

Violations of Environmental Permits and Regulations for State Highway Projects

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February 2019



Washington State
Department of Transportation

RE: 2ESSB 5996, Section 5(5) – 2018 Report on violations of environmental permits and regulations for state highway projects

The 2015 Legislature directed the Washington State Department of Transportation (WSDOT) to summarize environmental violations annually. The proviso states:

“Provide an annual report summarizing violations of environmental permits and regulations to Ecology and the Legislature on 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. In addition, WSDOT 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 efforts to ensure our activities meet this commitment include:

- Integrating environmental protection features in the design of projects and maintenance activities;
- Working with federal, state, local, and tribal agencies to ensure our projects and maintenance work 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 spot risks and minimize the potential for harm by implementing best management practices.

WSDOT and its contractors regularly conduct site inspections and monitor water quality to ensure compliance with environmental permits and approvals. When non-compliance events are detected, we follow the Environmental Compliance Assurance Procedure that was established by WSDOT in 2004. Non-compliance events are actions that are not in compliance with environmental standards, permits, agreements, or laws. Not all non-compliance events result in a violation. We place a high emphasis on self-reporting so that we can address problems before harm is done. Self-reporting also helps us reduce the potential for violations. For the purposes of this report, violations are defined as written notices from regulatory agencies including: warning letters, inspection reports (citing violations and requiring corrective action), notices of violation, orders, and monetary penalties.

2018 Environmental Violations

In 2018 maintenance work received no violations, ferry terminal construction projects generated four violations, and highway construction projects generated two violations. Overall, the total issued violations in 2018 significantly decreased from the 14 violations received in 2017. This downward trend is attributed to WSDOT’s and its contractors’ continued efforts to improve compliance throughout the project development process.

For all six violations received in 2018, the most common were oil releases to water. One incident resulted from leaking hydraulic fluid from a hose fitting, while the other occurred after two work skiffs

sank due to a high wind storm. WSDOT and its contractors prepare and implement Spill Prevention, Control and Countermeasures Plans to minimize the risk of spills, and identify necessary actions after a spill occurs. Both events resulted in an event review that identified approaches to avoid such violations in the future.

Of the six statewide violation notices, regulatory agencies issued three to WSDOT, and three directly to WSDOT's contractors. Violations were issued directly to the contractor when the regulatory agency determined the contractor was solely responsible or was the permit-holder.

WSDOT's violations – Violations issued directly to WSDOT included an unauthorized discharge to water, a turbid water discharge, and a solid or dangerous waste disposal designation.

Contractor's violations – The three violations issued directly to WSDOT's contractors were due to two instances of oil spills to water, and a repeat noise violation.

WSDOT's penalties – WSDOT's violation notices did not result in any monetary penalties.

Contractor's penalties – WSDOT's contractors received two monetary penalties of \$250 and \$500 for oil spills to water on the SR 519 Seattle Terminal Building and North Trestle Replacement project from the United States Coast Guard. Additionally, the City of Seattle issued the SR 520 West Approach Bridge North project's contractor a repeat noise violation totaling \$600.

WSDOT maintains strong practices that improve compliance for our projects. In 2019, we will continue to improve our performance by:

- Sharing lessons learned from 2018 with WSDOT regions and modes.
- Discussing high-risk activities and environmental requirements with the contractor during pre-construction meetings.
- Assessing construction sites to detect and address any potential issues for stormwater, erosion, or hazardous materials.
- Updating our manuals, guidance, contract language, and training to reflect the most up to date information.

Should you have any questions, or need further information, please contact Megan White, Environmental Director, at 360-705-7480, or WhiteM@wsdot.wa.gov.