

HEP-40-11ed

Memorandum



US Department
of Transportation

Federal Highway
Administration

Subject **INFORMATION:** Erosion and Sediment Control
Final Rule

Date **SEP 2 1994**

From Director, Office of Engineering

Reply to **HNG-23**
Attn of

To Regional Federal Highway Administrators
Division Administrators
Federal Lands Highway Program Administrator

On July 26, 1994, in Federal Register Volume 59, No. 142, 37935-37939, the Federal Highway Administration (FHWA) published a final rule revising 23 CFR 650, Subpart B, Erosion and Sediment Control on Highway Construction Projects. This revision formally adopts Volume III of the American Association of State Highway and Transportation Officials (AASHTO) Highway Drainage Guidelines 1992, as guidelines to be followed on all projects funded under Title 23, United States Code. The adoption of these guidelines fulfills the requirement of Section 1057 of the Intermodal Transportation Efficiency Act of 1991.

As part of this revision, a statement was included recommending that each State highway agency (SHA) apply either these guidelines, or their own more stringent guidelines, to develop specific standards and practices for the control of erosion. These specific standards and practices may reference available resources, such as the procedures presented in the AASHTO Model Drainage Manual, 1991.

One copy of the AASHTO Highway Drainage Guidelines is being provided to each region, division and Federal Lands office. However, due to cost considerations, the AASHTO Model Drainage Manual is being transmitted to the region offices only. The final rule as it was published in the Federal Register is attached for your information.

The FHWA is committed to ensuring that all highway construction projects are located, designed, constructed and maintained according to standards that will minimize erosion and control associated sedimentation. Volume III of the AASHTO Highway Drainage Guidelines provides excellent guidance concerning these factors. The following is a summary of some of the important issues.

- This regulation and the accompanying guidelines apply to all projects funded under 23 U.S.C. This includes projects on or off the National Highway System.



- ▶ Erosion and sediment control plans shall be included in the PS&E for all applicable projects, not just larger or more complex projects. It is no longer satisfactory to specify that the contractor is responsible for all damages resulting from the construction operation or to leave the development of erosion and sediment control plans to the contractor or to project personnel after the project has been awarded.
- ▶ Erosion and sediment control plans shall be developed by qualified personnel. This would normally be a hydraulic engineer.
- ▶ As a minimum, erosion and sediment control plans should identify erosion and sediment sensitive areas and provide a mechanism for minimizing any adverse effects. It is not acceptable to provide a bid item for various erosion and sediment control items without including a corresponding plan indicating how and where these items shall be placed.
- ▶ During construction, erosion and sediment control plans should be periodically evaluated to assess the effectiveness of the implemented management practices. Erosion and sediment control plans should be revised and updated as needed to ensure that the intended purpose is achieved.
- ▶ For those States participating in the coastal zone management program, the SHA should be utilizing the Environmental Protection Agency document "Guidance Specifying Management Measures for Sources of Nonpoint Source Pollution in Coastal Waters" to control erosion and sedimentation on highway construction projects located in coastal zone management areas. While it would be advantageous to be aware of your State's involvement in the coastal zone management program, no effort beyond FHWA's normal activities will be required to implement or monitor the requirements of this program.

The FHWA Eastern Federal Lands Highway Division is developing a manual entitled, "Best Management Practices For Erosion and Sediment Control." This document will provide design and implementation guidance on specific erosion and sediment control management practices and procedures. It is expected that this document will be available by the end of the year. In addition, if sufficient SHA interest is indicated, an erosion and sediment control training course may be developed. If you have any questions or require further information contact Mr. Robin L. Schroeder, Construction and Maintenance Division, Materials Branch (HNG-23) at 202-366-1577.



William A. Weseman

Attachment