

ATTACHMENT C POOL INSTALLATION PROTOCOL

PURPOSE

A Declaration of Restrictive Covenant recorded in the public records of St. Johns County requires compliance with the following protocol for the installation of in-ground pools at certain residential lots within the Madeira Subdivision (Lots 1-15, 63-81, 98-100, and 128-131). For certain lots within the Madeira Subdivision, an Engineering Control (EC) prevents the direct exposure to soil below a depth of 2 feet below ground surface (bgs) that may exceed applicable Soil Cleanup Target Levels (SCTLs), per Chapters 62-780 and 62-777, Florida Administrative Code (FAC), for arsenic. Breaching the EC for the installation of in-ground pools will result in the excavation of soil with arsenic concentrations potentially above SCTLs and, as such, certain construction and safety measures must be used during the installation. Accordingly, certain plans must be prepared, and processes must be followed to properly complete the pool installation and removal process, as more particularly set forth herein. The construction and safety measures discussed in this Pool Installation Protocol shall be read in accordance with all other standards set forth in the Declaration of Restrictive Covenant, Engineering Control and Maintenance Plan (ECMP), and applicable HOA documents.

1.0 HOA APPROVAL REQUIREMENTS AND REGULATORY NOTIFICATION

Prior to commencing construction of a pool, the proposed pool design must be reviewed and approved by the Architectural Review Board (ARB) for compliance with the HOA requirements, Declaration of Restrictive Covenant, and Pool Installation Protocol. During the HOA review process, the ARB will remind the applicant of the obligations of this Pool Installation Protocol, including but not limited to the contractor requirements and regulatory notification requirements set forth herein. The HOA shall only approve applications for pools that meet all requirements set forth in the Declaration of Restrictive Covenant, the ECMP, and this Pool Installation Protocol.

After the HOA determines that the proposed pool meets the requirements set forth in the Declaration of Restrictive Covenant and Pool Installation Protocol, the Homeowner must provide a copy of the approved application to the Florida Department of Environmental Protection (FDEP) – Northeast District, located at 8800 Baymeadows Way West, Suite 100, Jacksonville, FL 32256.

The Homeowner shall provide written notification to the FDEP – Northeast District, at least seven days prior to commencing installation activities, and shall allow FDEP reasonable access to the installation site for inspection throughout the installation process.

2.0 CONTRACTOR REQUIREMENTS

All contractors must comply with Federal, State, and local environmental, health, and safety laws and regulations applicable to the goods and/or services provided for the installation of in-ground pools. Any work by Florida State licensed contractors that could adversely affect any personnel involved, citizens, residents, users, neighbors or the surrounding environment must comply with any and all employment safety, environmental, and health laws. The HOA will maintain a list of known contractors that are trained to complete this work.

3.0 MANAGEMENT OF EXCAVATED SOIL DURING INSTALLATION

The application to the HOA must include a description of how soil will be managed during pool installation. The application must reference compliance with the following requirements:

- 1) Excavation and disposal of potentially impacted soil must be conducted following the requirements of Chapter 62-780 FAC.
- 2) A licensed environmental engineer/geologist (or a qualified environmental professional working under their guidance) must provide oversight for work involving potentially impacted soil during pool installation.
 - a) The supervising engineer or geologist shall ensure that all individuals participating in pool installation follow proper procedures for reducing exposure risks to impacted soil. Minimum guidelines to reduce the potential exposure to impacted soil are included in Attachment C.1.
- 3) All excavated soil must be direct loaded to either trucks or roll-off containers. **NO** stockpiling of excavated soil on the ground surface is allowed.
- 4) Any excavated soil within designated containers (trucks or roll-offs) must be covered/secured at the end of the workday or when the container is full, to eliminate the potential for direct exposure to the public.
- 5) All excavated soil must be properly disposed of at a landfill certified to accept this type of soil.
 - a) Landfills may require additional testing (called waste characterization sampling) prior to accepting the soil. Each landfill has their own requirements and should be contacted directly for more information. A list of regional landfills that may accept this soil is in Attachment C.2.
 - b) All transported soil must be properly documented (manifested) from origination to final destination. To document proper disposal, copies of the manifests must be included in the "Pool Installation Report", which will be submitted to FDEP upon completion of the pool installation. An example manifest is provided in Attachment C.3.
- 6) If the excavated area is to be left open for any reason, then the entire excavation must be secured to eliminate the potential for direct exposure to the public. The entire open excavation must be covered with material suitable for the purpose (e.g. - visqueen) and temporary fencing should surround the excavated area (e.g. - construction safety fencing).

4.0 MANAGEMENT OF GROUNDWATER DURING INSTALLATION

In cases where limited dewatering may be necessary for the installation of a pool, then the following protocol is required and must be documented in the application to the HOA:

Initial Requirement – Lot Specific Groundwater Characterization

- 1) A licensed environmental engineer/geologist (or a qualified environmental professional working under their guidance) must provide oversight for dewatering work during pool installation when initial groundwater sampling shows an arsenic concentration greater than 10 micrograms per liter ($\mu\text{g}/\text{l}$).

- 2) Collect a “lot specific” representative groundwater sample and have it analyzed by a NELAC certified laboratory for arsenic. A list of local laboratories that can analyze a groundwater sample is presented in Attachment C.4.
- 3) If the groundwater sample has an arsenic concentration equal to or less than 10 µg/l, then limited dewatering can commence under standard practices for pool installation.
- 4) If the groundwater sample has an arsenic concentration greater than 10 µg/l, then additional dewatering precautions/protocols listed below must be followed.

Dewatering Protocol

Common practice for dewatering during pool installation involves a low-flow, ¾” submersible pump that is placed at the bottom of the excavation while the plumbing and reinforcement is placed. Each homeowner should discuss the anticipated volume of groundwater that will be removed from the excavation area with their pool contractor prior to installation activities.

- 1) Dewatering of potentially arsenic-impacted groundwater must be conducted following the requirements of Chapter 62-780 FAC and in a manner similar to that at contaminated sites.
- 2) All groundwater removed during dewatering activities must be pumped directly into an onsite container.
 - a) Discharge of groundwater during dewatering activities to the ground is **PROHIBITED**, unless the groundwater sample has an arsenic concentration equal to or less than 10 µg/l.
- 3) Impacted groundwater derived from dewatering activities must be properly disposed of at a wastewater treatment facility certified to accept this waste.
 - a) Facilities may require additional testing (waste characterization sampling) prior to accepting the water. Each facility has their own requirements and should be contacted directly for more information. A list of regional wastewater treatment facilities that may accept the dewatering effluent is presented in Attachment C.5.
 - b) All transported effluent must be properly documented (manifested) from origination to final destination. To document proper disposal, copies of the manifests must be included in the “Pool Installation Report”, which will be submitted to FDEP upon completion of the pool installation.

5.0 POOL CONSTRUCTION

Given that the in-ground pool and surrounding decking will be a barrier to exposure to impacted soil, the following minimum requirements must be followed during construction and documented within the application to the HOA:

- 1) Pool walls and bottoms will be constructed of Shotcrete, Gunite, or similar material with a minimum thickness of six inches.
- 2) If repairs are necessary to the walls or bottom of the pool, then similar material and minimum thicknesses will apply.
- 3) Pool decking will be constructed of concrete, concrete pavers, or similar material with a minimum thickness of four inches.

6.0 POOL INSTALLATION REPORT

Upon completion of pool installation activities, a report detailing the management of soil and groundwater (if applicable) must be submitted to FDEP for review. At a minimum, the report needs to include the following:

- 1) Homeowner information
- 2) Development Phase Number and Lot Number designations
- 3) Contractor information
- 4) Dates of Installation
- 5) Dimensions of excavation
- 6) Approved plans for the pool
- 7) Approximate volume of soil removed from the lot during construction
- 8) Approximate volume of groundwater removed during construction
- 9) Results of groundwater sample testing
- 10) Disposition of groundwater (whether impacted or not)
- 11) Name of receiving landfill for excavated soil
- 12) Name of receiving disposal and treatment facility for dewatering effluent, if applicable
- 13) Copies of waste manifests for soil and groundwater (as applicable)

The report shall be submitted to the Florida Department of Environmental Protection's Northeast District Office within 60 days of completion of the

7.0 POOL INSPECTION, MAINTENANCE, AND REPAIR

Integrity of the pool will need to be inspected during and after construction such that the newly installed EC (the pool) is maintained and provides sufficient protection of exposure to the underlying soil. Post-construction, the EC inspections will be performed on a yearly basis for evidence of deterioration, or other damage, that may provide an exposure to the underlying soil. An inspection, maintenance, and repair form is located in Attachment B of the ECMP.

8.0 POOL REMOVAL

All pools must be properly abandoned in accordance with the requirements of the HOA. The following are the minimal requirements to abandon a pool:

1. Prior to commencing with removal or abandonment of an in-ground pool, the Homeowner must submit a formal request to the HOA for review and approval. During the HOA review process, the HOA will remind the applicant of its obligations, including but not limited to contractor requirements, regulatory notification requirements, and debris disposal requirements set forth herein.
2. The Homeowner may not commence with the removal or abandonment of the pool prior to approval by the HOA.
3. Homeowner shall provide written notification to the FDEP – Northeast District, at least seven days prior to commencing removal/abandonment activities, and shall allow FDEP reasonable access to the property for inspection throughout this process.
4. If removal/abandonment activities shall consist of excavating additional soil, then the procedures identified in Section 4.0 (Management of Excavated Soil During Installation), of Attachment C (Pool Installation Protocol), of the Engineering Control and Maintenance Plan, shall be applicable and must be followed.
5. If pool abandonment will consist of removal of underground piping, concrete walls, or material that was in contact with potentially arsenic-impacted soil, then the contractor and its

employees must be appropriately trained to work within said soil per the requirements of Section 2.0 (Contractor Requirements).

6. Only clean fill may be used to fill in the prior pool area. Soil may not be sourced from within the Madeira subdivision.
7. Any construction debris (e.g. – metal, plastic piping, concrete) that was in contact with potentially arsenic-impacted soil must be properly disposed of at a landfill willing to accept said debris.

Please refer to the HOA website for instructions, procedures, and summary fact sheets for proper abandonment of pools.

9.0 PROTOCOL FOR OWNER VIOLATIONS

The failure to comply with the requirements of the Declaration of Restrictive Covenant, and the applicable HOA requirements, and this Pool Installation Protocol, shall result in a violation and the assessment of stipulated penalties. The stipulated penalties are set forth in the HOA documents and are summarized below.

If a violation of these requirements occurs, the HOA gives the Developer, the Master Association, or any Owner the right to: (a) prosecute proceedings for the recovery of damages against those so violating or attempting to violate any such covenant or restriction; or (b) to maintain a proceeding in any court of competent jurisdiction against those so violating or attempting to violate any such covenant or restriction for the purpose of preventing or enjoining all or any such violations or attempted violations.

In addition to all other remedies, the Board of Directors shall have the authority, in its sole discretion, to suspend the Owner's (and Owner's family, tenants, guests, invitees or occupants) right to use the Common Property recreational facilities for a reasonable time and to levy reasonable fines against Owner or occupant for the failure of the Owner, his family, tenants, guests, invitees or occupants, to comply with any covenant, restriction, rule, or regulation contained in this Declaration, the Articles, or the Bylaws, provided the following procedures are adhered to:

1. Each incident which is grounds for a fine shall be the basis for a separate fine. In case of continuing violations, each continuation after notice is given shall be deemed a separate incident.
2. Amounts: The Board of Directors may impose Special Assessments against the Lot, Parcel or Unit owned by the Owner as follows:
 - a. First non-compliance or violation: a fine not in excess of One Hundred Dollars (\$100.00);
 - b. Second non-compliance or violation: a fine not in excess of Five Hundred Dollars (\$500.00);
 - c. Third and subsequent non-compliance, or a violation or violations which are of a continuing nature after notice, a fine not in excess of One Thousand Dollars (\$1,000.00) in the aggregate;
 - d. Provided, however, to the extent that state law is modified to permit fines of greater amounts, the Declaration shall be automatically amended to include such increase.

Attachment C.1

Guidelines to Reduce Worker Exposure

When contact with potentially arsenic-impacted soil is anticipated, the following guidelines should be followed to reduce the direct exposure risks to commercial workers during the construction, maintenance, repair, and abandonment (closure) of pools.

1. Access will be restricted to those individuals, vehicles and/or equipment that are required to conduct work activities.
2. Personal Protective Equipment (PPE) – The minimum PPE level to be used, to reduce worker exposure, will be modified Level D, as described by the Environmental Protection Agency (EPA). Level D is primarily a work uniform, safety shoes/boots, and work gloves, and is used for nuisance contamination only.
3. No smoking, eating, or drinking should be allowed while working within areas with potentially impacted soil.
4. Visible Dust Suppression – In the event that visible dust is present in the work area for an extended period of time, wet suppression of the area by spray methods (utilizing minimal water) should be implemented and work activities may be adjusted to reduce the potential for visible dust.
5. If soil greater than 2 feet below ground surface is to be left temporarily exposed, without the direct supervision of a contractor (e.g. - overnight), then this area must be secured to eliminate the potential for direct exposure to the public. This area must be covered with material suitable for the purpose (e.g. – visqueen) and temporary fencing should surround the area (e.g. – construction safety fencing).

Attachment C.2

List of Regional Landfills

The following is a list of landfills located within Northeast Florida that may accept soil from the installation of pools, for disposal. It is the responsibility of the Homeowner to understand and comply with the landfill requirements, prior to commencement with installation activities.

Nine Mile Road Inc. Landfill
445 International Golf Parkway
St. Augustine, FL 32095
904-825-2105

Trail Ridge Landfill
5110 US Highway 301
Baldwin, FL 32234
904-748-6015

Otis Road Landfill
1700 Otis Road
Jacksonville, FL 32220
904-701-5982

Attachment C.3

Example Non-Hazardous Waste Manifest

NON-HAZARDOUS WASTE MANIFEST

Please print or type (Form designed for use on elite (12 pitch) typewriter)

NON-HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.		Manifest Document No.	2. Page
3. Generator's Name and Mailing Address					
4. Generator's Phone					
5. Transporter 1 Company Name		6. US EPA ID Number		A. State Transporter's ID	
7. Transporter 2 Company Name		8. US EPA ID Number		B. Transporter 1 Phone	
9. Designated Facility Name and Site Address		10. US EPA ID Number		C. State Transporter's ID	
				D. Transporter 2 Phone	
				E. State Facility's ID	
				F. Facility's Phone	
11. WASTE DESCRIPTION			12. Containers		13. Total Quantity
			No.	Type	14. Unit Wt./Vol.
a.					
b.					
c.					
d.					
G. Additional Descriptions for Materials Listed Above				H. Handling Codes for Wastes Listed Above	
15. Special Handling Instructions and Additional Information					
16. GENERATOR'S CERTIFICATION: I hereby certify that the contents of this shipment are fully and accurately described and are in all respects in proper condition for transport. The materials described on this manifest are not subject to federal hazardous waste regulations.					
Printed/Typed Name				Date	
Signature				Month	Day Year
17. Transporter 1 Acknowledgement of Receipt of Materials					
Printed/Typed Name				Date	
Signature				Month	Day Year
18. Transporter 2 Acknowledgement of Receipt of Materials					
Printed/Typed Name				Date	
Signature				Month	Day Year
19. Discrepancy Indication Space					
20. Facility Owner or Operator; Certification of receipt of the waste materials covered by this manifest, except as noted in item 19.					
Printed/Typed Name				Date	
Signature				Month	Day Year

NON-HAZARDOUS WASTE

GENERATOR

TRANSPORTER

FACILITY

Attachment C.4

Environmental Laboratories

The following is a list of environmental laboratories located within Northeast Florida could be used for analyzing soil and/or groundwater samples that are necessary for the installation of pools. It is the responsibility of the Homeowner to analyze any necessary samples prior to commencement with installation activities.

Advanced Environmental Laboratories, Inc.
6681 Southpoint Parkway
Jacksonville, FL 32216
904-363-9350

ALS Laboratory Group
9143 Philips Highway, Suite 200
Jacksonville, FL 32256
904-739-2277

Environmental Conservation Laboratories
4810 Executive Park Court, Suite 111
Jacksonville, FL 32256
904-807-9625

Attachment C.5

Wastewater Treatment Facilities

The following is a list of wastewater treatment facilities located in Northeast Florida that may accept dewatering effluent, from the installation of pools, for disposal. It is the responsibility of the Homeowner to understand and comply with facility requirements, prior to commencement with installation activities.

Liquid Environmental Solutions
1640 Talleyrand Avenue
Jacksonville, FL 32216
866-694-7327

Water Recovery Inc.
1819 Albert Street
Jacksonville, FL 32202
904-475-9320