

ATTACHMENT D – STORMWATER CLAUSE

The contractor is responsible for securing and paying for the State Stormwater Management Permit and/or local Stormwater Management Permit as may be required. The contractor is responsible to ensure that all the requirements of either the State or local Stormwater Management Permit are strictly followed during construction. The contractor shall review and follow the Owner's Illicit Discharge reporting procedures in the event of an occurrence.

The Owner may engage a civil engineer to prepare an erosion control plan as part of the overall contract documents. The contractor can use or modify the contract document plan as necessary in their preparation of the Stormwater Management Permit application. However, this does not relieve the contractor from preparing their own site specific plan for application submission if no plan is provided in the contract documents.

The Owner or designated Owner's representative may inspect the Stormwater Management plan, project site and Best Management Practices (BMPs) and communicate noted deficiencies for corrective measures at any time during the construction project. The contractor shall be fined up to \$250 dollars per day in addition to any Federal, State or local fines until deficiencies are corrected. The contractor shall coordinate all inspections required by the State or authority having jurisdiction (AHJ).

The Owner's final acceptance of the project and contractor de-mobilization does not relieve the contractor of their responsibilities and duties as required in the permit, (i.e., maintain BMPs, regular and post-event inspections as defined in the permit, etc.) while it is still open. Final acceptance of ground areas including permanent stormwater structures shall only occur after the required vegetation and stabilization has been established. The contractor is required to conduct monthly inspections of the site and BMPs during this warranty period and make corrective changes to the BMPs or add BMPs as needed.

The contractor will notify the Owner in writing when they believe all vegetation and stabilization has reached the contract requirements and they want to close the Stormwater Management Permit. The Owner must be allowed the opportunity to review the site and approve the contractor's request to close the permit. The contractor can not apply to close the Stormwater Management permit without the Owner's written approval. It is the contractor's responsibility to remove and dispose of all BMPs after the Stormwater Management Permit has been closed.

The Contractor shall provide full-time, qualified, and efficient supervision of the work, using competent skill and attention. The superintendent shall be knowledgeable and completed training in Stormwater Management & Erosion Control and OSHA construction safety. The superintendent shall be knowledgeable of all building codes that govern the construction of the project. The superintendent shall direct, schedule, and coordinate the work. The superintendent is responsible for determining and supervising all temporary and permanent erection and construction sequences, techniques, means and methods. The superintendent shall coordinate the work to ensure that all parts fit together properly and in accordance with the Contract Documents. The superintendent shall carefully study and compare all Contract Documents and other instructions and shall at once report to the Architect (if applicable) and the Owner any error, inconsistency, or omission which they may discover.