

Annex N

SITE ENVIRONMENTAL REQUIREMENTS

Contents

- Part 1 Scope and Purpose
- Part 2 Environmental Regulations & Authorities
- Part 3 Site Environmental Regulatory Requirements
- Part 4 Project Environmental Best Management Practices
- Part 5 Environmental Management Plan ("EMP")
- Part 6 Non-Compliance

AM/NS Calvert LLC

Annex N – Site Environmental Requirements

Part 1 Scope and Purpose

1.1 General

The Site is constrained by numerous environmentally sensitive elements which are regulated by various agencies and must be protected throughout the work activities performed by the Contractor or Subcontractors at this location. This document and the AM/NS Calvert LLC Environmental, Health and Safety Manual (the "EHS Manual") are intended to present a brief overview of the environmental elements and the minimum requirements that must be met by the Contractor during the execution of its activities or Work at the Site.

An Environmental Management Plan ("EMP") shall be prepared by the Contractor specifically addressing the scope of work for which its company will be responsible as stipulated under the Contract. The Contractor shall be responsible for complying with all requirements of applicable environmental regulations and regulations having environmental implications to the Site as well as any Best Management Practices identified in the EMP.

Information provided in this document and in the Contractor Safety and Health Field Manual relative to permits and regulatory requirements should be considered an overview and is not all-inclusive. Any omissions do not relieve the Contractor of the responsibility to obtain the required permits or satisfy regulatory requirements to perform and/or complete Contractor's scope of work at the Site as per the Contract.

1.2 Definitions

As used herein and in the Contract, the following terms shall have the meaning set forth below:

- a) "Environmental Requirements" means all applicable present and future federal, state and local laws, statutes, regulations, rules, ordinances, codes, orders, licenses, permits, approvals, plans, authorizations, concessions, or the like, and all applicable judicial, administrative, and regulatory decrees, judgments, and orders, relating to the protection of human health or the environment, including without limitation: (i) all requirements pertaining to reporting, licensing, authorizing, approving, permitting, investigation, and remediation of emissions, discharges, releases, or threatened releases of any Hazardous Materials or waste into the indoor or outdoor air, surface water, sanitary water, groundwater, or land, or otherwise into the environment, or relating to the manufacture, operation, processing, distribution, use, treatment, storage, disposal, transport, handling or management of any Hazardous Material or waste; and (ii) all requirements pertaining to the protection of the health and safety of employees or the public and/or the environment.
- b) The term "Hazardous Material" means any substance or material: (i) the presence of which requires management, reporting, investigation or remediation under any federal, state or local law, statute, rule, regulation, ordinance, order, action, policy or common law; (ii) which is or becomes regulated by any federal, state or local governmental authority, including without limitation, any substance or waste material which is defined or listed as a "hazardous waste," "acutely hazardous waste," "extremely hazardous substance," "restricted hazardous waste," "industrial waste," "hazardous substance," "hazardous material," "pollutant" "hazardous air pollutant," "criteria pollutant," "volatile organic compound," "priority pollutant," "special waste," "SARA 313 chemical" or "contaminant" under any law, including without limitation, the federal Comprehensive Environmental Response, Compensation, and Liability Act, 42

U.S.C. §§9601 et seq., the federal Resource Conservation and Recovery Act, 42 U.S.C. §§6901 et seq., the federal Water Pollution Control Act, 33 U.S.C. §§1251 et seq., the federal Clean Air Act, 42 U.S.C. §§7401 et seq., the Toxic Substances Control Act, 7 U.S.C. §§136 et seq., the Safe Drinking Water Act, 42 U.S.C. §§300f et seq., the Occupation Safety and Health Act of 1970, 29 U.S.C. §§651 et seq., and similar Alabama state and local laws, including without limitation, the Alabama Hazardous Wastes Management and Minimization Act, 22 Ala. Code §§30-1 et seq., the Alabama Water Pollution Control Act, 22 Ala. Code §§22-1, et seq.; and the Alabama Air Pollution Control Act, 22 Ala. Code §§28-1, et seq., or any other federal or Alabama state or local law regulating or otherwise affecting the handling, use, control, management, treatment, storage or disposal or hazardous, explosive, corrosive, flammable, infectious, radioactive or toxic materials or wastes; (iii) which contains gasoline, diesel fuel or other petroleum hydrocarbons or a petroleum derivative; (iv) which contains polychlorinated biphenyls ("PCBs"), asbestos or urea formaldehyde; or (v) which poses an unreasonable risk of injury to human health or the environment.

Annex N – Site Environmental Requirements

Part 2 Environmental Regulations & Authorities

The Contractor shall be responsible for familiarizing its personnel and Subcontractors with the site-specific permit requirements, environmental regulations and related authorities having jurisdiction over the Site as well as the environmentally sensitive elements of the Site, and shall be responsible for providing any training of personnel required by any law or regulation.

2.1 Environmental Requirements

The Contractor, in relation with its activities or Work at the Site, is responsible for:

- Compliance with federal, state and local regulations including the acquisition of permits or registrations required for the performance of work performed by the Contractor,
- Compliance with the Site's Best Management Practices (BMPs) Plan,
- Compliance with all applicable permits obtained by the Owner or third parties and any Best Management Practices defined by the Owner,
- Identification and protection of designated areas or resources,
- Obtaining approval to commence work in designated areas,
- Preparation of and obtaining approval for an EMP; and,
- Scheduling work to assure that the preceding requirements have been met.

Contractor represents and warrants that it is and will remain in full compliance with and will adhere to all these and other not mentioned environmental requirements applicable at the Site.

2.2 Authorities

Numerous regulatory authorities have jurisdiction over one or more elements of the Site. These authorities include, but are not limited to, the following:

- ADCNR Alabama Department of Conservation and Natural Resources
- ADECA Alabama Department of Economic and Community Affairs
- ADEM Alabama Department of Environmental Management
- ADPH Alabama Department of Public Health
- AHC Alabama Historical Commission
- ALDOT Alabama Department of Transportation
- OSHA Occupational Safety and Health Administration
- SHPO State Historic Preservation Office
- USACE United States Army Corps of Engineers
- USCG United States Coast Guard
- USEPA United States Environmental Protection Agency
- USFWS United States Fish & Wildlife Service

2.3 Required Plans and Documents

2.3.1 Required Plans by the Owner

At least 14 days prior to mobilization, the Contractor must prepare and submit to the Owner for review the following:

- a) Environmental Management Plan ("EMP") – see Section 5 for specific requirements; and,
- b) Spill Prevention, Control and Countermeasures Plan ("SPCC Plan"); and,
- c) Drafts of plans and documents required by regulations prior its submittal to the regulatory authorities.

AM/NS Calvert LLC

Annex N – Site Environmental Requirements

2.3.2 Plans and Documents Required by Regulations

The Contractor shall prepare plans or documents required by local, state or federal regulations for execution of the part of Work at the Site. In some cases, these documents will be prepared by the Owner or agents of the Owner. Whether prepared by the Owner or Contractor, the Contractor shall coordinate the EMP with these plans or documents. Plans or documents required by regulation may include, but are not limited to, the following:

- a) Construction Best Management Practices Plan (CBMPP) which serves as a Storm Water Pollution Prevention Plan (SWPPP) in the State of Alabama
- b) Spill Prevention, Control, and Countermeasures (SPCC) Plan
- c) Comprehensive Wetlands Mitigation Plan
- d) Deed of Conservation Easement
- e) USACE Section 404 Individual Permit
- f) Coastal Use Permit(s)
- g) NPDES Permit(s)
- h) Emergency Discovery Procedures from the Cultural Resources Memorandum of Agreement (MOA) existing between the Owner, the SHPO and the USACE.

Part 3 Site Environmental Regulatory Requirements

Several environmental studies of the Site have previously been conducted by the Owner, the State of Alabama, or other third parties. The findings of these studies are summarized herein. The Contractor shall comply with all relevant regulations and identify and protect resources as demanded by the Owner or relevant authorities whether or not they have been previously identified.

3.1 Cultural Resources

Areas at the Site containing cultural resources have been identified on-site during studies commissioned by the Owner, the State of Alabama, or other third parties. These areas have been removed and curated by the State of Alabama. However, it is possible that the Contractor will encounter additional cultural resources that have not yet been identified.

The Contractor must take necessary actions to prevent disturbance of additional areas of potential cultural significance identified during construction. The Contractor shall comply with the Emergency Discovery Procedures as established between the Owner, SHPO and USACE if additional areas containing potential cultural resources are discovered.

3.1.1 Previously Unidentified Areas Discovered during Construction

If previously undiscovered areas with archeological features, artifacts, or human remains are found during work activities, Contractor's personnel must cease work in such area immediately and notify the Owner. Artifacts are objects made, used or modified by humans. They include but are not limited to arrowheads, broken pieces of pottery or glass, stone implements, metal fasteners or tools. Archeological features are stains in the soil that indicate disturbance by human activity including but not limited to post holes, building foundations, trash pits, and human burials.

The Contractor shall comply with the Emergency Discovery Procedures to be established between the Owner, SHPO and USACE. The Owner will coordinate with the regulators as required, and the Contractor shall not resume work in any such area until regulatory approval to do so is confirmed by the Owner. The Contractor shall proceed with work in other areas as necessary to maintain the Work.

3.2 Natural Resources

Areas at the Site containing natural resources, including streams and wetlands, have been identified during studies commissioned by the Owner or the State of Alabama. Some of these areas will be preserved and it is the responsibility of the contractor to be aware of these locations and not disturb or damage these areas during the course of performing onsite activities.

3.2.1 Protection of Jurisdictional Waters

AM/NS Calvert LLC

Annex N – Site Environmental Requirements

Jurisdictional waters have been identified at the Site and shall be protected by the Contractor, including but not limited to:

- Jurisdictional wetlands
- Dabney Creek
- Unnamed streams, creeks, and tributaries

The Contractor shall not commence any clearing, staging or construction activities within areas subject to USACE regulatory jurisdiction prior to receipt of written confirmation of the Owner. The Contractor must not encroach into any area designated to be preserved, including associated buffer areas.

3.2.2 Threatened and Endangered Species

Several areas containing federally protected gopher tortoises and their habitats exist at the Site.

If the Contractor encounters gopher tortoises, eastern indigo snakes, or other species suspected as being federally protected, Contractor must immediately stop work in the area and notify the Owner. The Owner will coordinate with the regulators as required and the Contractor shall not resume work in any such area until regulatory approval to do so is confirmed in writing by the Owner. The Contractor shall proceed with the work in other areas as necessary to maintain the Work.

Part 4 Project Environmental Best Management Practices

In addition to regulatory requirements, the Contractor shall comply with the environmental management practices at the Site dictated by the Owner.

4.1 Land Use

The Owner strictly prohibits the following activities inside the Project Site:

- Hunting
- Fishing
- Trapping

Contractor shall immediately stop work in the area and notify the Owner if potentially dangerous wildlife is encountered during execution of the Work.

The Contractor shall strictly prohibit its employees and Subcontractors from entering areas of the Site beyond agreed limits of construction necessary for execution of their Work.

4.2 Air

The Contractor shall implement measures to prevent the transport or blow off of pollutants, including dust, from the Site caused by wind action.

The Contractor shall perform its activities or Work inside the Project area or at the Site utilizing methods, including implementation of BMPs, to prevent visible dust from being transported from the immediate work area including adjacent properties, especially residential neighborhoods or communities. BMPs include, but are not limited to, utilization of dust suppression systems and watering hauls roads and earthwork areas during dry periods.

Any open fire inside the Site without the consent of the Owner is strictly prohibited.

4.3 Noise

The Contractor shall comply with the work hours at the Site specified elsewhere in the Contract or as advised by the Owner. For Work performed near the property boundary or near inhabited areas, including Calvert, the Contractor shall consider and implement noise mitigation measures if warranted by off-site property uses and the type of work to be performed. Noise mitigation measures include, but are not limited to, utilizing proper noise control on equipment, limiting night work hours for noisy activities (such as pile driving), and scheduling and controlling traffic. The Contractor shall coordinate with the Owner to revise work procedures and hours as needed to address noise complaints, if received, while implementing methods to preserve the Work, without additional cost to the Owner.

Annex N – Site Environmental Requirements

4.4 Import Fill Material Quality Control

If part of the scope of supply by the Contractor, then the Contractor shall perform all inspections and testing necessary to provide a certification for all imported fill material (soil or aggregate) as clean material free of deleterious matter and organics and free of all contaminants. Details of the proposed inspection and testing program shall be included in the EMP for review by the Owner. Testing may include laboratory analysis of proposed import soil material at Contractor's cost and the analytical methods are at the discretion of the Owner.

4.5 Waste

The Contractor shall dispose of all waste generated as a result of its Work at the Site in accordance with all applicable local, state and federal regulations at Contractor's cost. The Contractor shall also maintain a high standard of housekeeping on Site and implement any measures necessary to manage the impact of the Work on public roads and rights-of-way.

Proper housekeeping at and around the Site shall be implemented by the Contractor to ensure that the Site is kept in a clean and orderly condition throughout the execution of the Work or during the Contractor's personnel presence. The Contractor shall meet, at a minimum, the following requirements:

- Maintain work areas, including access roads and Contractor's office(s) areas, free of trash, rubbish and debris; and,
- Supply all containers and signage required for collection, storage and removal of trash, rubbish and debris resulting from the Work (no containers will be supplied by the Owner); and,
- Remove trash, rubbish and debris from the Site at least once each week and properly dispose of it at a permitted facility outside the Project area (the burying of trash, debris, cleared trees or shrubs or similar by-products of the Work inside the Site is strictly prohibited); and,
- Manage and dispose of any hazardous or other regulated waste in accordance with applicable regulations using the Owner's hazardous waste ID number. Contractor is responsible for notifying Owner's Environmental Department at the time the hazardous waste is being generated and provide adequate details of storage container(s), amount, location, labeling, and plans for disposal. Hazardous Waste disposal facilities shall be approved by the Owner. All costs and expenses derived from the disposal of these hazardous or other wastes shall be borne and paid by the Contractor. Additional details including, but not limited to personnel training, inspections, and waste management shall be included in the Environmental Management Plan.

Contractor is responsible for cleaning parking areas to the extent utilized by Contractor's personnel and Subcontractors.

4.6 Spill Management Plan

For the execution of Work at the Site, the Contractor shall prepare, implement and maintain a Spill Prevention, Control and Countermeasures Plan ("SPCC Plan") for all on-Site fueling or vehicle maintenance operations to provide the methods, means and facilities required to prevent contamination of soil, water or the atmosphere. If Contractor intends to utilize a portable fuel tank onsite (55 gallons or greater), the SPCC plan must meet the requirements of 40 CFR Part 112 and be certified by a registered professional engineer. In addition to addressing materials related to on-Site fueling or vehicle maintenance activities, the SPCC Plan or Environmental Management Plan shall address any other Hazardous Materials (as defined herein) brought on-Site by, or in the stewardship of, the Contractor. If a spill or release occurs, the Contractor shall be solely responsible for properly removing and disposing of any contaminated material resulting therefrom in accordance with applicable regulations and ADEM guidance documentation. If a spill or release occurs for which reporting to any regulatory authority is, or appears to be, applicable, the Contractor shall immediately report the situation to the Owner's Project Manager and Environmental Department. The Contractor shall immediately take all actions necessary to mitigate and remediate all impacts resulting from such spill or release at its sole cost. All mitigation and remediation activities must be coordinated with the Owner.

The SPCC Plan shall be submitted for Owner review no less than two weeks prior to commencing on-Site activities. The Contractor shall submit the SPCC Plan in sufficient time to respond to Owner comments and finalize the document without impacting the schedule for commencing such activities.

Annex N – Site Environmental Requirements

4.7 Hazardous Materials

Contractor shall not cause or permit the improper use, management, discharge, spill or release of any Hazardous Material in connection with the Work at the Site, in violation of any Environmental Requirements which are now or hereafter promulgated by any federal, state or local governmental authority. Contractor agrees that it will not store any hazardous wastes on Owner's property in violation of the applicable site storage limitations imposed by law or Owner (or its agents). Contractor shall take, at its expense, all actions necessary to protect Owner and Owner's employees, affiliates and agents from any exposure to, or hazards of, any Hazardous Material generated or utilized in Contractor's activities at the Site. Contractor shall report immediately to Owner all discharges, releases and spills of any Hazardous Material in any amount. Furthermore, if in the performance of the Contract, Contractor is required to use a chemical substance or mixture, or any material which may generate or release a chemical substance or any hazardous agents, Contractor shall provide Owner, before or with said use, a Material Safety Data Sheet (Federal OSHA Hazard Communication Standard, 29 CFR 1910.1200) and label which are current, accurate and complete, which include but are not limited to a statement of product hazards and precautions for safe use. Contractor shall, at its expense, take all actions necessary to protect third parties, including without limitation, employees and agents of Owner from any exposure to, or hazards of, any Hazardous Material generated or utilized in Contractor's activities at the Site.

4.8 Paint

Only paints that do not contain lead or chromate pigments or other lead or chromate ingredients are to be used.

Empty aerosol cans must be properly disposed of by utilizing either contractor provided or designated onsite aerosol can puncture units located at specific locations on the Site. Disposal or recycling of aerosol cans without utilizing puncture units is strictly prohibited.

Part 5 Environmental Management Plan ("EMP")

The Contractor shall prepare an Environmental Manage Plan ("EMP") specifically addressing its Work at the Site and demonstrating plans for compliance with the minimum requirements set forth herein as well as applicable regulatory and industry best management practices. More specifically, the EMP shall include, as minimum, the following:

- a) A list of permits required for the Work at the Site (to be obtained by the Contractor) as well as plans [e.g. Storm Water Pollution Prevention (as referenced in Section 2.3.2(a) of this Annex); Spill Prevention, Control and Countermeasures, etc.]; and,
- b) A schedule for obtaining such permits, submitting plans, and implementation of EMP components; and,
- c) Details of protection measures planned for each environmental element, including demonstration of compliance with environmental regulations and requirements, and including a description of applicable BMPs including, but not limited to, on-Site materials management (including wastes), storm water pollution prevention, erosion control, dust control, noise control, etc.); and,
- d) Details of inspections and testing of import fill material sources (if applicable); and,
- e) A self-audit system; and,
- f) Documentation methods and schedules, including:
 - 1. Identification of activities to be documented,
 - 2. Means of documentation including written logs, reports, photos, or other methods,
 - 3. Schedule for preparation and submission of reports required by regulators,
 - 4. Schedule for submitting reports to the Owner, and
 - 5. Process for correcting non-compliant Work.

The Contractor shall prepare the environmental management reports and submit them to the Owner monthly or as requested by the Owner. These reports shall include a summary of activities related to environmental management since the last reporting period, including correction of any previously identified issues of non-compliance.

AM/NS Calvert LLC

Annex N – Site Environmental Requirements

The EMP shall be submitted for Owner review no less than two weeks prior to commencing the activities or Work at the Site. The Contractor shall submit the EMP in sufficient time to respond to Owner comments and finalize the document without impacting the schedule for commencing such Work.

Part 6 Non-Compliance

Any Work, activity and/or action by the Contractor at the Site observed to be out of compliance with applicable regulations, Owner requirements or the EMP will be cause for stop work. It is anticipated that the regulatory agencies and the Owner (or their representatives) will make regular inspections of the Site. However, the Contractor shall diligently self-monitor the activities of its personnel and Subcontractors and immediately correct any non-compliant activities. Should work be stopped by the Owner or regulatory authorities, the Contractor shall make required corrections and obtain approval prior to proceeding with work. Contractor shall document any non-compliance issues and associated corrective measures.