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SECTION 01355

ENVIRONMENTAL PROTECTION

02/02

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SECTION 01355

ENVIRONMENTAL PROTECTION
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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)

36 CFR 800.11	Properties Discovered During Implementation of an Undertaking
40 CFR 261	Identification and Listing of Hazardous Waste

ENGINEERING MANUALS (EM)

EM 385-1-1	(2003) U.S. Army Corps on Engineers Safety and Health Requirements Manual
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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 of importance to human life; affect other species of importance to man; or degrade the environment from an aesthetic, recreational, 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; submittals not having a "G" designation are for information only. The following shall be submitted in accordance with Section 01330 SUBMITTAL PROCEDURES:

SD-01 Preconstruction Submittals

Environmental Protection Plan; G

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 which are not specially identified on the drawings as environmental features requiring protection. The Contractor shall protect those environmental features, indicated specially 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. The Government has not obtained any permits for this project with the exception of the California Coast Commission (CCC) and California Regional Water Quality Control Board (CRWQCB) permits.

The Ventura Port District (VPD) has obtained an air quality permit from the air pollution control district. The Contractor shall comply with the terms and conditions of this permit. Otherwise, the Contractor must obtain all necessary air quality permits prior to commencement of work. It is the Contractor's responsibility to obtain all other necessary permits 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 Corps.

1.4.3 Special Environmental Requirements

The Contractor shall comply with the special environmental requirements listed in paragraphs 3.4 and 3.5. 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., proposed alternate borrow areas, placement areas, staging areas, alternate access routes, 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 twenty (20) calendar days of Contract Award, the Contractor shall submit an Environmental Protection Plan for review and acceptance by the Contracting Officer. The Contractor shall incorporate Government comments into the final Environmental Protection Plan within 15 days after receipt of comments from the Government.

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. The Contractor shall address each topic at a level of detail equal to the environmental issue and required construction task(s). 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 Spill Control 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 current 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 / Non-Hazardous Solid Waste Diversion Report

As a part of the Environmental Protection Plan, the Contractor shall prepare a Debris Management Plan identifying methods and locations for

solid waste disposal. 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 include in the plan the details of environmental monitoring requirements under the laws and regulations and a description of how this monitoring will be accomplished. The Contractor shall also include in the plan the name of the individual(s) performing the environmental monitoring.

PART 2 PRODUCTS (NOT APPLICABLE)

PART 3 EXECUTION

3.1 SPECIAL ENVIRONMENTAL PROTECTION REQUIREMENTS

3.1.1 Vegetation Protection / Landscape

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.

3.1.2 Disposal of Solid Wastes

Solid waste is rubbish, debris, waste materials, garbage, and other discarded solid materials 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. The Contractor shall transport all solid waste off Government property and dispose in compliance with Federal, State, and local requirements.

3.1.3 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 sewers or open water courses, or into the sanitary sewer system.

3.1.4 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. 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, or 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., anchors, shipwrecks, Native American human remains or associated objects, etc.), 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 these resources until the requirements of 36 CFR 800.11, Discovery of Properties During Implementation of an Undertaking, are met. 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. The Contractor shall stay within the boundaries of the identified construction zones. All dredging and fill activities shall remain within the boundaries specified in the plans. There shall be no dumping of any material in the marine environment which includes fill or material outside of the project area or within any adjacent aquatic community. Environmentally sensitive areas, such as estuaries, shall be avoided.

3.3.1 Monitoring of Water Areas Affected by Construction Activities

The Ventura Port District (VPD) will monitor water quality during dredging operations. The Contractor is to cooperate to the maximum extent practicable with this water quality monitoring effort by providing coordination between construction personnel and the VPD's water quality monitoring personnel.

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 beaches. 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 Stream Crossings

Stream crossings shall be controlled during construction. Crossings shall provide movement of materials or equipment which do not violate water pollution control standards of the federal, State, regional and local Governments. The Contractor shall not interfere with tidal circulation and fresh water flows into and through the mouth of the Santa Clara River. Beach placement operations shall not extend within 60 meters of the river, and the dredge discharge pipe outlet on McGrath State Beach will be directed south, away from the river. Operational boundaries shall be clearly marked. If recommendations resulting from the California's Department of Parks and Recreation (CDPR) Santa Clara Estuary natural resources management study regarding the Santa Clara River mouth sand spit are at variance with Corps practices for placement pipeline protection, then re-coordination and evaluation of pipeline protection measures would be made.

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, wildlife and plants including their habitat. The Contractor shall be responsible for the protection of threatened and endangered animal and plant species including their habitat in accordance with federal, state, regional, and local laws and regulations. Endangered or protected species known to frequent the project area and their respective nesting season include:

- California least tern 01 April through 15 September
- California grunion March through mid-September
- Western snowy plover 01 April through 15 September

3.4.1 Marine Mammals

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

3.4.2 Construction Window

No dredging shall occur between March 15 and September 15 without written authorization from the Contracting Officer.

3.4.3 Incidental Take of 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, tidewater goby, 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.

3.4.4 Biological Observations

a. In order to avoid covering or removing portions of the wrack line which provides foraging habitat for snowy plovers, beach re contouring during and following pipeline removal, shall be limited to the footprint of the pipeline. Combing of the beach following pipeline removal shall not be allowed.

b. In order to minimize disturbance of snowy plovers on McGrath State Beach south of the Santa Clara Estuary, and at South Beach, the number of vehicle trips will be limited to the installation, emergency maintenance, and removal of the pipeline, and for trips to man the placement location for mandatory safety requirements. Routine inspections shall be conducted on foot.

c. During pipeline installation and removal, a qualified snowy plover monitor will walk ahead of the vehicle to assure that all snowy plovers are out of harm's way before the vehicle can proceed.

d. deleted

3.4.5 Beach Pipeline Restriction

The dredging pipeline shall not cross the sand dunes at South Beach or McGrath State Beach, nor shall it disturb the existing sand dunes or vegetation on either beach.

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 Ventura County Air Pollution Control District (VCAPCD) permit requirements, State of California Air Resources Board (ARB), and all Federal emission and performance laws and standards.

3.5.3 Particulates

Airborne particulates, including dust particles from construction activities, processing, and preparation of materials, shall be controlled at all times, including weekends, holidays and hours when work is not in progress. The Contractor shall maintain all excavations, stockpiles within or outside the project boundaries free from particulates which would exceed local air pollution standards pursuant with the VCAPCD permit. The Contractor must have sufficient competent equipment available to accomplish this task. Particulate control shall be performed as the work proceeds and whenever a particulate nuisance or hazard occurs. Burning will not be allowed on the project site unless specified in other sections of the specifications or authorized in writing by the Contracting Officer. The specific date, time, location, and manner of burning shall be subject to approval.

3.5.4 Odors

Odors shall be controlled at all times for all construction activities, processing and preparation of materials.

3.5.5 Other Air Protection Commitments

- a. Properly tune and maintain all construction equipment. Retard injection timing of diesel-powered equipment by 2 degrees when feasible.
- b. Use California Air Resources Board (ARB) reformulated diesel fuel in off-road equipment during construction.
- c. Encourage employees to carpool.

3.6 NOISE

a. 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 noise impact as well as notify the Contracting Officer of any complaints received and action taken.

The disturbance coordinator shall maintain in a log of complaints with the following information: Name of caller

Phone # and address of caller

Date and time of call

Caller's complaint, and the response to the caller.

b. 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.

c. All portable and support equipment shall be located as far as possible from any sensitive areas.

d. The Contractor shall use, where feasible, electricity from the local power grid to avoid the use of portable generators.

3.7 INSPECTION REQUIREMENTS / FOLLOW UP ACTIONS

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.

The Contractor shall promptly inform the Contracting Officer of the Environmental Protection Plan's non-compliance activities and proposed action to be taken to correct such activities.

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 and designated critical habitat.

-- End of Section --