Amend **Section 239 – Water Pollution Control** to read as follows:

"SECTION 209 - TEMPORARY WATER POLLUTION, DUST, AND EROSION CONTROL

209.01 Description. This section describes the following:

(A) Including detailed plans, diagrams, and written site-specific best management practices (BMP); constructing, maintaining, and repairing temporary water pollution, dust, and erosion control measures at the project site, including local material sources, work areas and haul roads; removing and disposing hazardous wastes; control of fugitive dust (defined as uncontrolled emission of solid airborne particulate matter from any source other than combustion); and complying with applicable State and Federal permit conditions.

(B) Work associated with dewatering activities and complying with conditions of the National Pollutant Discharge Elimination System (NPDES) general permit coverage authorizing discharges associated with construction activity dewatering.

Requirements of this section also apply to borrow pit operations, haul roads and Contractor's storage sites located outside State Right-of-Way.

209.02 Materials. Materials shall conform to the following:

(A) Slope Drains. Slope drains may be constructed of pipe, fiber, mats, erosion control fabric, geotextiles, rubble, portland cement concrete, bituminous concrete, plastic sheets, or other materials acceptable to Engineer.

(B) Mulches. Mulches shall be recycled materials include bagasse, hay, straw, wood cellulose, bark, wood chips, or other materials acceptable to Engineer. Mulches shall be clean and free of noxious weeds and deleterious materials.

(C) Grass. Grass shall be a quick growing species such as rye grass, Italian rye grass, or cereal grasses. Grass shall be suitable to the area and provide a temporary cover that will not compete later with permanent cover. Alternative grasses are allowable if acceptable to Engineer.

(D) Fertilizer and Soil Conditioners. Fertilizer and soil conditioners shall be a standard commercial grade acceptable to the Engineer. Fertilizer shall conform to Subsection 712.18(A) - Commercial Fertilizer.

(E) Hydro-mulching. Hydro-mulching used as a BMP shall consist of materials in Subsections 209.02(B) - Mulches, 209.02(C) - Grass, and

209.02(D) –Fertilizer and Soil conditioners, with potable water meeting the requirements of Subsection 712.01 - Water. Installation and other requirements shall in accordance with portions of Section 641- Hydro-Mulch Seeding.

(F) Silt Fences. Silt fences shall be synthetic filter fabric mounted on posts and embedded in compacted ground in accordance with contract documents, and shall be in compliance with ASTM D6462, Standard Practice for Silt Fence Installation.

(G) Berms. Berms shall be gravel or sand wrapped with geotextile material. Alternate materials are allowable if acceptable to Engineer.

Alternative materials or methods to control, prevent, remove and dispose pollution are allowable if acceptable to Engineer.

209.03 Construction.

(A) Preconstruction Requirements.

(1) Water Pollution, Dust, and Erosion Control Meeting. Submit site specific BMP to Engineer. Schedule a water pollution, dust, and erosion control meeting with Engineer after site specific BMP is accepted in writing by Engineer. Meeting shall be scheduled 14 days before start of construction work. Discuss sequence of work, plans and proposals for water pollution, dust, and erosion control.

(2) Water Pollution, Dust, and Erosion Control Submittals. Submit the following:

(a) Written site-specific BMP describing activities to minimize water pollution and soil erosion into State waters, drainage or sewer systems. BMP shall include the following:

1. An identification of potential pollutants and their sources.

2. A list of all materials and heavy equipment to be used during construction.

3. Descriptions of the methods and devices used to minimize the discharge of pollutants into State waters, drainage or sewer systems.

4. Details of the procedures used for the maintenance and subsequent removal of any erosion or

siltation control devices.

5. Methods of removing and disposing hazardous wastes encountered or generated during construction.

6. Methods of removing and disposing concrete and asphalt pavement cutting slurry, concrete curing water, and hydrodemolition water.

7. Spill control.

8. Fugitive dust control, including dust from grinding operations.

9. Methods of storing and handling of oils, paints and other products used for the project.

10. Material storage and handling areas, and other staging areas.

11. Concrete truck washouts.

12. Concrete waste control.

13. Fueling and maintenance of vehicles and other equipment.

14. Tracking of sediment offsite from project entries and exits.

15. Litter management.

16. Toilet facilities.

17. Other factors that may cause water pollution, dust and erosion control.

(b) Provide plans indicating location of water pollution, dust and erosion control devices; provide plans and details of BMPs to be installed or utilized; show areas of soil disturbance in cut and fill, indicate areas used for storage of aggregate (indicate type of aggregate), asphalt cold mix, soil or waste, and show areas where vegetative practices are to be implemented. Indicate intended drainage pattern on plans. Include separate drawing for each phase of construction that alters drainage patterns. Indicate approximate date when device will be installed and removed.

(c) Construction schedule.

(d) Name(s) of specific individual(s) designated responsible for water pollution, dust, and erosion controls on the project site. Include home and business telephone numbers, fax numbers, and e-mail addresses.

(e) Description of fill material to be used.

Date and sign BMP. Keep accepted copy on site throughout duration of the project. Revisions to the BMP shall be included with original BMP. Modify contract documents to conform to revisions. Include actual date of installation and removal of BMP. Obtain written acceptance by Engineer before revising BMP.

Follow guidelines in the "Best Management Practices Manual for Construction Sites in Honolulu", in developing, installing, and maintaining BMPs for all projects. Follow Honolulu's City and County "Rules for Soil Erosion Standards and Guidelines" for all projects on Oahu. Use respective Soil Erosion Guidelines for Maui, Kauai, and Hawaii projects.

(B) Construction Requirements. Do not begin work until submittals detailed in Subsection 209.03(A)(2) - Water Pollution, Dust, and Erosion Control Submittals are completed and accepted in writing by Engineer.

Install, maintain, monitor, repair and replace site-specific BMP measures, such as for water pollution, dust and erosion control; installation, monitoring, and operation of hydrotesting activities; removal and disposal of hazardous waste indicated on plans, concrete cutting slurry, concrete curing water; or hydrodemolition water.

Furnish, install rain gage in a secure location for projects that require NPDES permit from the Department of Health prior to field work including installation of site-specific BMP. Provide rain gage with a tolerance of at least 0.05 inches of rainfall, and an opening of at least 1-inch diameter. Install rain gage on project site in an area that will not deter rainfall from entering the gate opening. Maintain rain gage and replace rain gage that is stolen, does not function properly or accurately, is worn out, or needs to be relocated. Do not begin field work until rain gauge is installed and site specific BMPs are in place. Do not begin field work until rain gauge is installed and site specific BMPs are in place.

Address all comments received from Engineer.

Modify and resubmit plans and construction schedules to correct conditions that develop during construction which were unforeseen during the design and pre-construction stages.

Coordinate temporary control provisions with permanent control features throughout the construction and post-construction period.

Limit maximum surface area of earth material exposed at any time to 300,000 square feet. Do not expose or disturb surface area of earth material (including clearing and grubbing) until BMP measures are installed and accepted in writing by Engineer. Protect temporarily or permanently disturbed soil surface from rainfall impact, runoff and wind before end of workday.

Protect exposed or disturbed surface area with mulches, grass seeds or hydromulch. Spray mulches at a rate of 2,000 pounds per acre. Add tackifier to mix at a rate of 85 pounds per acre. Apply grass seeds at a rate of 125 pounds per acre. For hydromulch use the ingredients and rates required for mulches and grass seeds.

Apply fertilizer to mulches, grass seed or hydromulch at a rate of 450 pounds per acre. Apply an additional 250 pounds per acre every 90 calendar days.

Install velocity dissipation measures when exposing erodible surfaces greater than 15 feet in height.

BMP measures shall be in place and operational (such as shaping the earthwork to control and directing the runoff) at the end of workday. Shaping earthwork may include constructing earth berms along the top edges of embankments if acceptable to Engineer.

Install and maintain either or both stabilized construction entrances and wheel washes to minimize tracking of dirt and mud onto roadways. Restrict traffic to stabilized construction areas only. Clean dirt, mud, or other material tracked onto the road immediately. Modify stabilized construction entrances to prevent mud from being tracked onto road. Stabilize entire access roads if necessary.

Chemicals may be used as soil stabilizers for either or both erosion and dust control if acceptable to Engineer.

Provide temporary slope drains of rigid or flexible conduits to carry runoff from cuts and embankments. Provide portable flume at the entrance. Shorten or extend temporary slope drains to ensure proper function.

Protect ditches, channels, and other drainageways leading away from cuts and fills at all times by either:

(1) Hydro-mulching the lower region of embankments in the immediate area.

(2) Placing an 8- to 15-inch layer of excavated rock, if available on-site, without reducing the cross section of the drainageway. Rocks shall be less than 4 inches in diameter.

(3) Installing check dams and salutation control devices.

(4) Other methods acceptable to Engineer.

Provide for controlled discharge of waters impounded, directed, or controlled by project activities or erosion control measures.

Cover exposed surface of materials completely with tarpaulin or similar device when transporting aggregate, soil, excavated material or material that may be source of fugitive dust.

Cleanup and remove any pollutant that can be attributed to Contractor.

Install or modify BMP measures due to change in Contractor's means and methods, or for omitted condition that should have been allowed for in the accepted site specific BMP or a BMP that replaces an accepted site specific BMP that is not satisfactorily performing.

Properly maintain all BMP features. Inspect, prepare a written report, and make repairs to BMP measures at following intervals:

(1) Weekly during dry periods.

(2) Within 24 hours of any rainfall of 0.5 inch or greater which occurs in a 24-hour period.

(3) Daily during periods of prolonged rainfall.

(4) When existing erosion control measures are damaged or not operating properly as required by site specific BMP.

Remove, destroy, replace or relocate any BMP that must be removed, destroyed, replaced or relocated due to potential or actual flooding, or potential danger or damage to project or public.

Maintain records of inspections of BMP work. Keep continuous

records for duration of the project. Submit weekly copy of records to Engineer.

In addition to weekly reports, submit to Engineer all amounts spent initializing and maintaining BMP during previous week. Amount spent includes, but is not limited to: purchases of erosion control material, construction of storage areas, and installation of water pollution, erosion and dust control measures. Submit report weekly along with site inspection report.

Protect finished and previously seeded areas from damage and from spillover materials placed in upper lifts of embankment.

The Contractor's designated representative specified in Subsection 209.03(A)(2)(d) shall address any BMP concerns brought up by Engineer within 24 hours of notification, including weekends and holidays. Failure to satisfactorily address these concerns, Engineer reserves the right to employ outside assistance or use Engineer's own labor forces to provide necessary corrective measures. Engineer will charge Contractor such incurred costs plus any associated project engineering costs. Engineer will make appropriate deductions from Contractor's monthly progress estimate. Failure to apply BMP measures shall result in either or both the establishment and increase in the amount of retainage due to unsatisfactory progress or withholding of monthly progress payment. Continued failure to apply BMP measures may result in one or more of the following: assessment of liquidated damages, suspension, or cancellation of contract with Contractor being fully responsible for all additional costs incurred by State.

(C) Hydrotesting Activities. If work includes removing, relocation or installing waterlines, and Contractor elects to flush waterline or discharge hydrotesting effluent into State waters or drainage systems, obtain an NPDES Hydrotesting Waters Permit from Department of Health, Clean Water Branch (DOH-CWB).

Do not begin hydrotesting activities until the DOH-CWB has issued a Notice of General Permit Coverage (NGPC). Hydrotesting operations shall be in accordance with conditions in NGPC. Submit a copy of the NPDES Hydrotesting Waters Application and Permit to Engineer.

(D) Dewatering Activities. If excavation of backfilling operations require dewatering, and Contractor elects to discharge dewatering effluent into State waters or existing drainage systems, obtain NPDES General Permit Coverage authorizing discharges associated with construction activity

dewatering from Department of Health, Clean Water Branch (DOH-CWB). If permit is required, prepare and submit permit application (CWB-NOI Form G) to DOH-CWB.

Do not begin dewatering activities until DOH-CWB has issued Notice of General Permit Coverage (NGPC). Conduct dewatering operations in accordance with conditions in NGPC. Submit copy of NPDES Hydrotesting Waters Application and Permit to Engineer.

209.04 Measurement.

(A) Installation, maintenance, monitoring, and removal of BMP will be paid on a lump sum basis. Measurement for payment will not apply.

(B) Engineer will only measure additional water pollution, dust and erosion control required and requested by Engineer on a force account basis in accordance with Subsection 109.04 – Payment for Additional and Force Account Work.

209.05 Payment. Engineer will pay for accepted pay items listed below at contract price per pay unit, as shown in the proposal schedule. Payment will be full compensation for work prescribed in this section and contract documents.

Engineer will pay for each of the following pay items when included in proposal schedule:

Pay Item	**Pay Unit**
Installation, Maintenance, Monitoring, and Removal of BMP	Lump Sum
Additional Water Pollution, Dust, and Erosion Control	Force Account

An estimated amount for force account is allocated in proposal schedule under 'Additional Water Pollution, Dust, and Erosion Control', but actual amount to be paid will be the sum shown on accepted force account records, whether this sum be more or less than estimated amount allocated in proposal schedule. Engineer will pay for BMP measures requested by Engineer that are beyond scope of accepted site specific BMP and for litter management due to rubbish created by the public on a force account basis.

No progress payment will be authorized until Engineer accepts in writing site-specific BMP or when Contractor fails to maintain project site in accordance with accepted BMP.

For all citations or fines received by the Department for non-compliance with Notice of General Permit Coverage (NGPC), the Contractor shall reimburse State

within 30 days for full amount of outstanding cost State has incurred, or Engineer will deduct cost from progress payment.

Engineer will assess liquidated damages up to $27,500 per day for non-compliance of each BMP requirement and all other requirements in this section."

END OF SECTION 209