

## Water Pollution Control Compliance After Contract Termination

The Storm Water Task Force recently encountered a situation in which a contract was terminated prior to acceptance and responsibility over the implementation, inspection and maintenance of the project SWPPP was not assigned. This bulletin will address procedures that may be used to ensure that water pollution control compliance is maintained in the event that a contract is terminated prior to the completion of construction.



This project was abandoned by the contractor before implementation of BMPs.

### **Termination of Control**

Section 8-1.08 of the Caltrans Standard Specifications refers to termination of the contractor's control of work on a project. Reasons for termination of control include the failure to supply an adequate working force or material of proper quality, failure to prosecute the work with the diligence and force specified by the contract, or abandonment of the project by the contractor. The State, through day labor, informal contract, or the surety, will then arrange for the completion of construction.

### **Challenges and Potential Impacts**

Management of water pollution control depends on the construction schedule, level of construction activity, and time of year when termination of control occurs. Typical challenges that may require prompt attention and their potential impact on water quality are listed below:

- **Challenge:** Disturbed soil areas left exposed in the rainy season.  
**Potential Impact:** Discharge of sediment from water and/or wind erosion.
- **Challenge:** Missing sediment controls, or sediment controls in need of immediate maintenance.  
**Potential Impact:** Sediment-laden runoff entering storm drain system or water body.
- **Challenge:** Improper solid waste management throughout the site.  
**Potential Impact:** Discharge of trash, debris, and pollutants from the site to storm drains, flooding from blocked or plugged storm drains.
- **Challenge:** Improper storage of chemical & petroleum products on state right-of-way.  
**Potential Impact:** Discharge of pollutants from storage areas to storm drain system or water body.
- **Challenge:** Oil/fuel spills from leaking equipment, fueling and maintenance activities, or improper materials containment.  
**Potential Impact:** Discharge of contaminated sediment and pollutants to storm drain system or water body.

### **What Should You the Resident Engineer Do?**

Upon termination of control, review the construction site to determine which

BMPs require implementation and/or maintenance to comply with the Storm Water Pollution Prevention Plan or Water Pollution Control Plan. Note that the time of year (i.e. rainy season versus non-rainy season) is a factor when determining which BMPs are required.

If a significant delay is anticipated before a new contractor is in place, immediately coordinate any necessary work with your local Caltrans Maintenance Supervisor to ensure permit compliance as well as public safety.



Once a new contractor is in place to take over control of the work, conduct another review of the site with the new contractor representative. Discuss any observations as well as water pollution control requirements. If appropriate, submit a punchlist of deficiencies that require immediate attention.

