COMPLIANCE
IMPLEMENTING AGREEMENT
Between
THE WASHINGTON STATE
DEPARTMENT OF ECOLOGY
And
THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

REGARDING COMPLIANCE WITH THE STATE OF WASHINGTON
SURFACE WATER QUALITY STANDARDS
November 1, 2004

THIS COMPLIANCE IMPLEMENTING AGREEMENT is being adopted by the Washington State Department of Ecology (Ecology), and the Washington State Department of Transportation, (WSDOT) to assist both agencies in obtaining and maintaining compliance on Ecology issued permits, Orders, Certifications, approvals, implementing agreements, and with the State of Washington Water Quality Standards. This CIA defines elements that are necessary to increase compliance for WSDOT and WSDOT hired contractors.

TERMS AND CONDITIONS:

Ecology and WSDOT agree to implement the following requirements of this Agreement:

A. **WSDOT shall** develop a statewide compliance program by December 31st, 2004 to include or address the following:

1. Improved compliance with all water quality laws, Ecology Interagency Agreements, 401 Water Quality Certifications and 402 Construction Stormwater Permits.

2. Assurance that all environmentally sensitive areas, mitigation areas, and wetland buffers, are fenced as a first order of work. Clearly delineate sensitive areas, mitigation areas and wetland buffers, fencing requirements, 401 Water Quality Certification conditions, and NPDES permit conditions in contract provisions and/or plan sheets as appropriate. Maintain fencing requirements throughout construction.

3. A requirement that an Environmental Inspector, trained in maintaining compliance with 401 Water Quality Certification conditions and NPDES permit requirements, mitigation requirements, and WSDOT's compliance procedures, be assigned, and/or available to, all project sites to ensure compliance with 401 Water Quality Certification conditions and NPDES permit conditions through construction completion and site stabilization.

4. A requirement for WSDOT Project Engineers to notify Ecology ten calendar days prior to commencing any work, excluding construction fencing, in environmentally sensitive areas, mitigation areas, and wetland buffers.

5. A requirement for WSDOT Project Engineers to consult with the WSDOT Environmental Inspectors to ensure that the proposed work in environmentally sensitive areas, mitigation areas, and wetland buffers is in compliance with permit

conditions. If it is determined that the proposed work is not in compliance with the permit conditions, then the resource agencies shall be notified prior to commencing work in these areas.

6. A requirement for the Contractor to submit a detailed work plan to be approved by the WSDOT Project Engineer, in consultation with the WSDOT Environmental Inspector and/or regional environmental representative prior to the onset of any work in sensitive areas and mitigation sites, and that all work in wetland mitigation areas, be verified by WSDOT to ensure the contractor has met all permit conditions.

7. Development and implementation of a commitment tracking system to identify all project commitments made during planning, NEPA/SEPA, design, and permitting. All project commitments shall be clearly communicated to the contractor, construction project office staff, and supporting design offices.

8. Assurance that all environmental commitments have been achieved prior to the completion of the project, and that WSDOT's Maintenance and Operations staff have received a copy of and understand all long-term compliance expectations, including mitigation site monitoring and maintenance, for the project site.

9. Track and report non-compliance events for periodic assessment of statewide compliance performance for maintenance, construction, and ferry service operations

B. Ecology and WSDOT Shall:

1. Commit to jointly assess existing agency workloads and staffing requirements to ensure project delivery and compliance priorities are met. Work priorities, responsibilities, and staffing levels will be aligned to meet these needs.

2. Work together to review non-compliance events in order to evaluate progress and improvements needed for the Compliance Program.

This Compliance Implementing Agreement is effective upon the date of signature below. This Agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind either of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Compliance Implementing Agreement as of the day and year first above written.

WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION

Douglas B. MacDonald, DATE 11/2/04
Douglas B. MacDonald, Secretary
Washington State Dept. of Transportation

WASHINGTON STATE
DEPARTMENT OF ECOLOGY

Linda Hoffman, DATE 11/5/04
Linda Hoffman, Director
Washington State Department of Ecology