

ENVIRONMENTAL BULLETIN

A routine publication providing environmental-related guidance to NDOT District Staff and Contractors



FALL 2023 IN THIS ISSUE

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Stormwater Permit Compliance

Stockpile Sediment Control Materials on Projects

In an effort to more quickly respond to erosion and sediment control issues, consider stockpiling erosion control products at strategic locations across the project, such as bridge and culvert sites. Ensuring adequate stormwater controls at these locations can be challenging, as a rapidly changing work site and tight working conditions often damage Best Management Practices (BMPs) that were previously installed. Stockpiling BMPs, particularly silt checks, is an efficient way to ensure compliance and manage sediment during construction.

Benefits of stockpiling sediment controls:

- Timely installation of a perimeter control prior to any rain event without having to wait for materials to be ordered and delivered to the project.
- Sediment controls can be installed by any contractor when the erosion control sub is unavailable.
- Silt checks can easily be removed and replaced to accommodate work and avoid damage to the BMP.

Remember that perimeter controls are required to be in place at all times to contain sediment and protect sensitive areas such as wetlands and waterways.

Continued on the next page

Preparing Projects for Winter Conditions

With winter conditions quickly approaching, here are a few tips to ensure that your project will be in compliance with the Construction Stormwater Permit.

- Wetlands & Waterways – Current 404 Permit Special Conditions require some type of erosion control coverage if areas are left open after Sept 15. BMPs for these areas include Temporary Erosion Control Blanket or Temporary Seeding, which contains a slurry of cover crop seed and hydromulch.
- Frozen Ground and Perimeter Controls – Consider Temporary Mulch or Temporary Seeding for areas that are being actively graded and about to freeze, as vegetation is not likely to establish and you'll need some type of ground cover. Discharge locations must have perimeter controls installed at all times, in the event that runoff occurs during thawing conditions.
- Corrective Actions – Create corrective actions in ECOD, during site inspections, to document any work that needs completed before winter conditions prevent BMPs from being installed. This will establish a due date for all work and will allow you to leverage the Environmental Commitment Compliance Special Provision in the event work is not being addressed.
- Inspection Frequency – Inspection frequency during frozen conditions may be reduced to at least once per month. Continue to document corrective actions during the winter months if needed.
- Communication is key to ensure everyone is planning ahead and talking about the stabilization strategy going into winter. This will also better prepare the project for Spring runoff conditions.



NDOT Erosion and Sediment Control Training Course Guidance

NDOT Erosion and Sediment Control **INSPECTOR CERTIFICATION**

The NDOT Erosion and Sediment Control Inspector Certification is currently being offered in an online format only. To obtain your new inspector certification please complete both the “Inspector Re-Certification” and “Installer Certification” courses described below.

Participants who successfully complete these courses are awarded a five-year inspector certification and can conduct construction stormwater site inspections on NDOT projects.

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NDOT Erosion and Sediment Control **INSPECTOR RE-CERTIFICATION Course**

Inspector re-certification can be obtained online by accessing the UNL-LTAP training website. This online course provides previously certified and new inspectors (new inspectors must also complete the installer course) a convenient way to certify for five years. The course is designed for NDOT construction site operations, supervisors, and managers who will be conducting or assisting with construction stormwater site inspections. Learning objectives include stormwater permit requirements; erosion and BMPs; good housekeeping and pollution prevention BMPs; inspection and maintenance procedures; and SWPPP management.

Course Link: <https://www.ltap.unl.edu/assnfe/searchcourses.asp?csKeyword=erosion>

NDOT Erosion and Sediment Control **INSTALLER CERTIFICATION Course**

This online course is designed for NDOT construction site operators, supervisors, and technicians who will be installing or maintaining erosion and sediment control best management practices (BMPs) on NDOT construction site.

Learning objectives include an overview of NDOT's construction stormwater program, NDOT erosion control plan reading, the process of accelerated soil erosion, the distinction between erosion control and sediment control, installation and maintenance requirements for erosion and sediment control BMPs and good housekeeping BMPs.

Participants who successfully complete this course are awarded a five-year installer certification and can install and/or maintain erosion and sediment control BMPs on NDOT projects.

Course Link: <https://www.ltap.unl.edu/assnfe/searchcourses.asp?csKeyword=erosion>

Environmental Compliance Oversight Database (ECOD) Replacement Status

Over the last couple years NDOT has been planning to replace the Environmental Compliance Oversight Database (ECOD) system with newer, more up-to-date inspection software. An NDOT team made up of Environmental Staff, District Construction Staff and Business Technology Staff evaluated a number of vendors across the country and have selected *SWPPPTrack* as the software company to replace ECOD. This company is already working with other DOTs across the country for stormwater inspection documentation so they are well versed in DOT business processes and procedures.



Figure 1: Click on the SWPPPTrack logo to access the company website.

What is SWPPPTrack?

SWPPPTrack is a cloud based inspection app streamlined for stormwater compliance and customized for NDOT. It requires no installation of software other than downloading the Inspection App on your smartphone or tablet. Once you've downloaded the app and your profile is setup in the system you will have access to your specific project inspections.

Highlights:

- Login with the same username and password that you use for other NDOT computer. No need to keep track of a separate password.
- App that can be easily downloaded (Google Play Store or Apple Store) by anyone needing to inspect NDOT projects.
- Inspection notes and photos are uploaded directly to your smartphone or tablet as you inspect the site.
- SWPPPTrack geolocates BMPs and corrective actions throughout your project so you can easily locate best management practices (BMPs) and corrective actions.

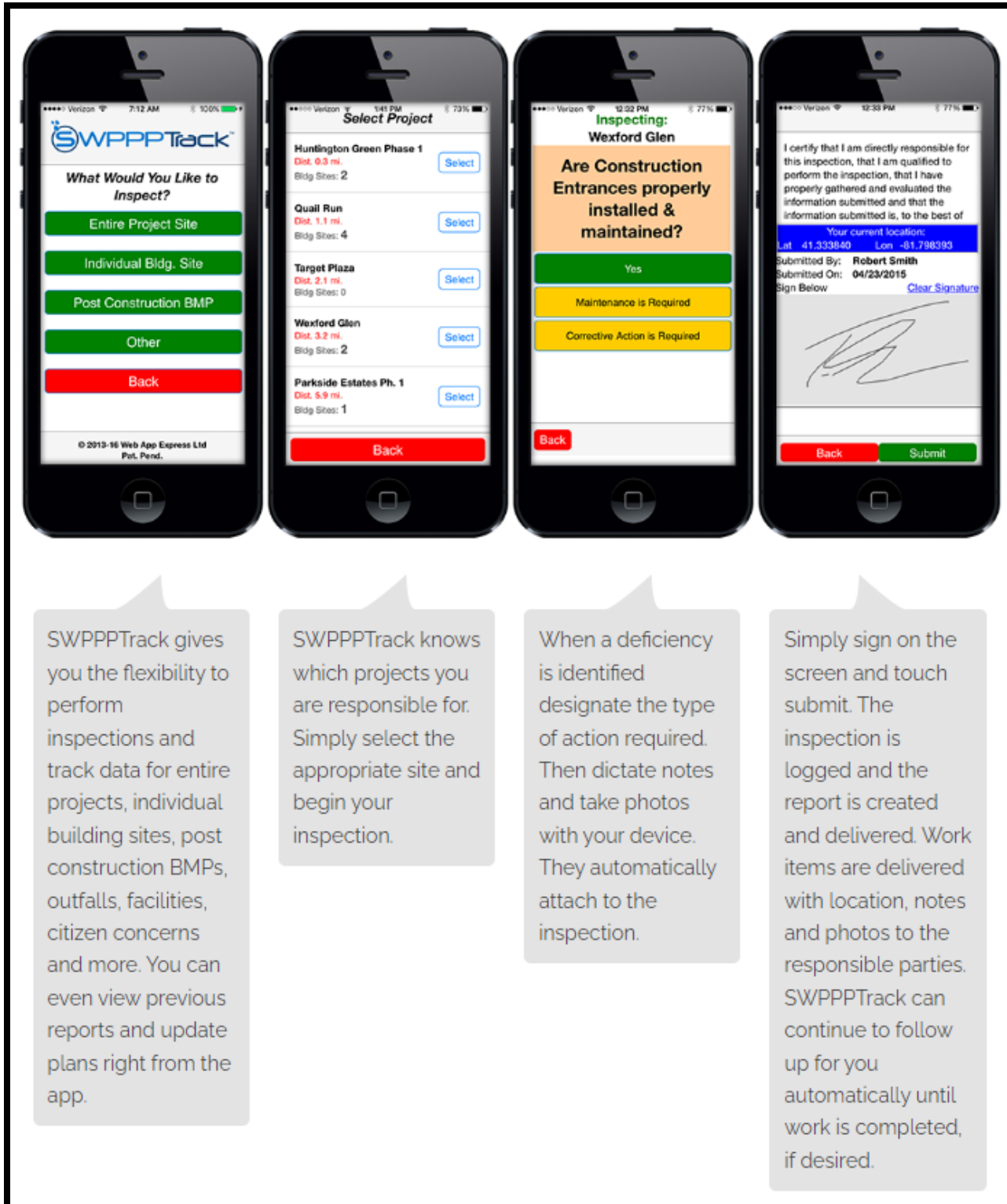
When do we start using SWPPPTrack?

We anticipate training NDOT staff on the new software in January and February of 2024. This is being planned to occur during our regular *District Environmental Training* that we conduct every winter. When training is completed the new software is anticipated to go live on projects starting in Spring of 2024 to coincide with the new construction season. At that point ECOD will be phased out.

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Figure 2: Screenshot example of BMP locations using the mapping feature in the app.



SWPPPTrack gives you the flexibility to perform inspections and track data for entire projects, individual building sites, post construction BMPs, outfalls, facilities, citizen concerns and more. You can even view previous reports and update plans right from the app.

SWPPPTrack knows which projects you are responsible for. Simply select the appropriate site and begin your inspection.

When a deficiency is identified designate the type of action required. Then dictate notes and take photos with your device. They automatically attach to the inspection.

Simply sign on the screen and touch submit. The inspection is logged and the report is created and delivered. Work items are delivered with location, notes and photos to the responsible parties. SWPPPTrack can continue to follow up for you automatically until work is completed, if desired.

Figure 3: General SWPPPTrack information

Environmental Commitment Compliance Specification Update

Over the past several months, the Environmental Section, DCEs and the Construction Office have been working to update to Environmental Quality Compliance specification (otherwise referred to as the 115 Spec). The revised specification has been approved by FHWA and is anticipated to be included with projects, beginning with the November letting. Much of the information in the spec remains unchanged from the previous version but has been rearranged for better flow and readability. The Hazardous Materials Management portion of the specification (116 Spec) remains unchanged from the previous version. Below are some of the major changes with the 115 Spec:

- The Environmental Incentive item has been removed from the spec. This has been replaced with the item “Erosion Control Mobilization”. “Erosion Control Mobilization” is a bid item to be paid to resolve Corrective Actions resulting from Storm Event Inspections.
- The Environmental Disincentive amount was increased from \$500 per report to \$1000.
- The definition for Corrective Actions has been modified to better reflect what they are.
- The Contractor’s Environmental Representative is no longer required to attend all Scheduled Inspections. However, they are required to attend Environmental Inspections or meetings as requested by the Engineer.

The updates are included on the following pages for you to review.

ENVIRONMENTAL QUALITY COMPLIANCE (2-1-XX23)

Paragraphs 4 a – g of Subsection 107.01 in the *Standard Specifications for Highway Construction, 2017 Edition* are void. The *Standard Specifications* are amended to include the following:

SECTION 115 - ENVIRONMENTAL COMMITMENT COMPLIANCE

115.01 – Description

1. This Section establishes methodology for evaluation of and payment for the Contractor's compliance with Contract environmental commitments.

115.02 -- Material Requirements

1. Materials required for restoration work under this Section shall conform to the Material Requirements in the subsections where the restoration work is described.
2. Division 800 contains the Subsections of the typical work required and the materials furnished for accomplishing the restoration work.

115.03 -- Environmental Commitments

1. The provisions titled "Status of Environmental Commitments" and "Environmental Commitments" included in the contract identify project specific environmental commitments.
 - a. The Status of Environmental Commitments and Environmental Commitments provisions include information, contractual duties, roles, and responsibilities pertaining to the following, when applicable:
 - i. U. S. Army Corps of Engineers (USACE) Section 404 Permit
 - ii. Nebraska Department of Environmental Quality 401 Water Quality Certification
 - iii. State Title 117 Waters Letter of Opinion (for USACE Non-Jurisdictional wetlands or waters)
 - iv. Floodplain Permit
 - v. Historic Preservation Act
 - vi. Endangered Species Act and Conservation Measures
 - vii. Nebraska Nongame and Endangered Species Conservation Act
 - viii. National Environmental Policy Act Compliance
 - ix. National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit
 1. EPA or Nebraska Construction Stormwater General Permits

2. Concrete grooving and grinding discharge permit
 3. Dewatering permit
 4. Municipal Separate Storm Sewer System (MS4) Permit
- x. Migratory Bird Treaty Act
 - xi. Bald and Golden Eagle Protection Act
- b. When required by the construction stormwater general permit, the Stormwater Pollution Prevention Plan (SWPPP) provides information, contractual duties, roles, and responsibilities pertaining to compliance with those permit conditions.

115.04 -- Environmental Commitments – Contractor Compliance

1. The following items shall be submitted and reviewed with the Engineer at the Preconstruction Conference, provided that the Preconstruction Conference is held prior to the start of the project. Project work shall not begin until the following have been submitted and reviewed. Failure on the part of the Contractor to comply with this Section will result in delay to the start of the project and may result in a deduction to the item “Environmental Commitments – Contractor Compliance”.
 - a. The Contractor shall submit to the Engineer a plan, documenting pollution prevention strategies necessary for the initial stages of construction. The plan shall contain the following information:
 - i. Best Management Practices with locations clearly identified necessary for the initial construction operations.
 - ii. Location of camp and plant site(s) within or contiguous to the project.
 - iii. Perimeter control around mixing plants and/or hazardous materials that are located on NDOT ROW.
 - iv. Locations of hazardous materials including petroleum products
 - v. Location and identification of material stockpiles that can be considered a pollutant when mixed with stormwater
 - vi. Location of borrow and waste sites, including those outside the L.O.C. and contiguous to the project
 - vii. Location of all stabilized construction exits
 - viii. Location of concrete wash-out facilities
 - ix. Location of equipment fueling areas
 - x. Location of equipment maintenance and washing areas

- xi. Location(s) of equipment storage
 - xii. Location(s) of portable toilets
 - xiii. If locations for items 2, 5, and 6 are not on state-owned right-of-way, the Contractor should outline the site on the plan and note that it is privately owned. The Contractor has sole responsibility for complying with construction stormwater permit requirements on these sites.
 - xiv. The plan shall identify those activities that are subcontracted to others by the prime.
- b. The Contractor shall submit to the Engineer a Spill Prevention and Control Plan as detailed in Section 116 of these special provisions.
 - c. The Contractor shall submit to the Engineer a Migratory Bird Treaty Act Compliance Plan as described in Subsection 107.01, Paragraph 4.h.3. of the Standard Specifications for Highway Construction and shall conform to the requirements of the NDOT Avian Protection Plan (APP). <https://dot.nebraska.gov/media/4f1hf1ta/avian-protection-plan.pdf>.
 - d. The Contractor shall provide information pertaining to other environmental items as defined elsewhere in the contract.
2. The Contractor shall designate an Environmental Representative who will be responsible for ensuring Contractor Compliance of contract Environmental Commitments. The designated Environmental Representative may be an employee of an approved subcontractor.
- a. The designated Environmental Representative shall be:
 - (1) Authorized to act as the Contractor's agent.
 - (2) Authorized to receive instructions from the Engineer.
 - (3) Authorized to execute the orders or directions of the Engineer.
 - (4) Capable of thoroughly understanding contract Environmental Commitments.
 - (5) Authorized to negotiate or recommend Corrective Action Resolutions.
 - (6) Familiar with current project activities and project schedule.
 - (7) Familiar with erosion and sediment control products and their applications.
 - b. The Contractor's Environmental Representative is encouraged to participate in all Environmental Inspections or meetings. Participation is not required unless requested by the Engineer.
 - c. The Contractor shall provide to the Engineer the designated Environmental Representative's name and contact information prior to the start of the project.
 - d. The Contractor's Environmental Representative shall be certified as an NDOT Erosion and Sediment Control Inspector.
3. The Contractor shall provide on-site an individual certified as an NDOT Erosion and Sediment

Control Installer, or approved equivalent certifications, to direct the installation and/or maintenance work of erosion and sediment control BMPs. The individual may be an employee of an approved Subcontractor.

4. The Contractor shall schedule and conduct the work in a manner that complies with all environmental commitments in the contract.
5. The Contractor's work shall not violate any federal, state, or local environmental quality regulations or laws whether or not they are identified in the Environmental Commitments.
 - a. In accordance with Subsection 105.01 paragraph 3 of the Standard Specifications for Highway Construction, 2017 Edition, the Engineer may suspend the work in whole or in part if a violating activity occurs. Work on the project shall not resume until notified in writing by the Engineer that the violation or non-compliance has been satisfactorily resolved.
 - b. The Contractor shall notify the engineer immediately if the Contractor becomes aware that a construction activity may violate any federal, state, or local environmental quality regulations or laws.
6. The item, 'Environmental Commitments – Contractor Compliance', shall also include, but is not limited to the following activities:
 - a. Providing all documents and submittals, as described in Subsection 115.04.
 - b. Contractor attendance when requested during Environmental Inspections, as described in Subsection 115.05.
 - c. The installation of environmental commitment BMPs required by the contract for which no direct payment is made.
7. Delays incurred as a result of the Contractor's failure to comply with environmental regulations or commitments will not be considered for extending the contract time allowance. Any cost resulting from the delay shall be borne by the Contractor.

115.05-- Environmental Inspections

1. NDOT Scheduled Environmental Inspections
 - a. Scheduled Inspections on projects regulated under a construction stormwater general permit will occur as required by the construction stormwater general permit (generally every 14 days), or as determined by the Engineer. Scheduled Inspections will begin on the first day of construction activities that cause land disturbance and will end on the date of project completion.
 - b. Contractor compliance with the project's environmental commitments shall be evaluated during Scheduled Inspections.
2. NDOT Storm Event Inspection

- a. Storm Event Inspections on projects regulated by a construction stormwater general permit will occur as required by the permit (generally within 24 hours or the next business day following a rain event of 0.25 inches of precipitation or greater). Storm Event Inspections may begin on the first day construction activities cause land disturbance and end on the date of project completion.
 - b. Compliance with the construction stormwater general permit commitments will be evaluated during Storm Event Inspections.
3. NDOT Environmental Oversight Inspections will occur routinely during active construction periods and in response to any Notice of Violations or Noncompliance Notices from regulatory agencies.
 4. At the discretion of the Engineer, the Contractor's Environmental Representative, or a designee approved by the Engineer, may be required to participate during an Environmental Inspection or meeting. The Contractor will be notified at least 24 hours in advance when participation is required. Failure to participate during an Environmental Inspection or meeting as requested by the Engineer will result in the Contractor's forfeiture of the ability to negotiate or recommend Corrective Action Resolutions and may result in the assessment of an "Environmental Disincentive."
 5. The Engineer will maintain a Temporary Erosion Control Plan. This plan documents the locations of Best Management Practices as they are installed or removed from the project.
 6. The Engineer will generate an Environmental Inspection Report detailing the findings and any Corrective Actions associated with an Environmental Inspection. The Engineer will provide the Contractor's Environmental Representative, and others as identified, a copy of the completed inspection report.

115.06 -- Environmental Commitment Enforcement

1. Environmental Corrective Actions
 - a. A Corrective Action is defined as an item of work that must be completed to maintain compliance with the environmental commitments associated with the project. The Contractor shall resolve Corrective Actions within seven days of a written notification or within the timeframe of a Time Extension authorized by the Engineer. Corrective Actions may be, but are not limited to:
 - i. The installation and maintenance erosion and sediment control measures.
 - ii. The inclusion or maintenance of other pollution prevention control BMPs.
 - iii. The removal of sediment from off-site locations.
 - iv. The management of litter, construction debris, or construction chemicals in a manner that prevents them from becoming a pollutant source.
 - v. The need to initiate stabilization practices when construction activities on all or portions of the project have temporarily or permanently ceased for more than 14 days.

- vi. The removal of sediment from sediment basins, traps, silt fences or other sediment control BMPs when their capacity has been reduced by approximately half.
 - b. An Immediate Corrective Action is an item of work that must be completed resulting from a violating activity that the Engineer determines to be an imminent threat to the environment. Upon written notification of an Immediate Corrective Action, the Contractor shall begin work to resolve the Immediate Corrective Action. Immediate Corrective Actions must be resolved within 48 hours of written notification or within the timeframe of a Time Extension authorized by the Engineer. Examples of Immediate Corrective Actions include, but are not limited to:
 - i. Operations causing unauthorized impacts to Threatened and Endangered Species or designated critical habitat.
 - ii. Operations causing unauthorized impacts to other sensitive areas, such as:
 - 1. Protected 4(f) recreational facilities, such as publicly owned parks, recreation areas, wildlife and waterfowl refuges, and publicly and privately owned historic sites
 - 2. Wetlands and Waters of the US
 - iii. Operations causing sediment discharges to wetlands waterbodies or other sensitive areas.
 - iv. Unauthorized channel crossings and/or wetland fill.
 - v. A spill or release of hazardous materials as described in Section 116 Hazardous Materials Management.
 - vi. Failure to comply with the requirements of Subsection 107.01, Paragraph 4h. Migratory Birds.
 - vii. The discovery of cultural or archeological artifacts.
 - viii. Operations that do not meet the commitments for access accommodations in the contract.
 - c. In the event that soil, weather, or other site conditions are such that BMPs cannot be installed or repaired within the required timeframe, the Engineer may approve a Corrective Action Time Extension to complete some or all of the Corrective Actions detailed on the Inspection Report. Approval of a Corrective Action Time Extension shall be at the sole discretion of the Engineer.
 - d. Corrective Action Resolution is defined as when the contractor has completed the item(s) of work to the satisfaction of the Engineer. The Contractor shall provide appropriate equipment and personnel to resolve all Corrective Actions within the approved time.
2. Environmental Deficiency is defined as when Corrective Action Resolution has not been achieved within the approved time. The Engineer shall notify the contractor in writing when an
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Environmental Deficiency occurs. Failure to resolve corrective actions by the assigned due date may result in Environmental Disincentives. The Department has the right but not the duty to apply an Environmental Disincentive, withhold progress payments, and/or temporarily suspend work in accordance with Subsection 105.01 Paragraph 3 of the Standard Specifications for Highway Construction, 2017 Edition.

3. The Environmental Disincentive shall be **\$1,000** per calendar day per Environmental Inspection Report containing unresolved Corrective Actions.
4. Erosion Control Mobilization applies to contracts with a Construction Stormwater General Permit. Erosion Control Mobilization will be paid when the contractor resolves all Corrective Actions originating from a Storm Event Inspection Report within the approved timeframe. Failure to reach Corrective Action Resolution within the approved time will result in forfeiture of the Erosion Control Mobilization.
5. Rights Reserved
 - a. The Department has the right, but not the duty, to initiate and perform the work necessary to resolve any deficiencies that are a result of the Contractor's failure to comply with any environmental commitment, whether through the Contractor's action or inaction.
 - b. The Contractor shall be liable to the Department for all costs incurred by the Department for the resolution of project deficiencies performed by the Department.
 - c. It is expressly understood that the provisions of this specification shall not relieve the Contractor of their responsibilities under this contract nor shall it relieve the Surety of its obligation for and concerning any just claim.
 - d. The Contractor shall indemnify and save harmless the Department and all of its representatives from any and all actions or claims brought because of the Contractor's failure to comply with any environmental commitment, whether through the Contractor's action or inaction.

115.07 – Method of Measurement

1. “Erosion Control Mobilization” is measured by the Each.
 - a. Payment for “Erosion Control Mobilization” will be made each time a Storm Event Environmental Inspection Report is generated that contains Corrective Actions and all Corrective Actions are resolved within the approved timeframe.
 - b. Payment for the item of “Erosion Control Mobilization” will not be made if there is an Environmental Deficiency on a previous Inspection Report that has not been resolved.
 - c. Payment for the item of “Erosion Control Mobilization” will not be made when a Storm Event Inspection Report only contains Corrective Actions pertaining to ‘Good Housekeeping’ as described in the SWPPP for the contract.
2. “Environmental Disincentive” is measured by Calendar Day.
 - a. The Department has the right, but not the duty to assess the Environmental Disincentive when a notice of Environmental Deficiency has been issued.
 - b. The Department has the right, but not the duty to assess the Environmental Disincentive per Calendar Day until the Environmental Deficiency has been resolved.
 - c. The Department has the right, but not the duty to assess the Environmental Disincentive when the Contractor’s Environmental Representative fails to attend a required Environmental Inspection.
3. “Environmental Commitments – Contractor Compliance” is measured as Lump Sum for the amount bid for the item. This item includes payment for all items described in Section 115 - Environmental Commitment Compliance for which other direct payment is not made.
4. BMP Restoration work is measured in accordance with Division 800 of the Standard Specifications.

115.08 – Basis of Payment

- | | | |
|----|--|-----------------|
| 1. | Pay Item | Pay Unit |
| | a. Erosion Control Mobilization | Each |
| | b. Environmental Disincentive | Calendar Day |
| | c. Environmental Commitments – Contractor Compliance | Lump Sum |
2. BMP Restoration work is to be paid for in accordance with Division 800 of the Standard Specifications. Payment is full compensation for all other incidentals required to complete the restoration work included in the notification within the allowed time.
 3. Costs associated with complying with Environmental Commitments and Permits as described in the Contract is subsidiary to the item ‘Environmental Commitments – Contractor Compliance’.

4. On the progress payment immediately following the Notice to Proceed Date, the Department will pay 50% of the total amount bid for the item 'Environmental Commitments – Contractor Compliance'. Upon completion of 5% of the project's originally contracted amount, the Department will pay the remainder of the total amount bid for the item 'Environmental Commitments – Contractor Compliance'.

ENVIRONMENTAL QUALITY COMPLIANCE (2-1-1119)

Paragraphs 4 a - g of Subsection 107.01 in the *Standard Specifications* are void. The *Standard Specifications* are amended to include the following:

SECTION 116 -- HAZARDOUS MATERIALS MANAGEMENT

116.01 Description

1. This work shall consist of minimizing the exposure of the environment, including Waters of the State as defined by Title 126, Chapter 1 from the Nebraska Department of Environment and Energy (NDEE), to hazardous materials. This specification also includes the requirements for clean-up of releases (spills) of hazardous materials.
2. NDOT defines hazardous materials as a broad category of materials that, because of their quantity, concentration, physical or chemical characteristics, pose a potential hazard to human health and safety or to the environment if released into the environment. Hazardous materials include, but are not limited to, materials that are regulated as solid waste, hazardous waste, and other wastes contaminated with hazardous substances, radioactive materials, petroleum products, toxic substances, and other pollutants.

116.02 Submittal and Material Requirements

1. No work shall be allowed to begin on the project until the Contractor has prepared and submitted a Spill Prevention and Control Plan (SPCP) to the Engineer. The SPCP shall clearly state the measures to prevent a spill, contain a spill, clean up a spill, and dispose of contaminated materials. The SPCP shall include:
 - a. A site plan showing intended locations for loading of equipment and materials, storage of equipment and materials, equipment fueling and wash areas, portable toilet locations and waste disposal areas.
 - i. Site Plan and Temporary Erosion Control Plan information may be combined.
 - ii. For items on the project that are considered mobile, documentation on the site plan may be labeled as "mobile".
 - b. Descriptions of the following:
 - i. Best Management Practices (BMPs) for secondary containment for hazardous materials stored on site.

- ii. Spill response equipment and materials, including safety and clean up equipment.
 - iii. Preventative inspection and maintenance techniques to minimize equipment leaks.
 - iv. Procedures for filling tanks and equipment to prevent spills.
 - v. Procedures for containing, diverting, isolating and cleaning up a spill.
 - vi. Procedures and BMPs to ensure that runoff of hazardous materials does not occur at bridge sites, culvert sites, or when working within the boundaries of wetlands as shown in the Contract or identified during construction.
 - (1) Immediate containment and remediation of spills are required when water is present
 - (2) The Contractor shall notify the NDOT Project Manager and Department of Environment and Energy (NDEE) upon release of any quantity of hazardous materials to wetlands and waters of the state. The NDOT Project Manager will notify the NDOT Environmental Section upon notification of a release.
 - vii. Spill training agenda and materials for the Contractor's staff and subcontractors.
 - c. Identify individual(s) responsible for implementing the plan.
 - d. Specify procedures for how and when to notify the Engineer and appropriate authorities such as NDEE and Nebraska State Patrol in the event of a spill of a reportable quantity.
 - e. A detailed plan to train personnel as follows:
 - i. All on-site employees will be trained:
 - (1) to prevent spills of hazardous or regulated materials
 - (2) to recognize spills of hazardous or regulated materials
 - (3) to report such spills to the appropriate response personnel.
 - ii. The response personnel will be trained:
 - (1) to perform all of the above listed in subsection 116.02 e.i. and
 - (2) to control/contain spills
 - (3) to clean up of spills
 - (4) to notify NDEE or Nebraska State Patrol when appropriate (reportable quantities)
 - (5) to properly dispose of contaminated materials
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- f. The plan shall include the notification contacts, as well as the processes and timeframes to address the situation in the event that a spill occurs.
2. Safety Data Sheets (SDS) shall be maintained on site for all hazardous materials being used or stored for the project, including those used and documented separately by subcontractors.
3. The Contractor shall provide and maintain a spill kit with appropriate materials to clean up minor spills on site as described in the SPCP. A minor spill is a release that is less than 25 gallons or a lesser amount as defined by NDEE Title 126 and will not be considered as a reportable quantity and not entering a Waters of the State.

116.03 Construction Methods

1. The Contractor shall store petroleum products with containers of 55 gallons or larger in areas with secondary containment. Paints, solvents, pesticides, and other hazardous materials shall be stored in a dry, weather protected area off the ground. In no case shall paints, solvents, pesticides, petroleum products, and other hazardous materials be stored in restricted areas
2. The Contractor shall perform washout of concrete mixers, delivery trucks, and other delivery systems in conformance with Section 824.
3. Hazardous materials storage, including portable toilets, shall be restricted to specific areas away from:
 - a. vehicular traffic, no less than a distance equal to the lateral/fixed clear distance, as shown in the plans
 - b. sensitive areas or restricted use areas as shown on the plans
 - c. waters of the state, including wetlands (50 feet minimum distance)
 - d. Wellhead Protection Areas, unless designated in a Wellhead Protection Plan that has been approved by the local authority.
4. The Contractor shall inspect hazardous material containers bi-weekly to ensure that all containers are clearly identified and that no leaks are present. The inspections must document any leaks observed and corrective actions taken.
5. The Contractor shall inspect all equipment for leaks bi-weekly. The contractor shall fix any leaks and clean up any spilled fluids as soon as possible prior to the next use. In the event that the leaking equipment repair is delayed, the contractor shall install secondary containment until the repair and subsequent clean-up operations have been made.

6. The Contractor shall ensure that cleanup procedures are posted in a location that is accessible.
7. The Contractor shall verify and update the SPCP site maps as necessary during inspections to accommodate changes in the site.
8. A spill kit shall be readily available, in close proximity and adequately stocked when applying petroleum based or other hazardous materials to bridge and culvert sites.
9. The Contractor shall implement and maintain a training program regarding hazardous materials management. Training of the Contractor's staff and subcontractors shall be conducted to ensure that workers are knowledgeable of the procedures, materials and equipment outlined in the SPCP.
 - a. Specific hazardous materials and their handling procedures shall be discussed during safety briefings.
10. The Contractor shall maintain and provide to the Project Manager, upon request, a record of spills occurring on site, as defined by Subsection 116.02, Paragraph 1(d). This record shall include:
 - a. The circumstances leading to the spill
 - b. The date of the release
 - c. Measures taken to clean up the spill
 - d. Measures taken to prevent a reoccurrence
 - e. Measures taken to dispose of contaminated materials
11. The Contractor shall follow NDEE notification procedures for all spills in excess of a reportable quantity as defined by NDEE Title 126.
12. The Contractor shall follow all local, state and federal regulations associated with the release and/or cleanup of a hazardous material, including disposal of the hazardous material.

116.04 Method of Measurement and Basis of Payment

1. Direct payment will not be made for work associated with Hazardous Materials Management, but is considered subsidiary to the items for which direct payment is made.
2. The Contractor shall solely bear all fines and costs associated with a spill of hazardous materials, and the containment, cleanup, remediation and disposal of material associated with the spill to the extent caused by the Contractor or their Subcontractors.