall be constructed to contain concrete wash water.

7. All paint, solvents, petroleum products and petroleum waste products, and storage containers (such as drums, cans, or cartons) shall be stored according to BMPs. The materials exposed to precipitation shall be stored in watertight, structurally sound, closed containers. All containers shall be inspected for leaks or spillage during the once per week inspection of BMPs. If substances such as oil, diesel fuel, hydraulic fluid, antifreeze, etc. are spilled, leaked, or released onto soil, the soil shall be dug up and properly disposed of. Spills on pavement shall be absorbed with sawdust, kitty litter or product designed for that purpose and disposed of at a licensed sanitary landfill. Hazardous or industrial wastes such as most solvents, gasoline, oil-based paints, and cement curing compounds require special handling. These materials will be removed from the site and recycled or disposed of in accordance with MoDNR requirements.

8. State law requires the party responsible for a petroleum product spill in excess of 50 gallons to report the spill to MoDNR (537-634-2436) as soon as practical after discovery.



Federal law requires the responsible party to report any release of oil if it reaches or threatens a sewer, lake, creek, stream, river, groundwater, wetland, or area, like a road ditch, that drains into one of the above.

9. Sufficient temporary toilet facilities to serve the number of workers on the site shall be provided. The facilities shall be serviced frequently to maintain a sanitary condition.