

VTrans EPSC Protocol (Revised May 2009)

The VTrans EPSC Protocol established in February of 2007 was implemented to create a consistent and efficient process for the development of EPSC Plans for VTrans let construction projects. It is a guidance document based on the issuance of the ANR General Permit 3-9020 for Stormwater Runoff from Construction Sites. Two years have passed and in that time areas of needed clarification, updating, and general improvement have been recognized. Revisions to the Protocol language contained below, as well as the referenced documents, are provided to reflect the current status of the Protocol implementation and to provide clarification of the process based on feedback from the users.

The Protocol, and revisions to it, is in effect for ALL Agency let projects or projects with a VTrans Resident Engineer assigned. Revisions may require minor modifications to EPSC Plans currently in the design phase but no major disruption to projects under development are anticipated. Updates to referenced documents and resources can be found at the VTrans Environmental Section's Erosion Prevention and Sediment Control Web-page.

Projects Less Than 1 Acre Threshold (Non-Jurisdictional)

Projects that disturb less than 1 acre of land are considered Non-Jurisdictional in that the ANR Construction Stormwater Program does not have permit jurisdiction over them.

Projects involving minimal to no potential to impact water resources due to earth disturbance and/or duration of work activities, may have the Erosion Prevention and Sediment Control Plan Contract Provision requirement waived. The Project Manager will consult with the Environmental Unit Specialist to determine if the waiver is warranted and if so, what specific information must be included in the contract documents instead. The Construction Environmental Engineer will provide input upon request.

Upon satisfaction that the Plans include the agreed upon information, the Environmental Specialist will draft the *EPSC Plan Protocol Waiver Memo*, waiving the Erosion Prevention and Sediment Control Plan Contract Provision. The Memo will be sent to the Project Manager with a copy going to the Construction Environmental Engineer (CEE).

If the project contract will include the Erosion Prevention and Sediment Control Plan Contract Provision the following procedure shall be followed.

1. With the Preliminary Plan Submittal (or a minimum 70 days prior to Contract Plans Submittal) the Project Manager shall submit to the Environmental Specialist a completed *Project Impact Data Form*. The submittal shall include an EPSC Plan based on the guidance listed on the *EPSC Plan Designer Checklist (Non-Jurisdictional and Low Risk)* and the *Example EPSC Plan Narrative*.
2. The Environmental Specialist will review the submittal to determine if the EPSC Plan is in accordance with the Designer Checklist and Narrative.

If the EPSC Plan is not in accordance with the Designer Checklist and Narrative, the Environmental Specialist will provide recommendations. The Project Manager will address the recommendations prior to a re-submittal.

Upon acceptance, the Environmental Specialist will draft the *EPSC Plan - Less Than One Acre Acceptance Memo*, requiring the Erosion Prevention and Sediment Control Plan Contract Provision. The Memo will be sent to the Project Manager with a copy going to the Construction Environmental Engineer (CEE).

3. When submitting Contract Plans to Contract Administration, the Project Manager will ensure a copy of the *EPSC Plan - Less Than One Acre Acceptance Memo* is provided. The Erosion Prevention and Sediment Control Plan Contract Provision and related Pay Items shall also be provided, as required.

Projects Equal to or Greater Than 1 Acre Threshold (Jurisdictional)

For those projects disturbing one or more acres, the Designer must complete the *Appendix A - Risk Evaluation* of Construction General Permit 3-9020 (CGP). This will determine if the proposed activities constitute Low-Risk construction activities, Moderate-Risk construction activities, or construction activities that require an Individual Permit.

Low-Risk

Projects that score <1 on the Risk Evaluation are determined to be Low-Risk.

1. With the Preliminary Plan Submittal (or a minimum 70 days prior to Contract Plans Submittal) the Project Manager shall submit to the Environmental Specialist a completed *Project Impact Data Form* and the CGP NOI and Risk Evaluation.

The EPSC Plan included in the Preliminary Plan Set shall be based on the information listed on the *EPSC Plan Designer Checklist (Non-Jurisdictional and Low Risk)* and the *Example EPSC Plan Narrative*.

2. The Environmental Specialist will review the submittal to determine if the EPSC Plan is in accordance with the Designer Checklist and Narrative and to ensure the CGP application information is consistent and accurate.

If the EPSC Plan is not in accordance with the Designer Checklist and Narrative or the CGP application is not accurate, the Environmental Specialist will provide recommendations. The Project Manager will address the recommendations prior to a re-submittal.

Upon acceptance, the Environmental Specialist will draft the *EPSC Plan for 1 or More Acres Low Risk Acceptance Memo*, requiring the inclusion of the Erosion Prevention and Sediment Control Plan Contract Provision. The Memo will be sent to the Project Manager with a copy going to the CEE.

3. The Environmental Specialist will submit the Notice of Intent (NOI) and Risk Evaluation information to ANR with copies to the Project Manager, the CEE, and to the town for posting and commencement of the 10-day public comment period.

If no comments are received during the 10-day public comment period ANR will issue an authorization for coverage. The Environmental Specialist will review and distribute copies of the authorization to the Project Manager and the CEE.

Any changes to the Project after this point require consultation with the Environmental Specialist to ensure the determined risk remains valid.

4. When submitting Contract Plans to Contract Administration, the Project Manager will ensure a copy of the *EPSC Plan for 1 or More Acres Low Risk Acceptance Memo* and ANR Authorization is provided. The accepted EPSC Plan and the Erosion Prevention and Sediment Control Plan Contract Provision and related Pay Items shall also be included.

5. The Contract Administration Section will include copies of ANR's Authorization, the latest version of the Erosion Prevention and Sediment Control Plan Contract Provision, and any other related Special Provisions in the contract.

6. The Contractor shall submit any necessary modifications to the EPSC Plan according to the Erosion Prevention and Sediment Control Plan Contract Provision. The Contractor's EPSC Plan will be reviewed by the CEE within 10 working days. A letter with comments or acceptance will be sent to the Contractor with a copy to the Resident Engineer and Project Manager.

7. No project related earth disturbance will begin until the Contractor's EPSC Plan has been accepted by the CEE.

Moderate Risk

Projects that score 1-2 on the Risk Evaluation are determined to be Moderate Risk.

1. With the Preliminary Plan Submittal (or a minimum 70 days prior to Contract Plans Submittal) the Project Manager shall submit to the Environmental Specialist a completed *Project Impact Data Form* and the CGP NOI, Risk Evaluation, and EPSC Summary forms. There is no *VTrans EPSC Plan Checklist or Example Narrative* for Moderate Risk Projects. Instead, the EPSC Plan included in the Preliminary Plan Set shall be based on Appendix B of General Permit 3-9020 with guidance from Section 3 of *The Vermont Standards & Specifications for Erosion Prevention & Sediment Control*.

The Environmental Specialist will ensure the submittal includes all necessary information in the appropriate format and forward it to the CEE for review.

2. The CEE will perform a technical review of the EPSC Plan as well as the NOI, Risk Evaluation and EPSC Summary Forms and provide comments to the Project Manager and copy the Environmental Specialist. If during the review it is recognized that the project poses particular restraints that make following the standards difficult, the CEE will discuss this with the PM and schedule a consultation with an ANR Stormwater Analyst.

After receiving all comments, the Project Manager will provide a re-submittal to the CEE as necessary.

Upon acceptance of the EPSC Plan and supporting documents by the CEE, the Environmental Specialist will be notified and will draft the *EPSC Plan for 1 or More Acres Moderate Risk Acceptance Memo*, requiring the inclusion of the Erosion Prevention and Sediment Control Plan Contract Provision. The Memo will be sent to the Project Manager with a copy to the CEE.

3. The Environmental Specialist will submit the Notice of Intent (NOI), Risk Evaluation, EPSC Summary Forms and EPSC Plan to ANR with copies to the Project Manager, the CEE, and to the town for posting and commencement of the 10-day public comment period.

If no comments are received during the 10-day public comment period ANR will issue an authorization for coverage. The Environmental Specialist will review and distribute copies of the authorization to the Project Manager and the CEE.

Any changes to the Project after this point require consultation with the Environmental Specialist to ensure the determined risk remains valid.

4 -7. The remaining procedure for Moderate Risk follows Steps 4-7 described for Low Risk.

Individual Permit

An Individual Construction Stormwater Discharge Permit is required when a project scores out of the low and moderate risk classification in Appendix A or as required by the Secretary of ANR. It is a customized permit for discharges of stormwater from construction activities specifically tailored to the proposed construction project, and typically includes additional requirements (e.g. the oversight by an Environmental Specialist). All Individual Permits require a 30-day public comment period and have a 30-day appeal period once they are issued.

The EPSC Plan development and application process for an Individual Permit is similar to that of the CGP. The same general protocol described under Moderate Risk shall be employed. However, instead of a Notice of Intent, a Permit Application Form is filed with the Risk Evaluation, EPSC Summary Forms, and Erosion Prevention and Sediment Control Plan and a consultation with ANR is mandatory. The ANR consultation shall occur when a draft of the EPSC Summary Forms and Plan are prepared.

Resources

VT Department of Conservation, Water Quality Division, Construction General Permit Web Page:
http://www.vtwaterquality.org/stormwater/htm/sw_cgp.htm

VT Agency of Transportation, Environmental Section, Erosion Prevention and Sediment Control Web
Page:
<http://www.aot.state.vt.us/TechServices/EnvPermit/erosionpreventionandsedimentcontrol.htm>