

Violations of Environmental Permits and Regulations for State Transportation Projects

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Secretary of Transportation**

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**Washington State
Department of Transportation**

RE: RCW 47.85.040 (5) – Report summarizing violations of environmental permits and regulations for state transportation projects

The 2015 Legislature directed the Washington State Department of Transportation (WSDOT) to report on environmental violations for WSDOT transportation projects annually. [RCW 47.85.040](#) (5) states:

“Provide an annual report summarizing violations of environmental permits and regulations to Ecology and the Legislature by March 1st of each year for violations occurring during the preceding year.”

WSDOT’s Commitment to Environmental Protection

Washington State’s transportation system policy goals include environmental protection: “To enhance Washington’s quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment” ([RCW 47.04.280](#)). WSDOT is committed to protecting the quality of our air, water, cultural, and natural resources as part of project delivery. In addition, WSDOT’s Environmental Policy Statement ([Agency Policy 1018](#)) directs its employees to follow sound environmental practices in the planning, design, construction, operation, and maintenance of the state’s transportation system and facilities. WSDOT’s compliance and training efforts under [RCW 47.85.040](#) and Agency Policy 1018 include:

- Integrating environmental protection features during project planning, design, construction, and maintenance/operations;
- Working with federal, state, local, and tribal agencies to ensure our projects and maintenance activities comply with applicable laws and regulations;
- Incorporating environmental commitments (such as permit conditions) into project-level contracts, and tracking them throughout project delivery; and
- Training staff to identify environmental non-compliance risks early and minimize the potential for harm by implementing best management practices (BMPs).

We are committed to avoiding and minimizing adverse environmental impacts through proactive measures and continuous improvement. WSDOT and its contractors/Design-Builders regularly conduct site inspections and monitor water quality to ensure compliance with environmental permits, approvals, and other requirements. When non-compliance events are detected, we follow the Environmental Compliance Assurance Policy (ECAP) that WSDOT has established. Non-compliance events are actions that are not in compliance with environmental standards, permits, agreements, or laws/regulations. Not all non-compliance events result in a violation. Our compliance trainings place a high emphasis on identifying issues early and self-reporting so that we can address problems before harm is done. Self-reporting also helps us

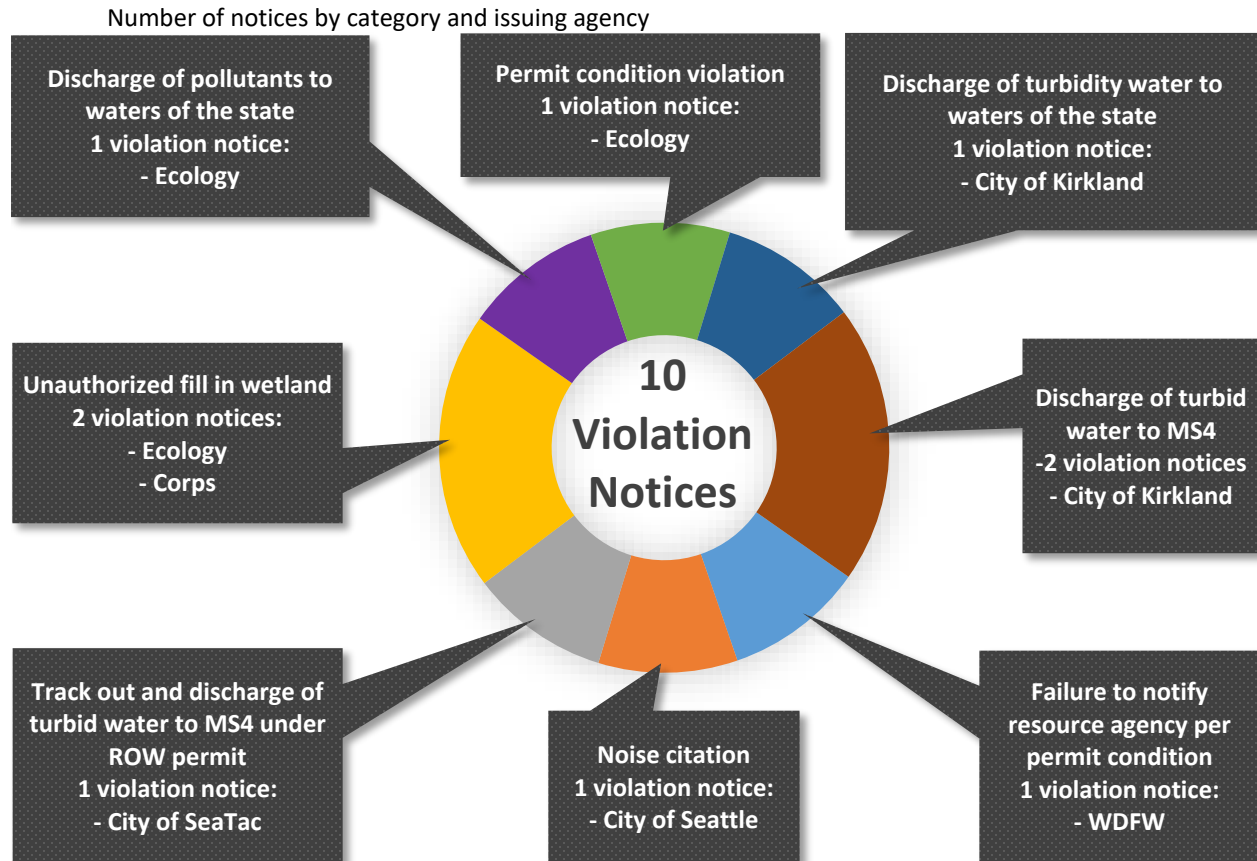
build trust with resource agencies, which reduces the potential for violations. For the purposes of this report, violations are defined as written notices received from regulatory agencies and Tribes in 2025, including: warning letters, inspection reports (citing violations and requiring corrective action), notices of violation, orders, and monetary penalties.

2025 Environmental Violations

In 2025, WSDOT performed 2.75 million hours of statewide highway maintenance work, had over 145,000 ferry sailings, and oversaw 252 active construction projects. We received 10 violation notices in 2025 from 14 non-compliance events in 2025 and one non-compliance event in 2023 that took the Department of Ecology two years to issue the violation. One of these violations was generated by maintenance work, while highway construction projects generated nine violations. The total number of violations issued in 2025 increased by seven from the four violations that we included in our 2024 report.

Figure 1 below displays violation notices by categories, and Table 1 at the end of this report provides details of each non-compliance event.

WSDOT activities received 10 environmental violation notices in 2025



Data Source: WSDOT Environmental Services Office

Note: Corps = US Army Corps of Engineers. Ecology = WA State Department of Ecology. WDFW = WA Department of Fish and Wildlife.

Of the 10 violation notices issued, regulatory agencies issued one to WSDOT only, seven to both WSDOT and Design-Builder, one directly to a Design-Builder, and one directly to a WSDOT contractor. Violations can be issued directly to a WSDOT contractor or Design-Builder when the regulatory agency determined that the WSDOT contractor or Design-Builder was solely responsible for the violation or was the permit-holder.

WSDOT only violations – Washington Department of Fish and Wildlife (WDFW) issued one violation for failure to notify resource agency per permit conditions.

WSDOT and Design-Builder violations – Regulatory agencies issued a total of seven violations to both WSDOT and the Design-Builder in 2025 on four separate projects. The City of SeaTac issued one violation for track out and discharge of turbid water to Municipal Separate

Storm Sewer Systems (MS4) that also included a stop work order under the City’s ROW Permit. The City of Kirkland issued two violations for the discharge of turbid water to MS4 from seven events and one violation for the discharge of turbid water into waters of the state. Washington State Department of Ecology (Ecology) issued one violation for permit condition violation and one violation for unauthorized fill in wetland. US Army Corps of Engineers (Corps) issued one violation for unauthorized fill in wetland.

Design-Builder only violations –The City of Seattle issued one violation to the Design-Builder for a noise citation.

Contractor only violations – Ecology issued one violation in 2025 to a contractor for the 2023 discharge of pollutants to waters of the state event.

WSDOT penalties – In 2025, the City of Kirkland issued one monetary penalty to WSDOT for the amount of \$1,250, in response to a discharge of turbid water to MS4.

Design-Builder penalties – In 2025, the City of Kirkland issued a WSDOT Design-Builder two monetary penalties. One for the amount of \$1,250, in response to a discharge of turbid water to MS4, and one for the amount of \$475 in response to a noise citation.

Contractor penalties – Ecology issued a contractor one monetary penalty for the amount of \$49,000 in response to a discharge of pollutants to waters of the state.

Environmental stewardship is fundamental to WSDOT’s goals. We maintain a compliance and training program that includes tracking and fulfilling our environmental commitments and reporting our environmental performance. In 2026, we will continue to improve our performance by:

- Using lessons learned from previous non-compliance events and fall assessments to update our Environmental Construction Compliance and other training with WSDOT regions, ferries, and megaprograms (per [RCW 47.85.040](#)).
- Updating our policies, procedures, and contract language to reflect the most up to date information and lessons learned.
- Discussing high-risk activities, environmental requirements, and work expectations with the contractor during pre-construction meetings.
- Assessing construction sites and working with WSDOT contractors and Design-Builders to prevent, detect, and address any potential non-compliance issues related to stormwater, containment, erosion, or hazardous materials.

Should you have any questions, or need further information, please contact Ahmer Nizam, Environmental Services Office Director, at 360-705-7480 or ahmer.nizam@wsdot.wa.gov.

Table 1: Violations notices received in 2025

Violation Issuer / Type	Project	Event Date	Activity resulting in Violation	Project Response
Ecology issued a \$49,000 fine to the contractor on 6/17/2025. Discharge of pollutants to waters of the state	US 2 & US 97/Leavenworth & N of Blewett Pass - Paving	7/21/2023	Contractor allowed 25 gallons of asphalt to fall through a 3 to 4 inch gap between bridge abutments into Peshastin Creek and under the bridge.	Prior to asphalt removal, WSDOT and the Contractor coordinated with Ecology on the removal approach.
City of SeaTac issued a notice of violation to WSDOT and a stop work order to the Design-Builder. Track out and discharge of turbid water to MS4 under ROW permit	SR 509 Completion Stage 2	10/23/2025	Design-Builder's wheel wash operation failed, allowing vehicles to track out sediment from construction site onto city streets.	The Design-Builder responded with increased street sweeping and modified BMPs construction practices.
City of Seattle issued a \$475 fine to the Design-Builder. Noise citation	SR 520/I-5 to Montlake - Interchange and Bridge Replacement	4/2/2025	Subcontractor performed impact pile driving in a residential area outside the timeframe allowed under the Construction Noise Variance.	The Design-Builder reinforced construction site noise timing restrictions with the subcontractor.
Ecology issued a notice of violation to WSDOT and Design-Builder. Permit condition violation	SR 520/I-5 to Montlake - Interchange and Bridge Replacement	9/2/2025	Design-Builder performed over-water work before receiving Ecology approval on revisions to the Water Quality Monitoring & Protection Plan (WQMPP).	Upon discovery, WSDOT stopped work. The WQMPP was approved by Ecology before work continued.
Ecology issued a notice of violation to WSDOT and Design-Builder. Unauthorized fill in wetland	I-405/Brickyard to SR 527 Improvement Project	7/9/2025	Design-Builder placed fill in a wetland without a permit, violating the Sect. 401 Water Quality Certification.	Upon discovery, WSDOT and the Design-Builder obtained necessary permit modifications from regulatory agencies.

Violation Issuer / Project Type	Project	Event Date	Activity resulting in Violation	Project Response
Corps issued a warning letter to WSDOT and Design-Builder. Unauthorized fill in wetland	I-405/Brickyard to SR 527 Improvement Project (same event as above)	7/9/2025	Design-Builder placed 400 sq. ft. of fill in a wetland without a permit.	Upon discovery, WSDOT and the Design-Builder obtained necessary permit modifications from regulatory agencies.
WDFW issued a notice of violation to WSDOT. Failure to notify resource agency per permit condition	State Route 231 Culvert Cleanout	2/25/2025	WSDOT Maintenance cleaned out a culvert without notifying WDFW per the permit condition.	WSDOT reviewed and updated notification procedures to ensure resource agencies receive proper notification prior to work being conducted.
City of Kirkland issued a \$1,250 fine to WSDOT and a \$1,250 fine to the Design-Builder. Discharge of turbidity water to waters of the state	I-405/NE 85th St Interchange & Inline BRT Station Project	5/18/2025	Design-Builder's BMPs failed, allowing turbid water to discharge into waters of the state.	The Design-Builder repaired the bypass prior to continuing its operation of routing stormwater to the treatment system.
City of Kirkland issued a letter of warning to WSDOT and the Design-Builder. Discharge of turbid water to MS4	I-405/NE 85th St Interchange & Inline Bus Rapid Transit (BRT) Station Project	12/4/2025	Design-Builder discharged turbid water to an MS4 when BMPs were overwhelmed during heavy precipitation.	The Design-Builder initiated street sweeping and installed additional source control BMPs.

Violation Issuer / Project Type	Project	Event Date	Activity resulting in Violation	Project Response
<p>City of Kirkland issued a letter of warning to WSDOT and the Design-Builder in response to six storm events from 10/29 to 11/17.</p> <p>Discharge of turbid water to MS4</p>	<p>I-405/NE 85th St Interchange & Inline BRT Station Project</p>	10/29/2025	<p>Design-Builder discharged turbid water to an MS4 after disturbed sediment was exposed to heavy precipitation.</p>	<p>The Design-Builder installed additional source control BMPs, redirected stormwater to the treatment system, and initiated street sweeping.</p>
		11/5/2025	<p>Design-Builder discharged turbid water to an MS4 after disturbed sediment was exposed to heavy precipitation.</p>	<p>The Design-Builder implemented BMPs to redirect stormwater to the treatment system, improved treatment BMPs, and initiated street sweeping.</p>
		11/6/2025	<p>Design-Builder discharged turbid water to an MS4 after a diversion berm breach and removal of dewatering equipment.</p>	<p>The Design-Builder repaired the diversion berm and reinstalled dewatering equipment.</p>
		11/13/2025	<p>Design-Builder discharged turbid water to an MS4 after disturbed sediment was exposed to heavy precipitation.</p>	<p>The Design-Builder initiated street sweeping, installed additional containment BMPs, and cleaned the affected catch basin.</p>
		11/14/2025	<p>Design-Builder discharged turbid water to an MS4 when dewatering equipment was inoperable during heavy precipitation.</p>	<p>The Design-Builder responded by redirecting stormwater and increased capacity of dewatering equipment.</p>
		11/17/2025	<p>Design-Builder discharged turbid water to an MS4 when dewatering equipment was overwhelmed during heavy precipitation.</p>	<p>The Design-Builder initiated street sweeping and installed additional source control BMPs.</p>