

Ensuring Environmental Compliance During Construction



Jason Jurgens
Planning and Project Development

Process & Roles

- ▶ Environmental Checklist Development & District Review
 - CE Firm and/or LPA
 - Checklist shall be submitted to the State Representative at or before the Construction Inspection Planning Meeting
 - Checklist shall include Commitments from the Greensheet, Section 404 permits, T&E “Matrix” evaluation, SWPPP and/or other NEPA clearance documents

Process & Roles

- ▶ Environmental Checklist Development & District Review
 - State Representative
 - Review project Green Sheet, 404 permit, SWPPP, etc. and CE/LPA Checklist
 - Coordinate with the CE firm or LPA to ensure the checklist is complete and accurate.
 - Submit Checklist to the Local Projects Construction Coordinator.

Process and Roles

- ▶ NDOR Central Review and Approval
 - Local Projects Construction Coordinator (LPCC – Greg Wood)
 - LPCC will coordinate with the Local Projects Environmental Unit (Jon Barber)
 - Ensure the Checklists are complete and adequate
 - Recommend revisions if needed
 - LPCC will coordinate revisions with the State Representative and the CE Firm/LPA
 - Final/Revised Checklists shall be submitted to the State Rep, the District Environmental Coordinator (DEC) and to the Local Projects Construction Coordinator

Checklist Completion during Construction

- ▶ CE Firm* and/or the LPA*
 - Shall conduct Bi-weekly inspections
 - Document that check list item compliance and/or condition
 - Recommend and/or direct corrective actions
 - Coordinate corrective action issues with the State Rep and/or the District Environmental Coordinator
 - Retain checklist compliance documents within the project SWPPP book

* CE/LPA Inspector must be a NDOR Certified Erosion Control Inspector.

Checklist Completion during Construction

- ▶ State Representative will ensure:
 - Bi-weekly inspections (Checklists) are being completed
 - Corrective actions are being addressed in a timely fashion
- ▶ District Environmental Coordinator (DEC)
 - Complete a minimum of one audit per project
 - Reviews the biweekly checklists completed to date and documents on-site conditions during the site audit visit
 - Complete Checklist Form 12-20

Checklist 12–20 Environmental Compliance Audit Form

- ▶ District Environmental Coordinator shall:
 - Document compliance with each environmental commitment
 - Audit should occur during a regularly scheduled Checklist field visit to include the CE Firm and State Representative
 - Submit the audit inspection to LPA RC, CE Firm and the Local Projects Coordinator within 24 hours
 - Include a copy in Site Manager

Authority for Corrective Actions

- ▶ What happens if the Construction Co. doesn't comply with Environmental Commitments ...
...**Project Shut Down???**
 - CE Firm should work with the LPA-RC and Contractor – NDOR staff to provide support and guidance to the LPA-RC
 - Involve your DEC or DE if needed
 - DEC or State Representative conducts a follow-up site visit as needed to verify corrective actions have been made
 - Resource Agency site visits/audits – The LPA RC is the point of contact

Change Order Issues during Construction

- **Project Changes that increase the project footprint such as the following need to be reviewed**
 - Culvert changes – location, length, aquatic passage
 - Borrow/Waste Sites
 - Plan Revisions
- NEPA Document Re-evaluation/404 Permit amendments may be required
- Environmental compliance review prior to authorization of the work by the State Representative

Change Order Issues during Construction

- **Borrow/Waste site review and approval** – Contractor shall submit a Materials Source Site Identification & Evaluation Request
 - This includes all contractor furnished borrow and waste areas
- **Remember:**
 - Temporary access, construction crossing needs and installation
 - T&E Conservation Conditions – nighttime work, seasonal “in-river” restrictions
 - 404 permit Special Conditions & NWP General Condition 9

Environmental Permit Project Close-Out

- ▶ CE Firm and/or the LPA shall submit a project close out report to the State Representative showing:
 - Compliance with Greensheet Commitments
 - Section 404 Permit Compliance Certification
 - Copies of Required T&E Species Surveys
 - Stormwater Permit Notice of Termination (NOT) – Post Close out after final Stabilization of the site
- ▶ Based on the Project Environmental Checklist developed by the CE Firm

Environmental Permit Project Close-Out

- ▶ State Representative shall:
 - Review close out report for accuracy and completeness
 - Reconcile discrepancies with the CE/LPA
 - Submit to the LPCC for coordination and approval with the Local Projects Environmental Unit

Environmental Permit Project Close-Out

- ▶ CE Firm/LPA shall:
 - Submit close out report to the Local Projects Construction Coordinator including:
 - Copies of T&E Surveys
 - 404 Permit Certification of Compliance with documentation of Special Condition Compliance
 - Commitment to complete remaining Environmental commitments (e.g. NOT for Stormwater Permits and mitigation site monitoring)
 - Submit with 299 Close-out form

Record Keeping Obligations

- ▶ Permit Driven
 - Stormwater – 3 years after the NOT is filed
 - Section 404 Permits – 5 year mitigation site monitoring
 - NEPA documents – 3 years after the project is closed out
- ▶ The Responsible LPA should hold project documents according to their own record retention requirements
- ▶ LPD will retain environmental compliance documentation according to the NDOR Records Retention Manual

Planning and Project Development Division Contacts

- ▶ Jason Jurgens – Environmental Section Manager
 - 402-479-4418

- ▶ Roadside Stabilization Unit (RSU)
 - Ron Poe – RSU Manager
 - 402-479-4499
 - Gabe Robertson – Stormwater Permitting
 - 402-479-4685
 - Nick Soper – Erosion Control Design
 - 402-479-3642
 - Carol Wienhold – Roadside Seeding
 - 402-479-3917

Planning and Project Development Division Contacts

- ▶ Local Projects Environmental Unit
 - Jon Barber – LPE Unit Manager – NEPA Documents
 - 402-479-4412
 - Zach Cunningham – Threatened and Endangered Species
 - 402-479- 4464
 - Steve Duecker – Wetlands/Section 404 Permits
 - 402-479- 3969
- ▶ Environmental Permits Unit (Alt. Contacts)
 - Tony Ringenberg – Wetlands/404 ♦402-479-4410
 - Melissa Marinovich – T&E Species ♦402-479- 3546

NDOR ENVIRONMENTAL



What my friends think I do



What my mom thinks I do



What society thinks I do



What Hollywood thinks I do



What I think I do



What I actually do