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DIVISION 01 - GENERAL REQUIREMENTS

SECTION 01354

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## SECTION 01354

## ENVIRONMENTAL PROTECTION FOR CIVIL WORKS

## PART 1 GENERAL

## 1.1 REFERENCES

The publications listed below form a part of this specification to the extent referenced. The publications are referred to in the text by basic designation only.

## CODE OF FEDERAL REGULATIONS (CFR)

40 CFR 261 Identification and Listing of Hazardous Waste

## ENGINEERING MANUALS (EM)

EM 385-1-1 (1996) U.S. Army Corps on Engineers Safety and Health Requirements Manual

## 1.2 DEFINITIONS

Environmental pollution and damage is defined as the presence of chemical, physical, or biological elements or agents that adversely affect human health or welfare; unfavorably alter ecological balances of plant or animal communities; or degrade the environment from an aesthetic, cultural or historic perspective. Environmental protection is the prevention/control of pollution and habitat disruption that may occur during construction. The control of environmental pollution and damage requires consideration of air, water, land, biological and cultural resources; and includes management of visual aesthetics; noise; solid, chemical, gaseous, and liquid waste; radiant energy and radioactive materials; and other pollutants.

## 1.3 SUBMITTALS

Government approval is required for all submittals with a "G" designation; The following shall be submitted in accordance with Section 01330 SUBMITTAL PROCEDURES:

SD-01 Preconstruction Submittals

Environmental Protection Plan; G

SD-06 Test Reports

Water Quality Monitoring

## 1.4 ENVIRONMENTAL PROTECTION REQUIREMENTS

The Contractor shall comply with all applicable Federal, State, and local laws and regulations. The Contractor shall provide environmental

protective measures and procedures to prevent and control pollution, limit habitat disruption, and correct environmental damage that occurs during construction.

#### 1.4.1 Protection of Features

This section supplements the Contract Clause PROTECTION OF EXISTING VEGETATION, STRUCTURES, EQUIPMENT, UTILITIES, AND IMPROVEMENTS. The Contractor shall prepare a list of features requiring protection under the provisions of the contract clause whether or not they are specifically identified on the drawings as environmental features requiring protection. The Contractor shall protect those environmental features, including those specifically identified on the drawings, in spite of interference which their preservation may cause to the Contractor's work under the contract.

#### 1.4.2 Permits

This section supplements the Contractor's responsibility under the contract clause PERMITS AND RESPONSIBILITIES to the extent that the Government has already obtained environmental permits. The Government has obtained or will obtain permits for dredging and disposal from US Fish & Wildlife, California Department of Fish & Game (CDFG) and California Regional Water Quality Control Board (CRWQCB). The Contractor shall comply with the terms, and conditions of these permits. The Contractor shall also comply with other environmental commitments made by the Government in the project's Supplemental Environmental Assessment (SEA). It is the Contractor's responsibility to obtain all other necessary permits or licenses, including a permit from Southern California Air Quality Management District (SCAQMD) if applicable, and abide by the conditions set forth within each document. If there is a conflict among the conditions, the Contractor shall request clarification from the Contracting Officer.

#### 1.4.3 Special Environmental Requirements

The Contractor shall comply with the special environmental requirements, if any, included hereinafter. These special environmental requirements are an outgrowth of environmental commitments made by the Government during the project development.

#### 1.4.4 Environmental Assessment of Contract Deviations

The Contract specifications have been prepared to comply with the special conditions and mitigation measures of an environmental nature which were established during the planning and development of this project. The Contractor is advised that deviations from the drawings or specifications (e.g., disposal areas, staging areas, alternate access routes, unauthorized scheduling delays, etc.) could result in the requirement for the Government to reanalyze the project from an environmental standpoint. Deviations from the construction methods and procedures indicated by the plans and specifications which may have an environmental impact will require an extended review, processing, and approval time by the Government. The Contracting Officer reserves the right to disapprove alternate methods, even if they are more cost effective, if the Contracting Officer determines that the proposed alternate method will have an adverse environmental impact.

## 1.5 ENVIRONMENTAL PROTECTION PLAN

Within seven (7) calendar days of Notice of Award, the Contractor shall submit an Environmental Protection Plan for review and acceptance by the Contracting Officer. The Government will consider an interim plan for the first 21 days of operations. However, the Contractor shall furnish an acceptable final plan not later than 21 calendar days after receipt of the Notice to Proceed. Acceptance is conditional and is predicated upon satisfactory performance during construction. The Government reserves the right to require the Contractor to make changes in the Environmental Protection Plan or operations if the Contracting Officer determines that environmental protection requirements are not being met. The plan shall detail the actions which the Contractor shall take to comply with all applicable Federal, State, and local laws and regulations concerning environmental protection and pollution control and abatement, as well as the additional specific requirements of this contract. No physical work at the site shall begin prior to acceptance of the Contractor's plan or an interim plan covering the work to be performed. The Environmental Protection Plan shall include, but not be limited to, the following:

### 1.5.1 Laws, Regulations, and Permits

The Contractor shall provide as part of the Environmental Protection Plan a list of all Federal, State, and local laws, regulations, and permits concerning environmental protection, pollution control, and abatement that are applicable to the Contractor's proposed operation and the requirements imposed by those laws, regulations, and permits. Permits obtained by the Contractor shall be attached to, and specific conditions included in the Environmental Protection Plan.

### 1.5.2 Spill Control Plan

The Contractor shall include as part of the Environmental Protection Plan, a Spill Control Plan. The plan shall include the procedures, instructions, and reports to be used in the event of an unforeseen spill of a substance regulated by the Emergency Response and Community Right-to-Know Act or regulated under State or local laws or regulations. The Spill Control Plan supplements the requirements of EM 385-1-1. This plan shall include as a minimum:

- a. The name of the individual who will be responsible for implementing and supervising the containment and cleanup.
- b. Training requirements for Contractor's personnel and methods of accomplishing the training.
- c. A list of materials and equipment to be immediately available at the job site, tailored to cleanup work of the potential hazard(s) identified.
- d. The names and locations of suppliers of containment materials and locations of additional fuel oil recovery, cleanup, restoration, and material-placement equipment available in case of an unforeseen spill emergency.
- e. The methods and procedures to be used for expeditious contaminant cleanup.
- f. The name of the individual who will report any spills or hazardous

substance releases and who will follow up with complete documentation. This individual shall immediately notify the Contracting Officer in addition to the legally required Federal, State, and local reporting channels (including the National Response Center 1-800-424-8802) if a reportable quantity spill occurs. The plan shall contain a list of the required reporting channels and telephone numbers.

#### 1.5.3 Recycling and Waste Minimization Plan

The Contractor shall submit a Recycling and Waste Minimization Plan as a part of the Environmental Protection Plan. The plan shall detail the Contractor's actions to comply with the following recycling and waste minimization requirements:

a. The Contractor shall participate in State and local government sponsored recycling programs to reduce the volume of solid waste materials at the source.

b. The Contractor shall collect glass bottles, aluminum cans, and paper at the job site for recycling.

#### 1.5.4 Contaminant Prevention Plan

As a part of the Environmental Protection Plan, the Contractor shall prepare a contaminant prevention statement identifying potentially hazardous substances to be used on the job site and intended actions to prevent accidental or intentional introduction of such materials into the air, water, or ground. The Contractor shall detail provisions to be taken to meet Federal, State, and local laws and regulations regarding the storage and handling of these materials.

#### 1.5.5 Debris Management Plan

As a part of the Environmental Protection Plan, the Contractor shall prepare a Debris Management Plan to prevent disposal of solid debris at disposal sites. The Debris Management Plan shall include sources and expected types of debris, debris separation and retrieval methods, and debris disposal methods.

#### 1.5.6 Environmental Monitoring

The Contractor shall monitor operations to ensure that surface waters are protected from contamination and excess turbidity (as specified in paragraph 3.3. PROTECTION OF WATER RESOURCES) and spills are quickly detected and immediately cleaned up, and that activities and impacts are restricted to authorized project areas.

## PART 2 PRODUCTS (NOT APPLICABLE)

## PART 3 EXECUTION

## 3.1 SPECIAL ENVIRONMENTAL PROTECTION REQUIREMENTS

## 3.1.1 Tree Protection

No ropes, cables, or guys shall be fastened to or attached to any tree(s) for anchorage unless specifically authorized by the Contracting Officer. Where such special use is permitted, the Contractor shall provide effective protection to prevent damage to the tree and other land and vegetative resources. Unless specifically authorized by the Contracting Officer, no construction equipment or materials shall be placed or used within the drip line of trees shown on the drawings to be saved. No excavation or fill shall be permitted within the drip line of trees to be saved except as shown on the drawings.

## 3.1.2 U.S. Department of Agriculture (USDA) Quarantined Considerations

The Contractor shall thoroughly clean all construction equipment at the prior job site in a manner that ensures all residual soil is removed and that egg deposits from plant pests are not present. The Contractor shall consult with the USDA Plant Protection and Quarantine (USDA - PPQ) jurisdictional office for additional cleaning requirements that may be necessary.

## 3.1.3 Soil Disposal Areas on Government Property

Material disposal on Government property shall be disposed only in those areas designated on the contract drawings. Hazardous, toxic, and radiological wastes (HTRW) shall not be disposed of on Government property.

Disposal operations shall be managed and controlled to prevent erosion of soil or sediment from entering nearby waters or wetlands. Disposal operations shall be developed and managed in accordance with the design shown on the drawings or as approved by the Contracting Officer.

## 3.1.4 Disposal of Solid Wastes

Solid waste is rubbish, debris, waste materials, garbage, and other discarded solid materials (including trash that may be dredged from the channel and placed at the beach disposal site, but excluding clearing debris and hazardous waste as defined in following paragraphs). Solid waste shall be placed in containers and disposed on a regular schedule. All handling and disposal shall be conducted in such a way as to prevent spillage and contamination.

## 3.1.5 Disposal of Contractor Generated Hazardous Wastes

Hazardous wastes are hazardous substances as defined in 40 CFR 261, or as defined by applicable State and local regulations. Hazardous waste generated by construction activities shall be removed from the work area and be disposed in compliance with Federal, State, and local requirements.

The Contractor shall segregate hazardous waste from other materials and wastes, and shall protect it from the weather by placing it in a safe covered location; precautionary measures against accidental spillage such as berming or other appropriate measures shall be taken. Hazardous waste shall be removed from Government property within 60 days. Hazardous waste shall not be dumped onto the ground, into storm drains or open water courses, or into the sanitary sewer system.

### 3.1.6 Fuels and Lubricants

Fueling and lubrication of equipment and motor vehicles shall be conducted in a manner that affords the maximum protection against spills and evaporation. Contractor shall utilize large drip pans to ensure that no liquids (fuels, oils, lubricants) contact the ground. Lubricants and waste oil to be discarded shall be stored in marked corrosion-resistant containers and recycled or disposed in accordance with Federal, State, and local laws and regulations.

## 3.2 HISTORICAL, ARCHAEOLOGICAL, AND CULTURAL RESOURCES

### 3.2.1 Known Historic, Archaeological, and Cultural Resources

There are no known historic, archaeological, and cultural resources within the Contractor's work area.

### 3.2.2 Discovered Historic, Archaeological, and Cultural Resources

If during construction activities, items are observed that may have historic or archaeological value (e.g., Native American human remains or associated objects are discovered), such observations shall be reported immediately to the Contracting Officer so that the appropriate authorities may be notified and a determination made as to their significance and what, if any, special disposition of the finds should be made. The Contractor shall cease all activities that may result in impact to or the destruction of these resources. The Contractor shall prevent his employees from trespassing on, removing, or otherwise disturbing such resources.

## 3.3 PROTECTION OF WATER RESOURCES

The Contractor shall keep construction activities under surveillance, management, and control to avoid pollution of surface and ground waters.

### 3.3.1 Monitoring of Water Areas Affected by Construction Activities

As part of the Environmental Protection Plan, the Contractor shall implement a Water Quality Monitoring Plan at the dredge and beach disposal sites (dry excavation areas excluded). Water Quality Monitoring shall commence at least one week prior to the start of dredging in areas of flowing water and one week prior to the start of nearshore disposal operations and continue at least one week past the completion of all such operations. Monitoring shall be conducted a minimum of once a week during construction. The Contractor shall conduct all monitoring during daylight hours.

All water quality monitoring data shall be obtained via remote electronic detection equipment. Parameters measured by electronic detection equipment shall be sampled 3 feet below the water's surface and, where possible, 3 feet above the bottom. The Contractor shall monitor the following locations:

Dredge Site (Only applies to activities occurring in flowing water that can reach the ocean)

- a. 300 feet downstream of the dredge (in direction of turbidity plume). Pre-project sampling shall take place in approximately the center of the

dredge area.

b. Two sites randomly located within the dredge footprint for pre- and post-construction monitoring.

c. At both tide gates, on the Santa Ana River side of the gates. The monitoring at the tide gates shall be done for both an incoming flow into the Salt Marsh and an outgoing flow from the Salt Marsh on the same day.

#### Nearshore Disposal

a. 300 feet upstream of the disposal and within 50 to 75 feet of the surf zone (in opposite direction of turbidity plume).

b. 300 feet downstream of the disposal and within 50 to 75 feet of the surf zone (in direction of turbidity plume).

During each sampling event, the downcurrent sampling point shall be located an equal distance from the surf zone as the upcurrent sampling location.

c. 300 feet downstream of the disposal (in direction of turbidity plume).

d. Control Measurement #1: 600 to 750 feet upcurrent (in the opposite direction of the current) from disposal site, outside the area of any visible dredge or disposal related turbidity plume.

e. Control Measurement #2: 1000 to 1300 feet upcurrent from the disposal site, outside the area of any visible dredge or disposal related turbidity plume.

f. One site randomly located adjacent to the beach disposal area outside the surf zone for pre- and post-construction monitoring.

The control measurement sites shall be representative of ambient conditions within the dredge and beach disposal areas. They shall be located outside any visible turbidity plume.

#### Monitoring Parameters

The Contractor shall monitor for the following parameters:

- a. dissolved oxygen (mg/l)
- b. salinity (ppt)
- c. temperature (F)
- d. pH
- e. light transmittance (Nephelometric Turbidity Units, NTU's)

Monitoring shall be conducted according to United States Environmental Protection Agency or California Department of Health Services approved test procedures as described in the current Title 40, CFR 136 and CFR 261, or the current California Code of Regulations Title 22, Article 11, as appropriate, unless other test procedures have been specified.

During sampling and measurement operations, the following observations shall be recorded by the individual performing such operations for each monitoring location:

- a. Name of project
- b. Date, exact location and time of sampling or measurements
- c. Name of individual performing sampling or measurements
- d. Speed and direction of current
- e. Tidal stage
- f. General weather conditions and wind velocity
- g. Appearance of trash, floatable material, grease, oil slick, or other objectionable material
- h. Discoloration and extent of visible turbidity plumes
- i. Any distinguishable odors
- j. Quantity of material dredged the previous day
- k. Cumulative total amount of material placed at nearshore disposal area to date
- l. Name of individual performing analyses
- m. Analytical techniques and/or methods to be used to analyze and interpret data
- n. Results

Upon completion of weekly monitoring, the Contractor shall, that same day, submit all monitoring results, to the Contracting Officer as part of the Daily Report of Operations. A copy shall be sent to:

U.S. Army Corps of Engineers - Environmental Resources Branch  
 Attention: Hayley Lovan  
 fax (213) 452-4204                      phone (213) 452-3863

The Contractor shall keep a copy of all monitoring results, observations, calibration, and maintenance records in a file at the job site available for inspection.

During nearshore disposal operations, daily visual observations shall be made for turbidity plumes on all sides of the disposal area. Visual observations, including approximate extent and duration of the plume, shall be recorded in a logbook.

During beach nourishment operations, visual observations shall be made on a daily basis of the effects of discharges on receiving water quality (e.g. changes in turbidity, turbidity plumes). Visual observations shall be recorded in a logbook.

If turbidity in the receiving waters increases by values greater than the following at a distance of 300 feet from the dredging or nearshore disposal activities, operations shall be modified to reduce turbidity to acceptable levels:

<u>Ambient Conditions</u>	<u>Maximum Increase</u>
0 to 50 NTU	20%
50 to 100 NTU	10 NTU
Greater than 100 NTU	10%

Monitoring reports shall be submitted on the last day of each month as part of the Daily Report of Operations for that day and shall include all information collected in accordance with this monitoring and reporting program for the previous month, including:

A copy of the log of observations, sampling locations, and depths, along with a sampling location map. A statement regarding the use of any alternate sampling locations shall be included in the report along

with a map of alternate locations.

Copies of the analytical results of the tests for turbidity and dissolved oxygen. The results of any analyses of samples taken more frequently than required shall be reported.

For every item where the requirements and turbidity/dissolved oxygen objectives are not met, the Contractor shall submit a statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time and submit a timetable for correction.

### 3.3.2 Floating Debris

During the performance of the work, the Contractor shall institute and enforce procedures to prevent spills and floating debris from fouling the local waters and beach. Should these procedures fail, the Contractor shall promptly clean up all spills and debris. At the end of each work shift, loose materials on adjoining structures and debris in the water and on the beach shall be removed by the Contractor and disposed of off site.

### 3.3.3 Other Discharges

Should the Contractor lose, dump, throw overboard, sink or misplace material, plant, machinery appliance, or cause pollution of the waters, the Contractor shall give immediate notice to the Contracting Officer and, if required shall boom, buoy or otherwise mark the location of the incident until the obstruction or pollution problem is removed. Should the Contractor refuse, neglect or delay compliance with these requirements, the necessary removal and cleanup may be deducted from the monies due or to become due to the Contractor.

### 3.3.4 Boundaries

All dredging and fill activities shall remain within the boundaries specified in the plans. There shall be no dumping of fill or material outside of the project area or within any adjacent aquatic community.

## 3.4 PROTECTION OF FISH AND WILDLIFE RESOURCES

The Contractor shall keep construction activities under surveillance, management and control to minimize interference with, disturbance to and damage of fish and wildlife (endangered species and their habitat). Endangered or protected species known to frequent the project area and their respective nesting season include:

California least tern	01 April through 15 September
Light-footed Clapper Rail	15 March thru 15 August
Western snowy plover	01 March through 15 September
California brown pelican	non-breeding individuals may occur year-round
Belding's Savannah Sparrow	15 December thru 15 August

### 3.4.1 Construction Windows

Impacts to the California least tern and other **species** shall be avoided by **not allowing construction from March 1st to August 15th**, and also by not dredging seaward of Station 34+00 prior to September **8th**.

### 3.4.2 Marine Mammals

Personnel shall not harass any marine mammals, fish or waterfowl.

### 3.4.3 Dead or Injured Wildlife

The Contractor shall report any incidental take (dead or injured species) immediately to the Contracting Officer. The Contracting Officer shall consult with U.S. Fish and Wildlife Service immediately in the event of incidental take in the form of direct mortality through accidental death of a California least tern, Western snowy plover, light-footed clapper rail, or California brown pelican. Operations may be stopped if it is suspected that the impact of the taking causes an irreversible and adverse impact on the species.

## 3.5 PROTECTION OF AIR RESOURCES

### 3.5.1 Construction Activities

Special management techniques as set out below shall be implemented to control air pollution by the construction activities. These techniques supplement the requirements of Federal, State, and local laws and regulations, and the safety requirements under this Contract. If any of the following techniques conflict with the requirements of Federal, State, or local laws or regulations, or safety requirements under this contract, then those requirements shall be followed in lieu of the following.

The Contractor shall keep construction activities under surveillance, management and control to minimize pollution of air resources.

### 3.5.2 Air Quality Management District

All activities, equipment, processes, and work operated or performed by the Contractor in accomplishing the specified construction shall be in strict accordance with the South Coast Air Quality Management District (SCAQMD) permit requirements and all Federal emission and performance laws and standards. The Contractor shall obtain a Permit to Operate from the South Coast Air Quality Management District prior to commencement of work, pay all associated fees, and follow all permit requirements. Point of contact for SCAQMD is William Thompson, (909) 396-2398. The Contractor should schedule suitable time to acquire appropriate SCAQMD permits, waivers or credits.

Construction equipment shall be properly maintained to minimize release of diesel and hydrocarbon effluent. The Contractor shall follow all air quality standards, including emissions, fuel use, and fuel consumption standards.

## 3.6 NOISE

All construction related activities that produce noise shall be restricted to those hours designated by local ordinances. Construction activities shall be limited to the times as specified in paragraph RESTRICTIONS, of Section 01200. Work required outside of those hours will require prior approval, permits and/or exemptions from the appropriate city and Orange County. The Contractor shall contact Sandy Benson (714) 754-5059 of the City of Costa Mesa with dates of anticipated construction activity that noise is expected to affect the City of Costa Mesa.

All internal combustion powered equipment shall be equipped with properly operating mufflers and kept in a proper state of tune to alleviate back-fires. Engines, if exposed, shall be fitted with protective shrouds to reduce motor noise. All portable and support equipment shall be located as far as possible from any sensitive areas.

Construction equipment shall be properly maintained and scheduled to minimize nuisance and unsafe noise effects to sensitive biological resources, residential areas, and socio-economic (tourist) environments.

The Contractor shall designate a disturbance coordinator responsible for responding to noise complaints. His/her name and telephone number shall be clearly posted at the construction site. It is the responsibility of the disturbance coordinator to respond to complaints, determine the cause, and implement measures to mitigate the impact.

### 3.7 INSPECTION

If the Contracting Officer notifies the Contractor in writing of any observed noncompliance with contract requirements or Federal, State, or local laws, regulations, or permits, the Contractor shall inform the Contracting Officer of proposed corrective action and take such action to correct the noncompliance. If the Contractor fails to comply promptly, the Contracting Officer may issue an order stopping all or part of the work until satisfactory corrective action is taken. No time extensions will be granted or costs or damages allowed to the Contractor for any such suspension.

### 3.8 MAINTENANCE OF POLLUTION CONTROL FACILITIES

The Contractor shall maintain all constructed pollution control facilities and portable pollution control devices for the duration of the Contract or for the length of time construction activities create the particular pollutant.

### 3.9 TRAINING OF CONTRACTOR PERSONNEL

Contractor personnel shall be trained in environmental protection and pollution control. The Contractor shall conduct environmental protection/pollution control meetings for all Contractor personnel. The training and meeting agenda shall include methods of detecting and avoiding pollution, familiarization with pollution standards, both statutory and contractual, installation and care of facilities (vegetative covers, etc.), and instruments required for monitoring purposes to ensure adequate and continuous environmental protection/pollution control. Anticipated hazardous or toxic chemicals or wastes, and other regulated contaminants, shall also be discussed. Other items to be discussed shall include recognition and protection of archaeological sites and artifacts, as well as protection of any threatened or endangered species.

-- End of Section --