

## SECTION 01 57 20.00 10

ENVIRONMENTAL PROTECTION  
04/06

## 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 within the text by the basic designation only.

## U.S. ARMY (DA)

DA AR 200-5 (1999) Pest Management

## U.S. ARMY CORPS OF ENGINEERS (USACE)

EM 385-1-1 (2008) Safety and Health Requirements Manual

WETLAND MANUAL Corps of Engineers Wetlands Delineation Manual Technical Report Y-87-1

## U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

33 CFR 328 Definitions of Waters of the United States

36 CFR 800.11 Properties Discovered During Implementation of an Undertaking

40 CFR 279 Standards for the Management of Used Oil

40 CFR 302 Designation, Reportable Quantities, and Notification

40 CFR 355 Emergency Planning and Notification

40 CFR 68 Chemical Accident Prevention Provisions

## U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)

National Environmental Policy National Environmental Policy Act (NEPA) of 1969

## U.S. FISH AND WILDLIFE SERVICE

Migratory Bird Treaty Act Migratory Bird Treaty Act (MBTA) of 1918

Endangered Species Act Endangered Species Act (ESA) of 1973

## 1.2 DEFINITIONS

## 1.2.1 Environmental Pollution and Damage

Environmental pollution and damage is 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 humankind; or degrade the environment aesthetically, culturally and/or historically.

#### 1.2.2 Environmental Protection

Environmental protection is the prevention/control of pollution and habitat disruption that may occur to the environment during construction. The control of environmental pollution and damage requires consideration of land, water, and air; biological and cultural resources; and includes management of visual aesthetics; noise; solid, chemical, gaseous, and liquid waste; radiant energy and radioactive material as well as other pollutants. All environmental work shall be in compliance with [National Environmental Policy](#).

#### 1.2.3 Contractor Generated Hazardous Waste

Contractor generated hazardous waste means materials that, if abandoned or disposed of, may meet the definition of a hazardous waste. These waste streams would typically consist of material brought on site by the Contractor to execute work, but are not fully consumed during the course of construction. Examples include, but are not limited to, excess paint thinners (i.e. methyl ethyl ketone, toluene etc.), waste thinners, excess paints, excess solvents, waste solvents, and excess pesticides, and contaminated pesticide equipment rinse water.

#### 1.2.4 Installation Pest Management Coordinator

Installation Pest Management Coordinator (IPMC) is the individual officially designated by the Installation Commander to oversee the Installation Pest Management Program and the Installation Pest Management Plan.

#### 1.2.5 Project Pesticide Coordinator

The Project Pesticide Coordinator (PPC) is an individual that resides at a Civil Works Project office and that is responsible for oversight of pesticide application on Project grounds.

#### 1.2.6 Land Application for Discharge Water

The term "Land Application" for discharge water implies that the Contractor must discharge water at a rate which allows the water to percolate into the soil. No sheeting action, soil erosion, discharge into storm sewers, discharge into defined drainage areas, or discharge into the "waters of the United States" must occur. Land Application must be in compliance with all applicable Federal, State, and local laws and regulations.

#### 1.2.7 Pesticide

Pesticide is defined as any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant or desiccant.

#### 1.2.8 Pests

The term "pests" means arthropods, birds, rodents, nematodes, fungi, bacteria, viruses, algae, snails, marine borers, snakes, weeds and other

organisms (except for human or animal disease-causing organisms) that adversely affect readiness, military operations, or the well-being of personnel and animals; attack or damage real property, supplies, equipment, or vegetation; or are otherwise undesirable.

#### 1.2.9 Surface Discharge

The term "Surface Discharge" implies that the water is discharged with possible sheeting action and subsequent soil erosion may occur. Waters that are surface discharged may terminate in drainage ditches, storm sewers, creeks, and/or "waters of the United States" and would require a permit to discharge water from the governing agency.

#### 1.2.10 Waters of the United States

All waters which are under the jurisdiction of the Clean Water Act, as defined in [33 CFR 328](#).

#### 1.2.11 Wetlands

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, and bogs. Official determination of whether or not an area is classified as a wetland must be done in accordance with [WETLAND MANUAL](#).

### 1.3 GENERAL REQUIREMENTS

Minimize environmental pollution and damage that may occur as the result of construction operations. The environmental resources within the project boundaries and those affected outside the limits of permanent work must be protected during the entire duration of this contract. Comply with all applicable environmental Federal, State, and local laws and regulations. Any delays resulting from failure to comply with environmental laws and regulations will be the Contractor's responsibility.

### 1.4 SUBCONTRACTORS

Ensure compliance with this section by subcontractors.

### 1.5 PAYMENT

No separate payment will be made for work covered under this section. Payment of fees associated with environmental permits, application, and/or notices obtained by the Contractor, and payment of all fines/fees for violation or non-compliance with Federal, State, Regional and local laws and regulations are the Contractor's responsibility. All costs associated with this section must be included in the contract price.

### 1.6 SUBMITTALS

Government approval is required for submittals with a "G" designation; submittals not having a "G" designation are for information only. When used, a designation following the "G" designation identifies the office that will review the submittal for the Government. Submit the following in accordance with Section [01 33 00 SUBMITTAL PROCEDURES](#):

[SD-01 Preconstruction Submittals](#)

## Environmental Protection Plan; G

The environmental protection plan.

### 1.7 ENVIRONMENTAL PROTECTION PLAN

Prior to commencing construction activities or delivery of materials to the site, submit an Environmental Protection Plan for review and approval by the Contracting Officer. The purpose of the Environmental Protection Plan is to present a comprehensive overview of known or potential environmental issues which the Contractor must address during construction. Issues of concern must be defined within the Environmental Protection Plan as outlined in this section. Address each topic at a level of detail commensurate with the environmental issue and required construction task(s). Topics or issues which are not identified in this section, but are considered necessary, must be identified and discussed after those items formally identified in this section. Prior to submittal of the Environmental Protection Plan, meet with the Contracting Officer for the purpose of discussing the implementation of the initial Environmental Protection Plan; possible subsequent additions and revisions to the plan including any reporting requirements; and methods for administration of the Contractor's Environmental Plans. The Environmental Protection Plan must be current and maintained onsite by the Contractor.

#### 1.7.1 Compliance

No requirement in this Section will relieve the Contractor of any applicable Federal, State, and local environmental protection laws and regulations. During Construction, the Contractor will be responsible for identifying, implementing, and submitting for approval any additional requirements to be included in the Environmental Protection Plan.

#### 1.7.2 Contents

Include in the environmental protection plan, but not limit it to, the following:

- a. Name(s) of person(s) within the Contractor's organization who is(are) responsible for ensuring adherence to the Environmental Protection Plan.
- b. Name(s) and qualifications of person(s) responsible for manifesting hazardous waste to be removed from the site, if applicable.
- c. Name(s) and qualifications of person(s) responsible for training the Contractor's environmental protection personnel.
- d. Description of the Contractor's environmental protection personnel training program.
- e. An erosion and sediment control plan which identifies the type and location of the erosion and sediment controls to be provided. The plan must include monitoring and reporting requirements to assure that the control measures are in compliance with the erosion and sediment control plan, Federal, State, and local laws and regulations. A Storm Water Pollution Prevention Plan (SWPPP) may be substituted for this plan.

- f. Drawings showing locations of proposed temporary excavations or embankments for haul roads, stream crossings, material storage areas, structures, sanitary facilities, and stockpiles of excess or spoil materials including methods to control runoff and to contain materials on the site.
- g. Traffic control plans including measures to reduce erosion of temporary roadbeds by construction traffic, especially during wet weather. Plan shall include measures to minimize the amount of mud transported onto paved public roads by vehicles or runoff.
- h. Work area plan showing the proposed activity in each portion of the area and identifying the areas of limited use or nonuse. Plan should include measures for marking the limits of use areas including methods for protection of features to be preserved within authorized work areas.
- i. Drawing showing the location of borrow areas.
- j. Include in the Spill Control plan the procedures, instructions, and reports to be used in the event of an unforeseen spill of a substance regulated by 40 CFR 68, 40 CFR 302, 40 CFR 355, and/or regulated under State or Local laws and regulations. The Spill Control Plan supplements the requirements of EM 385-1-1. Include in this plan, as a minimum:
- 1). The name of the individual who will report any spills or hazardous substance releases and who will follow up with complete documentation. This individual will 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 is released to the environment. Include in the plan a list of the required reporting channels and telephone numbers.
  - 2). The name and qualifications of the individual who will be responsible for implementing and supervising the containment and cleanup.
  - 3). Training requirements for Contractor's personnel and methods of accomplishing the training.
  - 4). A list of materials and equipment to be immediately available at the job site, tailored to cleanup work of the potential hazard(s) identified.
  - 5). 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.
  - 6). The methods and procedures to be used for expeditious contaminant cleanup.
- k. A non-hazardous solid waste disposal plan identifying methods and locations for solid waste disposal including clearing debris and schedules for disposal.
- 1). Identify any subcontractors responsible for the transportation and disposal of solid waste. Submit licenses or

permits for solid waste disposal sites that are not a commercial operating facility.

2). Evidence of the disposal facility's acceptance of the solid waste must be attached to this plan during the construction. Attach a copy of each of the Non-hazardous Solid Waste Diversion Reports to the disposal plan. Submit the report for the previous quarter on the first working day after the first quarter that non-hazardous solid waste has been disposed and/or diverted (e.g. the first working day of January, April, July, and October).

3). Indicate in the report the total amount of waste generated and total amount of waste diverted in cubic yards or tons along with the percent that was diverted.

4). A recycling and solid waste minimization plan with a list of measures to reduce consumption of energy and natural resources. Detail in the plan the Contractor's actions to comply with and to participate in Federal, State, Regional, and local government sponsored recycling programs to reduce the volume of solid waste at the source.

m. An air pollution control plan detailing provisions to assure that dust, debris, materials, trash, etc., do not become air borne and travel off the project site.

n. A contaminant prevention plan that: identifies potentially hazardous substances to be used on the job site; identifies the intended actions to prevent introduction of such materials into the air, water, or ground; and details provisions for compliance with Federal, State, and local laws and regulations for storage and handling of these materials. In accordance with EM 385-1-1, a copy of the Material Safety Data Sheets (MSDS) and the maximum quantity of each hazardous material to be onsite at any given time must be included in the contaminant prevention plan. Update the plan as new hazardous materials are brought onsite or removed from the site.

o. A waste water management plan that identifies the methods and procedures for management and/or discharge of waste waters which are directly derived from construction activities, such as concrete curing water, clean-up water, dewatering of ground water, disinfection water, hydrostatic test water, and water used in flushing of lines. If a settling/retention pond is required, the plan must include the design of the pond including drawings, removal plan, and testing requirements for possible pollutants. If land application will be the method of disposal for the waste water, the plan must include a sketch showing the location for land application along with a description of the pretreatment methods to be implemented. If surface discharge will be the method of disposal, include a copy of the permit and associated documents as an attachment prior to discharging the waste water. If disposal is to a sanitary sewer, the plan must include documentation that the Waste Water Treatment Plant Operator has approved the flow rate, volume, and type of discharge.

p. A historical, archaeological, cultural resources biological resources and wetlands plan that defines procedures for identifying and protecting historical, archaeological, cultural resources, biological resources and wetlands known to be on the project site: and/or identifies procedures to be followed if historical archaeological,

cultural resources, biological resources and wetlands not previously known to be onsite or in the area are discovered during construction. Include in the plan methods to assure the protection of known or discovered resources, identifying lines of communication between Contractor personnel and the Contracting Officer.

q. Include and update a pesticide treatment plan, as information becomes available. Include in the plan: sequence of treatment, dates, times, locations, pesticide trade name, EPA registration numbers, authorized uses, chemical composition, formulation, original and applied concentration, application rates of active ingredient (i.e. pounds of active ingredient applied), equipment used for application and calibration of equipment. Federal, State, Regional and Local pest management record keeping and reporting requirements as well as any additional Installation Project Office specific requirements are the Contractor's responsibility in conformance with DA AR 200-5 Pest Management, Chapter 2, Section III "Pest Management Records and Reports".

### 1.7.3 Appendix

Attach to the Environmental Protection Plan, as an appendix, copies of all environmental permits, permit application packages, approvals to construct, notifications, certifications, reports, and termination documents.

## 1.8 PROTECTION FEATURES

This paragraph supplements the Contract Clause PROTECTION OF EXISTING VEGETATION, STRUCTURES, EQUIPMENT, UTILITIES, AND IMPROVEMENTS. Prior to start of any onsite construction activities, the Contractor and the Contracting Officer will make a joint condition survey. Immediately following the survey, the Contractor will prepare a brief report including a plan describing the features requiring protection under the provisions of the Contract Clauses, which are not specifically identified on the drawings as environmental features requiring protection along with the condition of trees, shrubs and grassed areas immediately adjacent to the site of work and adjacent to the Contractor's assigned storage area and access route(s), as applicable. This survey report will be signed by both the Contractor and the Contracting Officer upon mutual agreement as to its accuracy and completeness. The Contractor must protect those environmental features included in the survey report and any indicated on the drawings, regardless of interference which their preservation may cause to the work under the contract.

## 1.9 ENVIRONMENTAL ASSESSMENT OF CONTRACT DEVIATIONS

Any deviations from the drawings, plans and specifications, requested by the Contractor and which may have an environmental impact, will be subject to approval by the Contracting Officer and may require an extended review, processing, and approval time. 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.

## 1.10 NOTIFICATION

The Contracting Officer will notify the Contractor in writing of any observed noncompliance with Federal, State or local environmental laws or regulations, permits, and other elements of the Contractor's Environmental

Protection plan. After receipt of such notice, the Contractor will inform the Contracting Officer of the proposed corrective action and take such action when approved by the Contracting Officer. The Contracting Officer may issue an order stopping all or part of the work until satisfactory corrective action has been taken. No time extensions will be granted or equitable adjustments allowed for any such suspensions. This is in addition to any other actions the Contracting Officer may take under the contract, or in accordance with the Federal Acquisition Regulation or Federal Law.

PART 2 PRODUCTS (NOT USED)

PART 3 EXECUTION

3.1 ENVIRONMENTAL COMMITMENTS

The Corps and contractors will commit to avoiding, minimizing, or mitigating for adverse effects during construction activities. Based on the information available to the Corps, Los Angeles District (LAD), and recommendations of public agencies, the following environmental commitments will be implemented to minimize potential environmental impacts that could occur from the proposed Perris II Desalter project. Applicable environmental commitments will be incorporated into the project plans and the contract specifications.

3.1.1 General

- a. The Contractor shall observe all environmental protection specifications, including but not limited to Federal, State, and local water, air, and noise quality standards.
- b. The Corps will continue to coordinate all aspects of the proposed action with concerned agencies and document that coordination, as appropriate.
- c. The Contractor shall remove all trash and debris from site at the end of every 8-hour shift, and shall discard all trash and debris at an acceptable disposal site.
- d. The Contractor shall ensure that excavation activities be suspended during periods of heavy rains.

3.1.2 Biological Resources

- a. The Contractor shall define clearing limits (construction limits) that will be marked or flagged prior to construction of the proposed Perris II Desalter.
- b. A Corps biological monitor or a qualified biological monitor with oversight by the Corps biologist will survey for amphibians, reptiles, birds, and mammals immediately prior (within 24 hours) to the onset of construction in the proposed Perris II Desalter project area. Any sensitive species individuals will be moved outside of the construction zone to prevent loss of those individuals.
- c. The following measure applies to the sensitive plant species identified above, but not thought to be within the project area: A Corps botanist or a qualified botanist would conduct a focused rare plant survey in the spring for the presence of sensitive plant species

on the proposed Perris II Desalter project site, prior to construction activities. If sensitive plant species are found within the limits of construction, mitigation would include one of the following: (1) the alternative siting of the desalter, or (2) relocation of the sensitive plants in consultation with the USFWS and CDFG.

d. The following measure would mitigate potential impacts to the burrowing owl. A qualified biologist would conduct a pre-construction survey for the presence of burrowing owls or occupied burrows. If the survey reveals the presence of the birds or evidence for the presence of this bird (such as active burrows), construction should be scheduled to avoid any activities near burrows in the breeding season (March through August). If burrowing owls or active burrow sites are located in the project area, a 250-foot buffer zone would be maintained around the burrow sites. The proposed Perris II Desalter plant facilities within the buffer zones would be avoided by identifying alternate sites or constructing during the non-nesting season. If avoidance of active burrows during the breeding season is unavoidable, then prior to the onset of the breeding season, one-way exclusionary gates would be installed on burrows and artificial burrows constructed away from the active construction area. This would be coordinated with CDFG (EMWD & Corps, 2005).

e. The proposed Perris II project activities (including disturbances to vegetation throughout the entire proposed project site) should take place from September 16 through February 28, outside of the breeding bird season, to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). However, if work needs to occur during the breeding season, the Operator shall have qualified biologist survey vegetation for nesting birds (all species) to determine if any active nests are present. All active nests shall be avoided and provided a minimum buffer of 300 feet for non-raptor species and 500 feet for raptors. The nest shall not be disturbed until the young have fledged and the nest becomes inactive. If threatened or endangered species are observed in the area, no work shall occur during the breeding season (March 1 through September 15) to avoid direct or indirect (noise) take of listed species and State and/or Federal threatened/endangered species permits shall be obtained prior to commencing project activities.

Any threatened and endangered (T&E) species and sensitive species shall be in compliance with the [Endangered Species Act](#).

### 3.1.3 Cultural Resources

a. Initial excavations for construction will be monitored by a qualified archaeologist from the Corps or elsewhere with oversight by the Corps project archaeologist. This requirement will be communicated by the Corps archaeologist during the preconstruction meeting.

b. In the event that previously unknown cultural resources are identified during implementation of the proposed action, all activities will cease until the provisions of [36 CFR 800.11](#), Properties Discovered During Implementation of an Undertaking, are met.

### 3.1.4 Water Quality

a. The Contractor shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMP)

that will prevent construction pollutants from contacting stormwater and with the intent of keeping all products of erosion from moving offsite into potential receiving waters (e.g, San Jacinto River). Some of the BMP that the Contractor may include but not be limited to:

1. The use of silt fencing or sand bags around disturbed areas to prevent sediments from being washed offsite.
2. The use of temporary stormwater retention or detention basins to prevent stormwater runoff from the site.
3. Monitoring and maintenance efforts to tailor erosion and sediment control efforts to site-specific conditions and ensure proper working conditions.

### 3.1.5 Air Quality and Noise

- a. The Contractor shall obtain a Permit to Operate (PTO) from the SCAQMD or the CARB prior to commencement of work, pay all associated fees, and follow all permit requirements.
- b. The Contractor shall abide by the SCAQMD's Rule 404 concerning BMP for construction sites in order to reduce emissions during the construction phase. Measures may include:
  1. Keep disturbed/loose soil moist at all times.
  2. Suspend grading activities when wind speeds exceed 25 miles per hour.
  3. Enforce a 15 miles per hour speed limit on unpaved portions of the construction site.
- c. The Contractor shall ensure that construction equipment will be properly maintained in order to minimize release of diesel and hydrocarbon effluent into the atmosphere. The contractor will follow all permit requirements, including those regarding emissions, fuel use and fuel consumption.
- d. The Contractor shall ensure that all construction equipment is permitted, well maintained, and all internal combustion engines properly tuned to avoid excessive diesel smoke generation.
- e. The Contractor shall reduce the number of pieces of equipment used simultaneously to minimize emissions.
- f. Building and grading permits shall include a restriction to limit idling of construction equipment on site to no more than ten minutes. During unloading and loading, engine idling shall be restricted to less than ten minutes.
- g. The Contractor's activities and operations on unpaved areas, such as staging area and borrow area, shall be minimized to the extent feasible during high wind events to minimize fugitive dust.
- h. The Contractor shall ensure that construction equipment will be properly maintained and scheduled in order to minimize unsafe and nuisance noise effects to sensitive biological resources and residential areas. Excess noise generation around sensitive receptors

will be avoided whenever possible.

i. All of the Contractor's construction equipment shall be operated with required noise attenuation devices (e.g., mufflers; enclosing the engines and pumps) based on the regulations in place at the time of construction. Enforcement shall be accomplished by random field inspections by EMWD personnel or a qualified noise consultant during construction activities.

j. Within sound range of the residential zone, the Contractor's equipment operations noise level shall not exceed 80 dBA between 7 a.m. and 10 p.m., and 60 dBA between 10 p.m. and 7 a.m. If double or triple-shifts are utilized, the Contractor (or the EMWD) will first obtain all necessary permits or exemptions. If noise exceeds threshold limits, and/or reasonable complaints are received from local residents, the Contractor shall implement additional measures to reduce these impacts (i.e., a protective barrier shall be employed for any continuously operating construction equipment located within 500 feet of any residence).

k. All construction activity shall be limited to workdays between the hours of 6:00 a.m. and 7:00 p.m.

l. Truck deliveries to the desalter plant shall be limited to workdays between the hours of 6:00 a.m. and 7:00 p.m.

#### 3.1.6 Hazardous Toxic Radioactive Waste

a. The Contractor shall ensure all storage areas for the liquids (e.g., oils, lubricants, fuels, industrial fluids) shall be covered and protected with secondary containment structures or other suitable containment devices. Disposal containers for these liquids and other materials shall be provided on site. These preventative measures will reduce the possibility of a toxic/hazardous material spill or leak due to accident or neglect during construction, and prevent potential risk of local impact to groundwater quality in case and accident or spill were to occur.

b. If petroleum products are accidentally released to the environment during any phase of construction, the Contractor shall require the area or contamination to be defined; shall require the removal of any contaminated soil or material from the contaminated area; and ensure that any area exposed to accidentally released contaminants are remediated to a threshold that meets regulatory requirements established by law or agencies overseeing the remediation.

#### 3.1.7 Transportation and Circulation

a. The Contractor's construction activity within the public right-of-way of area roadways shall be addressed in a Traffic Management Plan (TMP). Features of the TMP may include the use of flagmen, signage, detours, and the limiting of construction activity within roadways to off-peak traffic hours (6:00 AM to 7:00 PM).

b. The Contractor shall abide by the SCAQMD's Rule 404 concerning BMP for construction sites in order to reduce emissions during the construction phase. Measures may include:

c. Developing a construction TMP that includes, but is not limited

to, rerouting construction related traffic off congested streets, consolidating truck deliveries, and providing temporary dedicated turn lanes for movement of construction traffic to and from site.

### 3.1.8 Minimization or Management Measures

a. The clearing limits (construction limits) will be clearly marked or flagged prior to construction of the proposed Perris II Desalter. The proposed action will be surveyed by a qualified biologist for amphibians, reptiles, birds, and mammals immediately prior (within 24 hours) to the onset of construction in the proposed Perris II Desalter project area. Any sensitive species individuals will be moved outside of the construction zone to prevent loss of those individuals.

b. The following measure applies to the sensitive plant species identified above, but not thought to be within the project area: A qualified botanist would conduct a focused rare plant survey in the spring for the presence of sensitive plant species on the proposed Perris II Desalter project site, prior to construction activities. If sensitive plant species are found within the limits of construction, mitigation would include one of the following: (1) the alternative siting of the desalter, or (2) relocation of the sensitive plants in consultation with the USFWS and CDFG.

c. The following measure would mitigate potential impacts to the burrowing owl. A qualified biologist would conduct a pre-construction survey for the presence of burrowing owls or occupied burrows. If the survey reveals the presence of the birds or evidence for the presence of this bird (such as active burrows), construction should be scheduled to avoid any activities near burrows in the breeding season (March through August). If burrowing owls or active burrow sites are located in the project area, a 250-foot buffer zone would be maintained around the burrow sites. The proposed Perris II Desalter plant facilities within the buffer zones would be avoided by identifying alternate sites or constructing during the non-nesting season. If avoidance of active burrows during the breeding season is unavoidable, then prior to the onset of the breeding season, oneway exclusionary gates would be installed on burrows and artificial burrows constructed away from the active construction area. This would be coordinated with DFG (EMWD & Corps, 2005).

d. The proposed Perris II project activities (including disturbances to vegetation throughout the entire proposed project site) should take place from September 16 through February 28, outside of the breeding bird season, to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). However, if work needs to occur during the breeding season, the Operator shall have qualified biologist survey vegetation for nesting birds (all species) to determine if any active nests are present. All active nests shall be avoided and provided a minimum buffer of 300 feet for non-raptor species and 500 feet for raptors. The nest shall not be disturbed until the young have fledged and the nest becomes inactive. If threatened or endangered species are observed in the area, no work shall occur during the breeding season (March 1 through September 15) to avoid direct or indirect (noise) take of listed species and State and/or Federal threatened/endangered species permits shall be obtained prior to commencing project activities.

e. All migratory non-game native bird species are protected by

international treaty under the Federal **Migratory Bird Treaty Act** (50 CFR Section 10.13). Sections 3503, 3503.5, and 3513 of the California Department of Fish and Game (CDFG) Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).

f. Oil, gas, and other hazardous fluids should be stored in a single location, or as few locations as possible to prevent any hazardous materials or waste impacts to animals or plants.

### 3.2 LAND RESOURCES

Confine all activities to areas defined by the drawings and specifications. Identify any land resources to be preserved within the work area prior to the beginning of any construction. Do not remove, cut, deface, injure, or destroy land resources including trees, shrubs, vines, grasses, topsoil, and land forms without approval, except in areas indicated on the drawings or specified to be cleared. Ropes, cables, or guys will not be fastened to or attached to any trees for anchorage unless specifically authorized. Provide effective protection for land and vegetation resources at all times, as defined in the following subparagraphs. Remove stone, soil, or other materials displaced into uncleared areas.

#### 3.2.1 Work Area Limits

Mark the areas that need not be disturbed under this contract prior to commencing construction activities. Mark or fence isolated areas within the general work area which are not to be disturbed. Protect monuments and markers before construction operations commence. Where construction operations are to be conducted during darkness, any markers must be visible in the dark. The Contractor's personnel must be knowledgeable of the purpose for marking and/or protecting particular objects.

#### 3.2.2 Erosion and Sediment Controls

Providing erosion and sediment control measures in accordance with Federal, State, and local laws and regulations is the Contractor's responsibility. The erosion and sediment controls selected and maintained by the Contractor shall be such that water quality standards are not violated as a result of construction activities. The area of bare soil exposed at any one time by construction operations should be kept to a minimum. Construct or install temporary and permanent erosion and sediment control best management practices (BMPs). BMPs may include, but not be limited to, vegetation cover, stream bank stabilization, slope stabilization, silt fences, construction of terraces, interceptor channels, sediment traps, inlet and outfall protection, diversion channels, and sedimentation basins.

#### 3.2.3 Contractor Facilities and Work Areas

Place field offices, staging areas, stockpile storage, and temporary buildings in areas as directed by the Contracting Officer. Temporary movement or relocation of Contractor facilities will be made only when approved. Erosion and sediment controls must be provided for onsite borrow and spoil areas to prevent sediment from entering nearby waters. Temporary excavation and embankments for plant and/or work areas must be controlled to protect adjacent areas.

### 3.3 WATER RESOURCES

Monitor all water areas affected by construction activities to prevent pollution of surface and ground waters. Do not apply toxic or hazardous chemicals to soil or vegetation unless otherwise indicated. For construction activities immediately adjacent to impaired surface waters, the Contractor must be capable of quantifying sediment or pollutant loading to that surface water when required by State or Federally issued Clean Water Act permits.

### 3.4 AIR RESOURCES

Equipment operation, activities, or processes will be in accordance with all Federal and State air emission and performance laws and standards.

#### 3.4.1 Particulates

Dust particles; aerosols and gaseous by-products from construction activities; and processing and preparation of materials, such as from asphaltic batch plants; must be controlled at all times, including weekends, holidays and hours when work is not in progress. Maintain excavations, stockpiles, haul roads, permanent and temporary access roads, plant sites, spoil areas, borrow areas, and other work areas within or outside the project boundaries free from particulates which would cause the Federal, State, and local air pollution standards to be exceeded or which would cause a hazard or a nuisance. Sprinkling, chemical treatment of an approved type, baghouse, scrubbers, electrostatic precipitators or other methods will be permitted to control particulates in the work area. Sprinkling, to be efficient, must be repeated to keep the disturbed area damp at all times. Provide sufficient, competent equipment available to accomplish these tasks. Perform particulate control as the work proceeds and whenever a particulate nuisance or hazard occurs. Comply with all State and local visibility regulations.

#### 3.4.2 Odors

Odors from construction activities must be controlled at all times. The odors must be in compliance with State regulations and/or local ordinances and may not constitute a health hazard.

#### 3.4.3 Sound Intrusions

Keep construction activities under surveillance and control to minimize environment damage by noise. Comply with the provisions of the State of California rules.

#### 3.4.4 Burning

Burning will not be allowed on the project site.

### 3.5 CHEMICAL MATERIALS MANAGEMENT AND WASTE DISPOSAL

#### 3.5.1 Solid Wastes

Place solid wastes (excluding clearing debris) in containers which are emptied on a regular schedule. Handling, storage, and disposal must be conducted to prevent contamination. Employ segregation measures so that no hazardous or toxic waste will become co-mingled with solid waste. Transport solid waste off site and dispose of it in compliance with

Federal, State, and local requirements for solid waste disposal. A Subtitle D RCRA permitted landfill will be the minimum acceptable offsite solid waste disposal option. Verify that the selected transporters and disposal facilities have the necessary permits and licenses to operate. Comply with Federal, State, and local laws and regulations pertaining to the use of landfill areas.

### 3.5.2 Fuel and Lubricants

Storage, fueling and lubrication of equipment and motor vehicles must be conducted in a manner that affords the maximum protection against spill and evaporation. Manage and store fuel, lubricants and oil in accordance with all Federal, State, Regional, and local laws and regulations. Used lubricants and used oil to be discarded must be stored in marked corrosion-resistant containers and recycled or disposed in accordance with 40 CFR 279, State, and local laws and regulations. Storage of fuel on the project site is not allowed. Fuel must be brought to the project site each day that work is performed.

### 3.5.3 Waste Water

Disposal of waste water will be as specified below.

- a. Waste water from construction activities, such as onsite material processing, concrete curing, foundation and concrete clean-up, water used in concrete trucks, forms, etc. will not be allowed to enter water ways or to be discharged prior to being treated to remove pollutants. Dispose of the construction related waste water off-site property in accordance with all Federal, State, Regional and Local laws and regulations.
- b. Water generated from the flushing of lines after disinfection or disinfection in conjunction with hydrostatic testing will be discharged into the sanitary sewer with prior approval and/or notification to the Waste Water Treatment Plant's Operator.

## 3.6 RECYCLING AND WASTE MINIMIZATION

Participate in State and local government sponsored recycling programs. The Contractor is further encouraged to minimize solid waste generation throughout the duration of the project.

## 3.7 PREVIOUSLY USED EQUIPMENT

Clean all previously used construction equipment prior to bringing it onto the project site. Ensure that the equipment is free from soil residuals, egg deposits from plant pests, noxious weeds, and plant seeds. Consult with the USDA jurisdictional office for additional cleaning requirements.

## 3.8 MAINTENANCE OF POLLUTION FACILITIES

Maintain permanent and temporary pollution control facilities and devices for the duration of the contract or for that length of time construction activities create the particular pollutant.

## 3.9 TRAINING OF CONTRACTOR PERSONNEL

The Contractor's personnel must be trained in all phases of environmental protection and pollution control. Conduct environmental

protection/pollution control meetings for all personnel prior to commencing construction activities. Additional meetings must be conducted for new personnel and when site conditions change. Include in the training and meeting agenda: methods of detecting and avoiding pollution; familiarization with statutory and contractual pollution standards; installation and care of devices, vegetative covers, 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; recognition and protection of archaeological sites, artifacts, wetlands, and endangered species and their habitat that are known to be in the area.

### 3.10 POST CONSTRUCTION CLEANUP

The Contractor will clean up all areas used for construction in accordance with Contract Clause: "Cleaning Up". Unless otherwise instructed in writing by the Contracting Officer, obliterate all signs of temporary construction facilities such as haul roads, work area, structures, foundations of temporary structures, stockpiles of excess or waste materials, and other vestiges of construction prior to final acceptance of the work. The disturbed area must be graded, filled and the entire area seeded unless otherwise indicated.

-- End of Section --