What's Hot in Environmental?

Presenters:

Chad Long – NEPA Division Manager Sean Connolly – Permit Division Manager Jay Hawkins, P.E. – Compliance Division Manager

Annual SCDOT/ACEC-SC Meeting December 7, 2016

NEPA Topics

- CE Programmatic Agreement with FHWA
- Migratory Birds
- Greenhouse Gas Update
- Public Involvement

Categorical Exclusions

- New Agreement with FHWA (May 23, 2016)
- Establishes 2 new types of CE Documents
- Addresses new classes of action that require CE processing





- Does Not Require FHWA Approval
- Must define the regulatory class of action within 23 CFR 771.117
- Must meet a number of "environmental thresholds"

South Carolina Department of Transportation

On Behalf of the Federal Highway Administration - South Carolina Division Office



PROCESSING FORM FOR PROGRAMMATIC CATEGORICAL EXCLUSIONS

NON MAJOR FEDERAL ACTIONS											
State II	0	Fed Pr	oject #	Route		County	-				
Part 1 - Project Description											
Include the Project Name/Description											
Part 2 - PCE Type											
Select the appropriate Categorical Exclusion from 23 CFR Part 771.117 that best fits the entire project from the drop-down menu. Reference Appendix A of the PCE Agreement for a more detailed description of each CE contained in 23 CFR 771.117.											
23 CFR 7	71.117(c)						•				
23 CFR 7	7 <mark>1.1</mark> 17(d)						·				
Part 3 - Thresholds											
To be processed as a Programmatic Categorical Exclusion (PCE) the following conditions must be met in addition to the General Criteria (as outlined in the PCE Agreement between FHWA-SC and SCDOT). Place a "X" in the appropriate box below. If the answer is "Yes" to any of the below criteria, SCDOT will consult with FHWA-SC to determine the appropriate level of NEPA documentation required and forward to FHWA-SC for approval. *Reference Part 4 of the Processing form or Section IV of the PCE Agreement for more details and definitions regarding each threshold.											
1. I	nvolves ar	ny unusual circumsta	ances as described in	n * <u>23 CFR Part 7</u>	71.117(b)	Yes	□ No				
	The acquis		minor amounts of te	emporary or per	manent strips	Yes Yes	□ No				

Form Updated: 7-28-2016 Page 1 of 3

Non programmatic CE

- Exceed Programmatic CE Threshold but still meet requirements for processing as a CE
- Similar to old "CE Type C" documents
- Example on SCDOT's website under Environmental
 Tool Shed

New actions that require ce

23 CFR Part 771.117 (c)(24)

Localized geotechnical and other investigations to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling, archaeological investigations....and wetland surveys





New actions that require ce

"Localized geotechnical and other investigations to provide information for preliminary design"

SCDOT Requirements:

Preliminary Subsurface Investigations <u>outside</u> of existing right-of-way

PCE Requirements

- -Brief description of work
- -Map showing proposed test bores and access areas
- -Statement that proposed work would not threaten any known T&E species and/or historic properties

MIGRATORY BIRD TREATY ACT

1918 (16 U.S.C. 703-712)
Specific provision in the statute includes the prohibition:

Establishment of a Federal prohibition, unless permitted by regulations, to "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention . . . for the protection of migratory birds . . . or any part, nest, or egg of any such bird." (16 U.S.C. 703)

MIGRATORY BIRD TREATY ACT

Over 800 birds protected under the Act!!!!!!



-Barn Swallow

Cliff Swallow













MIGRATORY BIRD TREATY ACT

- New Contract with USDA to manage Migratory Birds for all construction projects
- Updated Environmental Commitment Language
- Should see a reduction in the # of takes through more active management

"Cause I am as free as a bird now, and this bird you cannot change"-Lynyrd skynyrd

CEQ GUIDANCE ON GREENHOUSE GAS



August 1,2016

CEQ issued guidance to assist federal agencies in their consideration of the effects on GHG emissions and climate change

CEQ Climate Change Guidance

Hues of Blue at J Strom Thurmond Reservoir

South Carolina Division Office

- Only applies to EAs and EISs
- Two sections:
 - Potential effects of a proposed action on climate change
 - Effects of climate change on proposed action and its environmental impacts
 - · The Effects of climate change on the proposed action
 - The Effects of climate change on the potential environmental impacts associated with proposed action
- Planning level approach recommended until then, will be doing project level analyses

GHG Analysis Flowchart

Hues of Blue at J. Strom Thurmond Reservoir

South Carolina Division Office -

GHG Analysis based on type of NEPA Document

Categorical Exclusion N

No Analysis Required

EA or EIS



Is there an air quality issue?

- MSATs Quantitative Analysis
- Non-attainment Area

Run MOVE2014a and use ICE TOOL

YES

Use MOVES Table

Lookup Tables from

FHWA and ICE TOOL



How do we consider "CLIMATE EFFECTS ON ENVIRONMENTAL RESOURCES IMPACTED BY THE PROPOSED ACTION?"

- Cumulative Impacts Section
- Climate Change Literature



How do we consider "Climate effects on environmental resources impacted by the proposed action?"

- Indirect and Cumulative Impacts Section
- Climate Change Literature

Just HANG ON:
HELP IS ON THE WAY!

Public Involvement

- Updating Public Involvement Policy
- Website
- Looking for new and creative ways to engage the public!







WE WANT YOU!

Permitting Topics

- USACE General Permit
- USACE Standard Drawings
- Mitigation Update

USACE General Permit

- Effective July 20, 2016 to July 20, 2021
- New Pre-Construction Notification Form replaces the Impact Assessment Form and Permit Checklist.
- There are multiple GPs available for SCDOT use depending on project type. GP requirements, conditions and impact thresholds vary for each permit.
- Details can be found on SCDOT's ESO Toolshed under Permits – USACE.
 - http://www.scdot.org/inside/EnvironmentalServices_ToolShed.aspx

Summary Table – USACE General Permit

Permit/Certification Type	Project Types	Impact Thresholds	Expiration	Approximate Approval Timeframe					
SCDOT GP Road Widenings SAC 2015-1280 Intersection Improvements SAC 2015-1281 Bridge Replacements SAC 2015-1282	Modification of existing roads. Cannot be used on new alignments.	Freshwater – 3.0 acres wetland 300 If stream Tidal – 0.50 acres wetland	Expires July 20, 2021. Construction must be complete 1 year after expiration.	4-6 months					
SCDOT GP Roadway Improvements SAC 2015-1283 (shoulder widening, pedestrian accommodations)	Modification of existing roads. Cannot be used on new alignments.	Freshwater – 2.0 acres wetland 300 If stream Tidal – 0.50 acres wetland	Expires July 20, 2021. Construction must be complete 1 year after expiration.	4-6 months					
SCDOT GP Roadway Maintenance and Riprap/Scour Protection SAC 2015-1284	Protection and maintenance of existing roadway surfaces	Freshwater – 2.0 acres wetland 200 If stream Tidal – 0.50 acres wetland	Expires July 20, 2021. Construction must be complete 1 year after expiration.	45 days following USACE receipt of complete application					
SCDOT GP Pipe and Culvert Maintenance SAC 2015-1285	Maintenance, replacement or extension of existing pipe or culvert	Freshwater – 1.0 acres wetland 100 If stream Tidal – 0.50 acres wetland	Expires July 20, 2021. Construction must be complete 1 year after expiration.	45 days following USACE receipt of complete application					
SCDOT GP Cleaning and Repairing Existing Structures and Ditches SAC 2015-1286	Modification of existing drainage ditches, installation of rip rap	Freshwater – 1.5 acres wetland 300 If stream Tidal – 0.50 acres wetland	Expires July 20, 2021. Construction must be complete 1 year after expiration.	45 days following USACE receipt of complete application					

Permits

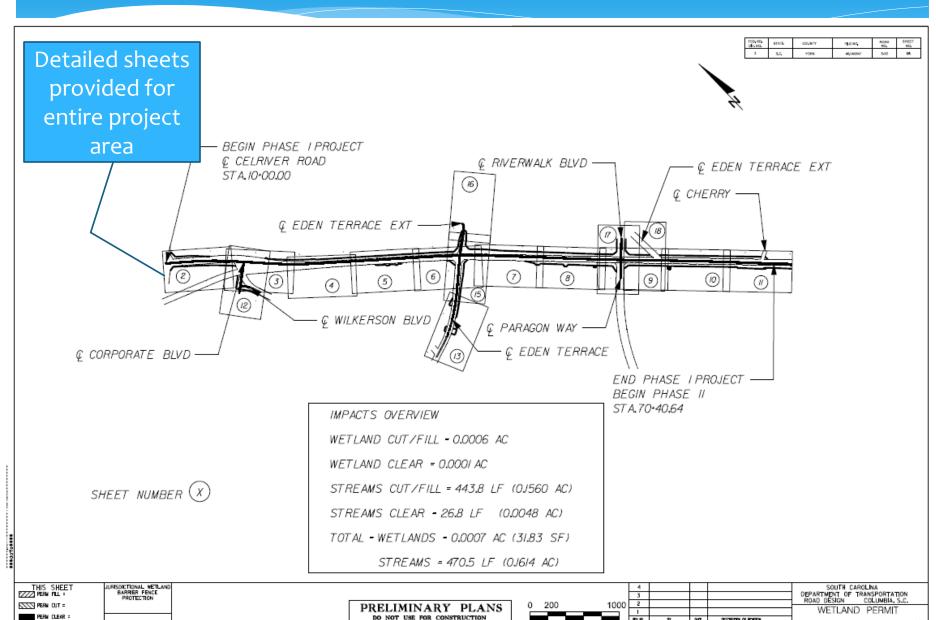
Permit Drawings

- Permit drawings have been simplified
 - Details of upland activities (upland pipes, driveways, fences, etc) should not be included.
 - NPDES and ROW lines should be removed. The JD Project Boundary should be used instead.
 - Details sheets for the entire project area are not needed. Instead, include:
 - Sheet 1 Location map.
 - Sheet 2 Overview of entire project. Call out wetlands that are not being impacted. (additional sheets can be included for overview on long linear projects)
 - Sheets 3-XX Details drawings and cross-sections of impacts to WOUS only.

Old Overview Sheet

SHEET TOTAL

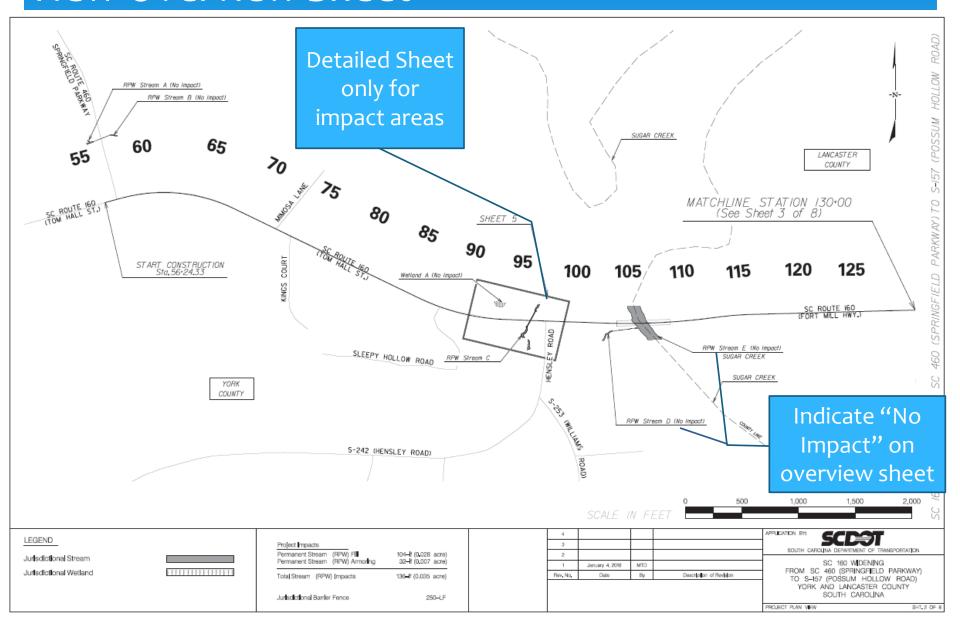
TEMP FILL = TEMP CLEAR =

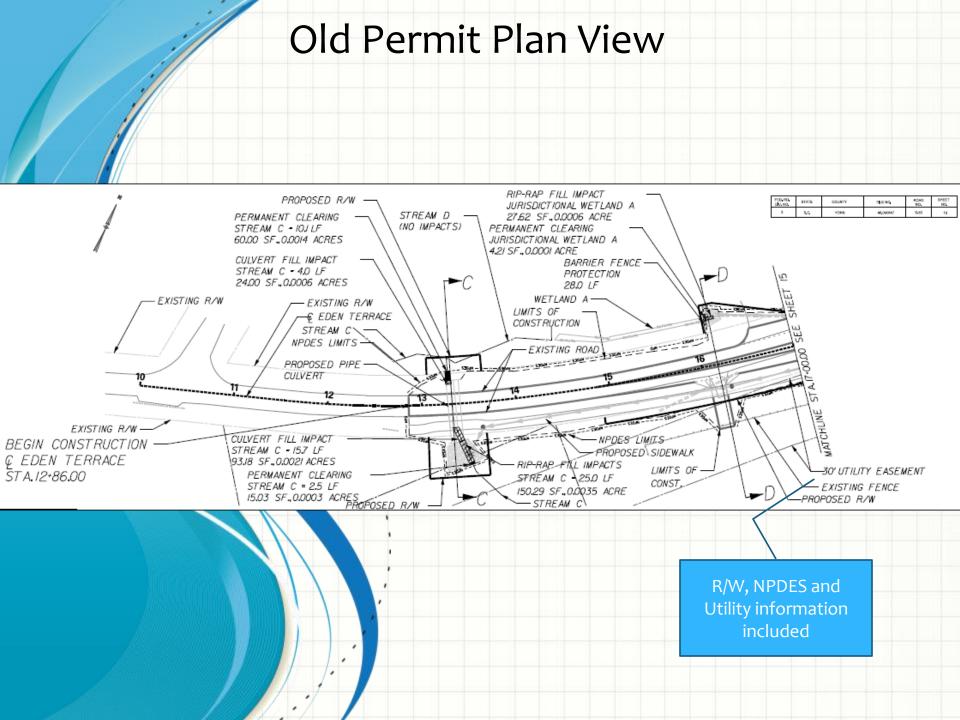


DESCRIPTION OF REVISION

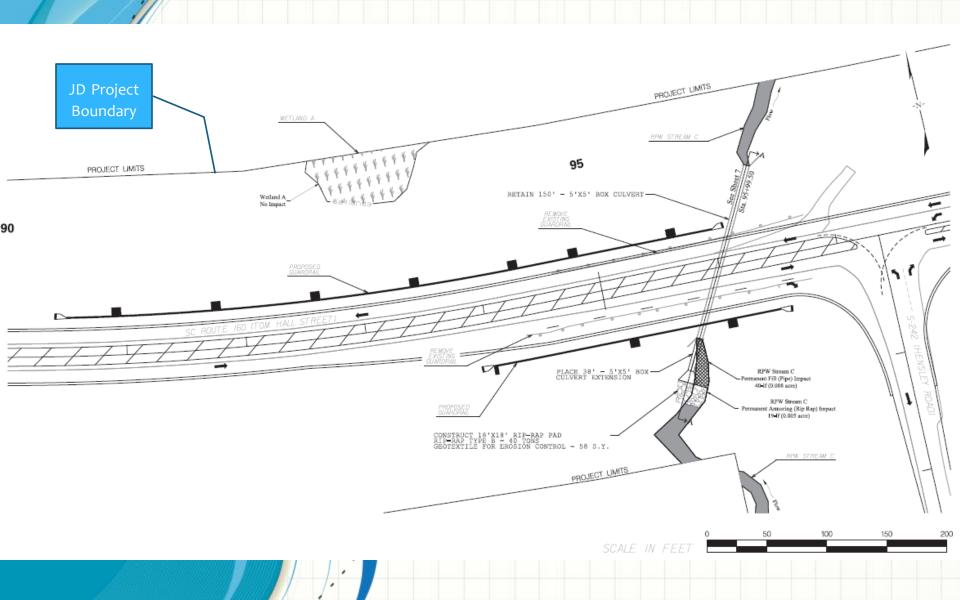
SCALE I'=000' RTE S-50

New Overview Sheet



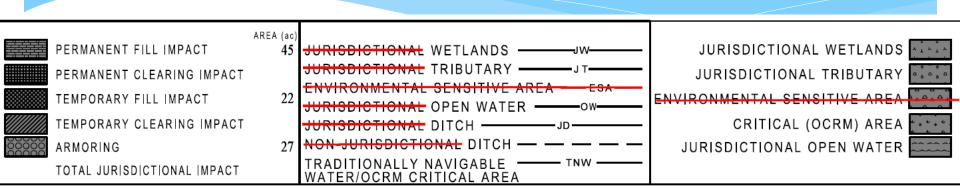


New Permit Plan View



New Line Styles (Draft)

- SCDOT is in the process of standardizing line styles for WOUS features and hatching for impact to these features.
- Line styles can be found on SCDOT's website under "Doing Business with SCDOT"



Mitigation Problem Statement

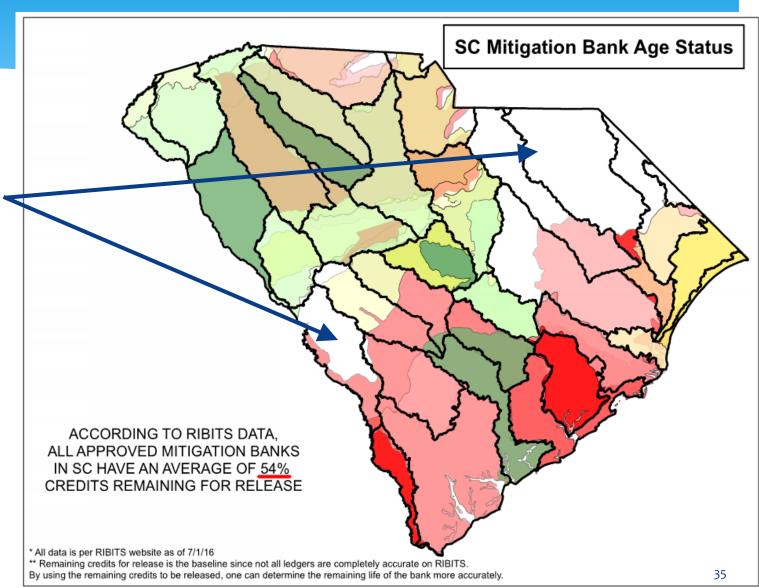
- Few Mitigation Banks
- Little to No Coastal Stream Mitigation Banks
- Concern due to limited credits available even within approved banks
- Permittee-Responsible Mitigation is not economical for smaller projects
- Project delays and complexities
- Volume of Projects

SC Mitigation Bank Service Areas

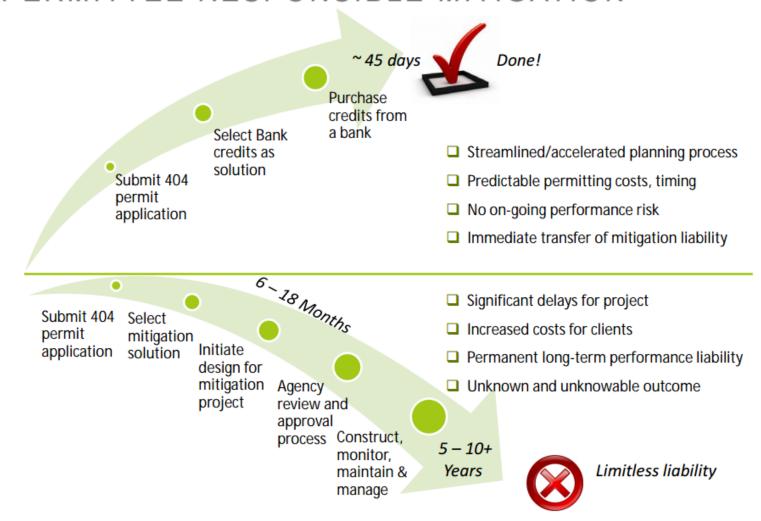
Two areas that immediately jump off the map

Zero bank coverage for these areas of the state

*this does not include SCDOT Mitigation Banks: Black River, Huspa Creek, Big Pine, Hunting Creek Mitigation Banks



CWA BANK CREDITS VS. PERMITTEE RESPONSIBLE MITIGATION



Mitigation Solutions

- Encourage Development of Mitigation Banks
- Better Understanding of Short and Long Term Issues
- Continue Development of an Eco-Logical Approach in South Carolina
- Develop and Maintain Impact Forecast Model
- Encourage Industry Innovation through Partnerships

Compliance Topics

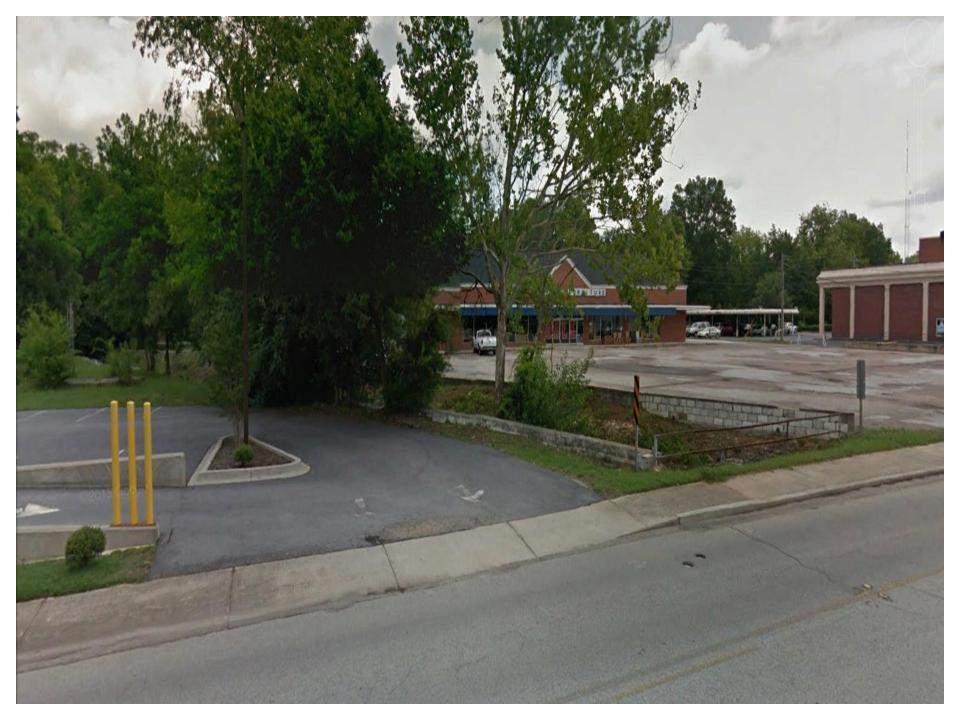
- Hazardous Material / Contaminated Soil on SCDOT Construction Projects
- SCDHEC Compliance Inspections on SCDOT Construction Projects

Hazardous Material / Contaminated Soil

- Create a Structured and Consistent Approach in Dealing with Hazardous Material / Contaminated Soil
- Known Sources of Contamination Structures to be demolished (building, house, shed, etc.), underground storage tanks (USTs), etc.
- Lead Paint and Asbestos Investigations on Bridges are handled by SCDOT Bridge Construction

Hazardous Material / Contaminated Soil

- Capture All Potential Sources of Contamination as Early as Possible During the Pre-Construction Phase – Initial Site Assessments
- Determine Levels of Contamination Phase 1 and Phase
 2 Inspections
- Include Quantities in Construction Contract for Clean-Up/Disposal





SCDHEC Compliance Inspections

- SCDHEC Performing Compliance Inspections on SCDOT Construction Projects
- Occurring on a Statewide Basis
- Inspections Performed by DHEC Personnel from Columbia and DHEC District Personnel
- Random Inspections and Complaint Driven Inspections

SCDHEC Compliance Inspections

- Records Review
 - NOI
 - Contractor Certification Form
 - SWPPP
 - Most Recent Erosion Control Reports (2 months worth)
 - Grading and Stabilization Log



SCDOT NOTICE OF INTENT (NOI)

For Stormwater Discharges from SCDOT Activities Covered Under South Carolina NPDES Construction



Involce Numb

For official use only:

General F (Maintain Ac

For Official DHEC Use Only	No. Olerations and Codiffications in comments are assumed
DHEC File Number:	VI. Signatures and Certifications: DO NOT SIGN IN BLACK INK.
Permit Number: SCR16	A. "One copy of the SWPPP, all required specifications and support
Submittal Package Complete:	made a part of this application. I have placed my signature and s
Public Notice Start Date (OCRM only):	responsibility for the design of the system. Further, I certify to the with the requirements of Title 48, Chapter 14 of the Code of Law
For official SCDOT use only	seq., and in accordance with the terms and conditions of SCR1600
SCDOT File Number:	Check one: Engineer Tier B Surveyor
Submission of this Notice of Intent constitutes notice that the SCDC	
authorized as a Primary Permittee under NPDES General Permit S	
Date of Submission://_ Proposed Start	Printed name of SWPPP Preparer Signature of S
Project/ Site Name:	B. "I certify under penalty of law that this document and all atta
(Modification or Change of Information Only): Prior Approved NP	accordance with a system designed to assure that qualified pers Based on my inquiry of the person or persons who manage the
(Modification of Change of Information Only). Pro Appores NP	Information, the information submitted is, to the best of my knowle
Do you want this project to be considered for the Expedite	there are significant penalties for submitting false information, i violations.
	I also hereby certify that all land-disturbing construction and as pursuant to and in keeping with the terms and conditions of the ac
Notice of Intent (NOI) Application Type(s)	person will be assigned to the project for day-to-day control. I
A. Project (Application/Review) Type(s) (Select ALL	Environmental Control (DHEC) and/or the local implementing age on-site inspections during the course of construction and to perfor
■New Project (Initial Notification) ■ Ongoing Proj	disturbing activity. (See Section 122.22 of S.C. Reg. 61-9 for si information, I am signing this certification as Project Owner to the
■ Major Modification: (attach modifications)	
□Ocean and Coastal Resource Management (OC	Printed Name of Project Owner
Change of Information/Other (Specify):	Signature of Project Owner
	Signature of Project Owner
II. Owner and Operator Information	NPDES SCDOT CGP
Project Owner: South Carolina Department of Trans	DO NOT MAIL CASH, DREC WII houry the Project Owner in t
SCDOT EIN: 57-6000954_Phone:	processed. The review clock will start when acceptable payment is
Mailing Address:	Will this project ultimately disturb 1 acre or more state wide
Project Operator: South Carolina Department of Trai	In one of the eight ocastal counties (Beaufort, Berkeley, Charle Jasper counties)? Yes No
Name:Phone:	Sasker contingels. These The
	If yes, enter \$125 in right-hand column and proceed to item 2.
Mailing Address:	If no, coverage under SCR160000 is not required.
III. Site Information	Note: For projects greater than 2 acres SCDHEC may requinot to exceed \$2000.
Type of Activity (check one): Industrial Linear	4. Payment Method:
	Payment by Check:
Site Location (nearest Intersection, etc.): Disturbed A	Attach a signed and dated check payable to S.C.DHi
Beginning Latitude: N Longitude	
Ending Latitude: N Longitude:	Payment by Credit Card: (Check here if you wish to p The Department will contact you to provide instructions
acceptation and a congression	Please provide an email address where the invoice nun
	Email Address:
	☐ Payment by Credit Card: (Check here if this is an auto



Catherine E. Heigel, Director Promoting and protecting the health of the public and the environment

December 31, 2015

CLAUDE IPOCK SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION 955 PARK ST ROOM 330 COLUMBIA SC 29202

INTERSTATE 85/385 INTERCHANGE, Greenville County File Number: 23-15-12-06

NPDES Coverage Number: SCR160177

Dear Claude Ipock:

The Department of Health and Environmental Control (Department or DHEC) has approved the Stormwater Pollution Prevention Plan (SWPPP) for the referenced project on December 31, 2015. Based on your submission of the Notice of Intent (NOI) and in accordance with the NPDES General Permit for Stormwater Discharges from South Carolina Department of Transportation Construction Activities SCR160000 (DOTCGP), this project has been granted coverage under the DOTCGP. This project's general permit coverage number is SCR160177. The total disturbed area for this site is 161.2 acres.

Because this project impacts waters of the U.S./ State, make sure you obtain all necessary permits and certifications from USACOE and SC DHEC 401 Water Quality Certification, Standards Section before land-disturbing activities begin in those areas.

You are responsible for ensuring your contractor(s) complies with the approved SWPPP and the minimum requirements of the DOTCGP. Also, you are responsible for overall compliance with the Storm Water Management and Sediment Reduction Act of 1983 (1983 Act), SC Pollution Control Act, and the Federal Clean Water Act (CWA). Failure to comply with the approved SWPPP or applicable statutes and regulations may result in enforcement actions.

You must notify this DHEC EQC Regional Office prior to starting any land-disturbing activity. The address and telephone number of the EQC office are as follows:

> Greenville EQC Office 301 UNIVERSITY RIDGE STE 5800 GREENVILLE SC 29601-3677 864-372-3273

Inspections of this site must be performed by qualified personnel as described in Section 3.13.E of the DOTCGP.

You should be aware that this approval is only applicable for the SWPPP that was submitted for this project. Any additional construction or land disturbing activity beyond the scope of the approved plans is

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL 2600 Bull Street . Columbia, SC29201 . Phone: (803) 898-3432 . www.scdhec.gov

CONTRACTOR CERTIFICATION FORM







Date:	
Department: N. Project Information 1.NPDES Coverage No.: SCR 2. Project/Site Name (As Approved by Department): 3. Owner/Operator Name: South Carolina Department South Carolina Department	State Permit (Tracking) No.:ent of Transportation (SCDOT),
Contractor Information Name: Mailing Address: Company Name (As Applicable): Phone: Email Address Describe Construction-Related Responsibilities 8	
"I certify by my signature below that I or I (on I may be, (a) Understand, accept, and will adher (SWPPP) as it pertains to the portion required by the coverage under the N Permit for Stormwater Discharges From the construction activity with whom I amprofessional services; (b) Am legally accountable to the SC Defauthorities of the Clean Water Act and and conditions of the SWPPP applic (c) Must comply with the terms and conditions of the Swerper and the Best Management Practices (BM) performing work at the project site, and inspector during a site inspection; and Understand that DHEC enforcement at the terms and conditions of the SWP.	actions may be taken against the <u>germittee</u> , the contractor or both if PPP are not met.
Therefore, having understood the above aforementioned NPDES general permit." Printed Name of Contractor	information, I am signing this certification as contractor to the Title/Position
Signature of Contractor Termination of Contractor Certification Agree (When the permitted construction project has reached file	
Signature of Contractor	Date Signed
DHEC 0437 (10/2012)	

Form 800.02 Unique ID:	WE	EKLY S			ND EROSION CONTR	OL :	SITE		SCI		
Status: Blank				Da				S	ubFile No:		
File No:			F	Report No	p: Permit No:						
Road No:					RCE:						
Addl Road Info:											
Contractor:											
Disturbed Acreage:	Item	Station		Offset		rity va Defici-	lues: Prior-	1=48 hours,	2=7 days Removal		Date
Inspector for SCDOT:	No.	From/To	Road	(L/C/R)	Item Description	encies	ity	Install Date	Date	Corrective Action Needed	Corrected
Inspector for Contractor: Comments:											
Actions Taken:											
Each deficiency must be corrected v											
from the date of inspection in accor requirements will result in suspension											

Form 800.05

Grading and Stabilization Log



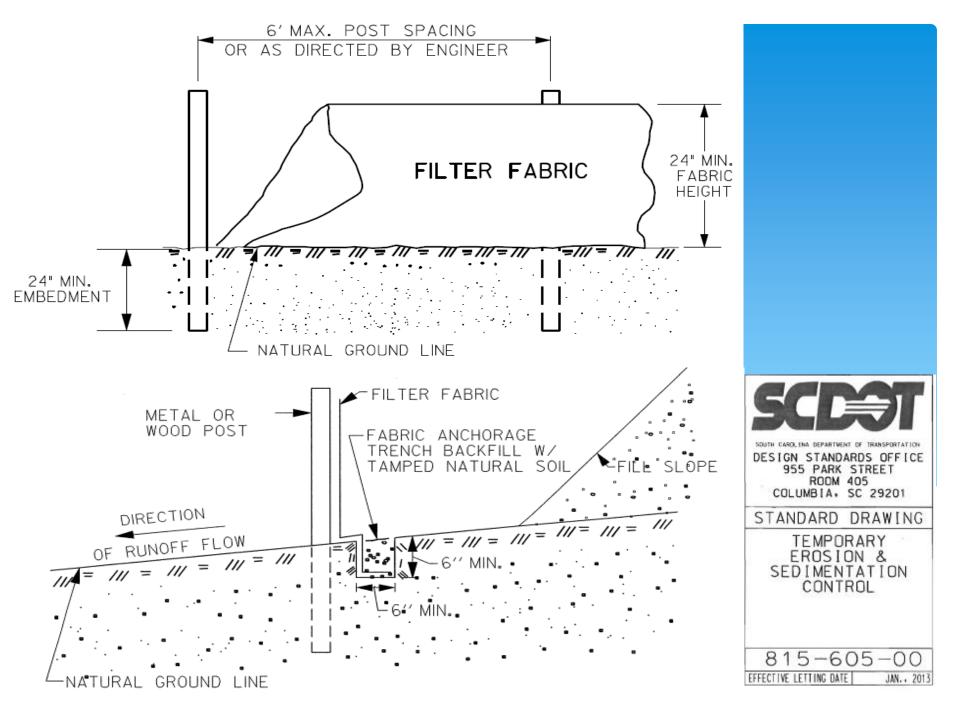
File No.			lo.		Grut	obing	(Embank	ding menVExca ion)	Initial Sta	bilization	Type of Initial Stabilization	Permaner	nt Seeding	
Road Name	Station	Station	Begin Date	End Date	Begin Date	End Date	Begin Date	End Date	Mulch or Temporary Seeding	Begin Date	End Date	Remarks		
*When land d	l listurhing acti	vities on a se	ction of t	he project	have tem	norarily or	nermanen	tly ceased :	and will not resu	me for a n	eriod exce	eding 14 calendar days		

*When land disturbing activities on a section of the project have temporarily or permanently ceased and will not resume for a period exceeding 14 calendar days, appropriate soil stabilization measures must be initiated on that section within the next 7 calendar days. Stabilization measures may be mulch, temporary seeding or permanent seeding.

** If the section of the project will not be worked for a period longer than 60 days, then stabilization by seeding is required. The seeding may be temporary or permanent.

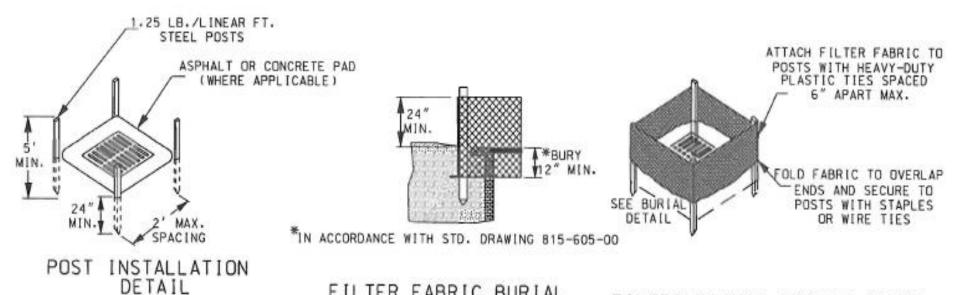
SCDHEC Compliance Inspections

- Field Review
 - Condition of Project
 - Installation and Maintenance of BMPs
 - Stabilization









FILTER FABRIC BURIAL DETAIL

FILTER FABRIC INSTALLATION DETAIL

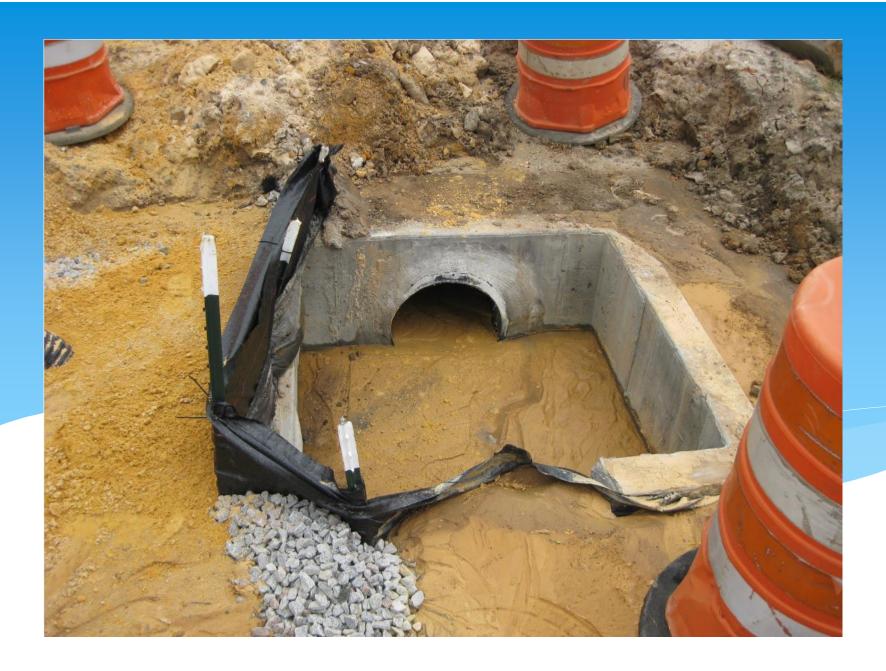
TYPE A
LOW FLOW INLET FILTERS
(FILTER FABRIC INLET PROTECTION)



815-001-01

EFFECTIVE LETTING DATE | JAN 2013





Supplemental Technical Specification for

SEEDING

SCDOT Designation: SC-M-810-3 (7/15)

1.0 Seeding

This Supplemental Specification replaces section 810, Seeding, in the South Carolina Department of Transportation (SCDOT) Standard Specifications for Highway Construction, 2007 Edition. This supplemental specification replaces Supplemental Technical Specification SC-M-810, and Supplemental Technical Specification SC-M-810-2.

1.1 Description

This work consists of permanent cover, permanent grassing for small projects and temporary cover including liming and fertilizing (when specified), and applying mulch on all areas shown on the Plans or where directed by the Resident Construction Engineer (RCE) in accordance with these Specifications. The Contractor coordinates permanent cover and temporary cover with the construction of fill and cut slopes. In order to limit the area of erodible material, the RCE may require that partially completed slopes be brought to the required slope and the Contractor perform permanent or temporary cover operations at that time.

1.2 Permanent Cover

Initiate permanent cover with seeding within 7 calendar days where land disturbing activities have permanently ceased on the Project. Where land disturbing activities are resumed within 14 days, stabilization measures are not required to be initiated on that portion of the Project. Initiate temporary cover measures as soon as practicable for areas where initiating permanent cover measures within 7 days is infeasible (e.g., where snow cover, floren ground, or drought conditions prevent stabilization).

1.2.1 Seeding Dates and Rates of Application

Select seed in accordance with Section 1.5 of this Specification. Using the pre-blended permanent seed mixtures included in SCDOT Qualified Product List 88 or the seeding tables of this Specification, the Contractor will create a seeding plan and determine all rates of application necessary to produce the required stand of grass and follow the application procedures of this Specification. The RCE reserves the right to reject or approve all seeding plans before permanent cover applications are initiated.

Uniformly sow seed at the rate specified by the use of approved mechanical seed drills, rotary hand seeders, hydraulic equipment, or any other type of equipment that produces a uniform seed application.

Perform seeding work during the periods and at the rates specified in Section 1.5 of this Specification. Do not perform permanent cover when the ground is frozen and/or when the 10-day forecasted low temperature remains below 35 degrees Fahrenheit. Do not perform permanent cover when the ground is excessively wet. Do not conduct permanent seeding work when the ground is excessively dry (periods of drought) unless watering is specified in the Contract or directed by the Resident Construction Engineer (RCE). During periods of adverse conditions, use temporary cover by mulch according to this Specification.

1.2.2 Seedbed Preparation

Ensure the seedbed conforms to the finished grade and cross-section shown on the Plans or as otherwise directed by the RCE. Perform minor shaping and evening of uneven and rough areas outside of graded sections as directed by the RCE in order to provide more effective erosion control and for ease of mowing operations.

July 1, 2015 Page 1



South Carolina

NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION CONSTRUCTION ACTIVITIES

In compliance with the provisions of the SC Pollution Control Act (S.C. Code Sections 48-1-10 et seq., 1976) and with the provisions of the Clean Water Act, 33 U.S.C. §1251 et. seq., (hereafter CWA or the Act), as amended by the Water Quality Act of 1987, P.L. 100-4, Operators of construction activities that are described in Section 1.3 of this National Pollutant Discharge Elimination System (NPDES) Permit, except for those activities excluded from authorization of discharge in Section 1.3.C of this Permit, are authorized to discharge pollutants to Surface Waters of the State in accordance with the conditions and requirements set forth herein. Permit coverage is required from the "commencement of construction activities" until "final stabilization" as defined in Appendix A.

Ann R. Clark

Stormwater, Construction, Agricultural, and Dams Permitting Division Bureau of Water

Permit No.: SCR160000 Issued: October 15, 2012

Effective: January 1, 2013 Expires: December 31, 2017











Questions?

Presenters:
Chad Long – NEPA Division Manager
Sean Connolly – Permit Division Manager
Jay Hawkins, P.E. – Compliance Division Manager

Annual SCDOT/ACEC-SC Meeting December 7, 2016