

## **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  
Project Commitment Record  
Section 403.077, F.S.

#### **8.2.4 Review**

The PA 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 PA shall notify all Department offices and any regulatory agencies having jurisdiction or input in the construction activities covered by the project permits of the date and time of the Preconstruction Conference with the Contractor.

- (1) The PA must become familiar with the requirements of FDOT Procedure No. 650-000-003, Project Commitment Tracking, prior to the Preconstruction Conference. The PA may schedule an internal meeting with Department personnel, including the District Environmental Administrator, Permit Compliance Coordinator, District Permits Coordinator, and to the DCE or designee to discuss questions or concerns regarding permit requirements and/or the **Project Commitments Record** prior to the Preconstruction Conference.
- (2) The PA 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 PA 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 PA will provide notification, or verify Contractor notification, 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, the Permit Compliance Coordinator, and the DCE or designee.
- (2) When contamination notes or markings are included in the Plans, the PA shall ensure the Contractor and their subcontractors coordinate construction efforts in the designated areas with the District Contamination Impact Coordinator (DCIC) and District Contamination Assessment and Remediation (CAR) Contractor, as directed.

- (3) The PA shall monitor all permit expiration dates for projects under construction and will advise the District Permits Coordinator and the DCE or designee at least six (6) 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.
- (4) Prior to Final Acceptance, the PA 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.
- (5) The PA 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 Operations Engineer or the Consultant CEI 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 and the DCE or designee.
- (5) The PA 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 and the DCE or designee.

## 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 PA must ensure that the Contractor and all subcontractors that are conducting construction activities at the site, including but not limited to, installing, maintaining, and inspecting erosion control items, environmental sampling and testing activities, earthwork, dewatering, paving, etc. must sign the certification statement, **Contractor Certification - NPDES Generic Permit for Storm Water Discharges From 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 and sediment control plan, the specifications, or to sign the required certification, the PA must notify the DCE 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 PA shall request verification of and familiarized themselves with all documents associated with the Contractor's NPDES permit. Including the NPDES Generic Permit (CGP), the Contractor's Notice of Intent (NOI), the project specific Stormwater Pollution Prevention Plan (SWPPP), any updates to the SWPPP, and the Notice of Termination (NOT). Additionally, the Project Administrator shall verify that the Responsible Authority, any Duly Authorized Representative(s), and all Qualified Inspector(s) are submitted and obtained in accordance with the permit.

The PA will verify that the Contractor posts a copy of the NOI, and copies of other applicable permits, in a prominent location on the construction site that is accessible for public viewing in accordance with permit requirements and conditions.

The PA shall forward copies of the Contractor's NOI, the Florida Department of Environmental Protection's acknowledgement letter, and the Notice of Termination (NOT) to the DCE or designee, the District Permits Coordinator, and the District NPDES Coordinator in accordance with Section 2.6 of the NPDES Generic Permit.

When contamination notes or markings related to NPDES dewatering activities are presented in the Plans, the PA shall ensure the Contractor and their subcontractors coordinate construction and permitting efforts in the designated areas with the DCIC and CAR Contractor, as directed.

The PA 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.

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

The DCE 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 DCE or designee shall notify the District Permits Coordinator of any changes in the project that may affect 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 DCE (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 PA 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 (SPCC) Plan 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 Plan 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 PA must notify the DCE 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 Preconstruction conference, the PA 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 must provide copies of any public notification documents to the PA.

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

If the Contractor fails to report a qualifying spill, the PA shall ensure that the spill is reported to the DCE or designee and the District Contamination Coordinator for reporting in accordance with section 403.077, F.S.

## 8.2.10 REPORTING AND ENFORCEMENT

- (1) Environmental issues that arise or are discovered during construction, whether covered by the contract documents or not, 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 PA should notify the DCE or designee, Operations Engineer, District Environmental Administrator, District Permits Coordinator, and the appropriate Regulatory Agency immediately upon discovery of the violation. After consulting with the DCE or designee, the Operations 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.

- b) The Project Administrator should seek an effective solution by requesting assistance from the DCE or designee, the District Permits Coordinator, the District Environmental Administrator, or other district unit. The District can seek additional 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 PA will document all environmental noncompliance in the Contractor Past Performance Rating system described in **Chapter 13.1** of the **CPAM**.