

# Contract Requirements Checklist to Transfer the NPDES Construction Stormwater General Permit

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*This checklist is designed to help ensure all projects requiring a transfer of coverage for the Construction Stormwater General Permit (CSWGP) have successfully incorporated all associated contract provisions and documents.*

**Background:** All projects that require a CSWGP must include in their contracts the following General Special Provisions and associated documentation unless the Assistant State Construction Engineer (ASCE) for their region authorizes the project to forgo transferring the CSWGP. Failure to successfully incorporate required contract documents when transferring the CSWGP can lead to construction delays and provide grounds for the Contractor to make a claim for damages.

## List of General Special Provisions and contract documents:

- 1-02.4.OPT1.GR1
  - Use the [Transfer of Coverage](#) (TOC) guidance to include a partially completed form in the Bid Documents.
- 1-03.3.OPT2.GR1
- 1-03.5.OPT1.GR1
- 1-07.5(3).OPT1.GR1
- 1-07.6.OPT1.FR1
  - Include the CSWGP and number in the table of permits that WSDOT obtained.
  - Include a copy of the CSWGP, including the permit coverage letter, in an appendix titled "NPDES Construction Stormwater General Permit".
- 1-08.5.OPT12.GR1
- 8-01.3(1).OPT2.GR8
  - (Incentive to be included dependent on risk) Contracts with high to moderate erosion related risks as defined in section 2-1.1 of the Temporary Erosion and Sediment Control (TESC) Manual [M 3109](#) should include the "TESC Compliance Incentive" bid item.
- 8-01.3(1).OPT3.GR8
- 8-01.3(1)A.OPT2.GR8
  - Include the TESC Plan Narrative section in an appendix titled "TESC Plan Narrative".
  - Include the TESC Plan Sheets in the Contract Plans.
- 8-01.3(1)B.OPT2.GR8
- 8-01.3(15).OPT1.GR8
- 8-01.3(16).OPT1.GR8
- 8-01.4.OPT1.GR8 is an optional provision. If omitted the cost of the ESC Lead will be included in the lump sum estimate. If included the ESC Lead will be a separate bid item (not included in lump sum estimate).

- 8-01.5.OPT2.GR8
- If specific environmental commitments were made during the CSWGP application process they must either be incorporated into project environmental plans (e.g. TESC, SPCC etc.), or they must be included as a contract provision in 1-07.5 Environmental Commitments. Examples of additional environmental commitments may include:
  - Specific actions the project agreed to implement (to avoid an Administrative Order) to manage site contamination. If an Administrative Order was issued by Ecology it must be included in the contract. Guidance for [permitting on contaminated sites](#) is available on the Erosion Control intranet page.
  - Specific actions identified by the project in the *Proposed New Discharge to an Impaired Waterbody* form required by Ecology when impaired outfalls are identified on the Notice of Intent. When Ecology requires the form be filled out prior to the CSWGP being issued, the form becomes a permit related document. Therefore the commitments made on the form must be incorporated into the TESC plan and a copy of the submitted form must be included in the contract alongside the copy of the CSWGP and the permit coverage letter. Guidance on impaired outfalls and filling out this form can be found in the Permitting guidance section on the [Total Maximum Daily Load](#) intranet page.