

ENVIRONMENTAL BULLETIN

A routine publication providing environmental-related guidance to NDOT District Staff and Contractors

NEBRASKA
DEPARTMENT OF TRANSPORTATION

SPRING 2020 IN THIS ISSUE

Updated Environmental Specifications Released	1
Stormwater Pollution Prevention Plans (SWPPPs) Going Electronic	3
Stormwater Permit Compliance	4
The Five Pillars of Stormwater Management	5
Erosion Control Training Update	6
Updated Stormwater Field BMP Pocket Guide	6
Proper Disposal of Hazardous Materials on Projects	6
New Threatened and Endangered Species Coordinator	7

Updated Environmental Specifications Released

Beginning in November 2019, new specifications were released that outline the expectations for compliance with environmental commitments on construction projects. These specifications are titled **115 – Environmental Commitment Compliance** and **116 – Hazardous Materials Management**.

The **115 – Environmental Commitment Compliance** specification outlines three pay items and what must occur to be eligible for payment. These include:

- Environmental Commitment – Contractor Compliance (lump sum)
- Environmental Incentive (\$500 per report with corrective actions)
- Environmental Disincentive (\$500 per day)

In addition to the pay items, the specification describes environmental submittals that can be required prior to work beginning on the project. These include:

- Temporary Erosion Control Plan
- Spill Prevention and Control Plan
- Migratory Bird Treaty Act Compliance Plan
- Appointing an Environmental Representative, who can be a point of contact for environmental commitments and inspections

The specification describes necessary erosion and sediment control training. Courses are now available for individuals that are installing BMPs and for those inspecting these practices. Additional information regarding these courses is available on our website at: <https://dot.nebraska.gov/projects/environment/training/>.

More information on page 2.

There are three different environmental inspection types that can occur during the construction of a project.

1. Scheduled Inspections

- Evaluates the environmental commitments
- Performed every 14 days
- Continues from the beginning of land disturbance until project completion
- Can be reduced to monthly inspections during winter or vegetation establishment phase of project

2. Storm Event Inspections

- Evaluates the applicable environmental commitments
- Inspections occur within 24 hours of or the next business day after 0.5" rain events
- Continue from beginning of land disturbance until project completion

3. Oversight Inspections

- Evaluates the environmental commitments
- Conducted by the District or Central Headquarters' staff or third-party consultant
- Typically performed once per month or in response to a Notice of Violation

As a result of inspections, a report will be generated documenting any corrective actions necessary to maintain compliance with the project's environmental commitments. Corrective actions generally can be completed within seven days, however those designated as immediate corrective actions must be addressed within 48 hours. Incentive payments are available if the work is completed within the timeframes. If corrective actions are not completed on time, they are then considered to be deficiencies and as such can be charged a disincentive daily until the work is done.

The **116 – Hazardous Materials Management** specification describes the expectations surrounding the management of hazardous material and the requirements for clean-up in the event there is a spill onsite. NDOT defines hazardous materials as a broad category of materials that because of their quantity, concentration, physical or chemical characteristics, pose a potential hazard to human health and safety or to the environment if released into the environment.

The specification provides information regarding what information should be included in an acceptable Spill Prevention and Control Plan. The plan should include:

- A site plan showing items such as the locations of materials, storage and equipment
- Descriptions of best management practices and procedures for managing materials and the clean-up of spills
- Contact information for when a spill occurs

Information is also provided regarding training. Prior to beginning work, the contractor should provide training to those on the site regarding materials, spills and clean-up procedures.

Regular inspections also should be completed by contractors to ensure tanks, barrels and equipment are not leaking. When noted during an environmental inspection as detailed in 115, these would be examples of immediate corrective actions.



FOR MORE INFORMATION

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Stormwater Pollution Prevention Plans (SWPPPs) Going Electronic

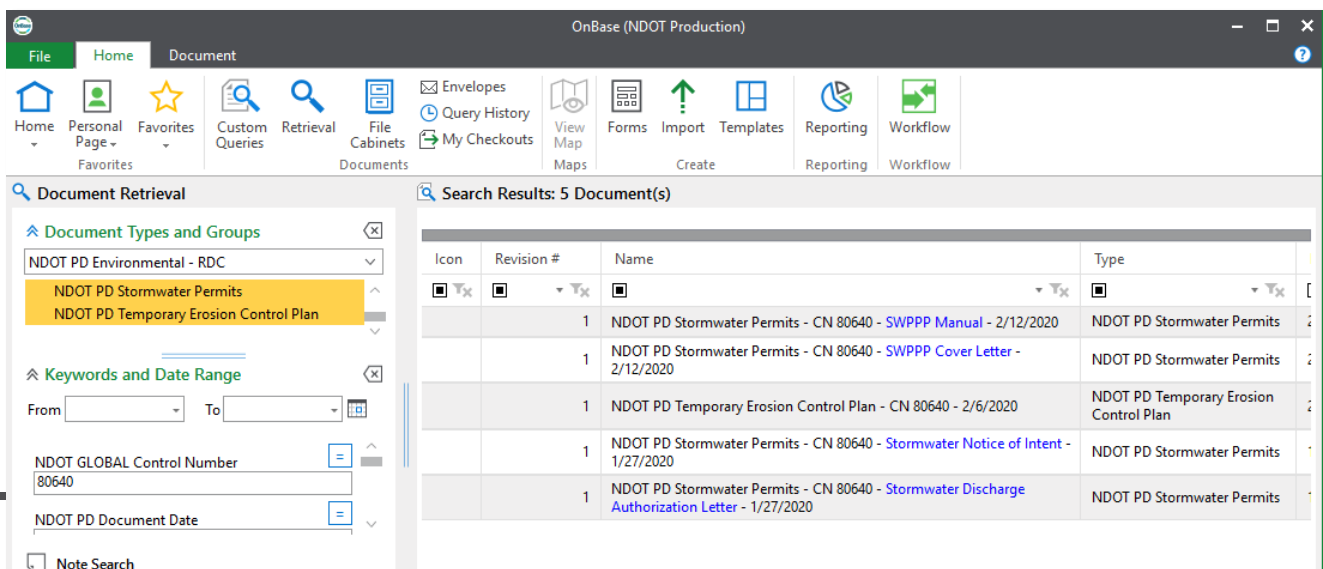
You will be noticing adaptations that Roadside Development and Compliance Unit (RDC Unit) is making with the way we deliver Storm Water Pollution Prevention Plans (SWPPPs) to NDOT projects. As a result of the social distancing measures currently required around the state, RDC Unit has moved to electronic distribution of SWPPPs. For the time being, instead of receiving a 3-ring binder in the mail, we will be emailing a link to the electronic document on OnBase. Some minor changes have been made to try to emulate the hard copies previously sent out. We are not recommending this document be printed out — the Nebraska Department of Environment and Energy (NDEE) has agreed it is not necessary to have the hard copy document onsite while we all make changes to combat the current pandemic. We are, however, recommending the Temporary Erosion Control Plans be printed by district/project staff and kept onsite/readily available to document site changes. The Permanent Erosion Control Plans may also be helpful if printed out.

There are potential side benefits from this temporary change in SWPPP process. We have had previous discussions about how we could achieve an electronic SWPPP, thereby reducing or eliminating hard copy documents in the construction process. Our stumbling block usually has been the Temporary Erosion Control Plans which contain a wealth of information about site compliance completed by project staff. So, while we go through this unanticipated experiment, we would be extremely interested in how project staff is improving upon this process. We are aware of programs that allow for electronic mark-up of PDF documents, much in the same way paper temp plans are marked up. What we don't know is if anyone is using such software or what other ways project staff document and record information like what is required for the Temporary Erosion Control Plans. Potentially, this experiment could provide valuable information that would help us convince NDEE that electronic access can be substituted for hard copy documents in future permits. We made these arguments the last time NDEE re-issued the permit. The permit is due for renewal in a little over a year from now, so it will be time to make arguments for changes we see as improvements. We were able to convince them at the last re-issuance there was no need to include a copy of the 40-page permit in every SWPPP since everyone could access it via a smart phone or computer.

Thank you for understanding the need for these changes, even if we are all tired of changes. Please provide your feedback if you are managing one of these electronic SWPPPs. Hopefully we can all see some benefit from the changes we are making now.

SWPPP documents can be retrieved with the link provided in the email or directly from OnBase using the Document Type: **NDOT PD Environmental – RDC** and Document Groups: **NDOT PD Stormwater Permits & NDOT PD Temporary Erosion Control Plan**.

FOR MORE INFORMATION
 Contact Blayne Renner at blayne.renner@nebraska.gov



Stormwater Permit Compliance

Inspection Frequencies

Now that winter conditions are no longer applicable, all stormwater permitted projects still under construction should be receiving bi-weekly and rain event inspections. Inspectors should be using the “Scheduled Environmental Inspection (Construction Phase)” report type in ECODatabase.

When construction is completed and permanent erosion controls have all been installed, inspectors can switch to monthly inspection frequency using the “Scheduled Environmental Inspection (Establishment Phase)” report type in ECODatabase.

Stormwater Inspection Report Questions

When completing your stormwater inspection report, please read each question carefully and provide accurate answers. If you select the “Not Applicable (N/A)” button when answering a question, consider if that is actually the case. For example, the following question would rarely have N/A selected for the answer type:

- *“Are the locations and installation/removal dates of erosion and sediment control measures documented on the Temporary Erosion and Sediment Control Plan?”*

The answer for this question should either be yes - they are documented and the plan is up to date, or no - they are not documented and a corrective action is needed to get the plan up to date. If you use the N/A answer you may need to add comments to further explain the scenario, such as *“Project is just getting started and controls are not needed at this time.”*

If you need assistance with any of the questions on the report, please contact the Roadside Development and Compliance Unit.

Project Handoff (Transitioning from Construction to Maintenance)

Prior to closing the project contract, it is highly recommended the construction staff coordinate with operations staff (drive the project together) to address any potential problem areas that could become a maintenance issue down the road. This allows the District to utilize project funding and contractor expertise while the contract is still open.



FOR MORE INFORMATION

Contact Gabe Robertson at gabe.robertson@nebraska.gov

The Five Pillars of Stormwater Management

NDOT is committed to finding effective and economic ways to address our environmental responsibilities as an organization. The Five Pillars of Stormwater Management listed below will ensure these responsibilities are being met within our stormwater program. Alone, these pillars cannot effectively control stormwater, but by incorporating these into our daily work, we can become more efficient and better understand stormwater management expectations.

1. **Managing Communication** — This best management practice drives the four that follow. Managing communication means managing the project's effectiveness with open communication channels between designers, project staff, contractors and stakeholders. By managing communication, we ensure that expectations and priorities are communicated to all involved parties, so everyone understands the plan and intended outcome.
2. **Managing Work** — This practice is centered around how NDOT manages contractors, employees and operations to make sure project goals and expectations are met. During construction, NDOT, the prime contractor and their subcontractors need to have an understanding of how the operations of one may affect another. The goal of this pillar is to construct the project efficiently and in an environmentally compatible manner, while not increasing liability or limiting the contractor's innovation.
3. **Managing Water** — "Clean water in, clean water out." Managing water means focusing on best management practices and dewatering activities that divert, capture and slow runoff on projects. The goal should be to protect waters coming from outside the project limits from any sediment as it flows through the project area.
4. **Managing Erosion** — Managing erosion is managing a raindrop's impact, which alone can cause the detachment of soil particles from disturbed soil surfaces. Success in managing erosion comes from communicating how to limit these impacts by directing both the work and water. Preserving existing vegetation and temporarily stabilizing areas during construction aid in managing erosion, along with the establishment of permanent vegetation and final stabilization of the project.
5. **Managing Sediment** — Managing sediment is the most expensive and most challenging management practice. While an important component of the Five Pillars, managing sediment cannot be relied upon by itself as an effective runoff management tool unless it's incorporated into a more holistic plan that incorporates all five pillars for protection of water quality.



FOR MORE INFORMATION

Contact Ron Poe at (402) 479-4499 or ronald.poe@nebraska.gov

Erosion Control Training Update

In light of the current Coronavirus situation, we will be temporarily suspending the classroom style “Erosion Control Inspector Training Course.”

If you need to obtain the NDOT Erosion and Sediment Control Inspector Certification:

- Enroll in the online “Installer” course hosted at LTAP. This will provide you with a six-month temporary ID. The course is found [here](#).
- We intend to resume the classroom style courses once the virus threat has passed. In addition, we have started to construct an online option for the Erosion Control Inspector class. This option is anticipated to be up and running by early summer. We will notify everyone when it is ready to go.

If you need to obtain the NDOT Erosion and Sediment Control Installer Certification:

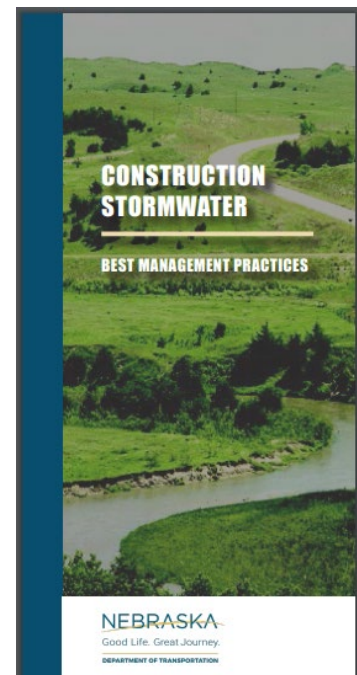
- Nothing has changed. Contractors can take the online course through LTAP at the link above.

As always, we encourage the contractors to check our online database regularly and verify their staffs’ certifications are up to date. [Click here](#) to access the database.

For additional information regarding the Erosion Control trainings, visit the website at: <https://dot.nebraska.gov/projects/environment/training/>

Updated Stormwater Field BMP Pocket Guide

The NDOT Construction Stormwater Best Management Practices Pocket Guide (pictured right) has recently been updated to more accurately correspond to current specifications. In addition, the document is more mobile friendly now. You can access the guide on NDOT’s website [here](#).



Proper Disposal of Hazardous Materials on Projects

Hazardous Materials are a very important, if unseen part of our lives. From the cars we drive, to the clothing we wear, to the buildings we occupy, to the plastic that touches every fabric of our existence, the products that hazardous materials help create are all around us. But just because their use is so mundane doesn’t mean those hazardous materials are benign. Just as the name suggests, hazardous materials that are used to create so many of the things we use every day can also present a serious health and environmental hazard. If those same hazardous materials would be used or disposed of in a manner inconsistent for which they were intended, serious health or environmental consequences could result.

So what should a NDOT technician or staff member do should they come across some hazardous material on a job site or in the right-of-way on a project? What happens when a NDOT field technician comes across some hazardous materials after a consultant leaves a job site, or maybe the NDOT technician comes across some barrels of unknown material after right-of-way acquires some property? The following are the first steps for dealing with hazardous materials (as unexpected waste) as found in the *NDOT Unexpected Waste Action Plan* for dealing with just that sort of situation.

Continued on Page 7

1. **Stop work!** — When unexpected waste or possible contamination is discovered, any involved party shall be responsible to report immediately to the NDOT Construction Project Manager (CPM)
2. **Secure the site** — The area where the wastes are discovered shall be secured to protect the worker and public safety.
3. **Notify NDOT CPM** — The field crew contractor or NDOT field representative shall immediately notify the CPM. The CPM shall then notify NDOT's Environmental Section Manager (ESM).
4. **Document Site and Nature of Discovery** — The NDOT CPM will document an entry into Site Manager outlining the nature, time and extent of the discovery.
5. **Conduct Initial Evaluation of Waste Types** — Without risking injury, attempt to determine what type of waste type the Department will be dealing with.
6. **Agency Coordination** — The NDOT ESM will further coordinate with outside agencies if necessary.

As you can see from the list above, the necessary steps to avoid improper hazardous material disposal aren't hard to execute and take very little time to do right. By identifying hazardous materials at the site and with proper communication with their supervisor, improper disposal and the resulting fines and paperwork can be avoided.

New Threatened and Endangered Species Coordinator

By now most of you have heard that Zach Cunningham has left the NDOT Environmental Section. To continue providing timely species surveys (MBTA, Eagle and T&E), Mercy Manzanares will be taking the reins for Zach's District responsibilities (1, 7, 4, 8) effective immediately. Please begin directing your survey requests to Mercy while also copying Jon Soper. In the interim, the Environmental Section will continue to provide critical wetland delineations and project permitting. We will continue to work with and assist District Environmental Coordinators that are assisting the Environmental Section by completing species surveys work within their districts. Additionally, any Environmental Section wetland biologists are available to conduct bird and T&E surveys throughout the state, any time of the year.

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