

VTrans EPSC Protocol

(Revised July 2019)

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. This 2019 Revision is to make designers aware that EPSC Plans for Non-Jurisdictional projects (i.e. projects with less than one acre of earth disturbance) are no longer required in the Contract Documents. Instead designers shall follow the process outlined below and the EPSC Plans will be developed by the Contractor.

Projects Less Than 1 Acre Threshold (Non-Jurisdictional)

EPSC Plans for Non-Jurisdictional projects (i.e. projects with less than one acre of earth disturbance) are not required in the Contract Documents and shall instead be developed by the Contractor. Non-jurisdictional projects may fall into two categories as defined below.

Non-Jurisdictional, Type I

These projects have little or no construction-related earth disturbance (i.e. does not include maintenance related activities such as ditching for paving and reclaim projects) and have no work in the channel of a river. It may still be necessary, however, to maintain construction limits, protect resources, and establish turf. Examples of these projects would include but not be limited to membrane, deck rehabilitations, deck replacements, bridge painting, sign replacement, line striping, paving, reclaim, guardrail, etc.

No designer generated EPSC plan or narrative will be provided in the Contract. Instead the contractor shall develop an EPSC Plan based on Section 105 of the Standard Specifications.

The designer shall include the following note as a General Note: *The Contractor shall provide Erosion Prevention and Sediment Control in accordance with subsections 105.23 thru 105.29 of the Standard Specifications for Construction.*

If appropriate, the designer shall show PDF fence on the Layout Sheet 10' outside of the project disturbance limits. Any required resource protection fence (i.e. barrier fence) shall also be shown on the Layout Sheet. Turf Establishment Items and any other EPSC Items shall be included as determined necessary by the designer.

The designer shall include the above information with the VPINS Permitting Request submittal. Upon review, the Environmental Specialist will draft the Non-Jurisdictional EPSC Plan Acceptance Memo. The Memo will be filed in the project folder.

Non-Jurisdictional, Type II

These projects have earth disturbance that is less than one acre but do pose a potential risk to water quality and thus require a site specific EPSC plan.

A designer generated EPSC plan or narrative will not be provided in the contract documents, however an existing conditions sheet that includes the total area of disturbance and sensitive resources shall be provided for the Contractor's use in providing a site-specific EPSC plan.

The following shall be included as a General Note: *The Contractor shall provide a site-specific Erosion Prevention and Sediment Control Plan in accordance with Section 653 of the Standard Specifications for Construction. Estimated quantities for EPSC work have been included in the Contract for bidding purposes. If the Contractor's EPSC plan requires items of work that are not included in the Plans it shall be paid for as part of item 653.03 Maintenance of EPSC Plan.*

The designer shall anticipate the EPSC items that will be used for this work and, for the purposes of establishing bid prices, include estimated quantities in the Contract. These items include, but are not limited to, the following:

- 651 Items (as required for turf establishment)
- 653.01 EPSC Plan (mandatory)
- 653.02 Monitoring EPSC Plan (mandatory)
- 653.03 Maintenance of EPSC Plan (N.A.B.I) (mandatory)
- 653.55 Project Demarcation Fence (mandatory)
- Other 653 Items (for EPSC as required by project)

The Existing Conditions Plan Sheet and EPSC details shall be included as part of the Preliminary Plans in the VPINS Permitting Request submittal. Upon review, the Environmental Specialist will draft the Non-Jurisdictional EPSC Plan Acceptance Memo. The Memo will be filed in the project folder.

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 (Based on ANR Appendix A - Risk Evaluation)

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/ consultant will address the recommendations prior to a re-submittal.

3. The Environmental Specialist will submit the Notice of Intent (NOI) and Risk Evaluation information to ANR.

If no comments are received during the public comment period ANR will issue an authorization for coverage. The Environmental Specialist will review and save to the project folder.

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 ANR Authorization is provided. The accepted EPSC Plan and related Pay Items shall also be included.

5. The Contract Administration Section will include copies of ANR's Authorization.

6. The Contractor shall submit their project-specific EPSC Plan according to the Contractor's Checklist. The Contractor's EPSC Plan will be reviewed by the CEE within 10 workdays.

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

Moderate Risk (Based on ANR Appendix A - Risk Evaluation)

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* 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 constraints 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.

3. The Environmental Specialist will submit the Notice of Intent (NOI) and Risk Evaluation information to ANR.

If no comments are received during the public comment period ANR will issue an authorization for coverage. The Environmental Specialist will review and save to the project folder.

Any changes to the Project after this point require consultation with the Environmental Specialist and the CEE 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 higher than the moderate risk classification in the ANR Appendix A - Risk Evaluation 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. 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 general protocol described under Moderate Risk. However, instead of a Notice of Intent, a Permit Application Form is filed with the Risk Evaluation and Erosion Prevention and Sediment Control Plan.