

SECTION 01567**ENVIRONMENTAL CONTROL AND PERMITTING****PART 1 - GENERAL****1.01 GENERAL REQUIREMENTS**

With the exception of those measures set forth elsewhere in these Specifications, environmental control shall consist of the prevention of environmental pollution as the result of construction operations under this Contract. For the purpose of this specification, environmental pollution is defined as the presence of chemical, physical, or biological elements or agents which adversely affect human health or welfare; unfavorably alter ecological balances of importance to human life; affect other species of importance to man; or degrade the utilization of the environment for aesthetic and recreational purposes.

The control of environmental pollution and damage requires consideration of air, water, and land, and includes management of visual aesthetics, noises, solid waste, radiant energy and radioactive materials, as well as other pollutants.

Contractor shall provide and maintain, during the life of the Contract, environmental protection as defined; plan for and provide environmental protective measures to control pollution that develops during normal construction practice; and comply with Federal, State, and County regulations pertaining to the environment including, but not limited to, water, air, and noise pollution.

A. The work under this section shall include the following:

1. The Contractor shall be responsible to obtain all required permits, approvals and certifications for the project and ensure they are valid for the construction period. This includes preparation and submittal of all permit applications and supporting documents to the respective agency(s) for approval. The contractor shall be solely responsible to determine and obtain all necessary County, State, Federal, and any other required agency approvals prior to starting construction. Permits and certifications may include, but are not limited to:
 - a. US Army Corps of Engineers (USACE) Permit
 - b. State Department of Health, Section 401 Water Quality Certification
 - c. State Department of Health Noise Permit
 - d. Disability and Communication Access Board approval for ADA compliance, including filing fee
2. Provide all air and water quality testing and monitoring work required by the permits during construction where applicable.
3. Provide all facilities, equipment, and structural control BMPs for minimizing adverse impacts upon the environment during the construction period.

4. The Contractor shall be responsible to timely submit requests for and obtain approval for all permit time extensions, should they be required. It shall be the Contractor's responsibility to maintain valid permit coverage throughout the duration of the project.

1.02 SUBMITTALS

The Contractor shall provide all submittals specified in this section to the Engineer for review and approval prior to submitting any documents to the required County, State, or Federal approving agencies.

U.S. Army Corps of Engineers Permit:

- A. The Contractor shall prepare and submit a Pre-Construction Notification permit application for coverage under USACE's Nationwide Permit 3 (Maintenance). The Contractor shall be required to submit timely requests and obtain approval for any necessary time extensions or reissuance of permit coverage as required.
- B. The Contractor shall obtain the services of a qualified consulting firm to provide a Marine Biological Resources Survey (MBRS) and Essential Fish Habitat Assessment (EFHA) as supporting documents to be submitted with the USACE permit application.
 1. The aforementioned consulting firm shall have a minimum of five (5) years experience in the preparation of MBRs and EFHAs and preparation of USACE permits, and obtaining required approvals.
 2. Approved consultants include, but are not limited to, AECOS, Inc., Marine Research Consultants, Inc., and Bow Engineering & Development, Inc.

Section 401 Water Quality Certification:

- C. The Contractor shall verify with the State Department of Health, Clean Water Branch that the project is covered under their Blanket 401 Water Quality Certification (WQC1092). The Contractor shall be required to submit timely requests and obtain approval for any necessary time extensions or reissuance of Water Quality Certification coverage as required.

Site-Specific Best Management Practices Plan:

- A. The Contractor shall prepare a Site-Specific Best Management Practices Plan (SSBMPP) as a supporting document to accompany all applicable permit applications. The Contractor shall be responsible for compliance with the SSBMPP and provisions of this section by all subcontractors and suppliers. See Section 3.01 of these specifications for more details on the scope of work that the SSBMP shall entail. The SSBMPP shall include, but not be limited to, the following:
 1. The Contractor's plan for mitigation measures to control turbidity in the harbor basin, in the event that turbidity measurements exceed State Water Quality Standards.

2. The name of the Contractor's designated individual responsible for all environmental monitoring and reporting. The individual's name and contact telephone numbers will also be provided to the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Coast Guard, and National Marine Fisheries Service's Land Use Commission prior to construction activities.
3. The Contractor's plan to inform employees about the endangered Hawaiian Monk Seal, Green Sea Turtle, Newell's Shearwaters, and any other endangered species that may enter the project vicinity.
4. The Contractor's plan for fuel storage, spill prevention, and cleanup.
5. The Contractor's plan for dust control measures.

Daily Field Reports:

- A. Daily Field Report (DFRs) shall be submitted to the Engineer on a weekly basis. DFRs shall identify the work activities, equipment and labor, condition of pollution control measures, monitoring, and photographic documentation of the worksite as appropriate.

1.03 DESCRIPTION OF WORK

Applicable Regulations: In order to provide for abatement and control of environmental pollution arising from the construction activities of the Contractor and his subcontractors in the performance of this Contract, the work performed shall comply with the intent of the applicable Federal, State, and local laws and regulations concerning environmental pollution control and abatement, including, but not limited to, the following regulations:

1. U.S. Army Corps of Engineers, Honolulu District, Regulatory Branch, Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.
2. State of Hawaii, Department of Health, Administrative Rules, Title 11, Chapter 54, WATER QUALITY STANDARDS
3. State of Hawaii, Department of Health, Administrative Rules, Title 11, Chapter 55, WATER POLLUTION CONTROL
4. State of Hawaii, Department of Health, Administrative Rules, Title 11, Chapter 59, Environmental Control & Permitting 01567-4 AMBIENT AIR QUALITY STANDARDS
5. State of Hawaii, Department of Health, Administrative Rules, Title 11, Chapter 60.1, AIR POLLUTION CONTROL
6. State of Hawaii, Department of Health, Administrative Rules, Title 11, Chapter 46, COMMUNITY NOISE CONTROL

PART 2 - PRODUCTS (NOT USED)

PART 3 – EXECUTION

3.01 BEST MANAGEMENT PRACTICES

The Contractor shall comply with the Site-Specific Best Management Practices Plan (SSBMPP) included in the approved permitting documents. The Contractor shall comply with the terms of the SSBMPP throughout the construction period.

In addition to compliance with the SSBMPP, the Contractor shall comply with the following:

1. The Contractor shall abide by all applicable Federal, State, and Local Environmental Protection Standards, Laws and Regulations, including the Best Management Practices plans incorporated or required by U.S. Army Corps of Engineers Nationwide Permits, and Hawaii Administrative Rules, Title 11 Department of Health, Chapter 55, Water Pollution Control.
2. To the extent practicable, work in the aquatic environment must be scheduled to avoid coral spawning and recruitment periods and sea turtle nesting and hatching periods. Coordinate with U.S. Fish and Wildlife Service and National Marine Fisheries Service to identify these time periods.
3. The Contractor shall provide protective measures to capture all debris from demolition and construction activities and ensure that petroleum products or other deleterious materials are not allowed to enter the water.
4. The Contractor shall take measures to prevent sediment runoff from areas disturbed by construction activities from entering the water.
5. The Contractor shall install temporary sediment control filter at any affected drain inlets before any work commences. Sediment control filters shall remain until after completion of construction activities
6. The Contractor shall use full-depth silt curtains to enclose the work area to control turbidity and reduce the anticipated effects of suspension of disturbed sediments or construction debris.
7. The Contractor will capture and dispose of all newly-generated wastes above water. Solid wastes shall be picked up and placed in containers that are regularly emptied. Site contamination shall be prevented when handling and disposing of all wastes. The project site shall be cleaned up at the end of each workday to prevent debris from entering the water.
8. No contamination of adjacent waters of the United States, including special aquatic sites,

shall result from project-related activities. Special attention must be paid to fouling on barges, vessels, and equipment to minimize transport and potential introduction and spread of aquatic non-native species.

9. The Contractor shall ensure all tires of construction vehicles are cleaned off such that dirt or debris is not tracked off the construction site. Washing off tires with water will not be accepted unless the wash runoff is contained and does not enter State waters.
10. All project-related materials and equipment to be placed in any aquatic environment shall be inspected and cleaned of pollutants, organic matter, and invasive species prior to use in any aquatic environment.
11. Project-related materials shall not be stockpiled in the aquatic environment or in close proximity such that materials could be carried into waters by wind, rain, or high surf.
12. Fueling of project-related vehicles and equipment shall take place away from the water and a contingency plan to control petroleum products accidentally spilled during project activities shall be developed. Absorbent pads and containment booms shall be stored to facilitate the cleanup of accidental petroleum releases.
 - a. Oil or other hazardous substances shall be prevented from entering the ground, drainage area, or local bodies of water. All temporary fuel oil or petroleum storage tanks shall be contained to prevent accidental release. Fueling and lubrication of equipment and motor vehicles shall be conducted in a manner to protect against leaks or spills, lubricants and excess oil will be disposed in accordance with applicable Federal, State, and Local Regulations.
 - b. All equipment shall be inspected daily for leaks. Any leaks shall be corrected before equipment is used.
 - c. One spill kit each shall be kept on board the work barge and the landside staging area in case of accidental release of any petroleum products.
 - d. All major spills shall be reported to the National Response Center (Phone: 800-424-8802), United States Coast Guard (Phone: 808-842-2600), State Department of Health Hazard Evaluation and Emergency Response Office (Phone: 808-586-4249).

3.02 AIR POLLUTION CONTROL

- A. Emission: The Contractor shall not be allowed to operate equipment and vehicles that show excessive emissions of exhaust gases until corrective repairs or adjustments are made to the satisfaction of the Engineer.

B. Dust:

1. The Contractor, for the duration of the Contract, shall maintain all excavations, embankments, haul roads, permanent access roads, plant sites, waste disposal areas, borrow areas, and all other work areas within or outside the project limits free from dust which would cause a hazard to the work, or the operations of other contractors, or to persons or property. Industry-accepted methods of stabilization suitable for the area involved, such as sprinkling or similar methods, will be permitted. Chemicals or oil treating shall not be used.
2. The Contractor shall construct dust screens around all excavated material.

C. Burning shall not be permitted.

3.03 WATER POLLUTION CONTROL

- A. Water pollution control shall be in accordance with State of Hawaii, Department of Health, Administrative Rules, Title 11, Chapter 54, WATER QUALITY STANDARDS and in compliance with the Department of Health, Section 401 Water Quality Certification. Water quality monitoring shall be done in accordance with the Applicable Monitoring and Assessment Plan, if applicable.
- B. In the event that a turbidity plume and/or floating hydrocarbon (oil, gas) products are observed outside of the silt containment devices and structures, in-water work shall be suspended so that appropriate corrective measures are taken. The Honolulu District Regulatory Branch of the U.S. Army Corps of Engineers (Telephone 808-835-4303) shall be notified as soon as practicable and the activity causing the plume will be modified by containment.

3.04 NOISE CONTROL

- A. Noise shall be kept within acceptable levels at all times in conformance with State of Hawaii, Department of Health, Administrative Rules, Title 11, Chapter 46, COMMUNITY NOISE CONTROL. The Contractor shall obtain and pay for noise permits from the State Department of Health when the construction equipment or other devices emit noise at levels exceeding the allowable limits.
- B. Construction equipment shall be equipped with suitable mufflers to maintain noise within levels complying with applicable regulations.
- C. Starting up of construction equipment meeting allowable noise limits shall not be done prior to 6:45 a.m. without prior approval of the Engineer. Equipment exceeding allowable noise limits shall not be started up prior to 7:00 a.m.

3.05 SOLID WASTES

The handling of solid wastes shall be in compliance with the requirements stated in the SSBMPP.

- A. Construction waste, such as crates, boxes, building materials, pipes, and other rubbish shall be reduced to a size approved by the County of Hawaii. Large size objects shall be reduced to a size acceptable by the County Specifications for disposal in their landfills. Other areas or methods proposed by the Contractor will be allowed only if the Engineer determines that their effect on the environment is equal to or less than those described herein.
- B. Dispose of electrolyte solution from lead-acid batteries in accordance with hazardous regulations. Do not dump electrolyte onto the ground or into storm drains or sanitary sewers. Transport the electrolyte to a State-approved hazardous waste disposal site. The method of transportation and equipment shall comply with applicable Federal and State regulations.

3.06 THREATENED AND ENDANGERED SPECIES

The protection of threatened and endangered species shall be in compliance with the requirements in the U.S. Army Corps of Engineers Permit.

3.07 HISTORICAL, ARCHAEOLOGICAL AND CULTURAL RESOURCES

There are no known historical, archaeological, or cultural resources within the Contractor's work area as defined on the plans. However, if items of apparent historical or archaeological interest are discovered in the course of any construction activities, they shall be left undisturbed, and the Contractor shall immediately report the find to the Engineer.

3.08 SUSPENSION OF WORK

- A. The Engineer will notify the Contractor in writing of any observed noncompliance with the Contractor's SSBMPP. The Contractor shall, after receipt of such notice, inform the Engineer of proposed corrective action and take such action as appropriate.
- B. Violation of any of the above requirements or any other pollution control requirements which may be specified in the Specifications herein shall be cause for suspension of the work creating such violation. No additional compensation shall be due the Contractor for remedial measures to correct the offense. Also, no extension of time will be granted for delays caused by such suspensions.
- C. If no corrective action is taken by the Contractor within 72 hours after a suspension is ordered by the Engineer, the State reserves the right to take whatever action is necessary to correct the situation and to deduct all costs incurred by the State in taking such action from monies due the Contractor.
- D. The Engineer may also suspend any operations which he feels are creating pollution problems although they may not be in violation of the above-mentioned requirements.

3.09 FINES

The Contractor shall pay any fines due to violations of environmental regulations and permits as a result of his activities at no additional cost to the State.

3.10 MEASUREMENT AND PAYMENT

Environmental control will not be measured nor paid for separately, but shall be considered incidental to and included in the prices bid for the various items of work in this project.

***** END OF SECTION *****