

Environmental Protection Plan Guidance

The Environmental Protection Plan must be current and maintained onsite by the Contractor. Include in the environmental protection plan, but not limit it to, the following:

1. Name(s) of person(s) within the Contractor's organization who is(are) responsible for ensuring adherence to the Environmental Protection Plan.
2. Name(s) and qualifications of person(s) responsible for training the Contractor's environmental protection personnel.
3. Description of the Contractor's environmental protection personnel training program.
4. 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.
5. 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.
6. 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. Include in the plan:
 - a. The name and qualifications 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,
 - e. The methods and procedures to be used for expeditious contaminant cleanup
 - f. A listing of all materials in containers of 55 gallons or more in volume that hold a regulated substance (40 CFR 68 40 CFR302 and 40 CRF 355).
 - g. A basic site map showing the proposed location for the 55 gallon or greater containers and identifying the inlets to sanitary, stormwater or wetlands that need to be protected.
 - h. Containers greater than 55 gallons shall have a passive form of secondary containment (berms, diking, curbing, retention area) that will contain a release without active intervention.

7. A non-hazardous solid waste disposal plan identifying methods and locations for solid waste disposal including clearing debris and schedules for disposal. The non-hazardous solid waste disposal plan must describe the methods used to conduct and record Hazardous Waste Determinations that comply with 40 CFR 262.11 for all Solid Wastes generated by this contract.

a. 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.

b. 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).

c. 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.

d. 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.

8. 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.

9. 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.

<p>Air Resources</p> <p><i>Permitting associated with stationary sources of air pollution (paint booths, boilers, etc) .</i></p>	<p>45-60 days(could be less depending on regulator’s workload)</p>
<p>Potable Water (Tyndall AFB is not regulated at this point) – No permit needed</p> <p><i>Permitting associated with drinking water facilities and distribution systems to ensure compliance with state and federal drinking water standards.</i></p> <p>Coordination with GCEC required for any work.</p>	<p>45-60 days(could be less depending on regulator’s workload)</p>
<p>Environmental Resources</p>	<p>FDEP - 45-60 days (could be less</p>

<i>Permitting for activities in wetlands, surface waters or state lands; dredge & fill; stormwater ponds; docks/piers; boat ramps; shoreline stabilization.</i>	depending on regulator's workload) USACE ERP Permit (wetlands impact)– 120 days or less
Wastewater NPDES <i>Permitting associated with domestic (sanitary sewage from residents, businesses, etc.) and industrial (derived from an industrial activity) wastewater. Coordination with Bay County required</i>	2– 6 Months – (depending on regulator's workload)

Air Permit

(1) Air Construction Permits.

Unless exempt from permitting pursuant to paragraph 62-210.300(3)(a) or (b), F.A.C., or Rule 62-4.040, F.A.C., an air construction permit shall be obtained by the owner or operator of any proposed new, reconstructed, or modified facility or emissions unit, or any new pollution control equipment prior to the beginning of construction, reconstruction pursuant to 40 CFR 60.15 or 63.2, or modification of the facility or emissions unit or addition of the air pollution control equipment; or to establish a PAL; in accordance with all applicable provisions of this chapter, Chapter 62-212, F.A.C., and Chapter 62-4, F.A.C. (Examples for Tyndall are boilers above 1M BTU, Paint booth, large generators, Large fuel tanks). Except as provided under Rule 62-213.415, F.A.C., the owner or operator of any facility seeking to create or change an air emissions bubble shall obtain an air construction permit in accordance with all the applicable provisions of this chapter, Chapters 62-212 and 62-4, F.A.C. The construction permit shall be issued for a period of time sufficient to allow construction, reconstruction or modification of the facility or emissions unit or addition of the air pollution control equipment; and operation while the owner or operator of the new, reconstructed or modified facility or emissions unit or the new pollution control equipment is conducting tests or otherwise demonstrating initial compliance with the conditions of the construction permit.

(2) Conversion from Construction to Operation Permits. Upon expiration of the air operation permit for any existing facility or emissions unit; subsequent to any construction, reconstruction or modification of a facility or emissions unit authorized by an air construction permit, and demonstration of compliance with the conditions of such air construction permit; subsequent to the establishment of a PAL or air emissions bubble by air construction permit; or as otherwise provided in this chapter or Chapter 62-213, F.A.C.; the owner or operator of such facility or emissions unit shall obtain a renewal air operation permit, an initial air operation permit, or revision of an existing air operation permit, whichever is appropriate, in accordance with all applicable provisions of this chapter, Chapter 62-213 (if the facility is a Title V source), and Chapter 62-4, F.A.C.

62-330.020 Regulated Activities for Stormwater (Environmental Resources Permit).

(1) A permit under this chapter is not required for activities that qualify for:

(a) Operation and routine custodial maintenance of projects legally in existence, provided the terms and conditions of the permit, exemption, or other authorization for such projects continue to be met, and provided the activity is conducted in a manner that does not cause violations of state water quality standards. However, this exemption shall not apply to any project that is altered, modified, expanded, abandoned, or removed;

(b) An exemption listed in Rule 62-330.051, F.A.C., or in section 1.3 (District-specific exemptions) of the applicable Volume II;

(c) The “grandfathering” provisions of Sections 373.4131(4), 373.414(11), (12)(a), (13), (14), (15), or (16), F.S.; or

(d) The “10/2” general permit for upland stormwater systems authorized in Section 403.814(12), F.S. (Per FDEP Tyndall AFB does not qualify for this type of permit)

(2) **Unless the activity qualifies under subsection (1), above, a permit is required prior to the construction, alteration, operation, maintenance, removal, or abandonment of any new project that, by itself or in combination with an activity conducted after [October 1, 2013], cumulatively results in any of the following:**

(a) Any project in, on, or over wetlands or other surface waters;

(b) A total of more than 4,000 square feet of impervious and semi-impervious surface areas subject to vehicular traffic;

(c) A total of more than 9,000 square feet impervious and semi-impervious surface area;

(d) A total project area of more than five acre;

(e) A capability of impounding more than 40 acre-feet of water;

(f) Any dam having a height of more than 10 feet, as measured from the lowest elevation of the downstream toe to the dam crest;

(g) Any project that is part of a larger common plan of development or sale; (Tyndall AFB)

(h) Any dry storage facility storing 10 or more vessels that is functionally associated with a boat launching area;

(i) Any project exceeding the thresholds in section 1.2 (District-specific thresholds) of the applicable Volume II; or

(j) Any modification or alteration of a project previously permitted under Part IV of Chapter 373, F.S.

Construction and operation of the above projects are subject to the additional limitations in paragraph 3.1.4(f) of Volume I.

Three types of Environmental Resources permits (ERP):

- Exemption Verification

- [General Permits](#)
- [Individual Permits](#)

Exemptions and General Permits

[Exemptions](#) are already authorized by [rule](#) or [statute](#), but the FDEP recommends that applicants double-check that they qualify for the exemption by contacting the FDEP.

[General permits](#) are permits that are already issued by rule. Applicants are required to submit a notice to the agency with the details of the project.

With both exemptions and general permits, FDEP will review the project to determine that it qualifies for the exemption or general permit. FDEP has 30 days to complete this review and will provide permittees with a notice of determination if they qualify.

Individual Permits

If a project does not qualify either an exemption or a general permit, then the applicant should submit an application to FDEP for an Individual permit.

Once it receives an individual permit application, FDEP has 30 days to check for errors or omissions. If information is missing or incorrect, FDEP will send a Request for Additional Information (RAI) to the applicant.

Once FDEP receives all the information it needs and determines that an application is complete, the agency has 60 days to review the application and approve or deny requests for permits.

What happens after a permit is issued?

Pre-Construction

After receiving an individual ERP, the permittee will typically have five years from the date of issuance to construct the permitted facility. [The permittee is required to submit a Construction Commencement Notice to FDEP at least 48 hours before beginning construction.](#)

During Construction

During construction, one of the FDEP's inspectors will perform periodic inspections to confirm that the specific conditions set in place by the permit are being followed and that Best Management Practices are being incorporated and maintained during construction.

If an issue is observed during an inspection, the permittee will be notified and asked to cooperate with FDEP to bring the project back into compliance.

Post Construction

[Within 30 days of the completion of the project, or any independent portions of the project, the permittee must submit an As-Built Certification and Request for Conversion to Operational Phase form to FDEP.](#)

FDEP staff will review the request within 60 days, and either approve the request or will notify the permittee of any deficiencies that must be corrected prior to conversion to the operation and maintenance phase. If there are deviations from the permitted plans, the permittee will need to do a permit modification to the permit.

Once a project is deemed correctly completed, it is then considered to be in the Operation and Maintenance phase. This will require that the facility be inspected and certified by a professional as described in the permit. Inspection reports typically do not need to be submitted to the agency. FDEP will reserve the right to inspect the facility, as well as request to review the certification documents.

NPDES Permit Basics

- **What is an NPDES permit?**
 - The Clean Water Act prohibits anybody from discharging "pollutants" through a "point source" into a "water of the United States" unless they have an NPDES permit. The permit will contain limits on what you can discharge, monitoring and reporting requirements, and other provisions to ensure that the discharge does not hurt water quality or people's health. In essence, the permit translates general requirements of the Clean Water Act into specific provisions tailored to the operations of each person discharging pollutants.
- **What is a point source?**
 - The term point source is also defined very broadly in the Clean Water Act because it has been through 25 years of litigation. It means any discernible, confined and discrete conveyance, such as a pipe, ditch, channel, tunnel, conduit, discrete fissure, or container. It also includes vessels or other floating craft from which pollutants are or may be discharged. By law, the term "point source" also includes concentrated animal feeding operations, which are places where animals are confined and fed. By law, agricultural stormwater discharges and return flows from irrigated agriculture are not "point sources"
- **What is a water of the United States?**
 - The term "water of the United States" is also defined very broadly in the Clean Water Act and after 25 years of litigation. It means navigable waters, tributaries to navigable waters, interstate waters, the oceans out to 200 miles, and intrastate waters which are used: by interstate travelers for recreation or other purposes, as a source of fish or shellfish sold in interstate commerce, or for industrial purposes by industries engaged in interstate commerce.
- **What is a pollutant?**
 - The term pollutant is defined very broadly in the Clean Water Act . It includes any type of industrial, municipal, and agricultural waste discharged into water. Some examples are dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural

waste. By law, a pollutant is not sewage from vessels or discharges incidental to the normal operation of an Armed Forces vessel, or certain materials injected into an oil and gas production well.

- **Do I need an NPDES permit?**

- It depends on where you send your pollutants. If you discharge from a point source into the waters of the United States, you need an NPDES permit. If you discharge pollutants into a municipal sanitary sewer system, you do not need an NPDES permit, but you should ask the municipality about their permit requirements. If you discharge pollutants into a municipal storm sewer system, you may need a permit depending on what you discharge. You should ask the NPDES permitting authority.

- **Where do I apply for a NPDES permit?**

- NPDES permits are issued by states that have obtained EPA approval to issue permits or by EPA Regions in states without such approval. [View a map illustrating the states with full, partial, and no NPDES Authority.](#)

Industrial vs Domestic

For purposes of permitting, wastewater facilities or activities are categorized as either industrial or domestic based on the type of wastewater the facility handles. Domestic wastewater is wastewater from dwellings, business buildings, institutions and the like, commonly referred to as sanitary wastewater or sewage. Domestic wastewater facilities include domestic wastewater sewers, pipelines, conduits, pumping stations and force mains that transmit wastewater to the plant; the wastewater treatment plant; or residuals or septage management facilities.

- Go to the [Domestic Wastewater Website](#) for more information specific to domestic wastewater.

All wastewater that is not defined as domestic wastewater is considered industrial wastewater. Sources of industrial wastewater include large and small facilities and activities such as manufacturing, commercial businesses, mining, agricultural production and processing, and wastewater discharge from cleanup of petroleum- and chemical-contaminated sites.

- Go to the [Industrial Wastewater Website](#) for more information specific to industrial wastewater.

Federal ERP

Pursuant to Section 404(g) of the Clean Water Act (CWA), 33 U.S.C. § 1344(g), the State of Florida assumed administration of a portion of the CWA Section 404 program, referred to as Assumption. **However, the Corps maintained Section 404 authority over certain waters, referred to as ‘retained’ waters. Retained waters include those waters that (1) are specifically listed in the [Retained Waters List](#) (2) waters subject to the ebb and flow of tide, and (3) wetlands adjacent thereto landward to a 300-foot administrative boundary.** In the case of a project that involves a discharge of dredged or fill material both **waterward and landward of the 300-foot guideline, the Corps will retain jurisdiction to the landward boundary of the project for the purposes of that project only.**

- Additional information can be found in the [USACE Florida Assumption Handout](#).
- If you have general questions regarding the Corps implementation, email us at Florida404Program@usace.army.mil
- If you have a question specific to a pending application, email the Project Manager assigned to that project.
- If you have a question regarding an application you are intending to submit, please [email our local office](#) (or email the email box above and your question will be forwarded to the local office).