APPENDIX E17

WSDOT NW Region and UCO
Draft Environmental Compliance Plan
(November 2004)

I-405, SR520 to SR522 Stage 1
(Kirkland Stage 1)

Final Package Review – 15%
January 25, 2005

INTERSTATE 405 Project Team
Congestion Relief & Bus Rapid Transit Projects

Note: We have started some of the sections of this plan, but most if it remains in outline form. For each bulleted item, we foresee a discussion and/or a product that will have to be created before the whole plan is complete. We have also attached at the back of this plan a list of potential appendices that will be developed. In most cases, the appendices are tools that are needed to implement the compliance plan.

Draft Environmental Compliance Plan

What is the purpose of this compliance plan?

The purpose of the environmental compliance plan is to reduce incidents of noncompliance by having an effective strategy in place and specific positions to cover this. The environmental staff will work together with engineers and construction personnel proactively to identify potential issues early, taking positive action before violations occur. The Urban Corridors and Northwest Regional offices worked together to develop this plan.

Our primary goal:

Anticipate situations that could result in a non-compliance event and implement preventative solutions.

What are our compliance goals?

The goals of the plan are to:

- Anticipate situations that could result in non-compliance events, and implement preventative solutions.
- Improve and maintain a high level of permit compliance on all UCO projects.
- Assess how effectively we are addressing noncompliance incidents when they occur.
- Have no permit violations that result in fines from the resource agencies.
- Continue to reduce the severity of permit violations each year by improving our compliance strategies.
- Create and implement tools that clearly communicate WSDOT's compliance responsibilities.
- Provide flexibility, learn from our mistakes, and update the plan to reflect our new understanding.

- Eliminate noncompliance situations that can be avoided (versus those that are occasionally unavoidable due to unforeseeable events, such as 100-year storm, snow storm, flooding)

When WSDOT is fined because of a serious permit violation, it's expensive; it diverts staff from other important work, and creates a situation where resource agencies loose faith in WSDOT's ability to construct projects without problems. As a result, we have to mitigate for the violation (which uses precious construction dollars), we loose time during the short construction season, and face even more scrutiny from resource agency staff. By following the strategies outlined below, we plan to meet the goals identified above, and avoid serious violations in the future.

We will use the strategies we have defined during all phases of the project. As we use them, we may find that some are better or more useful than others. We look forward to receiving comments from everyone using them and plan to review and incorporate the best suggestions into the plan annually, ensuring that our compliance plan continues to get better and better.

How will we achieve these goals?

We will develop Training and Awareness Programs

We will expand the current training and awareness program so Environmental and Chief Inspectors can better recognize environmentally sensitive areas at a site and avoid work in these areas.

Training will include:

- Environmental Compliance Training – Headquarters is developing this.

- TESC Certification – We will make sure everyone who writes, implements or works with erosion control has a Temporary Erosion and Sediment Control (TESC) Certification. We will provide TESC training to any staff whose certification is not current. We will re-certify every three years.

- Compliance Plan Implementation – Train those who will be directly responsible for environmental compliance during construction on how to use and implement this plan.

Things to consider:

Who will need to attend?

When will they attend?

How often will the training occur and when will it be held?

Awareness programs could include:

- Expanding the bookmark idea.
- Developing posters that focus on an issue or highlight responsibilities.
- Adding environmental compliance topics to safety meeting discussions.

We must clearly identify roles, responsibilities, authority, and reporting relationships

Each and every one of us is responsible for environmental compliance, but we have identified some personnel as specifically responsible for compliance. These positions are outlined below. However, because we bare some responsibility for compliance, we need to know who to call if we see something that doesn't look quite right. To that end, we plan to identify roles, responsibilities and reporting relationships, as much as possible, in the tables attached in appendices X and X. We know we can't anticipate every situation, but we will provide contacts and reporting relationships that provide us all a place to start and help in reducing noncompliance issues.

Here is a list of products we plan to attach as appendices:

- A matrix or table identifying names, role, location and phone numbers
- A flow chart showing responsibilities and reporting relationships
- A matrix showing authority and decision making responsibilities

What are the compliance positions and what are their responsibilities?

Environmental Inspector - The Environmental Inspectors are at the site most of the time. How much time they spend at the construction site will depend upon the size and type of the project, the type of activities occurring, and amount of sensitive areas present. They will know the permit conditions that apply to the project, what types of BMPs are required, how they are installed, and when they need to be maintained. They will report directly to the Chief Inspector on the project. The Chief Inspectors report directly to the Project Engineer or to one of the Assistant Project Engineers.

Compliance Assurance Inspector – The Compliance Assurance Inspector (CAI) is not assigned to a single construction site, but instead spends

The EI and CAI will have the authority to shut down a project if they find the project is significantly out of compliance (WSDOT could be fined), or is in eminent danger of being significantly out of compliance with permit conditions.

time at each of the projects they are responsible for. The number of projects assigned will depend upon the size and complexity of the projects, the activities being conducted, and the environmentally sensitivity of the sites. The CAI will be a resource to the Environmental Inspector. They will audit sites to verify that BMPs have been property installed. They will also review and plan for upcoming construction elements and determine how that work may be affected by permit conditions. The CAI will understand permit conditions and how these conditions relate to construction activities that are planned for the site. Their responsibility is to identify and avoid situations that could result in permit violations. They identify the issues early and work with the Environmental Inspectors to solve the problems. The CAI reports directly to the Environmental Manager for personnel and workload issues and to the Engineering Managers for project and construction issues.

Environmental Technical Advisor – The Environmental Technical Advisor (ETA) is a resource to assisting with such issues as, interpreting a permit condition, determining whether a BMP can or should be used, or deciding if a work method is allowed under the current permit conditions. They will be contacted to interpret the conditions and make recommendations. The recommendations of the ETA will be implemented unless there is a good justification for not doing so, and the decision whether or not to implement a recommendation can only be made by the Engineering Manager. This person will work in the Northwest Regional office and will assist UCO when requested for an opinion and may need to visit the site for a field inspection. When their assistance is needed, either a Construction Assurance Inspector or an Environmental Inspector will contact the ETA.

Example, worthy of a shutdown: A contractor is ready to dump a load of dirt near a staging area. The EI notices there are wetland plants in the area where the dirt will be dumped, but the wetland has not been fenced off. The EI could temporarily close down that part of the project until a biologist arrives, and if found to be a wetland, the area is fenced.

We must effectively communicate

We are not construction engineers and you are not environmental specialists. To stay in compliance and be successful in making good, cost effective construction and compliance decisions, we will have to work together very closely, and listen to each other carefully. This will be accomplished by:

- Making sure everyone understands the authority and decision-making process, his or her role and responsibility and reporting procedures if a noncompliance issues occurs.

- Holding Pre-construction Meetings – These would be held weekly or monthly depending on the magnitude of the project.
    - Insure that all permits have been acquired prior to the start of construction

- Review permit conditions and make sure that Environmental Inspectors and Engineers, and Contractors understand the permit conditions and temporary erosion and sediment control (TESC) plans.
- Review the information in the Environmental Inspectors Notebook to make sure it is complete before construction begins.

- Communicating Weather Updates – We will need to observe and understand weather and its effects on a project and report this to other staff via email or at weekly staff meetings. Promoting access to weather service information will help use be proactive in securing the site, preparing for inclement weather and anticipating need for assistance.

- Having a system in place to respond to weather alerts and emergencies.

- Preparing "Environmental Issue of the Month" handouts – at safety meetings?

- Making Environmental staff available to present environmental topics.

- Holding Project Status Meetings – These would be held monthly or more frequently (depending upon magnitude of project) with Environmental Inspectors, Chief Inspectors and Alternates during all phases of project to;
  - Convey project schedule, identify delays, activities or concerns that could affect permit conditions or sensitive areas on site.
  - Review permit conditions.
  - Review upcoming construction activities and identify potential issues with permit conditions.
  - Discuss common issues that occurred during the month.

We will develop and use compliance tools

These tools will assist us in recording and documenting compliance and violations. Tools we will develop are described below.

<u>Environmental Inspectors Notebook</u> These will be issued for each office. This notebook will contain:

- Monthly or seasonal audit checklist.
- It will be onsite at all times.
- It will include a list of resources that the Environmental Inspectors, Chief Inspectors or PE s can easily access.

Resources in the notebook will include:

- Contact numbers for agency personnel,
- WSDOT environmental and resource agency contacts,
- Permits and summary of conditions,
- Daily/weekly/monthly checklists/reports (depending on size/complexity of project),
- Violation notification requirements,
- Notification triggers,
- TESC plans and more.

Audits: We will develop audit forms and perform audits at sites regardless of whether violations have been reported. All projects will be audited at least once. The Compliance Assurance Inspector will perform the audits. The results of the audits will be used to assess the effectiveness of our compliance strategies, and help us determine where we might improve. Results will be submitted to the Engineering Managers once a year. They would include suggestions for improvement.

Incorporating Permit Conditions into Contracts and Construction Plans
Note: NW Region is currently working on this.

Other potential tools:

- Debriefing Meetings - Debrief on at least 50 % of the projects that were in non-compliance to understand what happened and what can be improved in the future to reduce non-compliance.

- Conduct internal interviews with project construction offices to discuss implementation of compliance strategies.

How will we know we have been successful?

Tracking and documenting the success of our compliance will help us assess the effectiveness of the program, provide us with information to make improvements and increase our credibility with the resource agencies. To track this we will need to start with a baseline – ours will start during the 2005 construction season. This baseline will be used to compare the number and seriousness of violations for the years after 2005.

Several tools will be developed to measure our success. They may include:

- Tracking compliance with compliance tools listed above.

- Training - We will keep records of who has been trained, the type of training they received and when they completed it.

- Safety Meetings – Attendance at safety meetings will be recorded and copies of the agenda will be saved.

- Violations - We will follow up on violations by recording what recommendations were made and how quickly the violations were resolved.

- Internal Surveys – We will survey personnel each year to determine whether they feel they have received adequate training, whether they are able to get the help and information they need to do the compliance work, and whether they are comfortable reporting violations. To measure our training success, we would also test their understanding of compliance, use of the compliance plan, and roles and responsibilities.

- Compliance Log – this will record what violations occurred, when, where and what actions were taken to correct the problem so it was no longer a violation. We will analyze this data annually and have demonstrated success when we find:
  - that the seriousness and magnitude of our violations decrease each year and,
  - that we have no serious violations that could have been easily avoided.

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In Closing

As we work with the plan, questions we have not anticipated will come up. Please forward these questions to Stephen Sax, the Environmental Compliance Assurance Inspector, so that we can add these answers to the plan.