

The draft Environmental Compliance Plan contained in this appendix was developed in 2011 and revised in 2016.



## WSDOT Ferries Division (WSF) Terminal Engineering Environmental Compliance Plan

**2014**



## Table of Contents

1.0	INTRODUCTION.....	3
2.0	COMPLIANCE GOALS .....	4
	Prevention .....	4
	Response .....	5
	Reporting.....	5
3.0	COMPLIANCE PLAN STRATEGIES .....	6
	Incorporating Environmental Commitments into Contracts.....	6
	Improving Contract Documents .....	6
	Improving Communication and Understanding.....	7
4.0	CLARIFYING COMPLIANCE ASSURANCE ROLES.....	8
5.0	COMPLIANCE TRAINING OPPORTUNITIES .....	10
6.0	PROJECT COMPLIANCE PROCESSES.....	12
7.0	CONCLUSION .....	13

## Introduction

WSDOT's statewide environmental permit compliance strategy directs regions and modes to develop specific environmental compliance plans. WSDOT WSF Division (WSF) endorses this environmental compliance plan to ensure projects are designed, constructed and maintained in accordance with environmental commitments made through the environmental documentation and permitting process. It is the intent of WSF to seek environmental permits and consistently deliver projects in an environmentally responsible manner.

This plan has been developed for use by WSF Terminal Engineering (TE) from project initiation and design kick-off, through construction to project closeout and transfer to Maintenance.

## Purpose

The purpose of this environmental compliance plan is to have an effective plan in place outlining a strategy for reduction of environmental permit non-compliance incidents. The strategy includes a scalable step-by-step process for each stage in the project life cycle. Following the plan's steps is meant to promote proactive communication among the TE environmental staff, design and construction personnel for effective resolution of project environmental issues with minimal effects to the environment, if avoidance is not possible.

## Goals

The goal of the WSF environmental compliance plan is to achieve 100% Program compliance through appropriate Prevention, Response and Reporting.

This Plan establishes a standard method for taking advantage of all project opportunities to incorporate environmental commitments and include lessons learned from previous project experiences. Compliance planning starts early and occurs throughout the project life cycle for continuous improvement. This method also reiterates shared responsibility for compliance by all staff, contractors and their sub contractors. This is imperative to maintain and improve on the high level of permit compliance on WSF projects, prevent environmental non-compliance events from happening during construction, and avoiding resource agency formal actions.

## Prevention

The WSF preventative Program approach includes existing compliance systems for design and construction.

By incorporating environmental commitments into contracts, using WSDOT guidance, WSF proactively addresses Project commitments during design, and assign contractual responsibility to contractors and sub-contractors for compliance. The following Prevention elements establish a process for environmental compliance for each project team:

- Discussing the commitment documents with design and construction Program Management (program directors and managers supporting all programmed projects) for appropriate incorporation into contracts;
- Creating a Commitment File/environmental compliance checklist enumerating WSDOT Project commitments to be completed in construction;
- Developing contracts which use environmental GSPs and special provisions to specifically enumerate contractor and sub contractor responsibilities for compliant Project construction;
- Conducting a Project environmental pre-construction meeting to identify Project compliance roles and responsibilities and appropriate communication pathways for staff;
- Creating and using tools that clearly communicate WSF's compliance responsibilities;
- Anticipating situations that could result in non-compliance events and have contingency plans in place to implement preventative solutions when necessary;
- Providing compliance support and training to environmental, design and construction staff;
- Planning for and therefore eliminating non-compliance situations that can be avoided;
- Minimizing impacts caused by unavoidable non-compliance situations;
- Learning from past mistakes and updating plans to reflect new understanding.

## Response

WSF construction teams and environmental staff provide prompt and appropriate response to compliance issues arising during construction. All Project staff have a role and a responsibility in establishing compliance. Contractors and their subcontractors are expected to strictly comply with contract provisions specifying compliant construction activities and necessary response actions to non-compliant events which occur. WSF' environmental and construction inspection staff lead communications related to these events. In this way WSF environmental staff can ensure response actions are performed expeditiously per Project plans, and that those actions are in compliance with Project commitments.

By communicating effectively and coordinating well between construction and environmental staff prior to acting WSF can prevent small events from having large impacts which are harder to control.

## Reporting

For permits/approvals that are issued to WSF Projects, environmental and construction staff report non-compliance events within the program team and externally to resource agencies within required timeframes. In doing so, WSF ensures good communication pathways and stay in compliance with established agency reporting timelines. Good communication facilitates speedy consultation with outside agencies and internally on Project non-compliance triggers. Appropriate documentation of non-compliance events is necessary not only for Project records and also for outside agency and HQ environmental reporting purposes.

## Compliance Plan Strategies

### Incorporating Environmental Commitments into Contracts

The following is excerpted from WSDOT [Project Delivery Memo, #09-01-Incorporating Environmental Commitments into WSDOT Contracts](#), broken down into its main points. This proactive compliance strategy is meant to reduce the number and severity of non-compliance incidents on WSF Projects. This strategy also allows WSF to promote flexibility, be adaptable, and incorporate lessons-learned into environmental compliance planning.

- A *Commitment Meeting* is held at design kick off when environmental commitment documents are first identified for a project.
- Project commitments are incorporated into the contract as part of design development.
- Using a *Commitment Tracking System (Environmental compliance checklist)*, environmental commitments are developed into the project Commitment File/ Environmental Compliance Checklist.
- *Commitment File* follows the project from design into construction. Commitment tracking is performed through construction to project closeout. Consistent tracking of commitment status and completion provides us lessons learned to be incorporated into future projects.

### Improving Contract Documents

By improving project processes for achieving environmental compliance including incorporating commitments into WSF contracts, WSF will improve the way commitments are enacted during construction. This also improves contract administration consistency and project successful completion.

Implementing good process throughout design development helps address project-specific environmental challenges, and develops specifications that are clearer for Construction staff to administer, and easier for Contractors and their subs-contractors to understand and abide by.

#### **Improving Communication and Understanding**

Disseminating this plan to WSF design and construction teams for review and feedback in addition to coordinating on environmental impact resolution during project design and development accomplishes a few important things;

- WSF Project teams are made aware of necessary compliance processes as early as possible during project design.
- The Plan serves as a resource and guidance on group and individual responsibility for design and construction compliance planning and coordination.
- Facilitates Project team communication between diverse disciplines regarding what project commitments exist, how they're being addressed in the Contract, and how implementation will be managed during construction.

This approach toward environmental compliance throughout the Project lifecycle proactively reduces human error, and enhances WSF's ability to anticipate issues and prepares for appropriate field responses.

### **Compliance Assurance Roles**

Each project member at WSF plays a role in compliance, though it may not be their primary job. Because all WSF project staff bear responsibility for compliance, it is important to clearly identify project commitments and each team member's responsibility for commitment fulfillment throughout the Project life cycle.

#### **Key dedicated Design, Environmental and Construction Compliance Roles**

- *Project Manager (PM)*, is responsible for project design development. The PM holds the initial environmental commitment meeting for the project, establishing environmental commitments to be incorporated into the project, holds compliance meeting with Construction Manager and Environmental Coordinator for constructability review and to discuss commitment and responsibilities for individual commitments.

- *Construction Manager (CM)*, is responsible for implementation of design as it relates to the administration of the contract during construction. The CM also coordinates with environmental coordinator during construction to assure environmental compliance with commitments and when necessary permit modifications are needed.
- *Environmental Manager (EM)*, is responsible for consultation with resource agencies to procure permits and approvals for the project. The EM's role is also to coordinate with PM staff during design to include and develop appropriate and applicable environmental contract provisions, and with CM staff during construction to help with commitment compliance and assist with modifications on permits as necessary. The EC will help confirm commitment completion and streamline closeout of the project.
- *Construction Inspector (CI)* acts as a part of the environmental compliance effort in their day to day construction inspection. The CI directly oversees contractor implementation of environmental work elements and performs inspections using the environmental checklist. The CI coordinates with the EC on compliance issues which arise to plan necessary corrective actions, and document those for the project file and for agency reporting.

### **Compliance Training Opportunities**

WSF supports environmental training for design engineers, construction inspectors and environmental staff. It is the intent of the TE office to provide training related to environmental compliance for project design, inspection and environmental staff as it currently exists and becomes further available.

The Training Plan will include but is not limited to:

- Erosion Control Design
- Spill Plan Reviewer Training
- Eelgrass Recognition, Regulations and Resource Value
- Environmental Permit Overview for Environmental Practitioners
- Environmental Compliance for Construction Inspectors
- Cultural Resources Training
- Applying Maintenance BMPs
- CESCL Certification

- Marine mammal monitoring
- Marbled Murrelet monitoring training

The following courses can be made available at HQ's Environmental Services Office upon request:

- Cultural Resources Overview for Construction
- Hazardous Materials identification
- Stream Diversion/Bypass
- Fish Exclusions
- Calibration of Turbidimeter
- Water Quality Sampling and Reporting.

#### **Additional Just-In-Time Training Opportunities**

Environmental leads can provide 'just in time' training for those who will be directly responsible for environmental compliance during construction on how to use and implement this plan. Leads can also provide updates on new or changing regulations and awareness program information including adding environmental compliance topics to safety meeting discussions and offering brownbag lunch presentations upon request.

### **Project Compliance Processes**

To ensure WSF projects are developed and constructed with appropriate consideration of environmental documentation commitments and permit conditions, WSF staff will coordinate in the following:

#### ***Programming Phase – Scoping Project Manager***

- Identify environmental deficiencies (e.g. stormwater treatment), limitations or constraints (e.g. overwater coverage or eelgrass presence)
- Development of project milestones and AD dates including environmental document completion and permit dates

#### ***Scoping Phase – Environmental Manager***

- ERS/ECS completed to determine level of environmental documentation and permitting requirements
- Review planned AD date

- Provide environmental input to Project Management Plan (PMP), negotiate level of efforts milestones and cost, and sign PMP
- The TE environmental staff will coordinate an initial project environmental review at the time scoping information is submitted.

### ***Pre-Design Studies Phase - Environmental Manger***

- Provide input and review alternative evaluation, permitting needs and environmental regulations, identify stakeholders, and review site analysis

### ***Preliminary Engineering Phase - Design Team***

#### **Initial Project Review**

This project review process will vary from project to project depending upon individual needs, but generally should involve a detailed review focusing upon potential project environmental impacts, critical design elements, avoidance/minimization/mitigation options. Stormwater treatment facilities should be included. Participants should include project design, construction, maintenance and environmental office staff.

#### **Design**

- Review and provide comments on project purpose and need, project description, design alternatives, construction methods, duration and environmental mitigation.
- Initiate environmental documentation and permit application at 15% design.

#### **Plans, Specifications and Estimate Development**

The TE environmental staff will work collaboratively with TE Design and Construction to ensure that all environmental permit provisions are adequately incorporated into PS&E's prior to conducting WSF review. All permit conditions will be incorporated into contract provisions and copies of all permits will be included in contracts.

30% Design –

Design Team (PM, CM, CI and EC) hold environmental commitment meeting to:

- Review environmental documents and known and potential permits for the project

Following the environmental commitment meeting the environmental coordinator applies for the permits and approvals.

60% Design –

- Review existing WSDOT Environmental General Provisions for applicability to the project

- Identify necessary/appropriate environmental special provisions for incorporation into the contract in coordination with draft permit conditions made available by resource agencies

#### 90% Design –

- Develop environmental contract specifications from permit and other environmental commitments

The PM will coordinate a meeting with project environmental and construction staff to review and incorporate environmental documentation and permit conditions and commitments into contract special provisions.

- Hold environmental compliance (constructability) meeting

Project Development will ensure that a constructability review for all work covered by environmental documentation and permits have been completed prior to finalizing the PS&E. At a minimum, representatives from the environmental, design, maintenance, and construction must participate in this review.

- Develop commitment file for the project

A commitment tracking system (i.e., Environmental Checklist) will be used to record all environmental commitments. The resulting report is called the Commitment File or Commitment Tracking System (CTS). This electronic file is transferred from design to construction prior to AD and construction.

See also [Project Delivery Memo, #09-01- Incorporating Environmental Commitments into WSDOT Contracts](#) for additional guidance.

#### **Construction Phase: Construction Manager**

In construction, the commitment file is managed by the CM, closing out commitments regularly as they've been implemented by the contractor. The file is a tool documenting final project completion

#### Pre-Construction Meetings:

TE Environmental staff will participate in all pre-construction meetings and, when appropriate for projects with substantial environmental risk, will hold a stand-alone environmental pre-construction meeting. Additionally, TE Environmental staff will support project construction offices for task specific site review meetings for critical construction elements.

- Attend Pre-construction meeting with the CI and contractor to ensure compliance and review the environmental commitments which must be complied with during work activities
- Provide a copy of the Environmental Notebook/Binder (see below) to the Contractor which is to be available on site

**Environmental Notebook/Binder**

The TE Environmental staff will provide an environmental notebook/binder for each construction contract. This notebook/binder will include both standardized information relating to contact information, monitoring and reporting procedures as well as project specific requirements. Specific chain of communication and authority for contract changes requiring environmental input will be specified in the notebook/binder. The notebooks/binders will include but are not limited to the following information:

- Contact numbers for agency personnel
- WSF environmental and resource agency contacts
- Emergency contacts
- Permits and summary conditions
- Non-compliance notification triggers and notification requirements
- Water Quality Sampling and Reporting, if required
- Approved Contractor's SPCC Plan
- Contractor Contact Information
- Other Contractor Procedures

Notify resources agencies about construction start if required

**Environmental On-Call**

A TE Environmental staff member will be designated to support each construction project and will be the single point of contact for all environmental compliance. This staff member will be familiar with the project and associated permits and approvals. This staff member will provide assistance with interpretation of environmental permits and approvals and be able to answer general questions regarding environmental permits and commitments. This staff member will conduct a minimum of one environmental compliance field review for each capital construction contract.

**Environmental Compliance Assurance Procedure (ECAP) Reporting**

- Construction Inspector completes the compliance checklist regularly and coordinates with the environmental manager on resolution of issues which arise.
- Environmental manager will follow ECAP and other pertinent incidence reporting protocols. These protocols can be found on [HQ Environmental Services](#) site on the intranet.

**Substantial Completion – Construction Project Manager**

- Environmental Office reviews Compliance checklist and files it
- Does lessons learned if there were any substantial changes or incidences.

- Environmental coordinator to complete post-construction notification when required.

#### **Construction Close-out**

- Via the Commitment File, document that all environmental commitments have been met upon completion of the project. Transfer responsibility for all long-term compliance commitments, if any to WSF Maintenance and Operations and send commitment file to the corresponding groups. Upon receipt make sure appropriate leads understand commitments for the project and have appropriate points of contact who is the EM within environmental should issues arise for consultation and coordination.
- Closure and final records

### **Tracking and Reporting**

#### **Tracking Success**

Tracking and documenting the success of WSF environmental compliance will help us assess the effectiveness of the program, provide us with information to help make improvements and increase WSF's credibility with the resource agencies.

#### **Reporting Non-compliance Incidents**

TE Environmental will track and report environmental non-compliance events. It is the responsibility of each Project Engineer/CM to report each non-compliance event. It is the responsibility of the TE Environmental staff to maintain detailed records of non-compliance events and report to Headquarters Environmental Services Office per ECAP, and on an annual basis for the Gray Notebook. Additionally, the TE Environmental staff will coordinate an annual review meeting with TE Construction to review non-compliance events.

### **Conclusion**

The WSF compliance process helps achieve compliance goals by making continuous compliance improvements from previous Project challenges. Of course, the goal is 100% compliance with all applicable laws and regulations and elimination of environmental non-compliant events caused by human error. WSF moves closer to reaching that goal by following the steps outlined in this plan, and by always making an effort to improve WSF's internal communications related to commitment responsibilities.

