



Construction Environmental Compliance

2023 Construction Academy
FDOT District 2 - Emy Delgado

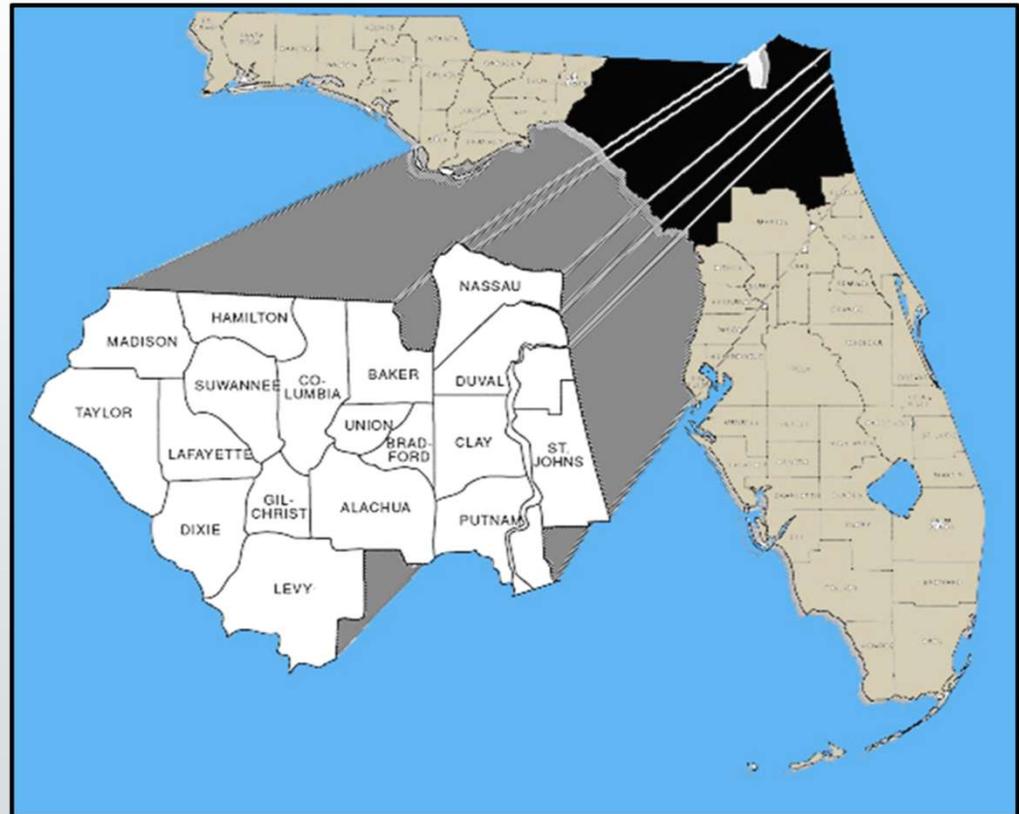
FDOT District Two

District Construction Office Location

- ▶ Lake City (US 441)

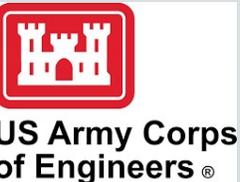
Resident Construction Office Locations

- ▶ Gainesville
- ▶ Jacksonville (Urban)
- ▶ Lake City (Lake Jeffery)
- ▶ Palatka



What are Environmental Commitments?

- ▶ Project Development & Environment (PD&E)
- ▶ Electronic Review Comments (ERC) Review
- ▶ Permitting and/or Environmental Agencies
- ▶ Culture or Historical Resources
 - ▶ Archaeological monitoring during construction
- ▶ Wetland Impacts
 - ▶ Mitigation, Monitoring and/or Restoration



What are Environmental Commitments?

- ▶ Endangered Species
- ▶ Check Project Suite (PSEE), Special Provisions, Environmental Permits

Results in construction requirements and/or restrictions which could occur before, during and/or after construction.





Environmental Permitting Agencies

Permits obtained by FDOT (Contract Documents)

- ▶ Florida Department of Environmental Protection (FDEP)
- ▶ Water Management District
 - ▶ Southwest Florida (SWFWMD), St Johns River (SJRWMD), Suwannee River (SRWMD)
- ▶ United States Army Corp of Engineers (USACE)
- ▶ United States Coast Guard (USCG)



Environmental Permitting Agencies cont.

Permits obtained by the Contractor

- ▶ Florida Department of Environmental Protection (FDEP) – NPDES (projects disturbing 1 or more acres) and/or Dewatering (Discharging Groundwater to Surface Water)
- ▶ Water Management District – Dewatering

A copy of all permits must be posted on the project bulletin board.

Add all permit expirations on your calendar to ensure permits do not expire before project completion.



CPAC Letters

- ▶ Letter 3-1J – Erosion Control Plan Package may include
 - ▶ ECP Summary
 - ▶ FDOT Form 650-040-03 SWPPP Inspection Report
 - ▶ Do not store Contractor's reports in FDOT's electronic system
 - ▶ FDOT Form 650-040-07 NPDES Certification
 - ▶ FDEP NPDES NOI Application & Acknowledgement Letter
 - ▶ FDEP Stormwater Training Certification
 - ▶ Construction Commencement Notifications from Contract Permits
- ▶ Letter 12-1C3 – Closeout for Permit Completion Certifications
 - ▶ Copies of permit closeout forms and email submittals saved into FDOT's electronic database for each permitting agency.
 - ▶ Refer to the permitted drawing for permitting deviations (not construction deviations)



Question?

When can you close out any of the permits obtained by FDOT?



Answer

When can any of the permits obtained by FDOT be closed out?

- ▶ Once the authorized work listed in the permit is complete or at the end of the construction project.



Question?

When can the Contractor stop completing the SWPPP Inspection Reports?



Answer

When can the Contractor stop completing the SWPPP Inspection Reports?

- ▶ Once the Contractor has filed the Notice of Termination with FDEP.



Contractor's Submittals

- ▶ Section 3 Erosion Control Plan Summary Template
- ▶ Section 3a – NPDES SWPPP Inspection Report (projects disturbing ≥ 1 acre)
- ▶ Section 3a – Duly Authorized Representative (≥ 1 acre)
- ▶ Section 3c – FDEP NPDES Notice of Change
- ▶ Section 10 – Request for DHR to Review Proposed Borrow Pit Site
- ▶ Section 10a – Request for Endangered Species Inspection of the Proposed Borrow Pit Site
- ▶ Section 18 - Disposal of Waste Oil

- ▶ Link: [Contractor Submittal Package Menu \(fdot.gov\)](#)



Common Additional Plans

- ▶ Exposed Erodible Earth Plan
 - ▶ Spec 104-6.1 750,000 square acres (about 13 football fields)
 - ▶ Must include temporary drainage and treatment
- ▶ Water Diversion Plan
 - ▶ Must include methods to keep sediment from downstream
- ▶ Demolition Plan
 - ▶ Must include methods to keep sediment and all types of debris from entering the waterway
- ▶ Hurricane Plan
 - ▶ June 1st to December 1st

Bulk Oil Containers EPA 40 CFR 112

The Contractor must complete and implement a Spill Prevention Control and Countermeasure Plan (SPCC Plan) when the total aggregate aboveground storage capacity of the facility (construction site) is 1,320 gallons of oil or more.

The total aggregate is the cumulative capacity of all containers 55 gallons and greater within the entire project limits, including all off-site areas used for the project.

- ▶ Purpose – to develop plans designed to prevent oil discharges from reaching navigable waters of the U.S. and adjoining shorelines
- ▶ Quantities do not include mobile transfer fueling trucks and oil trucks which are occupied by a daily use are not included in this total amount.
- ▶ Oil
 - ▶ Petroleum and non-petroleum based, Crude oil
 - ▶ Refined products (gasoline, on road and off-road diesel, new motor oil)
 - ▶ Waste oil, Hydraulic oil, Animal fats and vegetable oils
- ▶ Contractor must provide a copy of the SPCC plan to the Project Manager and post on project bulletin board.





Bulk Oil Containers EPA 40 CFR 112 cont.

- ▶ Electronic Code of Federal Regulations <http://www.ecfr.gov/cgi-bin/text-idx?SID=e7d92f87b15501e639071c4f1a9fc975&mc=true&node=pt40.24.112&rgn=div5>
- ▶ EPA Guidance (See Chapter 4) https://www.epa.gov/sites/production/files/2014-04/documents/spcc_guidance_fulltext_2014.pdf
- ▶ FDEP Tank Compliance <https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-compliance>
- ▶ Step by Step SPCC Plan https://www.epa.gov/sites/production/files/2013-08/documents/qf_app_guidance_0.pdf

Pollution Notification Chapter 403 Section 076 F.S.

Contractor and each of their subcontractors shall be responsible for a reportable pollution release to all parties: the Florida Department of Environmental Protection at <http://dep.state.fl.us/pollutionnotice/>, the Division of Emergency Management State Watch Office (800-320-0519 or 850-413-9911) and the CEI within 24 hours from the time the discharge begins. Reportable pollution release is defined as the release or discharge of a substance from an installation to the air, land, or waters of the state. This law includes any unauthorized spill from sanitary sewer, petroleum, oil and many others. The reportable limits are spills 5 gallons or greater on any type of surface and any quantity into surface waters. This law also proceeds the reporting requirements from the FDEP Construction Generic Permit (CGP) for projects disturbing more than an acre for coverage under the National Pollutant Discharge Elimination System (NPDES).

- ▶ Section 403.076 through 078 F.S. - Public Notice of Pollution Act <http://laws.flrules.org/2017/95>
- ▶ FDEP Pollution Notice <https://floridadep.gov/pollutionnotice>



Contamination

Common Types

- ▶ Soil and Groundwater
 - ▶ Solvents
 - ▶ Petroleum
 - ▶ PFAS/PFOS
- ▶ Paint wash water & blast media
- ▶ Asbestos
- ▶ Ash
- ▶ EzBase
- ▶ Treated Timbers

Common Types of Disposal Documentation

- ▶ Manifest
- ▶ Weight Tickets
- ▶ Transfer of Ownership Agreements



Question?

Can any contractor

Place a Transite pipe out of service in FDOT row?

Drive a foundation through the Transite pipe in FDOT ROW?

Crush the Transite pipe in FDOT ROW?



Answer

Can a contractor

Place a Transite pipe out of service in FDOT row? **NO**

Drive a foundation through the Transite pipe in FDOT ROW? **NO**

Crush the Transite pipe in FDOT ROW? **NO**

Surface Water Quality Standards Rule 62-302.530 F.A.C.

- ▶ Collect Turbidity Samples
 - ▶ Observations
 - ▶ Dewatering Activities
 - ▶ Establish Natural Background prior to discharging
 - ▶ Waterway Impacts

- ▶ Turbidity Monitoring
 - ▶ Natural Background is usually <15 NTU
 - ▶ Background Sampling (≤ 29 NTU)
 - ▶ Project Limits
 - ▶ Point of Discharge
 - ▶ Locations
 - ▶ Sampling Frequency



- ▶ Waters of the State
 - ▶ Compliance for all water classifications ≤ 29 NTU

- ▶ Outstanding Florida Waters (OFW)
 - ▶ Zero NTU's

TURBIDITY MONITORING LOG						
Financial Number: _____		Contract Number: _____				
FAP Number: _____		County: _____				
Project Description: _____						
Date: _____ Inspector: _____						
Time: _____ Condition: _____						
Locations	Compliance Circle one	Up Stream NTU's	Mid Stream NTU's (work area)	Down Stream NTU's	Difference in NTU'S	Comments
	YES / NO					
	YES / NO					
	YES / NO					

Chemical BMP's

Common types

- Alum (lowers pH)
- Polymers/ Polyacrylamides
- Floc Logs
- Chitosan

Construction team must ensure Contractor is taking pH readings when applying types of chemical treatment.





CPPR Process & Documentation

Pre-Construction Meeting Agendas/Minutes

- ▶ Set the initial stage for overall understanding of consequences

Progress Meeting Agendas/Minutes

- ▶ Document verbal communications in the meeting's minutes to use as supporting documentation in the CPPR Process

Daily Work Reports (DWR's)

- ▶ Document environmental field deficiencies and verbal communications made in the field

CPPR Process

- ▶ Use of photo log and DWR documentation to help support possible appeal

FDOT District 2 Construction Environmental Guide List

<https://fldot.sharepoint.com/sites/D2/TransportationOperations/Construction/SitePages/Home.aspx>

The screenshot shows the 'CONSTRUCTION' page of the FDOT District 2 SharePoint site. The page features a navigation bar at the top with links for Home, District Secretary, Divisions, Engineering, Training, Statewide, and D2 Quick Links. Below the navigation bar, there is a 'CONSTRUCTION' header and a 'Construction Links' sidebar with items like Construction Home, Contract Modification, FDOT CSS Resources, Fast Response, Project Specific DRB, Phone List, Staff, D2 Construction Staff Work Schedule, and State Construction Office. A central image shows a group of people, and to its right is a 'Management Contacts' section listing Scott Lent, Michael Sandow, and Kevin Rogers. Below these are 'Construction Pages' with a grid of thumbnails for District Construction News, Environmental, Construction Training, and Consultant CI. A red circle highlights the 'Environmental' thumbnail. At the bottom right, there is a 'Resource Quick Links' section with links for CRAC Letters, CRM, CRM Log In, Equipment/Mach, CRM, CTOP, and Contractor Resources.

The screenshot shows the 'ENVIRONMENTAL' page of the FDOT District 2 SharePoint site. The page features a navigation bar at the top with links for Home, District Secretary, Divisions, Engineering, Training, Statewide, and D2 Quick Links. Below the navigation bar, there is an 'ENVIRONMENTAL' header and a 'Construction Links' sidebar with items like Construction Home, Contract Modification, FDOT CSS Resources, Fast Response, Project Specific DRB, Phone List, Staff, D2 Construction Staff Work Schedule, and State Construction Office. A central section titled 'Construction Environmental Resources' lists various resources, with 'Environmental Checklist ECP Format (Section 3)' circled in red. Other resources include Turbidity Monitoring Log, CPAC Letter 12-1C2, FDEP Construction General Permit, FDEP CGP and DW Training, Generic Permit Rules, SWPPP Inspection Form, SWPPP Inspection Form Instructions, 650-040-07 Form, Notice of Intent, Notice of Termination, FDEP Delegation Letter, SWPPP CCEI Verification Process, SWPPP Inspection Requirements for Consultant & In-House CE's, SWPPP Inspection Report and Verification Process Presentation, FDEP Dewatering Permit, and Permit Rules. On the right side, there is an 'Environmental Contact' section featuring a photo of Emy Delgado, Environmental Coordinator, and her phone number (386-961-7560). Below this is an 'Environmental Links' section with links for Environmental Permits: D2 Permits-Contracts Documents, Training Contacts, Environmental Presentation, and Presentation Handout.



FDOT D2 Contact Information

Emy Delgado

386-961-7560

Emy.Delgado@dot.state.fl.us



QUESTIONS?

