

## 6 ENVIRONMENTAL

### 6.1 General

Design-Build Contractor shall design and conduct the Work in accordance with the applicable requirements in the PPA Documents, including Project Standards, this Section 6 and its Attachments 6-1 (Environmental Commitments) and 6-2 (Non-Permitted Wetland Areas); Governmental Approvals; and applicable laws. Design-Build Contractor shall comply with all conditions of all permit approvals, whether obtained by INDOT or by Design-Build Contractor, for this Project.

### 6.2 Permits and Approvals

Any changes to the Project that result in additional impacts to streams, lakes, rivers, wetlands, or other waters shall require Design-Build Contractor to amend the USACE Section 404 Permit, IDEM 401 Water Quality Certification, and the IDNR Construction in a Floodway permits. Design Build Contractor shall obtain approval for each permit from INDOT prior to submitting for approval by the corresponding regulatory agency.

#### 6.2.1 Governmental Approvals

Table 6-1 lists the Governmental Approvals that are anticipated to complete the Work. This list is not exhaustive and there may be other Governmental Approvals that are required based on Design- Build Contractor’s final design. Design-Build Contractor shall be responsible for identifying all Governmental Approvals and permits necessary to complete the Work, and shall secure all necessary Governmental Approvals unless Table 6-1 and the PPA Documents expressly state that INDOT shall be responsible for that Governmental Approval.

For all Governmental Approvals and/or modifications of Governmental Approvals that are Design-Build Contractor’s responsibility, Design-Build Contractor shall submit complete draft applications to INDOT for review and approval prior to submission to the permitting agency. INDOT will provide comments on the completed draft applications within 14 days.

**Table 6.1 – Governmental Approvals**

Agency	Permit/Approval	Responsible Party
Federal Highway Administration (FHWA)	Categorical Exclusion, Level 4 (SR 2 to US 30)	INDOT
FHWA	Categorical Exclusion, Level 1 (Kankakee	INDOT
FHWA	Categorical Exclusion, Level 4 (SR 10 to SR 2)	INDOT
FHWA	Revision to Interstate Access (if required)	Design-Build Contractor
Indiana Department of Environmental Management (IDEM)	Section 401 Water Quality Certification	INDOT <sup>1</sup>
US Army Corps of Engineers (USACE)	Section 404 of the Clean Water Act	INDOT <sup>1</sup>

Agency	Permit/Approval	Responsible Party
Indiana Department of Natural Resources (IDNR)	Construction in a Floodway (CIF)	Design-Build Contractor
Indiana Department of Environmental Management (IDEM)	Rule 5 – Erosion Control	Design-Build Contractor
Indiana Department of Environmental Management (IDEM)	Isolated Wetland Permit (if required)	INDOT
Federal Aviation Administration (FAA) Form 7460-1	Notice of Proposed Construction or Alternation	Design-Build Contractor

Note:

1. INDOT will file Section 401/404 permit application packages with the permitting agencies. Design-Build Contractor shall comply with these preconstruction permit requirements and be responsible for securing any required permit modifications and performing the additional mitigation.

## 6.2.2 *Permit Specifics*

### IDEM Rule 5 Permit

Design-Build Contractor shall be required to obtain the Rule 5 permit before any land disturbing activities commence. Obtaining multiple Rule 5 permits for distinct elements/segments of the work is acceptable. Erosion control measures shall be in accordance with Chapter 205 of the Indiana Design Manual and the IDEM Indiana Stormwater Quality Manual, all environmental permit requirements, and applicable INDOT specifications.

### FAA Permit

Design-Build Contractor shall apply for a FAA Form 7460 (Notice of Proposed Construction or Alteration) if any permanent structures or equipment utilized for the projects penetrates the 100:1 slope from an airport.

### Non-Permitted Wetland Areas

Design-Build Contractor is responsible for acquiring modifications of Governmental Approvals for any impacts, permanent and/or temporary, to the wetland areas shown in Attachment 6-2 (Non-Permitted Wetland Areas).

### Wetland Mitigation

Mitigation for wetland impacts covered by Governmental Approvals being obtained by INDOT will be completed by INDOT. Mitigation for any additional wetland impacts shall be the responsibility of the Design-Build Contractor.

## 6.3 Hazardous Materials

There are no Known or Suspected Hazardous Materials identified within the Project Limits.

### 6.3.1 *Hazardous Materials Releases*

The following provisions shall apply to the spillage or release of Hazardous Materials during the construction of the Project:

- Hazardous Material releases, oil spills, fish/animal kills, and radiological incidents shall be reported to the Indiana Department of Environmental Management (IDEM) Office of Emergency Response (OER), at (888) 233-7745. This shall occur as soon as action has been taken to either contain/control the extent of the release, or protect persons, animals, or fish from harm or further harm.
- Appropriate response actions for spills occurring on Site, in order, are as follows:
  - Identify the spilled material from a safe distance.
  - Contain the spilled material or block/restrict its flow using absorbent booms/pillows, dirt, sand, or by other available means.
  - Cordon off the area of the spill.
  - Deny entry to the cordoned off area to all but response personnel.
  - Contact IDEM OER.

### **6.3.2 Hazardous Materials Management Plan**

Design-Build Contractor shall prepare a Hazardous Materials Management Plan, which is a component part of the PMP, and submit it to INDOT, for review and approval. The Hazardous Materials Management Plan shall include the following contents at a minimum:

- Responsible personnel
- Site information
- Site map
- Procedures for handling any Hazardous Materials encountered on Site
- Spill Prevention Plan, including:
  - Potential spill sources
  - Spill reporting
  - Spill prevention and response training
  - Spill containment
  - Spill prevention
  - Spill response report form(s)

## **6.4 Environmental Compliance**

Design-Build Contractor shall comply with the commitments established during the preparation of the NEPA Documents associated with this project, as set forth in Attachment 6-1 (Environmental Commitments).

### **6.4.1 Environmental Compliance and Mitigation Plan**

Design-Build Contractor shall provide an Environmental Compliance and Mitigation Plan (ECMP) while partnering with INDOT. The ECMP shall include all environmental commitments and required mitigation listed in the Technical Provisions.

Design-Build Contractor shall prepare a checklist that documents all impacts and anticipated impacts to environmental resources identified in the PPA Documents, Environmental Approvals, and any Governmental Approval. The checklist shall be submitted with the ECMP for INDOT

approval. Design-Build Contractor shall submit an updated checklist to INDOT for approval within one week after the end of each quarter of the year. The checklist is to stipulate those requirements for approval by the Department and those requirements expected to be used in the subsequent quarter.

Design-Build Contractor's ECMP is a component of Design-Build Contractor's PMP.

The ECMP shall describe the appropriate controls applicable during the management, design, construction/installation, and documentation of environmental compliance and mitigation efforts. The ECMP shall include procedures designed to ensure that requirements of the ROD, FEIS, other Environmental Approvals, and Environmental Laws are identified and fulfilled.

The ECMP shall include:

- A description of how full compliance is achieved with regard to defined commitments, conditions of Environmental Approvals, Environmental Laws, and INDOT review and comment during Design Work and Construction Work.
- A description of how and where impacts to woodlands, 4(f) resources, parklands, historical properties, threatened or endangered Species, wetlands, and waters of the United States are avoided or minimized.
- Design-Build Contractor's environmental compliance process, structure, organization location, level of documentation, forms of communication, and QA/QC processes and procedures.
- The corrective action process to keep the Indiana Project in compliance with Environmental Approvals, Environmental Laws, and Governmental Approvals at all times.

#### **6.4.2 Environmental Compliance and Mitigation Training Program**

Design-Build Contractor shall develop and implement a mandatory environmental compliance and mitigation training program that will be presented to Design-Build Contractor's supervisory personnel, equipment operators, and all other Contractor construction personnel who will perform Work within the Project ROW boundaries. The training shall provide an understanding of the necessary environmental compliance requirements and any environmentally sensitive areas for the Indiana Project.

The training program shall be submitted to INDOT for review and approval and cover at a minimum the following elements:

- Erosion and sediment control measures – sequencing, implementation, installation, and maintenance
- Maintaining approved limits of disturbance
- Tree and shrub protection
- Avoidance and minimization of impact to environmentally sensitive locations, including wetland areas, streams, sinkholes, or other water bodies and activities that would require modifications to waterway permits
- Identification and locations of "Do Not Disturb" zones

- Wildlife education, including habitat protection for Northern long-eared bats, and any other State endangered, threatened, or rare species
- INDOT-provided endangered, threatened, and rare species training video shown to all personnel prior to entry within the Project ROW
- Seasonal work restrictions – trees and waterways
- Pumping and dewatering operations
- Zebra mussel and other aquatic invasive species decontamination and removal
- Accidental discovery of archaeological sites, archaeological material, or human remains
- Impacts and consequences for departure from approved operating procedures
- Hazardous materials

The environmental compliance and mitigation training program is a component part of the PMP. Design-Build Contractor shall not allow personnel to enter the Project ROW without completing the required training and documenting the training for INDOT. Design-Build Contractor shall provide annual updates to this training program to meet current requirements and implement the training to the appropriate personnel.

### **6.4.3 Noise Analysis and Mitigation**

The Design-Build Contractor will not be responsible for any additional noise analysis unless existing travel lane alignments are adjusted more than 8 inches vertically and/or 4 feet horizontally.

If no adjustments exceed these vertical or horizontal limits, submit a technical memorandum to INDOT requesting concurrence that no additional noise analysis is required.

If adjustments to travel lanes exceed these limits, perform supplemental noise analysis per Project Standards, submit to INDOT for approval, and perform all necessary mitigation.

## **6.5 Deliverables**

Deliverables, a non-exhaustive list of which is set forth in the table below, shall be submitted in both hardcopy and electronic format in accordance with the schedule set forth below. Acceptable electronic formats include PDF and current versions of Microsoft Word and Microsoft Excel, unless otherwise indicated.

<b>Deliverable</b>	<b>Submittal Schedule</b>	<b>TP Section</b>
Governmental Approvals and permit modifications	Prior to construction	6.2
Hazardous Materials Management Plan	Within 30 days of NTP1	6.3.2
Environmental Compliance and Mitigation Plan (ECMP)	Within 30 days of NTP1	6.4.1
Environmental resource impacts checklist	Quarterly	6.4.1
Environmental Compliance Training Program materials	Within 30 days of NTP1 and annual updates	6.4.2
Noise analysis technical memorandum	Prior to construction	6.4.3
Noise analysis (if required)	Prior to construction	6.4.3