

SECTION 637

POLLUTION CONTROL

DESCRIPTION

637.01.01 General. This work consists of temporary pollution control, erosion control, and dust control measures, and the associated permitting and documentation. Said work is intended to provide prevention, control, and abatement of water and air pollution.

Temporary pollution control and erosion control work shall conform to the requirements of NDOT's "Construction Site Best Management Practices (BMPs) Manual," hereinafter referred to as the Manual, and addenda thereto issued up to, and including, the date of advertisement of the contract. The Manual is available for purchase, or can be accessed on the NDOT website. Adhere to the Manual's minimum requirements found in Section 2 for the selection and implementation of construction site BMPs. The requirements of the Manual are minimum requirements and additional BMPs may be required to meet permit requirements and the requirements specified herein. Know and fully comply with the provisions of the Manual, and Federal, State, and local regulations governing storm and non-storm water discharges from both the project site and areas of disturbance outside the project limits during construction.

Pursuant to NRS Chapter 625, a Nevada Registered Civil Professional Engineer (PE) shall design and/or review and stamp plans that require engineered calculations. Temporary BMPs requiring sizing shall be designed and/or reviewed and approved by a qualified Professional Civil Engineer, registered in the State of Nevada. Refer to Section I.B. of the General Permit for Storm Water Associated with Construction Activity NVR100000 and the Manual fact sheets for determining when designed temporary BMPs are required.

637.01.02 Permits. Not all projects require the permits discussed in this Subsection. See the Manual for criteria mandating permit procurement. Contact the Nevada Division of Environmental Protection (NDEP) a minimum of 7 days prior to the preconstruction conference to procure the appropriate permits. Inform NDEP if equipment will operate in drainages or if dewatering is planned to accomplish the items of work.

(a) General Permit for Storm Water Associated with Construction Activity. File a Notice of Intent (NOI) a minimum of 2 days prior to commencement of construction with NDEP with appropriate filing fee to obtain coverage under the General Permit for Storm Water Associated with Construction Activity (General Permit) NVR100000. Include the Engineer's name and NDOT contract number in Section 2 of the NOI. Ensure that the billing information (Section 4 of the NOI) reflects that the Operator (Contractor) is to receive the invoice for annual permit renewal. Prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to submittal of the NOI.

Furnish a copy of the initial SWPPP along with any other permits required by Federal, State, or local entities prior to the commencement of any construction activities. The SWPPP will not be reviewed or approved by NDOT or NDEP, but is provided as evidence of SWPPP preparation. The SWPPP shall remain on the project site, updated according to NDEP requirements, as a living document during the project and shall be made immediately available upon request to NDEP, NDOT, FHWA, or government officials inspecting the construction site.

The General Permit requires re-establishing 70% of the pre-construction vegetation or other

appropriate stabilization. Be responsible for the final stabilization measures needed for the construction site to meet General Permit requirements, including seeding for revegetation and/or other appropriate stabilization.

Document existing vegetation in areas that will be disturbed with photographs before commencing ground-disturbing activities. Prior to filing the Notice of Termination with NDEP, photo-document the post construction site conditions to demonstrate the vegetation re-establishment or post project stabilization. Submit electronic or digital color photos for pre and post construction stabilization documentation.

BMPs shall be designed and installed such that flooding is not caused outside of right-of-way or easements, nor shall ponding or the BMP pose a hazard to motorists, pedestrians, or any other user.

Refer to Section I.B. of the General Permit for complete SWPPP requirements, and to the Manual fact sheets for individual BMP minimum requirements. Use the SWPPP template found in the Manual or another template acceptable to NDEP. Refer to the NDEP website <http://ndep.nv.gov/bwpc/storm01.htm> for a copy of the General Permit and information pertaining to SWPPP development.

The General Permit covers storm water discharges from Department-furnished material sources for general fill material, aggregate and/or staging a temporary asphalt or concrete batch plant operation dedicated solely to this contract. Develop a separate SWPPP to address water pollution control practices for the site and/or plant operations.

Designate a Water Pollution Control Manager who shall be responsible for the preparation of the General Permit and/or Temporary Working in Waterways/Discharge Permit applications and required modifications or amendments. The Water Pollution Control Manager shall also be responsible for installing, maintaining, and removing all temporary BMPs as shown on the SWPPP, as specified in all permits, specifications, the Manual, or as directed. The Water Pollution Control Manager shall serve as the primary contact for issues related to the permits or their implementation and shall be available 24 hours a day from the first day of activities that cause disturbance until final stabilization is achieved for the entire project, or the contract is completed, whichever occurs first.

(b) Temporary Working in Waterways/Discharge Permit. This permit is required whenever construction is performed within, or in the vicinity of, "Waters of the U.S." (33 CFR § 328) and/or whenever 401 Water Quality Certification is required. Said work is intended to provide prevention and control of pollutants and sediment transport downstream by employing BMPs.

Prior to commencing work below the ordinary high water mark of a "Waters of the U.S.," submit to the NDEP Bureau of Water Pollution Control, Permits Branch, the required permit application for a Temporary Working in Waterways/Discharge Permit to be issued to the Contractor. Also submit the permit application to the monitoring branch supervisor of NDEP's Bureau of Water Quality Planning. The review and approval process may take up to four weeks. If a change is proposed to the information contained in the approved permit application, contact NDEP for their approval. Changes shall not be made in the field until receiving NDEP approval.

(c) Temporary Discharge Permit. If a Temporary Working in Waterways/Discharge Permit is not required for a project including dewatering operations, a Temporary Discharge Permit may be necessary. Review Manual fact sheet NS-2 of Section 6 for specific requirements.

CONSTRUCTION

637.03.01 General. On any project requiring 401 Water Quality Certification, submit digital or electronic color photographs with associated description of sediment and erosion structural controls and BMPs within two weeks of their installation.

Be responsible throughout the duration of the project for installing, constructing, inspecting, maintaining, replacing, removing, and disposing of the water pollution control practices specified in the SWPPP, Temporary Working in Waterways Permits, and any other applicable permit. Install temporary pollution control measures at the earliest practicable time for each construction phase.

Repairs and/or placement of temporary pollution control BMPs shall begin within 24 hours of notification of a deficiency and shall be completed within 7 days. Should this restriction be exceeded, work may be immediately suspended and no other items of work shall be performed until the repairs are completed. Working days will continue to be assessed during the suspension period and partial payments as set forth under Subsection 109.06 may not be forthcoming until said repairs are completed.

Do not remove BMPs until the disturbed area being protected achieves permanent stabilization. This may require BMPs be left on site. Properly maintain such BMPs until the project is accepted.

637.03.02 Dust Control. Develop, obtain, and pay for all State and local entity permits and fully comply with the terms specified therein. Furnish and apply water or chemical dust palliative for controlling dust on the areas designated and according to permit conditions. Use equipment and obtain water as specified in Section 210.

Use dust palliatives listed in the QPL. Consult the Manual fact sheets for appropriate product selection.

Mix and apply dust palliative as recommended by the manufacturer. Prepare the soil for application of dust palliative according to manufacturer instructions. Apply additional applications of dust palliative to control dust or as required by air quality regulating authorities.

Maintain all disturbed areas in a condition to prevent wind erosion and particulate emissions 24 hours a day, 7 days a week until the construction site is completely stabilized as shown on the plans and as required.

For contracts in Clark County, provide a copy of the Clark County Department of Air Quality Management "Dust Control Permit" for construction activity. Provide a copy of the final inspection and release from the Clark County Department of Air Quality Management "Dust Control Permit" upon completion of construction activities.

METHOD OF MEASUREMENT

637.04.01 Measurement. Temporary pollution control will be measured by the lump sum.

Dust control will be measured by the lump sum.

BASIS OF PAYMENT

637.05.01 Payment. The accepted quantities, measured as provided above, will be paid for at the contract price bid per unit of measurement for the pay items listed below that are shown in the proposal. Payment will be full compensation for the work prescribed in this Section.

Payment for temporary pollution control by the lump sum will be full compensation for all work required in this Section, with the exception of dust control. Payment for dust control will be made separately.

Partial payments for temporary pollution control and dust control will be made as the work progresses. The Engineer will determine the reasonable payment percentage for each payment cycle. When requested, furnish invoices and receipts for actual costs. The amount paid on the next progress payment will be 50% of the amount determined. The remaining percentage will be prorated according to job progress. However, if temporary pollution control or dust control become inadequate, payment will cease and the provisions of Subsection 107.22 may be enforced.

A maximum amount of 5% of the original contract amount will be paid for temporary pollution control during the progress of the work. Upon completion of all work on the project, payment of any amount bid for temporary pollution control in excess of 5% of the original contract amount will be paid.

A maximum amount of 5% of the original contract amount will be paid for dust control during the progress of the work. Upon completion of all work on the project, payment of any amount bid for dust control in excess of 5% of the original contract amount will be paid.

Payment will be made under:

Pay Item	Pay Unit
Temporary Pollution Control	Lump Sum
Dust Control	Lump Sum