

US EPA ARCHIVE DOCUMENT



I. Introduction

Are you involved in construction projects? Are you an owner, developer, contractor, subcontractor, architect, construction manager, or design engineer? If so, you may be responsible for meeting requirements of federal, state, and local environmental regulations. This guide presents information on your federal environmental responsibilities. While the guide can be used during all stages of construction projects, the best time to begin using this guide is before a project is bid.

Part I of this guide is intended to facilitate discussions among the various parties involved in construction projects to ensure that federal environmental requirements are addressed. If you are an owner, developer, general contractor, subcontractor, architect, or another party involved in a construction project, you should review this guide before the project begins to know the federal environmental requirements. During your discussions, you also should determine who is responsible for each requirement, so you can better assess project costs and reduce the potential risks and liability for all parties.

Section XIV of Part I of this guide contains a map of the EPA Regions and a glossary of the terms and acronyms used throughout this guide. Part II of this guide provides self-audit checklists for you to determine if your operations are in compliance with EPA's requirements. This guide complements the Federal Environmental Requirements for Construction guide located at <http://www.cicacenter.org/links>.

A. How Can This Guide Help You?

At the onset of a construction project, it is important to clearly identify who will address the environmental requirements. Because many parties are involved in construction projects, different parties may be responsible for addressing different environmental requirements. For example, some requirements may be more appropriately addressed by the owner or developer, while others may be more appropriately addressed by contractors or subcontractors. This guide is intended to help you determine “who is doing what” and to help you avoid potential liabilities and penalties associated with not addressing these requirements.

Section II of Part I of this guide contains a list of questions that you should answer prior to starting a construction project. Next to each question is a space to indicate who will address the requirement. You can use this section to help determine and keep a record of who is responsible for each item.

Sections III through XIII of Part I of this guide contain additional details on the specific environmental requirements. These sections will help you to:

- Learn about the environmental requirements for construction projects including the types of environmental permits you may need;
- Learn about possible penalties associated with not following the environmental requirements; and
- Find additional resources and information.

The seven self-audit checklists in Part II of this guide can help you monitor your operations and ensure compliance in these areas to avoid violations and fines.

B. Some Key Points To Keep In Mind

When reading this guide, keep in mind the following:

1. This guide presents information on federal environmental requirements. However, in many cases, **state and local requirements may apply to your construction site** and may be more stringent than the federal requirements. You should always check with your state and local agencies before starting a construction project to make sure that you are addressing all relevant requirements. You can find information on state-specific requirements and contact information for state environmental departments at the *Construction Industry Compliance Assistance Center* (<http://www.cicacenter.org>).
2. Many of the environmental regulations do not specifically define the responsible party (e.g., owner, developer, contractor). Therefore, it is possible that **all involved parties may be liable** (i.e., be subject to penalties) if requirements are not met. Use this guide to start a dialogue with all parties involved to ensure that the requirements are met. Where available, the guide presents examples of entities that have been held liable in past cases.
3. This guide presents information on potential penalties if environmental requirements are not met. However, **citizen lawsuits and delayed projects are also potential consequences**. These impacts can be far more damaging than the monetary penalties presented in this guide.

This guide presents specific information on a number of federal environmental requirements for general construction projects. In addition to these requirements, you should also be aware that when a federal

agency makes a decision to entirely or partly finance, assist, conduct, regulate or approve a construction project, the project may also be subject to requirements in cross-cutting environmental laws. There are three different federal requirements that are pertinent to the construction industry that were not developed and promulgated by EPA. They are the Endangered Species Act (ESA), the National Environmental Policy Act (NEPA), and the National Historic Preservation Act (NHPA), discussed in Sections XI through XIII of Part I of this guide, respectively. Although EPA does not have jurisdiction over these requirements, they are discussed briefly to raise awareness. EPA recommends that you reference the specific agencies and listed resources for more information.

C. Key References to Supplement the Guide

The following table contains a list of web sites that you can use to quickly access additional information on each of the topics discussed in this guide. Other supplemental resources are provided at the end of each section in Part I of this guide.

Key References

Key References for Information on Environmental Responsibilities:

The Construction Industry Compliance Assistance Center: <http://www.cicacenter.org/index.cfm>

The National Environmental Compliance Assistance Clearinghouse:
<http://www.epa.gov/clearinghouse/>

EPA's "Where you live" page contains links to state environmental agencies:
<http://www.epa.gov/epahome/wherelive.htm>

EPA's Office of Wastewater Management, NPDES Stormwater Program:
<http://www.epa.gov/npdes/stormwater>

EPA's Office of Wetlands, Oceans, and Watersheds (OWOW):
<http://www.epa.gov/owow/>

EPA's Office of Solid Waste and Emergency Response:
<http://www.epa.gov/epaoswer/osw/laws-reg.htm>

EPA's Oil Program Web Site:
<http://www.epa.gov/oilspill/>

EPA's Superfund Web Site:
<http://www.epa.gov/superfund/index.htm>

EPA's Polychlorinated Biphenyl (PCB) Homepage:
<http://www.epa.gov/pcb/>

EPA's Air Program Mobile Sources Page:
<http://www.epa.gov/ebtpages/airmobilesources.html>

EPA's Asbestos Management and Regulatory Requirements Web Site:
<http://www.epa.gov/fedsite/cd/asbestos.html>

EPA's Cleanup Enforcement (CERCLA or Superfund) Web Site:
<http://www.epa.gov/compliance/cleanup/>

The U.S. Fish and Wildlife Service Endangered Species Program Web Site:
<http://endangered.fws.gov/>

National Oceanic and Atmospheric Administration (NOAA) Fisheries, National Marine Fisheries Service Web Site:
<http://www.nmfs.noaa.gov/endangered.htm>