



# INDIANA DEPARTMENT OF TRANSPORTATION

*Driving Indiana's Economic Growth*

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**Mitchell E. Daniels, Jr., Governor**  
**Michael B. Cline, Commissioner**

April 11, 2012

## CONSTRUCTION MEMORANDUM 12-05

TO: District Deputy Commissioners  
District Construction Directors  
District Testing Engineers  
District Area Engineers  
District LPA Coordinators  
Field Engineers  
Technical Services Directors  
Project Engineers/Supervisors  
Office of Materials Management

FROM: Mark A. Miller, Director *Mark Miller*  
Division of Construction Management

SUBJECT: Procedures for Consistent Implementation of Erosion and Sediment Control Provisions

The Contractor is responsible for implementing the Temporary Erosion and Sediment Control plan. The Department has a responsibility to ensure contractors maintain the jobsite in compliance with all environmental regulations, permits and contract specifications. Since a number of jobsites have been found to not be in compliance, increased attention has been brought to this topic and a number of measures will be implemented to improve performance. Additional training and resources will be provided to support the efforts of field staff in inspecting erosion and sediment control. The purpose of this memo is to describe standard practices to be used in the monitoring of ESC compliance.

### Responsibilities of Project Engineer/Supervisor:

1. Review of Weekly Inspection Reports – 205.04 requires the Contractor to perform weekly inspections and provide records when requested. The specifications will be revised to mandate that the records be provided weekly. In the meantime, the PE/S is directed to inform the Contractor to provide all inspection reports weekly and to review the reports for accuracy.
2. PE/S inspections – the PE/S will perform inspections a minimum of once monthly or more often when necessary. These inspections will be used as a Quality Assurance check on the Contractor's weekly inspections. The PE/S checklist is not intended to be a complete list of

Contractor's weekly inspections. The PE/S checklist is not intended to be a complete list of all deficiencies on the project, but an indication of problems found by the Department. More frequent inspections may be necessary if the Contractor's checklist is found to be inaccurate, when phase changes occur or the Contractor's practices are not in compliance with the required standards. The PE/S should invite the Contractor's Erosion Control Supervisor to attend this inspection. The Area Engineer and District Erosion Control Specialist should also be invited to attend as their schedules permit. A revised checklist form has been developed and is attached. The contractor should be encouraged to use the same form.

3. Actions to take when the jobsite is in non-compliance –
  - i) Inform the Contractor the jobsite is in non-compliance and require a written corrective action plan describing the actions that will be taken and the timeline to accomplish these actions. Under normal circumstances the corrective action plan should be provided within 2 work days and corrective actions should begin as soon as conditions allow.
  - ii) Perform another inspection to ensure that corrective actions have been taken. The contractor is expected to correct all deficiencies over the entire job, not just the example deficiencies noted by the project staff.

### Responsibilities of Area Engineer

The Area Engineer (AE) can help erosion and sediment control compliance in several ways. The AE, prior to letting, needs to make a review of the contract to see that an erosion and sediment control plan exists and that there are items in the contract for the proposed plan. The AE should consult with the Project Manager (PM) if he believes there are deficiencies. The PM and designer are responsible for ensuring the plans are complete.

Additionally, as the leader of the pre-construction conference, the AE, must stress to all in attendance that erosion and sediment control compliance will be emphasized. By visiting each job site on a regular basis, the AE also serves as a frontline compliance officer. The AE must ask the PE for copies of the Contractor's inspection reports and spot check the accuracy against the PE prepared checklists. Discrepancies found by the AE must be noted on the PE's daily report, as well as the corrective action when it occurs. The Contractor must be held accountable if an AE routinely finds erosion and sediment control problems on the job site.

In addition, the Area Engineer and District Erosion Control Specialist should conduct a complete inspection with a PE/S on a random project basis each month. The purpose of this team approach is to provide instruction as well as to perform a quality control check that the project staffs are performing the inspections in a consistent manner.

### Actions to take when the Contractor is not responsive –

Notify Area Engineer and advise Contractor *that* progressive actions will be taken as necessary until the entire jobsite is in compliance. A sample written notification is attached. The progressive steps that may be taken as deemed necessary are:

- i) AE will authorize PE/S to hold estimates for continued non-compliance.
- ii) AE & PE/S will order all work to be suspended except for activities necessary to bring jobsite into compliance.
- iii) An interim CR-2 will be completed documenting the continued lack of compliance.

- iv) Failure on the part of the Contractor to respond to directions will cause the District to initiate actions through the Prequalification Committee.

Every effort will be made to achieve compliance through good communication and partnering with the Contractor. The Contractor is expected to continuously monitor and make corrections to keep the jobsite in compliance. We will achieve a high compliance rate by documenting examples of deficiencies, communicating to the contractor that the performance is not satisfactory and ensuring corrective actions are taken.

Attachments: sample letter to a Contractor; INDOT E&SC Inspection Form

MAM



# INDIANA DEPARTMENT OF TRANSPORTATION

## *Driving Indiana's Economic Growth*

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**Mitchell E. Daniels, Jr., Governor**  
**Michael B. Cline, Commissioner**

February 10, 2012

Mr. XXXX  
Contractor address

RE: Contract XXXX  
Unsatisfactory Performance of Temporary Erosion and Sediment Control Measures

Dear Mr. XXXX:

Inspections of temporary erosion and sediment control (TESC) measures by the Department on the above referenced contract indicate that TESC practices are generally unsatisfactory and fail to comply with the contract documents..

The contractor shall take immediate action to bring TESC measures into compliance.

Within two (2) business days of receipt of this letter, the contractor shall submit a written plan to the Engineer detailing the actions the contractor will take and the schedule to bring the contract into compliance. The plan shall also detail the practices that will be initiated to ensure continued compliance.

In addition, the Department will take the following actions:

- The Department will withhold progress payments until an inspection by the Department confirms that the contract is in compliance.
- The Department will file an interim CR-2 describing the contractor's unsatisfactory performance related to TESC practices.

The contractor is reminded that design, installation, inspection and maintenance of TESC measures is the responsibility of the contractor. The contractor is required to design an effective erosion and sediment control plan and adapt it to fit changes in project phasing and conditions. TESC measures must then be inspected on a regular basis and maintained in a satisfactory condition regardless of inspections by the Department or other agencies. Records of inspections performed by the contractor must be maintained in accordance with 327 IAC 15-5-7 and made available upon request.

The actions taken by the Department due to unsatisfactory TESC performance by the contractor do not relieve the contractor from meeting the contract time requirements, as adjusted due to other project conditions.

If you have any questions or require additional information, please contact me at your convenience.

Sincerely,



**Part B: Additional Quantities or Additional BMPs Needed**

Any additional control quantities or new BMPs not shown on the SWPPP must be approved by the PE/PS. If multiple locations are involved, identify the exact location of each addition. Justification for the measure must be provided.

BMP Type (see table on page 3)	Approximate Station		Survey Line: Left, Right or centerline	Description/Justification for the additional BMPs Along with description provide image filename here for any reference pictures provided.
	From	To		

**Part C: Temporarily or Permanently Suspended Construction Activities**

Where construction activities (grading, excavating, embankment filling, or other land disturbing activities have been suspended either temporarily or permanently, describe why stabilization measures were not initiated within 7 days.

BMP Type (see table on page 3)	Approximate Station		Survey Line: Left, Right or centerline	Description Along with description provide image filename here for any reference pictures provided.
	From	To		

**Part D: Compliance Evaluation (check only one)**

- With the maintenance and improvement actions noted, the areas inspected will meet the intent of the Erosion and Sediment Control Plan and INDOT contract documents and specifications related to temporary erosion and sediment control.
- The areas inspected are not meeting the intent and are in potential noncompliance with the Erosion and Sediment Control Plan and/or INDOT contract documents and specifications related to temporary erosion and sediment control. There is off site sedimentation and/or a high potential for off-site sedimentation on this project. (If this box is checked, complete the following "Part E: Potential Noncompliance Issues" section of this form)

**Part E: Potential Noncompliance Issues**

BMP Type (see table on page 3)	Approximate Station		Survey Line: Left, Right or centerline	Describe the potential noncompliance issue(s) e.g. failure to adequately inspect the project, repeated failure of a BMP, failure to install a required BMP, a visible off-site discharge of material (silt, sand, oily water, etc.), or potential off-site discharges or potential failures.
	From	To		

<b>Part F: Inspection Certification</b>			
I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete.			
Inspector Name Printed:	Company:	Title:	Date:
Inspector Signature: _____			
If evaluating an inspection performed by another inspector, please check one of the following boxes: <input type="checkbox"/> I concur with the inspector <input type="checkbox"/> I do not concur with the inspector (please circle any findings that you do not agree with)			
Owner Representative Name:		Signature: _____	
Date: _____			
A permanent copy must be filed with the project records and be provided to INDOT or IDEM personnel according to requirements or upon request.			

<b>Table of Types of Erosion and Sediment Control Best Management Practices (BMPs)</b>							
1	Diversion Interceptor	8	Check Dam, Traversable	15	Filter Berm	22	Concrete Washout
2	Temporary Seeding	9	Slope Drain	16	Filter Sock	23	Secondary Spill Containment
3	Permanent Sod or Seed	10	Splash Pad	17	Turbidity Curtain	24	
4	Mulch (hydraulic or bonded fiber mulch)	11	Sediment Trap	18	Surface Roughening	25	
5	Straw Mulch (blown/laid)	12	Sediment Basin	19	Vegetative Filter Strip	26	
6	Manufactured Surface Protection Products	13	Retention Pond	20	Inlet Protection	27	
7	Check Dam	14	Silt Fence	21	Construction entrance/exit	28	

- cc: Prime Contractor Superintendent (add Prime Contractor Owner/President when appropriate)  
 INDOT Project Engineer (add INDOT Area Engineer when appropriate)  
 INDOT District E&SC Specialist (add INDOT Central Office E&SC Specialist when appropriate)



Instructions for the Contractor's representative: Fill out this document completely including filling out the Project Information, Areas Inspected and Parts A, B, C, D, E and F the day of your field investigation and put it on file for the project. Submit the signed document to the INDOT project representative the same day. Always provide pictures to document site conditions observed in your report.

Instructions for INDOT's representative:

- When you receive a completed and signed inspection report as completed by the contractor, visit the site within 24 hours of receipt of the contractor's inspection to verify the contractor's findings. If you concur with the contractor's inspection, fill out part F and sign as the INDOT representative. If you don't concur with the contractor's inspection, fill out parts E, F and circle any areas where you believe the inspection misrepresented the site's state of compliance with the intent of INDOT standards. If possible, provide pictures to document site conditions observed. Upon completion, sign under Part F, put it on file with the project and copy the prime contractor's representative.
- If you are completing this as an evaluation of an INDOT project without regard to the contractor's inspection, fill out all parts of the form including part D, E and sign as the inspector in part F. Always provide pictures to document site conditions observed in your report. Provide a copy to the INDOT PE/PS for the project and the Area Engineer. It is recommended that the inspection report be provided to the contractor immediately for their information (not their concurrence). It is also recommended another INDOT rep. visit the site within 24 hours to verify the inspection for their records and sign concurrence or non-concurrence in Part F.

Additional Explanation:

- Part A – Only put BMPs in Part A that were deemed to be in need of maintenance or alteration. Do not provide a list of every BMP inspected on the project. The intent is to document only those which were deemed in need of maintenance or alteration in order to continue to meet the intent of the measure at the location.
- Part B – Only put additional BMPs not yet installed on the project site in Part B. These can be BMPs intended for a different construction phase of the project or BMPs planned for other areas of the project that make sense to be deployed at additional locations. This is also where recommendations of measures would occur that identify new BMPs not in the contract documents.
- Part C – This is a list of known bare/exposed areas of the project and the justification why they are remaining bare or exposed during the review period despite a lack of construction activities. This especially includes any areas that are or are planned to be exposed for greater than 7 days without immediate plans to stabilize.
- Part D – Checking that the project is not in compliance with the intent of INDOT standards indicates that despite the additional maintenance measures and BMPs, the project's oversight is failing to ensure that sediment is prevented from leaving the project site or has the potential to leave the project site.
- Part E – List principles of storm water or erosion and sediment control that appear to be lacking on the project which demonstrate the lack of oversight of the project by qualified personnel.
- Part F – The "I certify" signature of the inspector is important in order to document whose opinion is being provided by the filling out of this form.

