

SUBJECT: Compliance and Regulatory Requirements Procedure	Effective Date:	Procedure Number:
	2/3/12	FS 2012 LNR0001
	Supersedes:	Page 1 Of 8
Responsible Authority: Associate Vice President for Administration and Finance (Facilities and Safety)		

APPLICABILITY/ACCOUNTABILITY: This procedure applies to any person involved in constructing, altering, modifying, or improving campus facilities or site conditions (existing or new).

PROCEDURE STATEMENT: This procedure identifies regulatory permits, authorizations, and data collection that are mandatory to construct, alter, modify, or improve facilities and site development (existing or new) throughout the University campus. Activities conducted without obtaining the necessary permits or authorizations are in violation of law and, as a result, subject the University to court-ordered penalties and costly fines. Not all of the below listed permits will be applicable for a specific project; therefore, it is important the Facilities and Safety staff be informed of any intended activities **PRIOR** to the commencement of work.

DEFINITIONS:

Permits:

1. **Alternative Water Supply**

Regulatory Agency: St. Johns River Water Management District

The District Water Supply Plan (DWSP) addresses current and future water use, traditional and alternative water sources, and water conservation required to meet 2025 water supply needs, while sustaining water quality and protecting wetland and aquatic systems. DWSP is designed to meet the requirements of the water supply planning provisions of Section 373, *Florida Statutes* (F.S.), and is based on a planning horizon extending through 2025. UCF is required every 5 years to submit an Alternative Water Supply (AWS) project that supports the DWSP goals. An AWS Project Progress Report Form must be completed every year. Permitting is a separate process. Once an AWS project is defined and approved by SJRWMD, appropriate permit applications will need to be submitted to the SJRWMD. See <http://www.sjrwmd.com/dwsp.html> for more information.

2. **Building Permit**

Regulatory Agency: UCF Building Code Official and Florida State Fire Marshal A building permit is required when an owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of

which is regulated by the Florida Building Code, or to cause any such work to be done. The owner or authorized agent shall first make application to the building official and obtain the required permit before any said work is started. The Building Code Official serves as the authority having jurisdiction for the University under s.468 *Florida Statutes*. In addition, project drawings, when required, must be reviewed and approved by the Office of the State Fire Marshal in Tallahassee, depending upon the scope and complexity of the project to be permitted. Additional information regarding the building and fire code permitting process can be obtained from <http://www.ehs.ucf.edu/buildingfire/buildingcode.html>.

3. Conceptual Master Permit and Wetland Jurisdictional Determination

Regulatory Agency: US Army Corps of Engineers (ACOE), Jacksonville District, and SJRWMD

The ACOE and SJRWMD conceptual master permit (based on 33 CFR, section 325.1) authorizes jurisdictional wetland impacts within a 5 or 10 year plan. The permit defines the potential impacts to jurisdictional wetlands, defines jurisdictional systems, and outlines mitigation activities within the desired (5 or 10 year) timeframe. Under Section 404 of the Clean Water Act, the ACOE has regulatory jurisdiction over activities occurring within "waters of the U.S". Regulatory policies of the ACOE are set forth in Title 33 of the Code of Federal Regulations. Jurisdictional determinations (i.e., "waters of the U.S." determinations) are made by ACOE staff using guidance set forth in the *Jurisdictional Determination Form Instructional Guidebook* and definitions found in 33 CFR part 328. SJRWMD jurisdictional determinations need to be completed once every five (5) years. formal determination means the District will determine the locations on the property of the landward boundaries of the wetlands and other surface waters defined by chapter 62-340, F.A.C., as ratified in section 373.4211, F.S. Additionally, ACOE master permits cover any impacts to federally listed species (regardless of habitat) and SJRWMD will review potential impacts to state listed species. Applications for Environmental Resource Permits (see information below) are forwarded to the U.S. Army Corps of Engineers for review by SJRWMD. Additional information regarding ACOE permitting can be found at <http://www.saj.usace.army.mil/index.htm>, and SJRWMD permitting by visiting www.sjrwmd.com.

1. Consumptive Use Permit

Regulatory Agency: St. Johns River Water Management District

The consumptive use permitting program of the St. Johns River Water Management District includes Consumptive Use Permit (CUP) compliance and enforcement, and water shortage plan support and enforcement. Since 1983, a consumptive use permit is required for every consumptive use of ground or surface water which: (a) exceeds 100,000 gallons per day (estimated on an average annual basis); or (b) is from a facility (wells, pumps, etc.) or facilities which are capable of withdrawing one million gallons of water per day or more; or (c) is from a well in which the outside diameter of the largest permanent water bearing casing is six inches or greater. Permits for consumptive use are issued for a finite duration and, upon expiration, must be renewed. Since 1991, all water users have been required to report their water use by using a water meter or by an alternative method approved by the District. These permits typically apply to well operations under Facilities Operations purview. Additional information regarding Consumptive Use Permitting can be found at

<http://sjr.state.fl.us/programs/cuppermitting.html> or by viewing the applicant's handbook at <http://www.sjrwmd.com/handbooks/pdfs/cuphdbk.pdf>.

2. Environmental Resource and Surface Water Permit

Regulatory Agency: St. Johns River Water Management District (SJRWMD); U.S Army Corps of Engineers

Environmental Resource Permits (ERP) are typically required for activities that include site development, construction or modification of any storm water management system, or creation of any impoundment, reservoir or impervious area affecting storm water percolation and surface runoff. As a part of this permit, jurisdictional wetlands are determined and impacts to them must be avoided or mitigated as the permit prescribes. The permit will also approve any new, or changes to existing, storm water collection and/or retention pond structures. The permit application must be accompanied with design reports, drawings, specifications, and design data prepared, signed and sealed under the responsible charge of a professional engineer licensed in Florida. Additional information regarding Environmental Resource and Surface Water Permitting can be found at <http://sjr.state.fl.us/programs/erpppermitting.html>.

3. National Pollutant Discharge Elimination System (NPDES)

Regulatory Agency: Department of Environmental Protection

Stormwater runoff is generated when precipitation from rain and snowmelt events flows over land or impervious surfaces and does not percolate into the ground. As the runoff flows over the land or impervious surfaces (paved streets, parking lots, and building rooftops), it accumulates debris, chemicals, sediment or other pollutants that could adversely affect water quality if the runoff is discharged untreated. The primary method to control stormwater discharges is the use of best management practices (BMPs). In addition, most stormwater discharges are considered point sources and require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. As authorized by the Clean Water Act, the NPDES permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. UCF falls under the NPDES Stormwater Phase II Rule, which requires the reduction of pollutants in stormwater to the maximum extent practicable (MEP) to protect water quality. The regulations specify that compliance with the MEP requirement can be attained by developing a stormwater management plan that addresses the six minimum control measures described in the stormwater regulations. Notice of Intent (NOI) are due every five (5) years, starting in 2008, and reports are due every second and fourth year in October. See <http://www.epa.gov/Compliance/NEPA/> or <http://www.dep.state.fl.us/water/stormwater/npdes> for more information.

4. National Environmental Policy Act (NEPA)

Regulatory Agency: U.S. Environmental Protection Agency

The National Environmental Policy Act (NEPA) requires federal agencies, or federal projects, to integrate environmental values into their decision-making processes by considering the environmental impacts of their proposed actions, and reasonable alternatives to those actions. To meet NEPA requirements, agencies prepare a detailed statement known as an Environmental Impact Statement (EIS). EPA reviews and comments on EISs prepared; maintains a national filing system for all EISs; and assures that its own actions comply with NEPA. When UCF engages in federal projects, such as

cellular towers (licensed by FCC), a NEPA permit is required. For more information, see <http://www.epa.gov/Compliance/nepa/>.

5. Public Water System Permit

Regulatory Agency: Florida Department of Environmental Protection (FDEP)

This permit is required when constructing or altering a public water system, or system components. The permit application must be accompanied with design reports, drawings, specifications, and design data prepared, signed and sealed under the responsible charge of a professional engineer licensed in Florida. In addition, disinfection and bacteriological testing is typically required, and clearance formally approved by FDEP, prior to placing the improvements into service. Additional information regarding Public Water System Permitting can be found at <http://www.dep.state.fl.us/water/rulesprog.htm>.

6. Threatened and Endangered Species Determination and Grass Carp

Regulatory Agency: Florida Fish and Wildlife Conservation Commission

The habitat of various state protected species must be accurately identified and appropriate steps taken to mitigate or protect them PRIOR to any site construction or alteration. Such species that may be found at the University include gopher tortoises, Indigo snakes, Red Cockaded Woodpeckers, and various plant species. There are varying means to comply with these regulations, ranging from species relocation to “in-place” habitat protection. Impacts to federally listed species, in both uplands and wetlands, are permitted through an ACOE Conceptual Master Permit or through the Federal Commission of Fish and Wildlife. A certified environmental specialist must identify the species that may be impacted by work in an area, and then outline the appropriate steps that will be necessary to comply. Additionally, permits to install triploid grass carp for aquatic weed control must be issued by FL FWC. See www.myfwc.com for more information.

7. UCF Dig Permit

Regulatory Agency: UCF Facilities Planning and Facilities Operations

Any group at the University, or outside entity, that plans to penetrate the ground more than 6 inches for construction, research, or operational activities must complete a Dig Permit. Dig Permits facilitate the identification of the locations of utilities infrastructure on campus. Permit applications can be found at http://www.fp.ucf.edu/forms/DIG_PERMIT_FORM.pdf.

8. UCF Site Use Permit

Teaching and research conducted within the University of Central Florida’s natural lands is encouraged. Through site use permits, the protection of biological resources on campus is accomplished. Permits allow UCF to minimize conflicts between users, to prevent unsuitable uses, and to coordinate projects with management activities. In addition, as part of the stewardship of the natural areas on campus, teaching and research activities utilizing the campus are documented through the site use permits. Anyone wanting to use the campus natural areas for teaching or research is required to fill out the appropriate permit application (Research and Course Site Use or General Site Use). See www.green.ucf.edu for permit applications.

9. Wastewater Collection System Permit

Regulatory Agency: Florida Department of Environmental Protection (FDEP)

This permit must be obtained prior to construction or modification of a domestic

wastewater collection/transmission system. FDEP defines these systems as sewers, pipelines, conduits, manholes, pumping stations, force mains, and all other facilities used for collection and transmission of wastewater from individual service connection laterals to waste water treatment plant facilities. The permit application must be accompanied with design reports, drawings, specifications, and design data prepared, signed and sealed under the responsible charge of a professional engineer licensed in Florida. Additional information regarding Wastewater Collection System Permitting can be found at <http://www.dep.state.fl.us/water/rulesprog.htm>.

10. Air Emissions Permit

Regulatory Agency: Florida Department of Environmental Protection (FDEP)

This permit is required if the sum of all potential air pollutant emissions exceeds certain levels, e.g., emergency generators, boilers, and water heaters at a facility exceeding 100 tons of nitrogen oxide emissions per year. The University is required to have air construction permits in hand before adding any equipment that, on its own, or in conjunction with other emission-generating equipment, exceeds the prescribed limits. Additionally, once the system is constructed and commissioned, an air operation permit must be obtained. Please see <http://www.floridadep.org/air/> for additional information.

11. Biomedical Waste Generator Permit

Regulatory Agency: Orange County Health Department

This permit is required from all commercial facilities that produce sharps and other biomedical waste (i.e., any solid or liquid waste which may present a threat of infection to humans, including nonliquid tissue, body parts, blood, blood products, and body fluids from humans and other primates; laboratory and veterinary wastes which contain human disease-causing agents; and discarded sharps). The permit is obtained annually from the Orange County Health Department on October 1. Additional information regarding the Biomedical Waste Generator Permit can be found at <http://www.orchd.com/environmentalHealth/biomedicalWaste/index.asp>

Authorizations and Notifications

1. Alterations to Soil of Jurisdictional Wetlands

Regulatory Agency: US Army Corps of Engineers (ACOE)

The ACOE regulates impacts to jurisdictional wetlands and connected surface waters. Management activities, including prescribed burns and invasive species treatments, are not regulated by the ACOE. However, if soil impacts are required to conduct management activities, such as the creation of a fire break or hiking trail, in jurisdictional wetlands, the ACOE must be notified in writing prior to conducting activities.

2. Non-construction Wetland Impacts

Regulatory Agency: St. Johns River Water Management District

The SJRWMD is responsible for managing groundwater and surface water supplies in all or part of 18 counties in northeast and east-central Florida. Activities near or within wetlands need to be approved by SJRWMD before any activities occur. Activities can include invasive species removal, mowing or hand clearing of vegetation, alterations of trail systems, and prescribed burning within wetlands. Approvals for prescribed burning and mechanical treatments within easements are obtained by filling out the SJRWMD

“Fire Mitigation Form.” All other activities do not have a required form, and therefore must be approved in writing by the SJRWMD.

3. Prescribed Burns

Regulatory Agency: Florida Division of Forestry

Prescribed fire is one of the most versatile and cost effective tools land managers use. Prescribed fire is used to reduce hazardous fuel buildups, thus providing increased protection to people, their homes and the forest. Other uses include disease control in young pines, improving habitat for wildlife, range management, preservation of endangered plant and animal species, and the maintenance of fire dependent ecosystems. Prescribed fire in Florida is governed by Florida Statutes Chapter 590 and Florida Administrative Code Chapter 5I-2. The Administrative Code also outlines a Certified Burn Manager program which is administered by the Division of Forestry. An authorization to burn must be obtained by FL-DOF before igniting a prescribed burn. For more information see <http://fl-dof.com>.

4. Select Agent Registration

Regulatory Agency: Centers for Disease Control and Prevention (CDC)

The National Select Agents Registry Program (NSAR) oversees the activities of possession of biological agents and toxins that have the potential to pose a severe threat to public, animal or plant health, or to animal or plant products. The NSAR currently requires registration of facilities, including government agencies, universities, research institutions, and commercial entities that possess, use or transfer biological agents and toxins. Additional information regarding this registration process can be found at <http://www.selectagents.gov> and by contacting José Vázquez, UCF Biosafety Officer at jvazquez@mail.ucf.edu.

5. Storage Tank Facility Registration

Regulatory Agency: Florida Department of Environmental Protection (FDEP)

The Department of Environmental Protection Storage Tank Program registers the facilities and the storage tanks when aboveground or underground storage tanks store pollutants, hazardous substances, and/or mineral acid substances regulated by Chapter 62-761, Florida Administrative Code, or when aboveground storage tanks or compression vessels store a hazardous substance which requires registration according to Chapter 376, Florida Statutes. See <http://www.dep.state.fl.us/waste/categories/tanks/default.htm> for more information.

6. Hazardous Waste Notification

Regulatory Agency: Florida Department of Environmental Protection (FDEP)

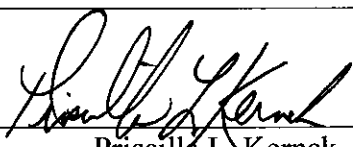
Generators of hazardous waste, universal wastes and used oil are subject to regulation and record-keeping, and must notify the Florida Department of Environmental Protection (DEP) of their activities. See

<http://www.dep.state.fl.us/waste/categories/hwRegulation/default.htm> for more information.

PROCEDURES:

The permits typically carry application fees, and when professional engineers or specialists are required, fees for their services. All permit applications are to be fully coordinated within Facilities and Safety, and with appropriate UCF staff, as outlined by the “routing order”.

1. On behalf of the University, all permit applications to the regulatory agencies are to be reviewed and signed by the Permit Coordinator, or a designee in cases of absence. There are no exceptions to this requirement.
2. No meetings with regulatory agencies are to take place without Facilities and Safety Staff being present or notified.
3. All operational activities related to permitting will continue to be performed by the individual departments described below:
 - a. **Facilities Operations** will be responsible for proper preparation, submission of, and renewal of the Consumptive Use Permits (CUP).
 - b. **Landscape and Natural Resources** will be responsible for coordinating mitigation proposals for ERP applications, ACOE permitting, NPDES permit applications, UCF Site Use Permits, and Threatened and Endangered Species Determinations with the engineer of record or project manager.
 - c. **Facilities Planning** will be responsible for the proper preparation and submission of all permit applications, and for ensuring compliance with the designated agency requirements relating to major capital and minor (FI) construction.
 - d. **Environmental Health and Safety (EHandS)/ Building Code Office** will be responsible for enforcing the provisions of the Florida Building Code, coordinating the enforcement of the Florida Fire Prevention Code with the State Fire Marshal, and coordinating the enforcement and permitting or notification activities of FDEP's air, storage tank, and hazardous waste programs. EHandS will also coordinate the enforcement and notification/registration activities of the Florida Department of Health and the Centers for Disease Control and Prevention's hazardous materials programs.
4. Once ERP permits have been approved by the SJRWMD, those changes to the Storm Water Master Plan shall be directed, by the responsible department, to Harris Engineering (407-571-7590) and the Director of Facilities Planning, to insure that the storm water master drainage table summary is up-to-date.
5. All requests or projects that include land clearing, tree removal, excavation, and grading shall be submitted, in writing, to the Permit Coordinator or designee, prior to meeting with, or preparing an application to, a regulatory agency, and no work shall commence until written approval from the regulatory agency is received. Requests will be reviewed and approved by applicable Facilities and Safety staff.
6. All related records and materials will be maintained by UCF Facilities and Safety. All compliance data must be entered into the "Compliance Data Base" by the initiator of the compliance action. For example, if Facilities Planning acquires a St. Johns River Water Management Permit for a capital construction project, they would need to enter the permit, as well as supporting documentation, into the database. Each department is responsible for selecting one individual to enter data. Environmental Health and Safety manages the database, and will offer training as needed to each department appointee.

Approved By:	Date Approved:
 Priscilla L. Kernek Associate Vice President Administration and Finance Facilities and Safety	2/3/12