

## **Section 8.2**

### **ENVIRONMENTAL COMPLIANCE**

#### **8.2.1 Purpose**

To ensure effective compliance within all areas of environmental concern during construction projects.

#### **8.2.2 Authority**

Sections 20.23(3)(a) and 334.048(3), Florida Statutes (F.S.)

#### **8.2.3 Reference**

Form No. 650-040-001, Permit Transmittal Memorandum  
Form No. 650-040-03, Stormwater Pollution Prevention Plan Construction Inspection Report  
Form No. 650-040-07, Contractor Certification/NPDES Generic Permit for Storm Water Discharges from Construction Sites  
Form No. 650-000-01 Project Commitment Record

Section 403.077, F.S.

#### **8.2.4 Review**

The Project Administrator shall review and be familiar with all contract documents for the project and the project site, including all the natural features protected by federal and state regulations.

#### **8.2.5 Preconstruction Conference**

##### **Project Administrator Responsibilities**

The Project Administrator shall send notification, including the date and time of when the Preconstruction Conference with the Contractor is scheduled to take place, to all Department offices and any regulatory or resource agencies having jurisdiction or input

in the construction covered by the project permits.

- (1) The Project Administrator may schedule an internal meeting with Department personnel, including the District Environmental Administrator, Permit Compliance Coordinator, and District Permits Coordinator to discuss questions or concerns regarding permit requirements and/or the **Project Commitments Record (Form #650-000-01)** prior to the Preconstruction Conference.
- (2) The Preconstruction Conference shall include a comprehensive review of all permits and commitments to familiarize the Contractor with all permit and commitment requirements.
- (3) The Preconstruction Conference minutes shall reflect the details of the tasks, responsibilities, and discussions relating to environmental issues and copies should be furnished to all parties per **Construction Project Administration Manual (CPAM) Chapter 3.1.7**.

## 8.2.6 Monitoring Regulated Activities

### Project Administrator Responsibilities

The Project Administrator shall monitor all regulated activities to ensure that they are conducted in accordance with the permit(s) and all permit conditions are met.

- (1) When required, the Project Administrator will provide notifications to the regulatory agencies as directed by the permit. A copy of the notification letter (e.g. commencement of permitted activity) will be sent to the District Permits Coordinator and the Permit Compliance Coordinator.
- (2) The Project Administrator will monitor all permit expiration dates for projects under construction and will advise the District Permits Coordinator at least six months prior to an applicable permit's expiration date, if the permit will expire before the permitted activity is expected to be complete, so a permit extension can be sought.
- (3) Prior to final acceptance, the Project Administrator will ensure that the Contractor has provided signed and sealed as-built drawings and certified surveys for surface water management systems, bridge clearances, and

authorized work as directed by the permit conditions and the contract documents.

- (4) The Project Administrator will notify the applicable regulatory agencies, with reference to the applicable permit(s), of the completion of permitted activities immediately after the permitted activity is completed or as directed by the permit. The Resident Engineer/Consultant Resident Engineer will sign and seal all completion/certification statements when required by the permit. The office sending the notification will send a copy of the notification letter(s) to the District Permits Coordinator.

## 8.2.7 Special Requirements of National Pollutant Discharge Elimination System (NPDES)

### (A) Project Administrator Responsibilities

The State of Florida Department of Environmental Protection Generic Permit for Storm Water Discharge from Large and Small Construction Activities contains specific management and reporting activities. The Project Administrator must ensure that the Contractor and each subcontractor that is directly involved in or responsible for installing, maintaining, and inspecting erosion control items, including environmental sampling and testing activities, must sign the certification statement, **Contractor Certification - NPDES Generic Permit for Storm Water Discharges Form Construction Sites, (Form No. 650-040-07)**. Under no circumstances shall any earth be disturbed until the contractor certification forms are signed. If the Contractor or any subcontractor refuses to comply with the requirements of the erosion control plan specification or to sign the required certification, the Project Administrator must notify the District Construction Engineer or designee and document all deficiencies associated with environmental compliance as described in the Contractor's Past Performance Rating System described in **Chapter 13.1** of **CPAM**.

The Project Administrator will verify that the Contractor posts a copy of the Notice of Intent (NOI), and copies of other applicable permits, in a prominent location on the construction site for public viewing in accordance with permit requirements and conditions.

The Project Administrator is responsible for verifying that all identified deficiencies are documented in the **Daily Work Reports** and corrected by the Contractor in a timely manner, in accordance with the permit requirements, and the applicable specifications.

The Project Administrator will send a copy of the **Notice of Acceptance of Construction**, if applicable, and the **Notice of Completion of Construction** to the District Permits Coordinator.

### **(B) Construction Engineer Responsibilities**

The District Construction Engineer (or designee) will furnish a copy of the signed and completed **Storm Water Pollution Prevention Plan (SWPPP)** and certification statements to the District Permits Coordinator.

The District Construction Engineer (or designee) should notify the District Permits Coordinator of any changes in the project that may have an effect on the potential for discharges of pollutants to waters of the State. The following situations may require amendments to the SWPPP and notification to the District Permits Coordinator for possible permit modifications:

- 1) Changes in design, construction, operation, or maintenance activities; or
- 2) Addition of new discharge points (outfalls), changes in the location of the existing discharge points (outfalls), or when controls identified in the plan prove to be ineffective in preventing or controlling discharges of pollutants to the waters of the state;
- 3) Identification of a new Contractor or subcontractor(s) who will implement a part of the **SWPPP**.

Note: For projects not requiring a **Storm Water Pollution Prevention Plan (SWPPP)**, the District Construction Engineer (or designee) will furnish a copy of the contractor's Erosion and Sediment Control Plan to the District Permits Coordinator.

## **8.2.8 Special Requirements for the Code of Federal Regulation Title 40 Part 112 (Oil Pollution Prevention)**

### **(A) Project Administrators Responsibility**

Title 40 Code of Federal Regulations Part 112 (40 CFR 112) administered by the Environmental Protection Agency (EPA) entitled Oil Pollution Prevention, contains

specific management and reporting activities for the above-ground, bulk storage of oil. The Project Administrator must ensure that all Contractors are aware of this regulation. The Contractor and each subcontractor shall account for all regulated bulk oil containers within the project limits for the duration of the project. All above-ground oil storage containers with a capacity of 55 gallons or greater shall be accounted for and if at any time the aggregate capacity of the above-ground oil storage tanks exceeds the 1,320 gallon threshold, the Contractor must have completed and implemented a Spill Prevention Control and Countermeasure Plan (SPCC) in accordance with 40 CFR 112 (This does not include “motive power” or “onboard” fuel containers used primarily to power the movement of equipment). The SPCC Plans shall be completed, maintained, and made available for review in accordance with 40 CFR 112. If at any time the above-ground oil storage containers capacity, within the project limits, exceed the 1,320 gallon threshold the PA shall request a copy of the SPCC Plan to ensure the plan requirements set forth in 40 CFR 112 are met.

If the Contractor or any subcontractor refuses to comply with the 40 CFR 112 or the required SPCC plan, the Project Administrator must notify the District Construction Engineer or designee and document all deficiencies associated with environmental compliance as described in the Contractor’s Past Performance Rating System defined in **Chapter 13.1** of **CPAM**.

## 8.2.9 Reporting Requirements under Section 403.077, Florida Statutes

### (A) Project Administrators Responsibility

Section 403.077, F.S., entitled Public Notification of Pollution, contains specific management and reporting activities for the public notification of a reportable pollution release. During the project pre-construction conference, the Project Administrator shall notify all Contractors of this regulation and the related reporting requirements to Florida Department of Environmental Protections and/or the Division of Emergency Management State Watch Office. Any contractor or sub-contractor responsible for a reportable pollution release is required to notify the public in accordance with the above referenced statute. The contractor should provide copies of any public notification documents to the Project Administrator.

If the Contractor or any subcontractor refuses to comply with section 403.077, F.S., the Project Administrator must notify the District Construction Engineer or designee and document all deficiencies associated with environmental compliance as described in the Contractor’s Past Performance Rating System described in **Chapter 13.1** of **CPAM**.

If the Contractor fails to report a qualifying spill, the District Construction Engineer or designee upon notification from the Project Administrator shall ensure that the spill is reported by the District consistent with section 403.077, F.S.

## **8.2.10 REPORTING AND ENFORCEMENT**

- (1) Environmental issues that arise or are discovered during construction, whether or not covered by the contract documents, shall require immediate attention and action.
  - a) If environmental noncompliance conditions are discovered (such as runoff causing siltation of environmentally sensitive or protected areas, or violations of permit conditions) and the Contractor does not immediately take action to correct the problem, a stop work order should be issued to the Contractor for those activities causing the problem. The Project Administrator should notify the Resident Engineer, District Environmental Administrator, District Permits Coordinator and the appropriate Regulatory Agency immediately upon discovery of the violation. After consulting with the Resident Engineer and the District Environmental Administrator (if available), a stop work order should be issued no later than 48 hours after discovery of the violation if the Contractor fails to implement corrective actions or if otherwise deemed appropriate.
  - b) The Project Administrator should seek an effective solution by requesting assistance from the District Permits Coordinator, the District Environmental Administrator, or other district unit. The District can seek assistance from the State Construction Office, Office of General Counsel, and/or the Office of Environmental Management.
- (2) If the Contractor fails to comply with any federal and state environmental regulations, including permits conditions, and does not promptly (within 24 hours) identify and initiate the corrective actions for all deficiencies on the project site, the Project Administrator will document all environmental noncompliance in the Contractor Past Performance Rating system described in **Chapter 13.1** of the **CPAM**.