

Construction Site Stormwater Runoff Control

Erosion and sedimentation control on construction sites is required and enforced by the Florida Department of Environmental Protection, via the National Pollutant Discharge Elimination System permitting program, and by South Florida Water Management District. Individual permits specify what can be discharged, and they include monitoring and reporting requirements which must be met in order to remain in compliance.

Florida Gulf Coast University received **Environmental Resource Permit (ERP) #36-02881-S** with an approved application package to South Florida Water Management District on April 13, 1995, prior to university construction. The permit authorized construction and maintenance of a surface water management system on FGCU's campus. The ERP requires that future modifications to the system must be submitted to the DEP and individually approved, prior to each instance of further development.

The selected civil engineering firm for a given project provides service for the proper completion of applications for modifications to FGCU's ERP. In addition, it is the responsibility of the Construction Management firm for each site related construction project to comply with all permitting requirements, including waste control, site plans review, site inspections and monitoring of stormwater and associated events. Logs will note such things as dates and times for rainfall, condition of silt fencing, control structures, retention areas, and repair of any condition that falls outside full compliance. Depending on the complexity of the project and agencies involved, CMs have the option of hiring a 3rd party to track and complete all requirements.

APPLICABLE STATUTES AND CODES:

- Florida Statutes Chapter 373 – Water Resources
- Florida Statutes Section 403.0885 – Establishment of federally approved state National Pollutant Discharge Elimination System (NPDES) Program.
- Florida Administrative Code – 62-113.200 – Delegation of Authority
- Florida Administrative Code – 62-330.010 – Environmental Resource Permitting
- Florida Administrative Code – 62-621.300 – Permits
- DEP Document 62-621.300(4)(a) – NPDES Generic Permit

The following references within FGCU agreements and contract documents ensure these obligations are met and provide for non-payment of services if they are not.

GENERAL CONDITIONS OF THE CONTRACT

3.7.2. The Contractor shall comply with and give notices required by laws, ordinances, rules, regulations and lawful orders of public authorities applicable to performance of the Work.

4.2.2. The Architect, as a representative of the Owner, will visit the site at intervals appropriate to the stage of the Contractor's operations (1) to become generally familiar

with and to keep the Owner informed about the progress and quality of the portion of the Work completed, (2) to endeavor to guard the Owner against defects and deficiencies in the Work, and (3) to determine in general if the Work is being performed in a manner indicating that the Work, when fully completed, will be in accordance with the Contract Documents.

9.1.2. Notwithstanding anything to the contrary contained in the Contract Documents, Owner may withhold payment to the Contractor hereunder if and for so long as Contractor persistently fails to perform any of its obligations hereunder or otherwise in default under any of the Contract Document; provided, however, that any such holdback shall be limited to an amount reasonably necessary to cure any such default or failure of performance by the Contractor.

AGREEMENT BETWEEN OWNER AND ARCHITECT

§ 2.6.5 The Architect, as a representative of the Owner, shall visit the site at intervals appropriate to the stage of the Contractor's operations, or as otherwise agreed by the Owner and the Architect in Article 12, (1) to become generally familiar with and to keep the Owner informed about the progress and quality of the portion of the Work completed, (2) to endeavor to guard the Owner against defects and deficiencies in the Work, and (3) to determine in general if the Work is being performed in a manner indicating that the Work, when fully completed, will be in accordance with the Contract Documents.

§ 2.6.7 The Architect shall at all times have access to the Work wherever it is in preparation or progress.