


<b>PROCEDURE NUMBER:</b> <i>ENV 1-16</i>	<b>PROCEDURE NAME:</b> <i>Erosion Control Plans</i>
<b>ADOPTION DATE:</b> <i>July 7, 2023</i>	<b>LAST UPDATED:</b> <i>July 7, 2023</i>
<b>PROCEDURE APPROVED BY:</b> <i>Chairperson, Policy &amp; Records Workgroup</i>	<b>SIGNATURE:</b> 
<b>RESPONSIBLE OFFICE:</b> <i>Bureau of Environment</i>	<b>CONTACT PERSON:</b> <i>Administrator, Bureau of Environment</i>
<b>RELATED POLICY:</b> <a href="#"><u>ENV 1 Environmental Policy</u></a>	<b>RELATED FORMS:</b> <a href="#"><u>Erosion Control Plans Checklist</u></a> <a href="#"><u>Erosion Control Notes and Strategies Plan Sheet</u></a>

**PURPOSE**

The purpose of this procedure is to promote water quality protection through project-level documentation, and implementation of Erosion Control Plans (ECP) as substantially equivalent to the requirements of the NH Department of Environmental Services (NHDES) Alteration of Terrain Program rules, pursuant our Memorandum of Agreement Between the Department of Environmental Services and the Department of Transportation Regarding Alteration of Terrain Permits (AOT MOA), and Procedure [ENV 1-9: Alteration of Terrain Program Compliance](#). In addition, as needed, this procedure applies to the requirements of NH Wetlands regulations (RSA 482-A, and PART Env-Wt 100-900, specifically Env-Wt 527.05(a), and Env-Wt 307.03 related to ECPs), as well as Clean Water Act (CWA) Section 404 and Section 402 regulations for the protection of water quality during construction. Providing this information at the time of application for a NHDES Standard Dredge and Fill Wetlands Permit, a CWA Section 404 Permit, and a Section 402 Notice of Intent, is optimal and will eliminate the need for, and/or streamline, any necessary construction-phase approvals by establishing minimum expectations.

**SCOPE**

This procedure shall apply to all projects funded or approved by NHDOT where ECPs are required.

**GENERAL PROVISIONS**

- [Memorandum of Agreement Between the Department of Environmental Services and the Department of Transportation Regarding Alteration of Terrain Permits \(RSA 485-A\) \(AOT MOA\)](#)
- [Procedure ENV 1-9: Alteration of Terrain Program Compliance](#)
- [RSA 482-A](#)
- [PART Env-Wt 100-900](#)

[PART Env-Wq 1500](#)

[CWA Section 404](#)

[CWA Section 402](#)

## DEFINITIONS

Definitions related to this procedure may be viewed on the SOS [Approved Definitions](#) page.

**Water Quality Control Measures** – Pursuant to Env-Wt 104.47, “methods, practices, and devices that are designed and implemented to prevent or minimize erosion, siltation, or turbidity, or any combination thereof. The term includes but is not limited to phased construction, vegetated filter strips, geotextile silt fences, stormwater detention and infiltrations systems, sediment detention basins, and any other method, practice or device identified in Env-Wq 1506 through Env-Wq 1508.” Water quality control measures are also referred to as Stormwater Control Measures (SCMs), formerly known as Best Management Practices (BMPs).

**Erosion Control** – Pursuant to Env-Wt 102.66, “the use of practices such as those specified in Env-Wq 1506 or Env-Wq 1508 to contain soil particles and to prevent them from being displaced or washed down slopes by rainfall or run-off, including construction phasing, surface roughening, soil stockpile practices, temporary and permanent mulching, temporary vegetation, permanent vegetation, temporary erosion control blanket, diversion, and slope drain.”

## RESPONSIBILITY

1. Design Lead
  - a. As applicable, ensure that NHDOT projects are designed in accordance with the AOT MOA and this procedure.
  - b. Verify that a consultant project demonstrates compliance with the AOT MOA, as applicable.
2. Construction Lead/Contract Administrator – As applicable, ensure that NHDOT projects are constructed in accordance with contract plans, and implement temporary siltation, erosion, and turbidity control measures.
3. Environmental Manager – Assist with understanding the applicability of this procedure and the AOT MOA, as well as promoting compliance with other state and federal permits.
4. Environmental Coordinator
  - a. Assist with understanding the applicability of the AOT MOA, as well as ensuring compliance during construction with ECPs and this procedure.
  - b. Coordinate among construction staff, Environmental Manager, BOE Water Quality Program Manager, and BOE Wetlands Program Manager, as needed to ensure construction activities comply with ECPs and this procedure.

5. BOE Water Quality Program
  - a. Assist the Design Lead to ensure projects are designed in accordance with Procedure [ENV 1-9: Alteration of Terrain Program Compliance](#), the AOT MOA, and this procedure.
  - b. Assist with preparation of ECPs for individual projects.
  - c. Promote the discussion of erosion control measures for projects reviewed at Monthly Natural Resource Agency Coordination Meetings.
  - d. As necessary, provide water quality documentation to the Wetlands Program Manager for inclusion in Wetlands Permit Applications.
6. BOE Wetlands Program
  - a. Ensure Wetlands Permit Applications include ECPs, as necessary, to include the Erosion Control Notes and Strategies Sheet.
  - b. Verify that projects are designed in compliance with PART Env-Wt 100-900 and the AOT MOA.
  - c. Promote the discussion of erosion control measures for projects reviewed at Monthly Natural Resource Agency Coordination Meetings.
7. BOE Administrator
  - a. Approve environmental documentation identifying project impacts/compliance, including any wetlands and/or water quality requirements.
  - b. Ensure that this procedure is followed for NHDOT-sponsored projects.
  - c. Resolve disputes and questions relating to this procedure.

#### **PROCEDURES**

1. The Design Lead shall develop a draft ECP, using the Erosion Control Plan Checklist (*ECP Checklist*), and the Erosion Control Notes and Strategies Sheet, and provide it to the Environmental Manager for BOE review and acceptance.
2. The Environmental Manager shall forward the draft ECP, including the ECP Checklist and Erosion Control Notes and Strategies Sheet, to the Environmental Coordinator and the Water Quality Program Manager for review, modification, and acceptance. Necessary mark ups shall be made on the draft ECP.
3. The Environmental Manager shall return the marked up draft ECP to the Design Lead for finalization. Any questions and/or revisions shall be discussed among the team, and the ECP is finalized.
4. As applicable, the Design Lead shall include the ECP in the NH Wetlands Standard Dredge and Fill permit application.
5. If applicable, the Water Quality Program Manager shall coordinate among the Design Lead, Wetlands Program, Environmental Coordinator, and the Environmental Manager to ensure that the ECP meets the requirements of Procedure [ENV 1-9: Alteration of Terrain Program Compliance](#), the AOT MOA, and this procedure, and include it in the contract documents (for contracted projects).

6. If the ECP is submitted during Construction for NHDOT approval, the Environmental Coordinator shall verify that the “final” ECP is sufficient for compliance with the AOT MOA, and this procedure.
7. As applicable, the Design Lead shall prepare documentation demonstrating project compliance with this procedure, and/or include appropriate items in the contract documents to ensure the ECP is prepared by the Contractor.
8. The Environmental Coordinator, in coordination with the Contract Administrator, shall ensure that the ECP is followed by the Contractor (for contracted projects).

**TRAINING**

All NHDOT staff shall be made aware of this procedure. The procedure will also be made available to external organizations completing environmental reviews on behalf of NHDOT.

**DISCIPLINE**

Disciplinary action related to this procedure can be found in the referenced policy.

**AMENDMENT RECORD**

This procedure shall be reviewed every two years to ensure its continuing relevance and accuracy. The record of amendments is recorded below.

Date	Comments	Name	Authority
7/7/2023	Original Procedure Adopted	Andre Briere	Deputy Commissioner