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## MANAGEMENT PROVISIONS

### **MP-7 ENVIRONMENTAL COMPLIANCE DURING CONSTRUCTION**

#### **MP-7.1 GENERAL**

The Core Systems Contractor shall design and construct the Work in accordance with the Contract, industry practices, and the specific permit conditions for the Project. Core Systems Contractor shall identify and conduct any additional studies and inventories needed to identify environmental impacts and issues pertinent, if the Core Systems Contractor is going to work outside of the environmental constraints specified by the permits in place between the City and regulatory authorities. Core Systems Contractor shall identify and be responsible for securing any additional and applicable environmental permits, clearances, and approvals and mitigate impacts to environmentally sensitive areas and resources where Work is to be performed outside the limits, clearances, approvals and conditions in the permits in place between the City and regulatory authorities. The Core Systems Contractor shall prepare the design and conduct construction activities such that no action or inaction on the part of the Core Systems Contractor shall result in non-compliance with the requirements of laws applicable to the Project.

If there is a conflict among the requirements cited herein, or in a permit or order, issued by a regulatory agency, then the requirement that provides the most environmental protection and broadest coverage shall govern. It is the Core Systems Contractor's responsibility to obtain clarification of any ambiguity within the environmental documents or this Section prior to proceeding with design or construction.

#### **MP- 7.2 PERMITS**

The Core Systems Contractor shall comply with all permit requirements and conditions of Federal, State and local authorities as though they were specified herein, at no additional cost to the City or said authorities. It is the responsibility of the Core Systems Contractor to obtain these permits in a timely manner such that obtaining these permits is not a cause for claim for delay due to impacts to Baseline Schedule. In the event of a conflict between the Contract Documents and any permit requirements, the more stringent shall prevail. Federal, State, and Local laws, regulations, codes and permit conditions are incorporated by reference herein.

##### **MP-7.2.1 COMPLIANCE**

The Core Systems Contractor shall comply with all permit requirements and conditions of Federal, State and local authorities as though they were specified herein, at no additional cost to the City or said authorities. It is the responsibility of the Core Systems Contractor to obtain these permits in a timely manner such that obtaining these permits is not a cause for claim for delay due to impacts to Baseline Schedule.

##### **MP-7.2.2 CITY PROVIDED PERMITS**

The City will furnish the permits listed in Table 7.2 City Provided Permits. Since the start of construction is sensitive to obtaining the noted permits; as such the Core Systems Contractor shall support the City's efforts to secure all of the City provided permits required for the prosecution of Work.

<b>Table 7.2 City Provided Permits</b>		
<b>Permit or Agency Submittal</b>	<b>Agency</b>	<b>Date Expected</b>
Clean Water Act (CWA) Section 404/Section 10 -- Department of the Army (DA) Permit -General Nationwide (NWP)	U.S. Army Corps of Engineers (USACE), Regulatory Branch; Environmental Protection Agency (EPA)	To be determined
Section 401 Water Quality Certification (WQC)	State of Hawaii Dept. of Health (DOH), Clean Water Branch (CWB)	To be determined
Community Noise Permit	State of Hawaii Dept. of Health (DOH), Environmental Health Service Division; Noise, Radiation, & Indoor Air Quality Branch	Available at NTP for WOFH section.
Community Noise Variance	State of Hawaii Dept. of Health (DOH), Environmental Health Service Division; Noise, Radiation, & Indoor Air Quality Branch	Available at NTP for WOFH section; CSC to provide Construction Noise Management and Mitigation Monitoring Plan.

**MP-7.2.3 CORE SYSTEM CONTRACTOR PROVIDED PERMITS**

The Core System Contractor shall obtain all other permits required for the prosecution of the Work. If conditions in the City-provided permits require additional submittals to the permitting agencies, or if the Core System Contractor’s design or methods are modified such that it triggers new permit requirements, the Core System Contractor shall be responsible for obtaining those permits in consultation with the City. Compliance with all Federal, State and local laws, regulations, codes and permit conditions are incorporated by reference herein.

**MP-7.3 ENVIRONMENTAL COMPLIANCE PLAN (ECP)**

The Core Systems Contractor shall prepare an ECP based on the FEIS and Programmatic Agreement (PA) commitments, mitigation measures and pertinent permit conditions applicable to their Work. The ECP shall be updated as necessary, and when new or modified mitigation or environmental compliance strategies are developed throughout the term of the Contract. The ECP shall be part of the Core Systems Contractor's Quality Plan and at a minimum shall include:

- A. Environmental Inspection: Environmental inspection and investigations to determine the direct and indirect effects of the Project (design elements and construction activities) on terrestrial and aquatic biological resources, threatened and endangered species, fish, cultural resources, visual and aesthetic conditions, water quality, and other issues present in the Project area.
- B. Pre-Construction Assessment: The Core Systems Contractor shall prepare a Pre-Construction Assessment (PCA) to identify means of compliance with the permits, and authorizations as applicable to the Project. The CSC shall carefully examine each Work location to gain an understanding of the conditions to be encountered and to determine the presence and location of historical, archaeological, cultural and sensitive natural features. The PCA shall be based on site inspection, analysis of potential impacts of the Work, additional studies needed to refine environmental resource or impact information, a review of environmental permits, regulations and relevant existing background reports and studies.

All questions and communication regarding environmental permit, order, opinion, clearance, and authorization issues shall be directed to the City. Draft and final PCAs shall be submitted to the City upon their completion for review and comment.

- C. Environmental Compliance Monitoring and Reporting Program during Construction: The CSC shall monitor the Project throughout the construction phase to confirm adherence to the FEIS and PA commitments, regulations, approvals, and environmental performance standards. Monitoring shall be conducted during all periods of construction mobilization, active construction, construction demobilization, and final project restoration. Incidents of non-compliance noted during monitoring conducted by the CSC shall be field-reviewed by the CSC Project Manager.

The CSC shall determine the frequency of monitoring depending upon the level of construction activity, proximity of activity to sensitive resources, and the environmental issues associated with the Work location. Monitoring is to occur at a frequency adequate to confirm ongoing compliance with the Contract requirements.

In the event an incident of noncompliance is noted, it shall be immediately be reported to the CSC's Project Manager and the City. The CSC's Project Manager shall determine corrective measures and establish the earliest feasible time frame for implementation of the corrective measures. Implementation of the corrective measures is to be documented during subsequent inspections. Monitoring reports are to be completed within fourteen (14) Calendar Days of each monitoring inspection.

- D. Environmental Post-Construction Monitoring and Reporting: Post-Construction, the Core Systems Contractor shall ensure that disturbed areas are restored to their pre-construction contours and re-vegetated as soon as possible following Project

completion. The Environmental Manager shall conduct final monitoring inspections to assess Core Systems compliance.