

Project Engineer should verify that the site is cleared of pedestrians and that periodic area checks are being done. Special attention should be given to areas hidden from view, such as in dumpsters or equipment, or under blankets. The Project Engineer may consider the use of non-invasive detection aids, such as infrared detectors, to ensure that no unauthorized persons are present.

Removal, Storage, and Return of Personal Property – Personal property that is not refuse will be removed from the work area, by the Contractor. Items should be placed in large transparent plastic bags, labeled, and stored for return to the property owner. The Project Engineer should ensure that personal property is handled and stored in accordance with the requirements of the contract and all applicable laws.

SS 1-07.5 Environmental Regulations

The following procedure pertains to WSDOT personnel on all WSDOT contracts and contains duties and activities by persons other than the project staff, but all of which are related to construction contracts and affect the Project Engineer to one degree or another. The Project Engineer must stay aware of this procedure and follow it as written.

Environmental Compliance Assurance Procedure

The purpose of the Environmental Compliance Assurance Procedure (ECAP) is to recognize and rectify environmental non-compliance events during the construction phase on WSDOT construction sites, and to ensure prompt notification to WSDOT management and agencies. For purposes of this procedure, non-compliance events are defined as actions that are not in compliance with environmental standards, permits, agreements, or laws.

When any action (Notification Trigger) below occurs, the Project Engineer (PE) shall initiate the Notification and Resolution process. 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.

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. Verbal or written notice from an environmental regulatory agency or tribe that a violation has occurred.
2. Any action that 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 is in conflict with other permits.
6. Any spill, or release of hazardous materials, petroleum products, or chemicals to:
 - water or areas that have the potential to enter waters of the state (i.e., stormwater conveyances, ditches, swales, ground water).
 - land, when the spill or release is an immediate threat to human health or the environment (i.e., dangerously toxic, explosive or flammable situations that result in severe or substantial consequences).¹
7. Encountering an unknown underground storage tank.
8. Any situation that results in a fish kill, or if dead or dying fish are discovered in the vicinity of the project.
9. Activities that construction monitoring shows are out of compliance.
10. Failure to implement the Unanticipated Discovery Plan or commitments associated with cultural resource monitoring.

Notification and Resolution Process

In the event of a notification trigger, the following steps shall be taken:

1. If a notification trigger is observed, immediately notify the Project Engineer.
2. The Project Engineer must:

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

Step 2 – Immediately notify the Regional Environmental Manager (REM) or designee. In consultation with the REM, determine the regulatory agencies having jurisdiction and who will notify them. Ensure timely notification to appropriate regulatory agencies. Consult with the REM regarding response actions taken and any additional remediation actions that may be necessary.

Step 3 – In consultation with REM, determine if the activity constitutes a violation of a permit condition or environmental regulation and if so, assemble the following information:

- The activities that triggered the notification and why they occurred.
- The permit condition or environmental regulation that has been violated.
- Location(s) of the work.
- Potential solutions to the problem, or if additional investigation is needed, the agreed upon course of action.
- Any related site constraints or safety issues.
- Urgency of the issue.
- Which regulatory agencies and staff were notified and any tracking numbers provided.

¹All spills need to be contained and disposed of and reported properly. Follow the procedures outlined in the project specific Spill Prevention, Control and Countermeasures Plan (SPCC).

Step 4 – Notify the Assistant Region Administrator for Construction (also known as the Region Construction Engineer) and the assigned Assistant State Construction Engineer (ASCE). The ASCE should be notified via e-mail or by telephone and will notify the State Construction Engineer, if warranted.

Step 5 – If warranted by the severity of the issue, notify the Region Administrator and State Construction Engineer. This step is mandatory when the non-compliance event: (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 a Notice of Violation or a monetary penalty. (**Note:** Notices of Violation are formal written or verbal notices from a regulatory agency that a violation has occurred, including but not limited to Corrections Required Notices.)

Step 6 – Document all actions, conversations and activities.

3. The Regional Environmental Manager, or their designee, must immediately:

Step 1 – If warranted by the severity of the issue, notify the Director of Environmental Services. This step is mandatory when the non-compliance event: (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 a Notice of Violation or a monetary penalty. (**Note:** Notices of Violation are formal written or verbal notices from a regulatory agency that a violation has occurred, including but not limited to Corrections Required Notices.)

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 – In consultation with the Project Engineer, identify and obtain permits or permit revisions, if required.

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

Step 6 – Document non-complying event in WSDOT's Commitment Tracking System. **Note:** If the activity is found not to be in violation of a permit condition or environmental regulation, it should not be entered into the Commitment Tracking System.

4. The Director of Environmental Services must:

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

Step 2 – If warranted by the severity of the issue, notify the Chief Engineer for Engineering and Regional Operations.

5. The Regional Administrator will:

Step 1 – If warranted by the severity of the issue, coordinate with the Director of Environmental Services to contact the Chief Engineer for 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 non-complying activity.

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.

Documentation

1. The Project Engineer shall document the details of the notification and non-complying activity resolution in the contract records.
2. The Regional Environmental Manager shall maintain a record of all regional noncompliance events. REMs shall collect and maintain, at a minimum, the following data on all non-compliance events:
 - Project name and location.
 - Project Engineer and Contractor.
 - Incident date.
 - Incident description.
 - Permit/regulation or agreement violated.
 - Resource agency(s) notified and date of notification.
 - Whether or not resource agency staff conducted site review in response to notification.
 - Record of Notice of Violation and/or penalties issued.

The REM shall document the non-compliant event in the WSDOT Commitment Tracking System for purposes of annual reporting and review of compliance performance. **Note:** Only non-compliant events need to be documented in WSDOT's Commitment Tracking System. If the REM determines that an event does not violate environmental permit conditions, agreements, or approvals for the project; or other environmental laws, ordinances, or regulations, then it does not need to be documented in WSDOT's Commitment Tracking System.

3. The Project Engineer and the Regional Environmental Manager shall coordinate and prepare the appropriate response to the regulatory and/or resource agency. The response shall include documentation about the non-compliance event and how it was resolved, including any preliminary mitigation solutions.

Roles and Responsibilities

Project Engineer – 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.

Regional Environmental Manager – 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. 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.

Contractor – Is as defined in *Standard Specifications* Section 1-01.3.

Working in Water

When working in water, the Project Engineer shall ensure the Contractor complies with the environmental and navigation provisions of the contract. If the contract requires the Contractor to obtain special permits, the permits shall be obtained before the work covered by them is begun. Project work occurring in water must meet state water quality standards. Monitoring is required to verify the work achieves compliance with state water quality standards. WSDOT is required by law to report noncompliance with water quality standards to the Department of Ecology. Please follow the Environmental Compliance Assurance Procedures if standards are not achieved (see [Section SS 1-07.5](#)).

(I) *Monitoring Water Quality*

WSDOT is responsible for monitoring water quality during the Contractor's work in the water. Information is available that helps the Project Engineer successfully apply WSDOT's *Monitoring Guidance for In-Water Work* and collect a representative sample.

The Project Engineer may need to prepare a Water Quality Monitoring and Protection Plan (WQMPP) if required as a condition of a permit. Check the permits early and prepare the plan in advance to prevent delays in the Contractor conducting the work. A procedure exists (PRO610-e) that helps the Project Engineer develop the WQMPP.

Note that water quality monitoring of work occurring in water is different than monitoring construction stormwater discharging from a construction site. Refer to Section 8-1.3 for information about monitoring stormwater discharges from construction sites.

(II) Work Area Isolation/Stream Diversions

The Project Engineer should review project permits to determine whether WSDOT is required to isolate the work from or divert the water around work occurring below the ordinary high water line (or mean higher high-water line). WSDOT may provide plans for conducting the work. If not, the Contractor's work area isolation or stream diversion should be reviewed and approved by the Project Engineer. Check the Contractor's plan for consistency with the JARPA. A stream diversion template exists for Contractors to use in case WSDOT does not provide one in the Plans.

(III) Fish Moving Protocols and Standards

The Project Engineer should check project permits to determine whether WSDOT is required to isolate and remove fish from the work area in advance of the Contractor's work. The Project Engineer must coordinate these activities with the WSDOT biologist. Refer to the WSDOT *Fish Exclusion Protocols and Standards* to learn about the roles and responsibilities for these activities.

(IV) Reporting Monitoring Data

The Project Engineer is responsible for ensuring any monitoring data is submitted to the Washington State Department of Ecology's Federal Permit Coordinator. The Project Engineer should coordinate with Region Environmental Staff to ensure that reporting is done correctly.

(V) Reporting Spills to Water

Work that results in a spill to water generates multiple reporting obligations. At a minimum, the Project Engineer must follow the Environmental Compliance Assurance Procedure (see [Section SS 1-07.5](#)) of this manual) to start WSDOT's internal spill response. Also, the Project Engineer must ensure the Contractor enacts the spill response section of their Spill Prevention, Control, and Countermeasures Plan.

Infiltration of Slurry

In accordance with 8-01.3(1)C, some classifications of shaft drilling slurry wastewater may be disposed of on-site by using upland infiltration. If the Contractor plans to infiltrate these types of slurry wastewater on-site, they must submit a Shaft Drilling Slurry Wastewater Management and Infiltration plan in accordance with Section 8-01.3(1)C. Project specific site conditions, such as a high water table or contaminated soil, may exclude the use of on-site infiltration as a slurry disposal option. The Project Engineer shall review and accept the plan prior to any on-site slurry wastewater infiltration.

Guidelines for reviewing and accepting Contractor plans are as follows:

1. The classification of slurry wastewater to be infiltrated and the Contractor's Shaft Drilling Slurry Wastewater and Infiltration plan both meet the specified requirements in Section 8-01.3(1)C.
2. The proposed best management practices (BMPs), controls, or other methods included in the plan are adequate to prevent surface wastewater runoff from leaving the infiltration location. What is "adequate" is site specific and dependent on how much water is being infiltrated and where, some examples may include:

- The basis for the selection of an infiltration location (e.g., subsurface conditions, soil type, estimated infiltration rate, location of surface water)
 - Barrier BMPs (e.g., sandbags, berms, water bladders, silt fence) used to prevent surface wastewater runoff from leaving the infiltration area.
 - Interceptor BMPs (e.g., trenches, traps, pipe drain to containment area) used to capture wastewater surface runoff before it leaves the infiltration area.
 - A metering device that can be adjusted to discharge water to the ground at a rate that will prevent surface runoff from developing.
 - Digging a temporary infiltration containment area to hold a specific volume of wastewater. Keep in mind that digging will diminish the layer of unsaturated soil (prior to infiltration occurring, there must be a minimum of 5 feet of unsaturated soil between the soil surface where the infiltration will occur and the saturated soil). In addition, using heavy equipment to dig the infiltration containment area may cause soil compaction at the location, thereby lowering the effective infiltration rate.
3. The Contractor's plan includes an adequate level of detail to demonstrate that the planned controls and methods will prevent potential impacts to receiving waters of the State, including groundwater, for example:
 - Containment strategy for wastewater prior to infiltration.
 - Strategy for managing wastewater pH neutralization prior to infiltration.
 - Monitoring strategy to ensure infiltration activity is in compliance.
 4. The Contractor's plan identifies a contingency plan that will be implemented immediately if it becomes evident that the controls and methods in place are not adequate to meet the requirements in Section 8-01.3(1)C. Contingency plans must be capable of being implemented immediately, such as:
 - Identifying procedures for rectifying plan deficiencies.
 - Having additional BMP materials on hand.
 - Eliminating the discharge to the ground (stopping infiltration activity).

Responsibility for Environmental Considerations

During the precontract period, the Project Engineer should obtain copies of the final environmental documents and permits related to the project. The Project Engineer should review all contract commitments in the WSDOT Commitment Files and participate in any Environmental Commitment Meetings. It is important that all key personnel become familiar with the environmental decisions considered during the design process. The contract documents should include any necessary provisions for protection of the environment and cultural resources, including requirements that the Contractor secure all permits as required by the contract and abide by regulations of appropriate Federal, State, and local agencies. Any changes in contract work that may become necessary must also be reviewed to ensure conformance with the requirements, and commitments established during the environmental design of the project. For more information on Environmental Commitment Meetings please reference Project Delivery Memo #09-01 – Incorporating Environmental Commitments Into WSDOT Contracts.