Washington State Department of Transportation

Memorandum

February 16, 2005

TO: All Org Managers

FROM: J. C. Lenzi
Regional Administrator
(509) 324-6010

SUBJECT: Eastern Region Environmental Compliance Plan

Environmental compliance in all facets of operations is a high priority for WSDOT. Eastern Region has progressively improved processes for proactively reducing risks of environmental violations, which has contributed to a good compliance record. However, due to an increase in high profile WSDOT violations statewide, as well as the recognition that we continue to have non-compliance events, each region is now required to develop and implement an Environmental Compliance Plan.

It is my expectation that Eastern Region employees will conduct their work in a manner to ensure compliance with all applicable environmental laws, regulations and environmental commitments in all phases of operations. This compliance plan sets up a framework and strategy for environmental compliance through; increasing awareness of environmental regulations and issues, tracking environmental commitments and compliance, ensuring environmental requirements are included in contracts, inspecting the implementation of those environmental requirements on projects, effective communication between the Region Environmental Office and other offices, and continuing education.

It is recognized that all non-compliant activities may never be totally eliminated even with the best planning, due to unpredictable weather, evolving regulations and differing interpretations of those regulations. However, we should make every effort to minimize our environmental non-compliance events through the implementation of this plan. I urge you to spend the time to share this plan with your staff.

It is anticipated this plan will evolve over time. For more information or to provide suggestions for improving environmental compliance in Eastern Region, please contact Michelle Anderson at 324-6134.

mca
Attachment: Eastern Region Environmental Compliance Plan

Environmental Compliance Plan
WSDOT Eastern Region

Created: January 2005

Eastern Region Environmental Compliance Plan

What is the Purpose of this Plan?

This compliance plan sets up a framework and strategy for environmental compliance and documents commitment towards its implementation. This is a living document and will be updated as necessary to reflect changes in regulations and further development of the Regional Environmental Compliance Program.

The Washington State Department of Ecology and WSDOT have signed an Implementing Agreement committing WSDOT to develop a statewide Environmental Compliance Plan to include environmental commitment tracking, environmental inspections on construction sites, obtain administrative support for the program and implementation of other compliance measures.

What is Eastern Region's Compliance Goal?

WSDOT Eastern Region's compliance goal is to ensure compliance with all applicable environmental laws, regulations and environmental commitments in all phases of operations.

Through the realization of this goal, we strive for environmental protection, no formal violations, improved relationships and credibility with the regulatory agencies and the public, and to minimize risk to project budgets and schedules resulting from environmental non-compliance.

It is recognized that all non-compliant activities will never be totally eliminated even with the best planning, due to unpredictable weather, evolving regulations and differing interpretations of those regulations. Ultimately, the objective of this plan is to reduce future non-compliant events through planning and to provide guidance during an event.

How will this compliance goal be achieved?

This compliance plan is applicable to all WSDOT construction projects, maintenance projects, utility relocations, pits and quarry management, facilities management and all other facets of WSDOT operations. However, implementation efforts in the areas of construction and maintenance will be the immediate priority. A plan specific to maintenance activities is included. This goal will be achieved by implementing the following seven components.

1. Executive Management Endorsement

This involves a clear communication of commitment from the Regional Administrator to develop and implement the environmental compliance plan. Additionally, the Secretary of Transportation has also made it clear that compliance is a priority for the WSDOT in the Environmental Policy Statement (2001) and the Compliance Agreement with the Department of Ecology (2004)

This endorsement will be accomplished through a number of different avenues:

- Letter of commitment by Regional Administrator to staff stressing environmental compliance and environmental stewardship for all facets of WSDOT operations.
- Implement procedures for handling and elevating non-compliance issues within Region. (*See ER Elevation Flow chart for noncompliance issues. Appendix A).*
- Follow IL4055.02 and IL4057.00 requiring adherence to the Environmental Compliance Assurance Procedure (ECAP) for Construction and Maintenance, respectively. *(See ECAPs in Appendix A.)*
- Commit financial and personnel resources required to successfully implement this compliance plan.

2. Understand environmental rules/regulations pertaining to transportation projects.

The Eastern Region will support training for personnel involved with project development, construction, and maintenance & operations in the region. In addition to formal training, there is a need for ongoing communication among the region offices and the environmental office to discuss problems and questions that may arise during design, construction and maintenance activities. Informal on-the-job training will also be an integral part of ensuring an awareness and understanding of environmental issues. This interaction will be through routine site visits, planning meetings and other communication opportunities that arise.

- Ensure all facets of projects are included in the environmental analysis process- (National Environmental Policy Act (NEPA), State Environmentally Policy Act (SEPA) and permitting), i.e. right of way, utilities, waste sites, material sources, and staging areas. Use environmental discipline checklists to ensure evaluation of all applicable environmental issues. *(See Environmental Discipline Checklists in Appendix B). (REM, EC/CAC, RMEC)*
- Identify and address new legal requirements (i.e. Talent Decision) and changes to existing legal requirements as necessary and as early as possible in the development process. This can be accomplished with continuous training, involvement in associations, publications and recurring meetings with regulatory agencies. *(REM, EC, RMEC)*
- Provide quality training for environmental staff in a full range of environmental issues from 4(f) to wetlands to noise, etc. Keep a current training matrix to ensure region environmental staff has appropriate training. *(See WSDOT provided trainings in Appendix B)(REM, RMEC)*

- Practical, customized training for Design, Construction, Maintenance, and other staff regarding environmental regulations and resources. Ensure staff that may be involved in construction and design, have appropriate environmental training reflected in their training matrix. *(See WSDOT provided trainings in Appendix B)(REM, CAC, RMEC).*
- Conduct an Environmental Compliance session during the Annual Eastern Region Construction Conference. Use this time to communicate components of the compliance plan and other means of ensuring environmental compliance. *(REM, CAC)*
- Increase awareness among project teams that last minute changes to projects can result in new environmental requirements and compliance risks. Implement change management procedures as needed. *(REM, PE)*
- Develop handouts or guidance memos to explain/clarify environmental issues as they relate to transportation projects, inform employees of changes in regulations, and provide any other helpful and relevant information for regional staff. *(REM, CAC, RMEC).*
- Improve the ER Environmental website to include useful resources and tools for design, construction, maintenance and other WSDOT staff regarding environmental information and compliance. *(REM, CAC, RMEC).*
- Incorporate the ER Environmental Compliance Plan into the *Engineering Publications CD* for easy reference by staff. *(REM, CAC).*
- Implement an environmental compliance awareness program consisting of transmittal of the ER Compliance Plan, directive from the Regional Administrator regarding the importance of environmental compliance, continued education for all team members and distribution of compliance posters. *(REM, CAC).*

3. Track Environmental Commitments and Compliance

Environmental Commitment Tracking is a key goal of the Eastern Region. During the life of a project, commitments made could possibly be lost for various reasons. These commitments include permit conditions, conditions for approvals, wetland or riparian mitigation plans or notification requirements. Eastern Region intends on using the commitment tracking system to be developed through WSDOT Headquarters to ensure that the commitments that are made are implemented during project development, construction and post-construction and documented in project files.

- Track all environmental commitments through a centralized Commitment Tracking Database to be developed by Headquarters by September 2005. This system will track all formal commitments that would affect environmental issues from project inception through construction, maintenance and successful completion of the commitments. *(Region as a whole with CAC as lead).*
- Utilize GPS to record locations of environmental commitments such as drywells, stormwater facilities, wetland or other mitigation sites. *(REM, CAC)*
- Work to develop an environmental commitment information layer to be added to the Arc Map GIS Environmental Workbench system to be used in Planning, Scoping, Project Design, Construction, Post-Construction, Maintenance and Monitoring. *(REM, CAC)*

- Develop effective procedures and directions to transfer continuing environmental commitments from the construction office to maintenance offices. This may be done through on-site meetings with maintenance before physical completion. Stormwater facility maintenance is one example of a maintenance commitment. *(REM, RMEC, PE)*
- Utilize the ER Construction Inspector's Environmental Compliance Checklist to internally document project compliance and non-compliance events. This would be filled out by Environmental Staff and Project Inspectors as needed in conjunction with the Inspectors Daily Report (IDR). *(CAC, RMEC, PI)*
- Ensure that all non-compliance events are corrected quickly and properly documented. *(REM, PE, CAC)*
- Track non-compliance events and corrective measures taken, per IL 4055.02 *(see Non compliance tracking sheet Appendix C)(REM, RMEC, CAC).*
- Regularly assess our compliance performance so that we can make adjustments or corrections to procedures or upcoming contracts and share the lessons learned for future projects. *(REM, CAC, RMEC, PE, PI)*
- Participate in developing an annual statewide compliance performance report for the Gray Notebook. *(REM)*

4. Constructability Review

This component requires that permit conditions, legal requirements and other environmental commitments be adequately reflected in the contract plans and specifications and that the project is constructible. This will enable the Contractor and Project Engineer to successfully complete the project while meeting the environmental requirements. The following measures should help ensure this is successful:

- Collaborative field review with Project Offices, Regulatory Agencies and Environmental Staff during scoping and early design regarding construction methods and staging areas identified when possible. *(EC, RMEC).*
- In early planning or design, Environmental staff will delineate wetlands and other sensitive areas near projects to have them included in the location survey and plan sheets. Design staff will clearly indicate all sensitive areas and buffers on plan sheets with indications to avoid. *(EC, PE).*
- Identify sensitive areas and buffers in special provisions and in contracts by stationing and milepost with the Eastern Region Sensitive Area GSP. Protect sensitive areas with high visibility fence or an equivalent protective measure as the first order of work. *(PE, PI)*
- Develop and utilize a commitment tracking checklist and an Environmental Review checklist during Design and Plan Reviews. Components of these checklists may be incorporated into the design matrices and to ensure commitments are included in contract plans and special provisions. *(See Environmental Review Checklist, Appendix C). (EC/CAC, PE).*
- Ensure contract plans and language are consistent with permit applications and approvals and that permit conditions that contradict each other are corrected. *(PE in Coordination w/REM, & EC/CAC).*

- Incorporate all applicable environmental commitments into contracts through special provisions, coverage by standard specifications, below the line items for maintenance commitments and other provisions. *(PE, CAC)*
- Work with WSDOT Headquarters to develop or modify standard specifications for conditions that are typically included in permits for projects. *(REM, CAC)*
- Region Environmental Office will conduct field visits to inspect locations of high visibility fence and any other environmental protective measures prior to the start of work activities. Scheduling of this site visit should be coordinated during preconstruction meeting. *(REM, CAC)*
- Region Environmental Office participation during preliminary and final plan review, pre- construction conferences, and other applicable meetings is necessary to ensure the project will be done in accordance with environmental commitments. *(REM, CAC)*
- Region Environmental Office participation in construction debriefings will occur to obtain feed back from construction offices regarding compliance problems and learn of the effectiveness of regional special provisions or other implemented contract language. *(REM, EC/CAC)*

5. Communication

An integral part of working together effectively as a team is to clearly identify the roles and responsibilities of the team members. In addition, tools and processes can be put into place to enhance communication between the Environmental Office, Project Offices/Maintenance and Contractors.

- *Project Engineer (PE)*-The PE is responsible for the overall development of the project design, plans, special provisions and any agreements associated with the project. During construction, they are responsible for ensuring compliance with contract plans and specifications.
- *Project Inspector (PI)*-PIs are responsible for inspection of the construction work and materials on the project including the environmental components. They have the authority to reject defective material and suspend work that is being done improperly, subject to the final decision of the Project Engineer. They may advise the Contractor of any faulty work or materials or infringements on the terms of the contract.
- *Region Environmental Manager (REM)*-Responsible for ensuring environmental compliance for all facets of Eastern Region WSDOT operations. The REM oversees the environmental documentation, permitting and implementation of environmental commitments. If there are non-compliance events, the REM will be notified and will help resolve and/or negotiate mitigation of impacts and track the corrections. The REM will be responsible for coordinating with resource agencies regarding projects and environmental issues.
- *Environmental Documentation and Permit Coordinator (EC)*-The person that completes the NEPA, SEPA and permit application process. This person would have a background regarding the assumptions and communications that occurred between WSDOT and the resource agencies

during planning and permitting. They will be responsible for tracking the environmental commitments, assist in compiling them into an Environmental Notebook for clarity and should be consulted if clarification is needed for permit or environmental documentation questions.

- *Compliance Assurance Coordinator (CAC)*-Responsible for reviewing permits, environmental documentation, and commitment tracking lists to identify contradictions, constructability issues, and additional compliance issues. This individual will review environmental components of plans and contracts in conjunction with the Project Office to ensure environmental commitments are transferred into the contract or otherwise achieved. The CAC will maintain the non-compliance database, compile non-compliance information for the Gray Notebook, and work with PI's to effectively conduct water quality monitoring. He/she will conduct periodic site visits to projects to ensure environmental commitments are met and the project is compliant with environmental rules and regulations. This will involve working through the PI and PE when addressing non-compliance issues.
- *Regional Maintenance Environmental Coordinator (RMEC)*-Works under the REM. This person is responsible for implementing the environmental maintenance program in Eastern Region; coordinating the environmental aspects of maintenance projects, conducting site visits; answering questions regarding NEPA, SEPA and permitting requirements; applying for permits and approvals for maintenance projects; and tracking usage of programmatic permits; training or assisting in training maintenance personnel on environmental issues and coordinates with regulatory agencies regarding maintenance activities. The RMEC is the first point of contact in case of non-compliance events for maintenance.

- Each project considered by the REM to be high risk will have an Environmental Notebook to include all permits/approvals relevant to the construction, inadvertent discovery plan if applicable, ECAP, Temporary Erosion and Sediment Control (TESC) plan, Spill Plan and other applicable commitments. The notebook will also list environmental contact names, phone numbers (including home numbers) and general responsibilities. *(CAC/EC)*
- During the preconstruction meeting or in a separate environmental preconstruction meeting for a high risk project, the ER Environmental Office (preferably the Permit Coordinator that obtained the permit), Project Office and Inspector, and Contractor should review the Environmental Notebook, in particular, the environmental permits involved, terminology, conditions and details of the work, to ensure that the proposed activities will be done in accordance with the environmental commitments. *(REM, CAC/EC, PE, PI)*
- Ensure that the Contractor has provided a schedule for high risk or complicated in-water work prior to performing construction activities that might impact sensitive areas. *(PE)*

- When possible, conduct site visits and reread permits to clarify questions on compliance issues as a result of project changes or other reasons, and if the proper decision is not clear, contact the respective regulatory agencies for clarification. *(CAC/EC).*

6. Project Inspection

Project Inspection is essential to ensuring the project is completed per design and in compliance with environmental regulations. Good communication and a proactive approach by the Project Office to enforce the contract and require environmental compliance are essential. The myriad of environmental regulations, permit conditions or other requirements can be confusing and good communication between the Region Environmental Office, Project Offices and, if needed, agencies is important to prevent violations.

- Utilize Environmental Construction Compliance Checklist regularly to determine general environmental compliance and to document environmental compliance. Follow up with any "No" answers. *(See Eastern Region Construction Inspection Checklist, Appendix D). (CAC, PI)*
- Ensure that Project Engineers and Project Inspectors understand how to elevate non-compliance events that don't fall under ECAP procedures and that they realize they have upper management support to ensure environmental compliance. *(See ER Environmental Procedure for non-compliance events, Appendix A.)(PE, REM, CAC)*
- Ensure that PI's in conjunction with PEs enforce the TESC, SPCC, permit conditions, Roadside Restoration Plans, and other environmental requirements. *(PE, CAC)*
- Clarify all changes in the project with the Region Environmental Office to ensure we are operating within requisite environmental laws and permits. The Region Environmental office will consider questions from the construction offices the highest priority. *(PE, CAC/EC)*
- Develop additional job-aids to help ensure all environmental commitments and permit conditions are implemented. *(REM, CAC)*
- Incorporate environmental commitments into the checklist for 50% construction completion inspection and Contract Closure Status Database to ensure environmental commitments are met prior to contract closure. *(REM, CAC)*
- Document that all environmental commitments have been met prior to completion of the project, and that Maintenance and Operations has received and understands all long-term compliance expectations for the site. *(PE)*

7. Demonstrate Environmental Commitment to Agencies and Public

Report using meaningful information and seek opportunities to share that information with agencies and the general public to demonstrate our environmental compliance and stewardship.

- Develop partnerships with resource agencies, environmental organizations and local agencies on environmental restoration/enhancement projects as possible and seek out opportunities to demonstrate to the public our commitment to resource protection. This could be through news articles, awards, newsletters or participation in meetings. *(REM)*
- Prepare easily readable publications that demonstrate the extensive environmental review and design considerations for environmental protection in our projects. *(REM).*
- Develop meaningful performance tracking measures including water quality testing, mitigation monitoring, and other measures. Utilize these to demonstrate the effectiveness of our environmental compliance program internally, to the public, and other agencies. *(REM, CAC, RMEC)*

Washington State Department of Transportation
Maintenance Compliance Plan
EASTERN REGION

The WSDOT Maintenance Compliance Plan is comprised of nine non-discretionary program elements that provide a basic umbrella for the maintenance environmental compliance program. Each WSDOT region will implement a Regional Maintenance Compliance Plan to avoid or minimize violations. Each program element is described below and in the *Regional Road Maintenance ESA Program Guidelines (Guidelines).*

Element 1 – Statewide Regional Maintenance Environmental Coordinator's (RMEC) Meetings

The RMEC meetings are conducted quarterly, or more often if needed. Each region has identified an individual as their Regional Maintenance Environmental Coordinator. Erv Koller is the Eastern Region RMEC. The meetings provide a venue whereby new information and experiences are shared between members to improve the environmental program. The RMEC reports to the Regional Forum Representative. The following types of information are reported:

- Administrative program functions.
- Field meetings with maintenance crews and resource agency staff.
- Hands-on crew experiences with various BMPs under various conditions.
- Discovery of new products or BMP inventions and applications.
- Results of scientific research and case studies.
- Feedback on training, sensitive area data collection, and ESA reports.

Additionally, if a problem with program implementation occurs in one region, it is shared with the other regions so the problem/violation is not repeated.

Element 2 – Training

Maintenance personnel must understand and correctly implement BMPs for the maintenance activities accomplished in sensitive areas. Environmental compliance information is available through WSDOT's extensive outreach and training program.

Existing opportunities to provide environmental compliance training include:

- Annual Statewide Maintenance Engineers' Meetings
- Bi-Monthly Regional Maintenance Superintendent Meetings
- Monthly Crew Safety Meetings
- Maintenance Academy (twice per year)
- Maintenance Leadership Forum
- Disaster Workshop (as needed)
- Annual WSDOT Spring Training

- Annual Snow & Ice Training
- Annual Road & Street Maintenance School (Washington State University)
- Annual Bridge Maintenance Supervisors Meeting
- Erosion And Sediment Control Training

Environmental compliance training is based on WSDOT's Endangered Species Act § 4(d) Program. WSDOT Maintenance and Operations Headquarters staff, T2 instructors, Regional Maintenance Environmental Coordinators, Regional Maintenance Training Coordinators, or other trainers may teach the curriculum. Key staff members and crewmembers will attend training in their area(s) of responsibility. The courses are listed below:

- Course 101 - Executive Overview
- Course 102 - Field Maintenance Crew Overview
- Course 103 - Field Application of BMPs
- Course 104 - Emergency Response
- Course 106 - Roadside & Vegetation Maintenance
- Course 107 - Stormwater Control
- Course 108 - ESA 4(d) Reporting Requirements
- Course 109 - Snow & Ice Control
- Course 110 - Bridge Maintenance

Prior to beginning work in sensitive areas, at least one member of the maintenance crew is required to have completed appropriate training and shown competency in using BMPs to:

- Minimize erosion and sediment;
- Contain the spread of pollutants; and
- Maximize habitat improvements.

Element 3 – Compliance Monitoring

The objective of compliance monitoring is to evaluate the consistency of the program statewide. Compliance is not judged on how many BMPs are used to install structures, nor on how many structures are installed. Compliance is based on how well the final outcomes are met. Compliance monitoring is accomplished by: Regional Maintenance Environmental Coordinators, Maintenance Staff, Environmental Staff, and local, state, and federal permitting authorities that evaluate BMPs for use and implementation.

Element 4 – Scientific Research

The scientific research element serves to verify the effectiveness of BMPs and to update BMPs based on the latest technologies. Using information derived from scientific research can maximize compliance. The scientific research information is communicated throughout the state via the Regional Forum, the Headquarters Maintenance and

Operations Water Quality Policy Manager, the RMECs, and provided to the maintenance crews.

Element 5 – Adaptive Management

Adaptive Management provides a means by which potential impacts are avoided, or minimized, and compliance is assured. Actions may need to be modified as experience and technology increases.

Adaptive Management includes, but is not limited to, the following:

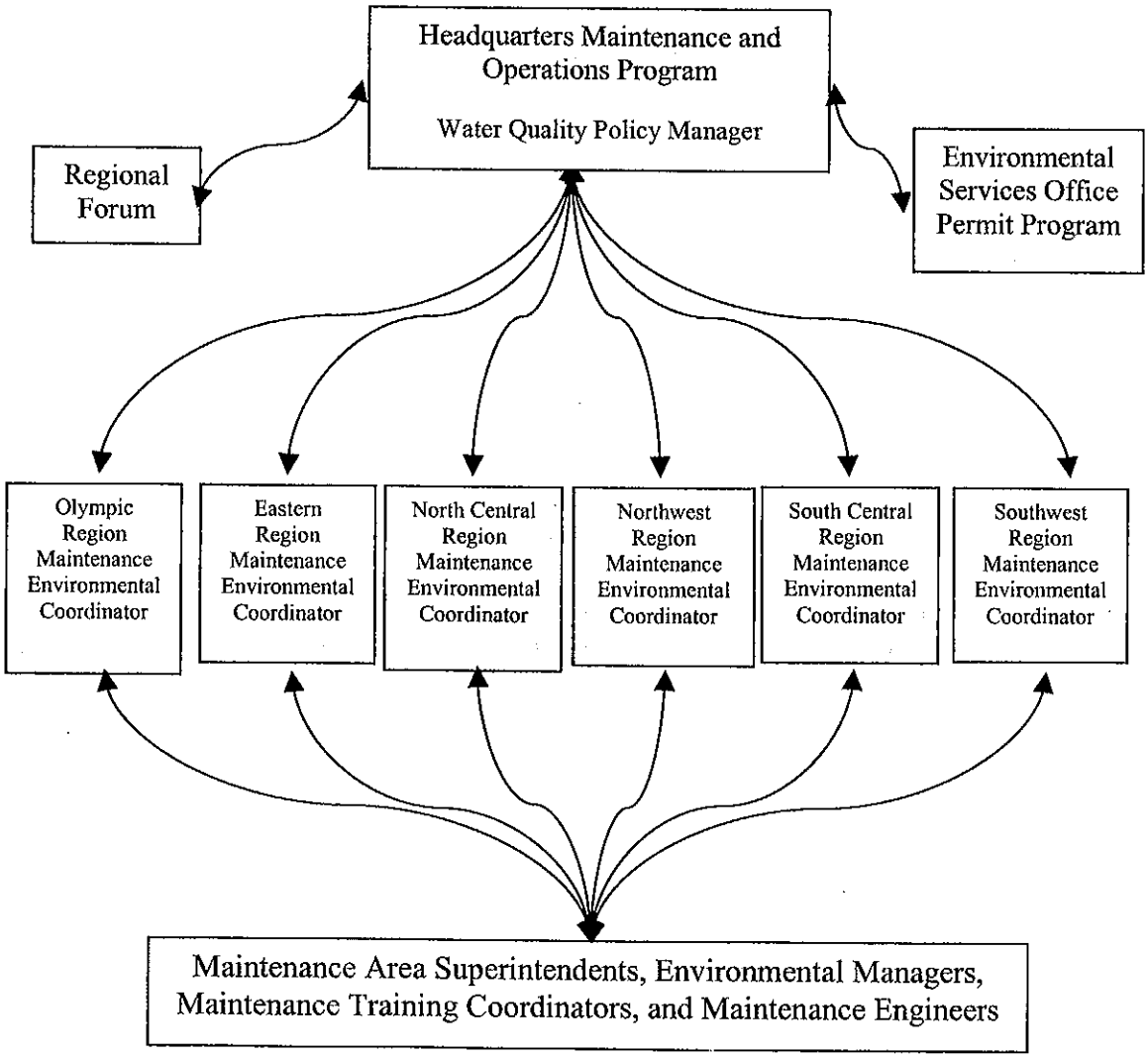
- A *Roadside Sensitive Management Area* atlas has been created to identify sensitive areas within the ROW. The atlas has been distributed to maintenance sheds statewide. The atlas will be updated as needed.

- Knowing the location of sensitive areas within the Right-of-Way (ROW) and using BMPs during maintenance activities in sensitive (priority) areas.

- Trained maintenance personnel may modify BMPs to achieve compliance.

- Maintenance personnel in Eastern Region will eventually be provided Personal Data Assistants (PDAs) to allow them to enter data into the "ESA Compliance" checklist. The "Comments" section is utilized as a tool to evaluate the applicability of the BMPs. The completed checklist documents our compliance with local, state, and federal laws.

- Communication is vital to Adaptive Management. See diagram below:



Element 6 – Emergency Response

WSDOT's Emergency Response measures include keeping local, state, and federal regulatory agencies apprised of the conditions.

Eastern Region Environmental Emergency Callout Procedures

When an emergency occurs that impacts or has the potential to impact sensitive or aquatic areas the following notification procedure shall be followed:

Eastern Region Maintenance Environmental Coordinator

1. Erv Koller 509 324-6133 Office
509 939-9258 Cell
509 926-8601 Home

Eastern Region Environmental Manager

2. Michelle Anderson 509 324-6134 Office
509 220-0045 Cell
509 467-1467 Home

If neither of the above personnel are available, leave a message on voice mail with the **RMEC** (Erv Koller) and immediately contact the appropriate hotline numbers below.

WDFW 24 hour hotline – 360 902-2537 and the
U.S. Army Corps of Engineers:
Anne Robinson – **206 764-6951 (day)**
Muffy Walker – **206 764-6915 (day), 206 781-0469 (night)**
Tom Mueller – **206 764-6695 (day), 206 842-0155 (night)**

Hazardous Materials Spills

Eastern Region Hazardous Materials Coordinator

1. Dean Smith 509 324-6136 Office
509 999-1712 Cell
509 535-5697 Home

Spill to Soil
Department of **Ecology Hotline – Spokane (509) 329-3400 (24 Hr.)**

Spill to Water State Emergency Management **(800) 258-5990 (24 Hr.)**
National Response Center **(800) 424-8802 (24 Hr.)**

Element 7 – Sensitive Area Mapping and Marking

Sensitive areas within the ROW have been surveyed wherever they come within 300 feet of the roadway. These sensitive areas are:

- **Mapped,** or annotated, in the *Roadside Sensitive Management Area* atlas. Copies of the atlas have been distributed to maintenance sheds throughout the state.
- **Marked** with a WSDOT Sensitive Area Marker (a.k.a. fish stick), or marked with paint. There are two areas marked with fish sticks in Eastern Region. They occur in two locations along the Snake River in Maintenance Area 2 (Colfax).

The RMEC or the Washington State Department of Fish and Wildlife (WDFW) Area Habitat Biologist (AHB) will examine questionable areas that have been noted by maintenance crews. Updates to the *Roadside Sensitive Management Area* atlases will be made, and updated atlases will be distributed to the maintenance sheds. This update process will be re-accomplished as needed. It is important to reiterate, a biologist identifies water-related features.

Element 8 - Compliance Reporting

Documentation of work accomplished in sensitive (priority) areas is reported by maintenance crews using the PDA (not available in ER yet) or a desktop computer. The completed checklist demonstrates compliance.

The RMEC must be notified before any maintenance activity begins within waters of the state. Maintenance work in or adjacent to streams, wetlands, lakes, marine water, or other water bodies may require some form of environmental review and/or notification (although in most cases individual permits may not be required). The RMEC determines if individual permits are required by local, state, or federal agencies, and assists in obtaining them if needed. Failure to obtain required permits, or deviation from the restrictions, provisions, or conditions of a permit constitutes an environmental violation.

Element 9 – BMPs and Conservation Outcomes

BMPs are used to complete work within sensitive areas, thereby avoiding or minimizing environmental damage. Prior to work in sensitive areas, maintenance crews must obtain necessary environmental permits. BMPs are listed in the *Regional Road Maintenance ESA Program Guidelines*, the *BMPs Field Guide*, and the Personnel Data Assistant (PDA). One or more of the recommended BMPs are selected based upon worksite conditions, which vary from site to site. BMPs are based on the following outcomes:

- Minimize erosion and sediment;
- Contain the spread of pollutants; and
- Maximize habitat improvements.

Environmental Violations

When a violation occurs: stabilize the situation, and stop work. Contact the RMEC immediately, describe the situation, and request assistance.

Violation Reporting:

The **Maintenance Personnel** on site

- Notifies the Maintenance Superintendent.

The **Maintenance Superintendent**

- Notifies the Regional Maintenance Engineer/Manager and the RMEC.

The **RMEC**

- Serves as the contact lead.
- Immediately notifies the appropriate local, state, and federal agencies, Regional Administrator, Regional Environmental Manager, and the Headquarters Maintenance and Operations Water Quality Policy Manager.
- Identifies and obtains appropriate permits or permit revisions.
- Documents all actions, conversations and activities. Communicates issues and sends documentation to the appropriate resource agencies.

The **Headquarters Maintenance and Operations Water Quality Policy Manager**

- Notifies the Headquarters Maintenance and Operations Environmental Services Manager.

The **Headquarters Maintenance and Operations Environmental Services Manager**

- Notifies the Environmental Services Office Compliance Branch Manager.
- Determines if the violation is significant enough to warrant notification to the State Maintenance Engineer.

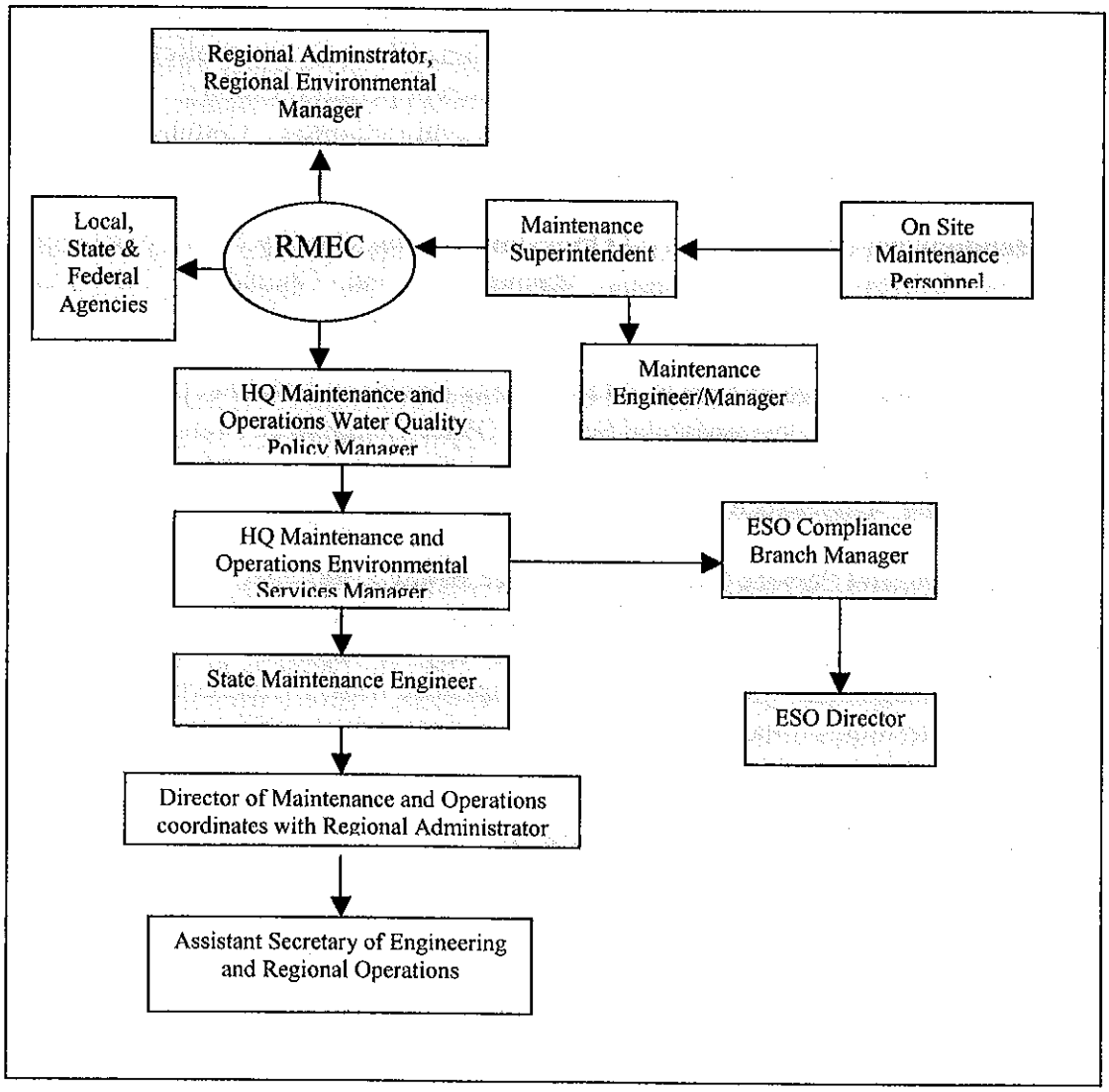
The **Environmental Service Office Compliance Branch Manager**

- Documents the details of the notification process and problem resolution in a central data base used to report, as may be required by an Environmental Management System, on agency compliance with environmental regulations.
- Determines if the violation is significant to warrant notification to the Director Environmental Services.

The **State Maintenance Engineer** (if notified)

- Notifies the Director of Maintenance and Operations

The violation notification process is shown below.



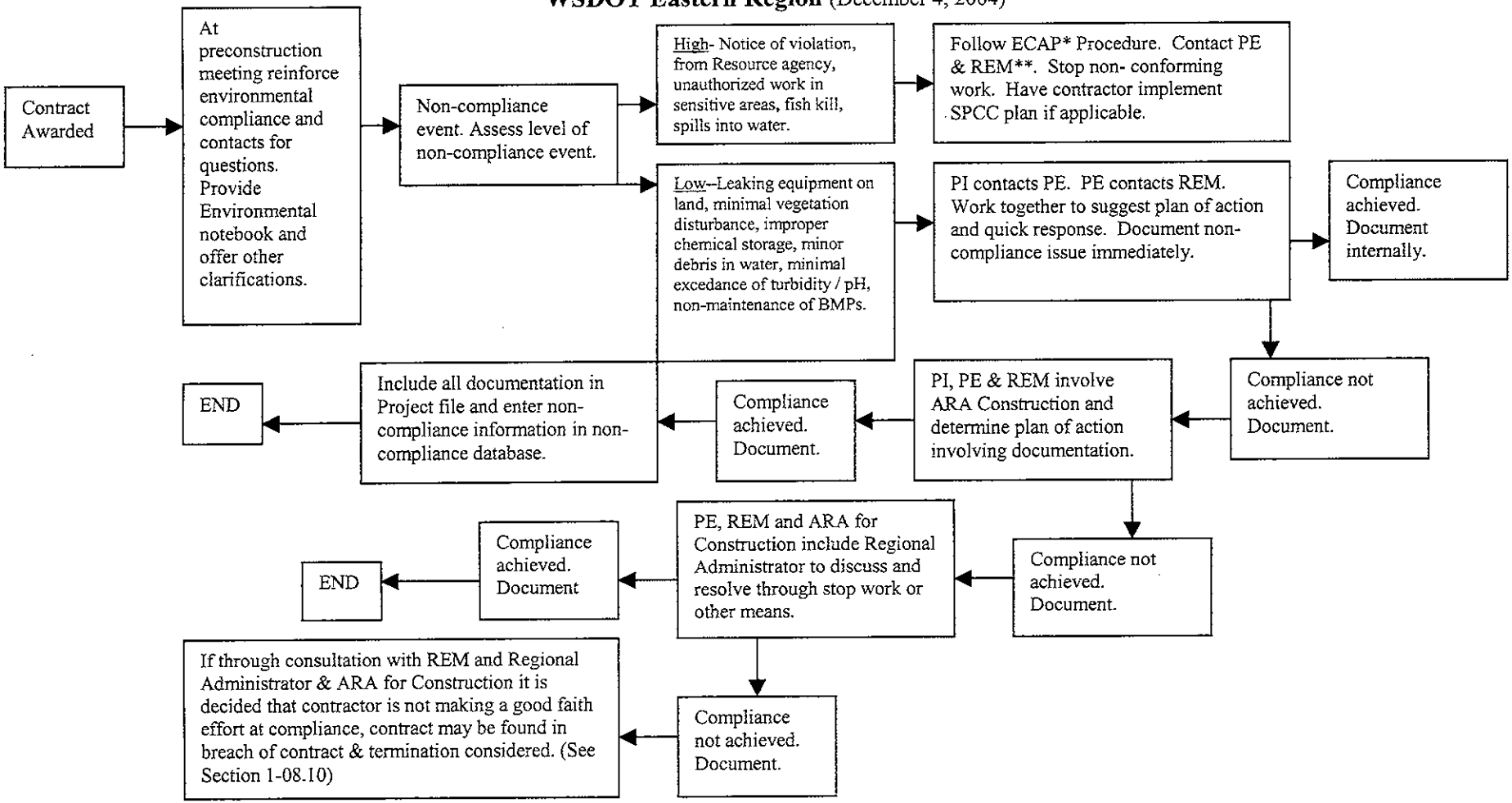
Violation Appeals

Management will support violation appeals when documentation, such as written plans, photographs, compliance reviews, permits, etc., supports that BMPs were in place and the best professional judgment of trained maintenance personnel was used during the completion of a maintenance action. Appeals will be filed.

APPENDIX A

Elevation of Non compliance Issues Process

WSDOT Eastern Region (December 4, 2004)



Notes & Acronyms:

This flow chart represents an internal Regional method for handling non-compliance events that are not considered serious enough to trigger the ECAP process. Key to this process is ensuring that the elevation process takes place after the first non-compliance event is not corrected after notification from the Project Office.

*ECAP-Environmental Compliance Assurance Procedure for Construction Projects
**REM – Regional Environmental Manager. In Eastern Region this is Michelle Anderson
PE - Project Office
PI – Project Inspector
ARA for Construction- In Eastern Region this is Ralph Robertson
Documentation-One copy should go to the environmental file and one copy to the general project file.

Washington State Department of Transportation

Publications Transmittal

Transmittal Number		Date
04-045		July 28, 2004

Commission Administrator 47308
Secretary of Transportation 47316
Chief of Staff 47316
Assistant Secretary, Eng. & Reg. Operations 47316
Assistant Secretary, Finance & Administration 47400
Assistant Secretary, NW Ops. & Project Delivery NB82
Director, Audit Office 47320
Director, Aviation Division TB25
Director, Communications and Public Involvement 47322
Director, Environmental & Engineering Programs 47323
Director, Equal Opportunity Office 47314
Director, Freight Strategy and Policy 47370
Director, Governmental Liaison 47318
Director, Highways and Local Programs 47390
Director, Human Resources Office 47310
Director, Legislative & Strategic Mgmt. Relations 47318
Director, Maintenance and Operations Programs 47350
Director, Planning and Capital Program Management 47370
Director, Public Transportation and Rail 47387
Director, Transportation Economic Partnerships 47395
Director, Urban Corridors NB82-95
Director, Washington State Ferries TB32
Manager, Sound Transit Program 47387
Region Administrator, Eastern Region
Region Administrator, North Central Region
Region Administrator, Northwest Region NB82-132
Region Administrator, Olympic Region 47440
Region Administrator, South Central Region
Region Administrator, Southwest Region S15
Ombudsman 47322
Chief Counsel 40113
Legislative Transportation Committee 40937
State Auditor 40046
FHWA 40943

Publication Title	Publication Number
Environmental Compliance Assurance Procedure For Construction Projects and Activities Instructional Letter	IL 4055.02

Originating Organization
Engineering and Regional Operations Division, Environmental and Engineering Programs, Environmental Affairs Office

Remarks and Instructions

Revised Instructional Letter

The attached supersedes and replaces the Instructional Letter of the same name dated March 10, 2003. Please recycle all copies of the old Instructional Letter.

What Has Changed

We updated Appendix A, *Environmental Compliance Assurance Procedure for Construction Projects and Activities*. Revised text is marked with change bars in the margin.

Keep Employees Informed

Please ensure all employees in your organization receive an e-mail or paper copy. Current documents are available on the intranet at http://wwwi.wsdot.wa.gov/docs.

For More Information

For more information, please contact Alix Berg of the Environmental and Engineering Programs Office (360) 705-7485, MS 47331, berga@wsdot.wa.gov.

Distributed By	Phone Number	Signature
Lynn Hicks, Manager, Administrative and Engineering Publications	(360) 705-7433	

Washington State Department of Transportation

Instructional Letter

Number: IL 4055.02

/s/ John F. Conrad
Assistant Secretary for Engineering and Regional Operations

Effective: July 28, 2004
Expires: July 31, 2005

Environmental Compliance Assurance Procedure For Construction Projects and Activities

I. Introduction

A. Purpose

This Instructional Letter provides the Washington State Department of Transportation (WSDOT) with the *Environmental Compliance Assurance Procedure for Construction Projects and Activities*, attached as Appendix A. The purpose of the procedure is to recognize and eliminate environmental violations during construction on WSDOT construction sites, and to ensure prompt notification of WSDOT management and resource agencies. For purposes of this procedure, violations are defined as actions that are not in compliance with environmental standards, permits, or laws.

B. Supersession and Changes

This Instructional Letter supersedes and replaces the one dated March 10, 2003, with the same title. We extended the expiration date until July 31, 2005. We added outline numbers and letters to the document.

We updated the text of Appendix A, *Environmental Compliance Assurance Procedure for Construction Projects and Activities,* to clarify what constitutes a significant violation, information the Regional Environmental Manager must obtain, and when and to whom they forward the information.

Revised text is marked with change bars in the margin.

C. Background

The *Environmental Compliance Assurance Procedure for Construction Projects and Activities* attached as Appendix A provides a standard procedure for identifying unanticipated, unauthorized, or un-permitted environmental conditions encountered during the construction of WSDOT projects. Representatives from the WSDOT Environmental and Engineering Programs, the Governor's Office, the Army Corps of Engineers, Associated General Contractors of Washington, and the State Departments of Ecology and Fish and Wildlife (working under the *Transportation Permit Efficiency and Accountability Committee*) have cooperatively developed the *Environmental Compliance Assurance Procedure for Construction Projects and Activities*. This procedure is intended to raise awareness and reduce or eliminate the occurrence of environmental violations during construction at WSDOT project sites.

D. Scope and term of this Instructional Letter

This Instructional Letter applies to all WSDOT construction projects and activities. Procedures are effective immediately and continue for one year or until rescinded or extended in writing. We will publish the procedure in the *Construction Manual* M 41-01 and the *Environmental Procedures Manual* M 31-11 within one year.

II. Appendix

A. Environmental Compliance Assurance Procedure for Construction Projects and Activities

Request Alternate Formats:

- Hearing impaired call 1-800-833-6388 and ask for (206) 515-3683
- All others call collect (206) 389-2839

Environmental Compliance Assurance Procedure for Construction Projects and Activities

Purpose

The purpose of the Environmental Compliance Assurance procedure is to recognize and eliminate environmental violations during the construction phase on Washington State Department of Transportation (WSDOT) construction sites, and to ensure prompt notification to WSDOT management and agencies. For purposes of this procedure, violations are defined as actions that are not in compliance with environmental standards, permits, or laws.

Procedure Overview

When any action (Notification Trigger) below occurs or if there are questions about compliance, the Project Engineer (PE) shall initiate this procedure to develop corrective actions to solve the identified problem. The Regional Environmental Manager (REM) will serve as a resource to the PE and give priority to addressing the actions, activities, or situations that stem from notification triggers. The PE and REM will work together on an appropriate response to the notification trigger to avoid or minimize environmental damage.

A. Notification Triggers: "Notification Triggers" (listed below) means an action, activity, or situation that requires the Project Engineer to implement the Environmental Compliance Assurance Procedure.

1. Notice from a resource agency that a violation has occurred;

2. Any action that, in the judgment of the REM, contractor or Project Engineer, may violate environmental permit conditions, agreements, or approvals for the project; or other environmental laws, ordinances, or regulations;

3. Any unauthorized work, activity, or fill in wetlands, shorelines, creek beds (including dry channels), other waters of the state, or critical habitat;

4. Any emergency protection activity that involves unauthorized placement of fill in wetlands, shorelines, creek beds (including dry channels) or waters of the state or for bank stabilization activities where fill or structures are placed on the bank;

5. Any action or project revision requested by an agency after a site inspection that may be in conflict with other permits;

6. Any spill, discharge or release of hazardous materials, oil, or chemicals to land or water;

* Denotes that the action is mandatory when the violation 1) results in agency enforcement staff coming on site to conduct enforcement review; and/or 2) there is a high likelihood the event will result in NOVs or penalty.

7. Any situation that results in a fish kill, or if dead or dying fish are discovered in the vicinity of the project;

8. Activities that monitoring shows are out of compliance.

B. Notification and Resolution Process: In the event of a notification trigger, the following steps shall be taken:

1. If a notification trigger is observed first by the contractor or REM, the contractor or REM shall immediately notify the Project Engineer.

2. The **Project Engineer (PE)** must:

   Step 1. Immediately notify the Contractor of the situation, implement emergency response procedures including agency notification, and suspend all non-conforming work on the site.

   Step 2. Immediately notify the Regional Environmental Manager (REM). Consultation with the REM must occur before any remediation actions are taken.

   Step 3. In consultation with REM assemble the following information:

   a. The activities that triggered the notification and why they occurred.

   b. Location of the work.

   c. Potential solutions to the problem, or if additional investigation is needed, the agreed upon course of action.

   d. Any related site constraints or safety issues.

   e. Urgency of the issue.

   Step 4. Notify his or her immediate supervisor.

   Step 5. * Notify the Regional Administrator.

   Step 6. In consultation with the REM determine the resource agencies having jurisdiction and who will notify them.

   Step 7. Document all actions, conversations and activities.

* Denotes that the action is mandatory when the violation 1) results in agency enforcement staff coming on site to conduct enforcement review; and/or 2) there is a high likelihood the event will result in NOVs or penalty.

3. The **Regional Environmental Manager (REM)** must immediately:

   Step 1. * Notify the Director of Environmental Services.

   Step 2. Notify his or her immediate supervisor.

   Step 3 Work with the Project Engineer to resolve the issue that caused the notification trigger.

   Step 4. Identify and obtain appropriate permits or permit revisions with the aid of the Project Engineer.

   Step 5. Document all actions, conversations, and activities. Communicate issues and send appropriate documentation to Regulatory and/or Resource Agencies.

4. * The **Director of Environmental Services** must immediately:

   Step 1. Notify Compliance Branch Manager and any other ESO Program Managers associated with the resource issue.

   Step 2. Notify Director of Environmental & Engineering Programs.

   Step 3. Notify the Regional Environmental Manager that the Director of Environmental & Engineering Programs has been contacted. Regional Environmental Manager must then notify the Project Engineer that the violation reporting procedure has been completed.

5. * The **Regional Administrator** will:

   Step 1. Coordinate with the **Director of Environmental & Engineering Programs** to contact the **Assistant Secretary of Engineering and Regional Operations** advising him or her of the situation, and provide updates as needed on the situation.

   Step 2. Ensure that the **Project Engineer** and the **Regional Environmental Manager** have the necessary resources, authority and organizational support to successfully resolve the environmental problem.

C. **Timing:** Due to costs of project delays, or risk of not acting quickly during emergency situations, the REM shall provide a 24-hour contact person for environmental consultation.

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* Denotes that the action is mandatory when the violation 1) results in agency enforcement staff coming on site to conduct enforcement review; and/or 2) there is a high likelihood the event will result in NOVs or penalty.

D. Documentation:

1. The **Project Engineer** shall document the details of the notification and problem resolution in the contract records.

2. The **Regional Environmental Manager** shall maintain a record of all regional non-compliance events. REMs shall collect and maintain, at a minimum, the following data on all non-compliance events:

   a. Project Name and location

   b. PE and Prime Contractor

   c. Incident Date

   d. Incident Description

   e. Permit/Regulation Violated

   f. Resource Agency(s) notified and date of notification

   g. Whether or not resource agency staff conducted site review in response to notification

   h. Record of NOVs and/or penalties issued

   The REM shall provide all regional non-compliance tracking data to ESO Compliance Branch Manager for the purposes of annual reporting and review of compliance performance.

3. * For violations, the appropriate documentation needed to record the violation, and achieve resolution, including any preliminary mitigation solutions, will be collectively developed by the **Project Engineer** and the **Regional Environmental Manager**, and shall be coordinated with and sent to the appropriate regulatory and/or resource agency.

E. Roles and Responsibilities:

1. **Project Engineer (PE)** is the person responsible for the project and administration of the construction contract. This responsibility may be delegated to a subordinate employee on site, but the ultimate responsibility for making sure these procedures are followed will be with the Project Engineer. The Project Engineer shall have a thorough knowledge of all of the environmental permit conditions and design requirements for the project, and have such certifications and other qualifications as may be required.

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* Denotes that the action is mandatory when the violation 1) results in agency enforcement staff coming on site to conduct enforcement review; and/or 2) there is a high likelihood the event will result in NOVs or penalty.

2. **Regional Environmental Manager (REM)** is the person responsible for administering the regional environmental program. This responsibility may be delegated to a subordinate employee with knowledge of environmental permitting and procedures, but the ultimate responsibility for setting and interpreting regional environmental policy will be with the Regional Environmental Manager.

3. **Contractor** is as defined in Section 1-01.3 of the Standard Specifications for Road, Bridge, and Municipal Construction (2002).

* Denotes that the action is mandatory when the violation 1) results in agency enforcement staff coming on site to conduct enforcement review; and/or 2) there is a high likelihood the event will result in NOVs or penalty.

Washington State Department of Transportation

Publications Transmittal

Transmittal Number		Date
04-020		March 11, 2003

Commission Administrator 47308
Secretary of Transportation 47316
Chief of Staff 47316
Assistant Secretary, Eng. & Reg. Operations 47316
Assistant Secretary, Finance & Administration 47400
Assistant Secretary, NW Ops. & Project Delivery NB82
Director, Audit Office 47320
Director, Aviation Division TB25
Director, Communications and Public Involvement 47322
Director, Environmental & Engineering Programs 47323
Director, Equal Opportunity Office 47314
Director, Freight Strategy and Policy 47370
Director, Governmental Liaison 47318
Director, Highways and Local Programs 47390
Director, Human Resources Office 47310
Director, Legislative & Strategic Mgmt. Relations 47318
Director, Maintenance and Operations Programs 47350
Director, Planning and Capital Program Management 47370
Director, Public Transportation and Rail 47387
Director, Transportation Economic Partnerships 47395
Director, Urban Corridors NB82-95
Director, Washington State Ferries TB32
Manager, Sound Transit Program 47387
Region Administrator, Eastern Region
Region Administrator, North Central Region
Region Administrator, Northwest Region NB82-132
Region Administrator, Olympic Region 47440
Region Administrator, South Central Region
Region Administrator, Southwest Region S15
Ombudsman 47322
Chief Counsel 40113
Legislative Transportation Committee 40937
State Auditor 40046
FHWA 40943

Publication Title	Publication Number
Environmental Compliance Assurance Procedure for Maintenance Work Activities	IL 4057.01
Originating Organization Engineering and Regional Operations Division Environmental and Engineering Programs	

Remarks and Instructions

Extended Instructional Letter

This Instructional Letter IL 4055.01 Environmental Compliance Assurance Procedure for Maintenance Work Activities, dated March 31, 2003, is extended until March 31, 2005.

What Has Changed

There are no changes except the date extension.

Keep Employees Informed

Please consider your organization's need to send an e-mail informing employees this is available on the intranet at http://wwwi.wsdot.wa.gov/docs. Also, consider your need to provide copies to those employees who do not have e-mail or Intranet access, and to post copies on major bulletin boards.

For More Information

For more information, please contact Alix Berg of the Environmental and Engineering Programs Office (360) 705-7485, MS 47331

Distributed By	Phone Number	Signature
Lynn Hicks, Manager, Administrative and Engineering Publications	(360) 705-7433	

DOT Form 761-003 EF
Revised 1/03

cc: Administrative Services, Directional Documents MS 47408

Washington State
Department of Transportation

Instructional Letter

Number: IL 4057.01

/s/ John F. Conrad
Assistant Secretary for Engineering and
Regional Operations Division

Effective: March 31, 2003
Expires: ~~March 31, 2004~~
March 31, 2005

Environmental Compliance Assurance Procedure For Maintenance Work Activities

Introduction

Purpose

This Instructional Letter provides the Washington State Department of Transportation (WSDOT) with the *Environmental Resource Compliance Assurance Procedure for Maintenance Work Activities*. The purpose of this procedure is to recognize potential problems that could occur within the right-of-way during fieldwork for selected maintenance activities. This procedure provides guidance to ensure prompt notification to the appropriate WSDOT environmental staff, management, and resource agencies.

Background

The *Environmental Resource Compliance Assurance Procedure for Maintenance Work Activities* provides a standard procedure for identifying unanticipated, unauthorized, or un-permitted environmental conditions encountered during WSDOT maintenance work activities. This procedure is intended to raise awareness and reduce or eliminate the occurrence of environmental violations during fieldwork in WSDOT right-of-way for selected maintenance activities.

Scope and term of this Instructional Letter

This Instructional Letter applies to WSDOT maintenance work activities. Procedures are effective immediately and continue for one year or until rescinded or extended in writing. The procedure will be published in the *Environmental Procedures Manual* M 31-11 within one year.

Appendix

Please refer to attached Appendix A, *Environmental Compliance Assurance Procedure for Maintenance Work and Activities.*

Alternate Formats: Persons with disabilities may request this information be prepared and supplied in alternate formats by calling the WSDOT ADA Accommodation Hotline collect 206-389-2839. Persons with hearing impairments may access WA State Telecommunications Relay Service at TT 1-800-833-6388, Tele-Braille 1-800-833-6385, or Voice 1-800-833-6384, and ask for connection to 360-705-7097.

Environmental Compliance Assurance Procedure for Maintenance Work Activities

Purpose

The purpose of the Environmental Resource Compliance Assurance Procedure for Maintenance Work Activities is to recognize potential problems that could occur within the right-of-way (ROW) during fieldwork for selected maintenance activities, and to coordinate appropriate response measures to prevent violations. The procedure provides guidance to ensure prompt notification to the appropriate Washington State Department of Transportation (WSDOT) environmental staff, management, and government resource agencies such as: United States (US) National Oceanic and Atmospheric Administration. (NOAA) Fisheries; US Fish & Wildlife Service (USFWS); US Army Corps of Engineers; Washington Department of Fish and Wildlife (WDFW); Washington Department of Ecology; and local Shoreline Administrators.

A. Notification Triggers

Resource Agencies: Communication requirements with the appropriate resource agencies are defined in the Regional Road Maintenance Endangered Species Act Program Guidelines (RRMP) under the Part 3 Application. Specific notification from maintenance crews to the resource agencies is required in the following situations:

1. In-Water Work

   Maintenance work in or adjacent to streams, wetlands, lakes, marine water or other water bodies may require some form of environmental review and/or notification, although in most cases formal permits may not be required. This is coordinated through the Regional Maintenance Environmental Coordinator (RMEC). The RMEC must be notified before beginning any work activity within sensitive or aquatic areas. If prior notification is not possible due to an emergency action, the Region Environmental Services Office must be informed the first business day following an emergency declaration.

2. Emergency In-Water Work

The Washington State Department of Fish and Wildlife (WDFW) through the state Hydraulic Code does require immediate notification for any emergency work in waters of the state. For emergency response work involving in-water work Maintenance staff will immediately call the local Area Habitat Biologist with jurisdiction in the affected watershed, or failing to make that contact, the **WDFW emergency hotline at 360-902-2537.**

The RMEC or Region Environmental Services Office will make additional notifications required for in-water work on the first business day following the response notification. Following notification, the Environmental Services Office will commence environmental permitting and endangered species impact assessment as required.

It is important to note that the initial emergency response work is to stabilize the affected area only, minimizing adverse environmental effects, and using Best Management Practices (BMPs) to avoid further impact. The normal design, construction and permit will be followed for permanent repairs as may be necessary after stabilizing the initial emergency.

B. Post-Project Construction Requirements

When a construction project has been completed, the Project Engineer (PE) must provide notification to the Regional Environmental Manager. The Regional Environmental Manager, in consultation with the PE, should then brief Regional Maintenance Superintendents and Maintenance Environmental Coordinators on any environmental permit conditions with post-construction requirements and on all mitigation sites in the project area needing avoidance or protection. Perform this briefing according to Regional procedures.

C. Corrective Actions & Violation Notification Process

1. BMP Corrective Actions

During the course of maintenance work, BMPs are installed and monitored. BMP monitoring occurs both during and after the maintenance work itself to evaluate the effectiveness.

a. The **site monitor** (lead technician or designee) will:

1) Notify the lead technician and/or the RMEC of any apparent failures to meet BMP outcomes.

2) Provide corrective action recommendations if appropriate. If a problem occurs, corrective action will be taken to avoid impacts and to achieve the BMP outcome.

b. Whenever corrective actions are taken, the **Regional Maintenance Environmental Coordinator (RMEC)** will:

1) Evaluate the actions and their effectiveness. The RMEC will fill out Regional Road Maintenance Endangered Species Act Program Guidelines (RRMP) Checklist #3, Activity and BMP Installation, Monitoring, Maintaining, and Removal, and note any corrective actions taken.

2) Recommendations for modification to the RRMP, which includes the ESA Training Program for Maintenance, are forwarded to the Headquarters Maintenance and Operations Program Water Quality Policy Manager. The Headquarters Maintenance and Operations Program Water Quality Policy Manager forwards any recommendations for modifications to the RRMP to the Regional Forum. Final program changes, as approved by the Services, are used to update the RRMP.

2. Violation Reporting

a. If the corrective actions result in a violation the **Regional Maintenance Environmental Coordinator (RMEC)** must:

1) Serve as the lead for resolving the issue that caused the violation.

2) Immediately notify the Maintenance Superintendent, Regional Environmental Manager, resource agencies, and the Headquarters Maintenance and Operations Program Water Quality Policy Manager.

3) Identify and obtain appropriate permits or permit revisions with the aid of the Maintenance Superintendent and support of the Regional Environmental Manager.

4) Document all actions, conversations and activities. Communicate issues and send appropriate documentation to the appropriate resource agencies.

b. The **Maintenance Superintendent** must immediately:

1) Notify the Regional Maintenance Engineer.

2) Work with the Regional Maintenance Environmental Coordinator to resolve the issue that caused the violation.

c. The **Regional Maintenance Engineer** will:

Notify the Regional Administrator.

d. The **Regional Administrator** will:

1) Coordinate with the **Director of Maintenance and Operations** to contact the **Assistant Secretary for Engineering and Regional Operations Division** advising him or her of the situation, and provide updates as needed on the situation.

2) Ensure that the **Regional Maintenance Environmental Coordinator** and the **Maintenance Superintendent** have the necessary resources, authority and organizational support to successfully resolve the environmental problem.

e. The **Regional Environmental Manager** must immediately:

1) Notify the Director of Environmental Services.

2) Document the details of the notification process and problem resolution in a central data base to be used to report, as may be required by an Environmental Management System, on agency compliance with environmental regulations.

f. The **Director of Environmental Services** must immediately:

Notify Regulatory Compliance Program Manager and any other Environmental Affairs Office Program Managers associated with the resource issue.

g. The **Headquarters Maintenance and Operations Programs Water Quality (HQ M&OP WQ) Policy Manager** must immediately:

Notify the Headquarters Maintenance and Operations Environmental Services Manager.

h. The **Headquarters Maintenance and Operations Programs Environmental Services Manager** must immediately:

Notify the State Maintenance Engineer.

i. The **State Maintenance Engineer** must immediately:

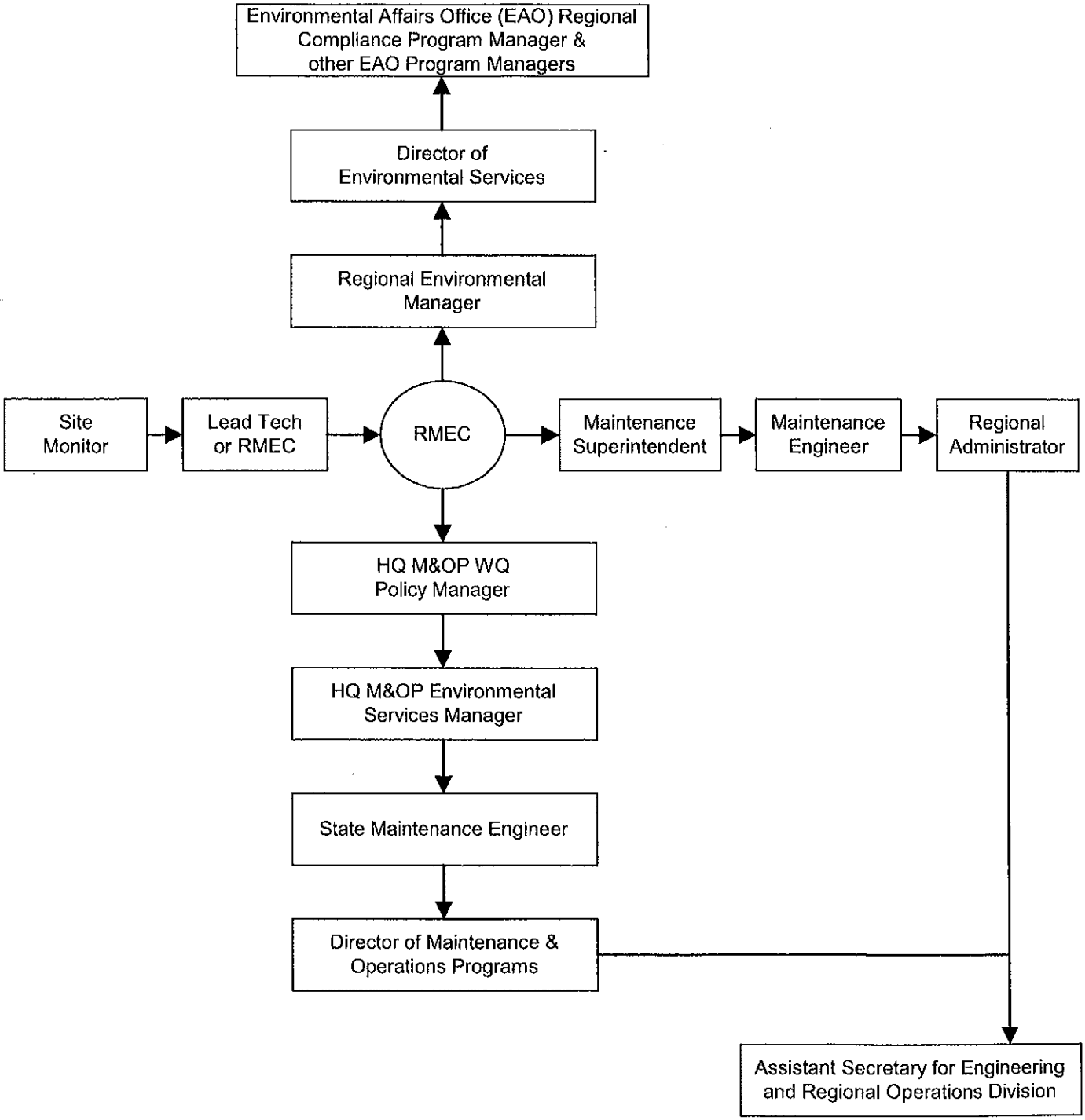
Notify the Director of Maintenance and Operations Programs.

j. The **Director of Maintenance and Operations Programs** will:

Coordinate with the **Regional Administrator** to contact the **Assistant Secretary for Engineering and Regional Operations Division** advising him or her of the situation, and provide updates as needed on the situation.

The violation notification process is shown on Figure 1, next page.

Figure 1:


Environmental Affairs Office (EAO) Regional Compliance Program Manager & other EAO Program Managers
Director of Environmental Services
Regional Environmental Manager
Site Monitor
Lead Tech or RMEC
RMEC
Maintenance Superintendent
Maintenance Engineer
Regional Administrator
HQ M&OP WQ Policy Manager
HQ M&OP Environmental Services Manager
State Maintenance Engineer
Director of Maintenance & Operations Programs
Assistant Secretary for Engineering and Regional Operations Division

APPENDIX B

Environmental Discipline Checklist

Estimated NEPA analysis and timeline

Date:
Environmental Coordinator:
Project Name and Description (*Please note if source, waste/disposal sites, stockpile and staging areas will be identified):*

NEPA item	Check if Documentation needed for discipline	Will this involve approval?	Estimated duration/hours*
ECS			3 days
NEPA CE			
ESA			NE 1-3 days NLAA 45 days Formal Consultation 200 days
Initiate Formal Consultation			2 days
Cultural Resource Survey			4-6 months (can't survey in snow)
Section 4f/6f			6-8 months
Noise Analysis			4 months
Air Quality Conformity			1-2 months
Wetland Biology Report			1-4 months
Environmental Justice			2 months
Hazmat (Phase I)			3 weeks
Visual Quality			1 week
Need FHWA signature			3 weeks
SEPA item			
SEPA CE			Same as ECS
Checklist			45 days
Adopt NEPA			10 days

Note; Specific information will be needed in order to begin the NEPA process. Please see attached information sheets. Please consider that the NEPA and SEPA process must be complete before aquatic permits can be granted.
**timelines are highly variable depending on project type and size*

Requested date to complete entire NEPA process:
Scheduled date to complete NEPA process:

Environmental Discipline Checklist

Estimated permits and approvals for project (after NEPA and SEPA complete)

Date:
Environmental Coordinator:
Project Name and Description:

Permit type	Check if permit required	Estimated time to prepare application	Est. duration from submission of complete application	Total time for permit preparation & approval
Ecology 401 (Water Quality Certification)		1 month	6 months (dependent on 404)	7 months
Ecology Isolated Wetlands		1 month	4 months	5 months
Ecology 402 (NPDES)		4 days	38 days	42 days
Corps 404/10 permit Individual		1 month	8-12 months	9-13 months
Corps 404/10 Nationwide		1 month	5 months	6 months
WDFW Hydraulic Project Approval (HPA) Individual		1 month	45 days	2 ½ months
WDFW General HPA		1 day	0	1 day
County/City Shorelines		1 day	1 ½ months	1 ½ months
County/City Floodplain		1 day	1 ½ months	1 ½ months
County/City Critical Areas Ordinance Permit/Concurrence		Variable	Variable	Variable
Coast Guard CZM Consistency				1-6 months
DNR or County/City Forest Practices Permit		2 weeks	30 days	1 ½ months
Tribal Permits (HPA, Shoreline, Other)		2 weeks	3 months	3 ½ months
Demolition Permit w/Asbestos(Bridge/building)/Well Decommisioning		1 week	2 weeks	5 weeks*
Other:				

Note; Specific information will be needed in order to prepare complete applications. Please see attached information sheets. Please consider that all NEPA and SEPA process must be complete before aquatic permits can be granted. The JARPA application form will be used as a basic application for 404/10, 401, HPA, and some local agency permits.

** Report submitted by contractor as part of Demolition Permit. Timeline depends on when contractor submits.*

Requested date to complete entire Permitting process:
Scheduled date to complete Permitting process:

WSDOT Offered Training Opportunities

Design, Construction and Environmental Staff

- **Environmental permitting 101**- This training covers the environmental process during Project Development. Included are the ER Environmental Procedures, timelines, an overview of the National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA), design information needed for the various permit processes, and incorporation of environmental commitments in contracts.
- **Project Inspector Environmental Compliance.** - The objective of this course is to raise the level of knowledge and awareness of environmentally sensitive areas and environmental compliance related to construction. Included are specific permit conditions, standard specifications regarding environmental issues, notification requirements, definitions, compliance procedures and other aspects of environmental procedure.
- **Temporary Erosion & Sedimentation Control (TESC) Certification-** Introduction to requirements for Construction Sediment and Erosion Control, Best Management Practices (BMPs) and commonly encountered problems.
- **Spill Plan Reviewer Training-** Introduction to Spill Prevention, Control and Counter-Measures (SPCC) plan requirements, Hazardous Materials and Surface Water Quality Regulations. Explanation of basic components of a Spill Plan, implementation of BMPs and commonly encountered problems.
- **Just in time training for Project Inspectors, Maintenance Staff and/or Construction staff-**This will be project specific, in-field training on Sensitive Area Recognition, Regulations and Functions and Values –This covers basic recognition of seasonal and other wetlands, creeks, buffers, cultural resources, and other sensitive areas.
- **Excavation and Embankment Inspection-** This course covers the basic operations of excavation and embankment and covers standard specifications as they relate to these activities. Protection of environmentally sensitive areas and waste material disposal will be reinforced during this course.
- **Drainage Inspection-**Instruction on proper inspection of drainage items. Protection of sensitive area, plants, soils, fish passage and completion of mitigation commitments will be reinforced in this class.
- **Just in time training for Water Quality Monitoring.** -Takes Project Inspector and Construction Office staff in the field to set up monitoring stations for Temperature, pH, turbidity, flow and other parameters. Instruction on the use of monitoring equipment, data recording and procedures in case of exceedance of standards in measured parameters. This is hands-on at the project location. (This is done for all projects with in-water work)

Other courses include;

- Section 106 & Cultural Resource Trainings
- Government to Government Training
- 4(f) and 6(f)
- FHWA Noise Modeling
- Wetland Identification and Delineation
- Air Quality
- NEPA/SEPA
- Corps of Engineers training

Maintenance Trainings

The Region Environmental Maintenance Coordinator (REMC) provides one-on-one training on site visits, during meetings and other opportunities. In addition the RMEC provides the following specific trainings annually.

- Environmental Maintenance (EM) 101- Executive Overview
- EM 102- Field Maintenance Crew Overview
- EM 103- Field Application of BMPs
- EM 104-Emergency Response
- EM 106- Roadside and Vegetation Management
- EM 107- Stormwater Control
- EM 108-ESA 4(d) Reporting Requirements
- EM 109-Snow and Ice Control
- EM 110-Bridge Maintenance
- Integrated Pest Management

APPENDIX C

WSDOT Violation Summary Report (January 2001 – September 2002)

Office	Project/Location	Issuer	Date of Incident	Violation Description	NOV Issued?	Resource Affected	Permit/ Regulation	Penalty	Comment
NCRO	Bannon Creek to Aeneas Valley Road, SR 20	ECY	6/28/01	Paving/Rain storm resulted in oil spill	N	N/A	N/A		Oil was prevented from entering watercourses. ECY & WSDOT HQ Hazardous Materials notified; clean up plan implemented.
NCRO	Ruby Creek Rock Slopes, SR 97	WDFW	8/29/01	Removal of unstable rock above SR 97. Removal process resulted in rock (80-90 cubic yards) entering 75 linear feet of Peshastin Creek	N	Fish Habitat, water quality	CWA, ESA		HPA issued to remove rock. ECY, WDFW, NOAA Fisheries, & USFWS notified
SCRO	I-82 Yakima & Naches	WDFW	Summer 2001	Failed to meet conditions of Bridge Washing HPA throughout the project	Y	Water quality and fish habitat	HPA	$7,000 towards funds for future fish restoration projects	
SCRO	SR 241 Sulpher Creek	ECY &WDFW	1/29/02	Exceeded state turbidity standard during installation of a fish passage culvert. Upstream diversion pump/dam failed. Resulted in siltation downstream.	N	Water quality, fish habitat	401, HPA		BMP's employed to reduce impacts. Contacted ECY and WDFW.

WSDOT Violation Summary Report (January 2001 – September 2002)

Office	Project/Location	Issuer	Date of Incident	Violation Description	NOV Issued?	Resource Affected	Permit/ Regulation	Penalty	Comment
SCRO	SR 241 Sulpher Creek	ECY &WDFW	2/07/02	State turbidity standard exceeded due to excessive fines in new fish passage culvert fill materials & newly charged streambed.	N	Water quality, fish habitat	401, HPA		BMP's employed to reduce impacts. Contacted ECY and WDFW. Post project report completed.
SCRO	I-90 Wilson Creek	ECY	2/07/02	Exceeded state water quality standard during installation of bridge footings. Upstream diversion pump/dam failed. Resulted in siltation downstream		Water quality	401		
SCRO	I-90 Wilson Creek	ECY	6/19/02	Exceeded background pH allowance during installation of bridge footings. BMPs used to reduce pH and turbidity. No State Standards exceeded.	N	Water quality	401		
SCRO	I-90 Wilson Creek	ECY	6/04/02	Exceeded state water quality standard during installation of bridge footings. Event was post design need to divert stream channel around coffer dam.	N	Water Quality	401		Prior to event met with WDFW for consult. WDFW was on-site to help minimize impacts during event.

Environmental Review Checklist

This is not intended to be an all inclusive list but is only a method of prompting for the most commonly overlooked environmental items. This could be incorporated into the Design Documentation Checklist or otherwise provided to design offices in early PS&E. It can also be used by the Environmental office during plan review. Not all questions will be applicable.

Protection of Sensitive Areas

1. Are creeks, streams, wetlands, and their applicable buffers clearly marked on the plans?
2. Are they indicated in the ER Spill GSP as sensitive areas with instructions for no entry?
3. Are those sensitive areas near grading or other construction activities marked with high visibility fencing (HVF)? Or other protective measures?
4. Is installation of HVF the first order of work?
5. If there is only paving activity or other minor activity near the sensitive areas, what precautions will be taken to protect those areas from stockpiling, staging, pull offs or other impacts.
6. Are there cultural resources in the project limits? If so, are they treated in a manner that is protective yet considers confidentiality.
7. Have all environmental commitments from NEPA, BA's SEPA and Permits been considered and included in the contract?
8. Are the plans in the contract the same as the plans in the permit/approvals applications?
9. Is there wording in the contract that the permits must be on site at all times?
10. Are there conflicting or vague permit conditions?
11. Do the work activity specials conflict with the permit conditions Ie. Talent decision and slope preparation.
12. If applicable are the following permits with their conditions that apply to the contractor included in the specials and or attached?
    a. HPA
    b. 404 Corps Permit
    c. 401 Water Quality Implementing Agreement or Permit
    d. Shorelines Permit (not exemptions)
    e. Critical Areas Permits
    f. Floodplain Development Permits
    g. Tribal Permits?
    h. Forest Practices Permits

Associated areas

13. Are staging areas, stockpile sites and/or material sources identified in the plans? In the specials?
14. Have all of those areas been covered under NEPA?
15. Is the pit or quarry going to be used for stockpiling? Asphalt batch plant? Is that included in the SEPA?

16. Can the project be built the way the permits and plans indicate?
17. Is there a provision in the contract for the repair of damaged riparian or other areas.
18. Are all water diversion plans indicated?
19. Is there a notification set up for the WSDOT ER Biologist to be notified to conduct fish removal prior to setting up the diversion?
20. Are all of the notifications indicated?
21. Does the streambed gravel mix contain sufficient fines to prevent subsurface flows.
22. Will the project result in utility relocations? Have new locations been approved through NEPA, SEPA and Permitting?

Solid Waste Disposal

23. Where does the waste go?
24. Is the waste disposal GSP included in the excavation and embankment section?
25. Will the grindings or other construction debris be reused or will it be stockpiled?
26. If it will be stockpiled, for how long and what are the intended uses?
27. Is there a requirement included for topsoil over the waste sites.
28. Is there an erosion control seed mix, mulch and fertilizer specified? Is there a bid item for tackifier?
29. Is there a below the line item for maintenance to do silt fence removal?
30. Is there a below the line item for monitoring and maintenance of riparian or wetland mitigation?

Mitigation Sites

31. Are the sensitive areas protected with high visibility fence and silt fence where applicable?
32. Are sensitive areas where no work is to take place marked as no entry? On Plans? In specials? On the ground?
33. Has the compaction requirement been removed for the mitigation sites?
34. Is there a provision for the submittal of a roadside restoration plan?
35. Is the order of seeding and planting specified clearly?
36. Is there a provision for the plants to be restaked in case the hydrology is different from what is indicated on the plans?
37. Is there a provision for weed control on the site?
38. Is there a below the line item for weed control after the plant establishment for landscape or mitigation sites?
39. Does weed control cover only around the plants or the entire site?

APPENDIX D

CONSTRUCTION INSPECTOR'S ENVIRONMENTAL COMPLIANCE CHECKLIST

Project Title / Contract #: _____

Project Location (SR/MP.) _____

Project/Environmental Inspector _____

Date _____

A) Project Timing

1) Are you working within your designated start and finish days as shown on the HPA ? YES ☐ NO ☐ NA ☐

2) Are you performing work below the Ordinary High Water Mark only during the water work window? YES ☐ NO ☐ NA ☐

2) Is the project going to end on or before the designated end date on the HPA ? YES ☐ NO ☐ NA ☐

B) Notifications

1) Were all appropriate Habitat Biologists notified when specified on the HPA ? YES ☐ NO ☐ NA ☐

2) Was the Ecology Regional Water Quality Program notified prior to starting work on a project that is large, contentious, or involves a significant amount of work in the water ? (See Environmental Office for guidance) YES ☐ NO ☐ NA ☐

3) Was Regional Environmental notified at project completion? Following notification, Regional Environmental will send a 'Termination Request' to DOE and a 'Certificate of Compliance' to the Army Corps. YES ☐ NO ☐ NA ☐

4) Has Regional Environmental been updated as to the progress of environmental monitoring/compliance and BMP's (reports due weekly) YES ☐ NO ☐ NA ☐

5) Has the ER Environmental Office been notified for necessary fish removal during diversion construction? YES ☐ NO ☐ NA ☐

C) Water Quality

1) Was a Temporary Erosion Sediment Control Plan (TESC) implemented and being maintained on this project? YES ☐ NO ☐ NA ☐

2) Is stormwater monitoring documentation required ? If so, send weekly results to the Regional Environmental for submittal to Ecology and Olympia. Make sure to include notes including BMP's and monitoring results.
YES ☐ NO ☐ NA ☐

3) Were bank protection materials clean and washed before placement below OHWM?
YES ☐ NO ☐ NA ☐

4) Were instream water quality tests required and conducted as per Water Quality Monitoring & Testing protocols? Contact Regional Environmental Office for assistance or *immediately* if standards are exceed. YES ☐ NO ☐ NA ☐

5) Is the necessary high visibility fence in place around sensitive areas?
YES ☐ NO ☐ NA ☐

D) Pilings

1) Were old structures and temporary piling below OHWM removed or cut off at or below streambed elevation by project completion? YES ☐ NO ☐ NA ☐

2) Were riverbed area depressions created during project activities returned to pre-project bed elevations? YES ☐ NO ☐ NA ☐

3) Is any additional monitoring required? YES ☐ NO ☐ NA ☐

E) Excavation & Drilling

1) Are all drill spoils, cuttings, and excavated waste materials or other deleterious materials as well as all process water being contained and disposed of at an approved (by the engineer) location that will not re-enter the water ?
YES ☐ NO ☐ NA ☐

2) Is the contractor maintaining dust control BMP's? YES ☐ NO ☐ NA ☐

F) Hazardous Materials & Spill Prevention

1) Did the contractor develop and implement a Spill Prevention Plan? Does it contain provisions for sensitive areas? Are the elements in place i.e. spill kits?
YES ☐ NO ☐ NA ☐

2) Are fuels, oils and chemical storage areas being properly maintained, clean and located on an appropriate surface with secondary containment in place?
YES ☐ NO ☐ NA ☐

3) Is equipment being maintained and inspected on a regular basis to prevent accidental releases? YES ☐ NO ☐ NA ☐

4) Were all spills to soil cleaned up and disposed of according to the Spill Plan?
YES ☐ NO ☐ NA ☐

5) Did any spills to water occur? Were these responded to according to the Spill Plan and properly reported to the appropriate regulatory agencies? Following any spill, did the contractor complete the Spill Incident Reporting Form in Attachment B of the Spill Plan? YES ☐ NO ☐ NA ☐

6) Is the contractor refueling, operating, and maintaining his equipment to meet permit requirements? YES ☐ NO ☐ NA ☐

G) Other

1) Is the work area (i.e. cofferdam, shaft) isolated from flowing water ?
YES ☐ NO ☐ NA ☐

2) As a result of any project activity, did you observe a fish kill or fish in distress? Please note immediate actions and was it reported to Regional Environmental Office and the appropriate agency in a timely manner? YES ☐ NO ☐ NA ☐

3) Have necessary mitigation 'as built' drawings been submitted to the Regional Environmental Office. YES ☐ NO ☐ NA ☐

4) If an instance of noncompliance occurred, was the WSDOT Instructional Letter on Compliance Assurance initiated and was the Regional Environmental Office promptly notified? YES ☐ NO ☐ NA ☐

NOTE: If you have any questions or require help with **any** environmental issue, please contact the Regional Environmental Office at 509) 324-6134. Include all answers in this report to the Regional Environmental; Office with photos of any incidents.