

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 – The Contractor will remove personal property that is not refuse. Items will 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.

Further WSDOT policy information and guidance is available on the Construction Office Webpage at: www.wsdot.wa.gov/Business/Construction/TechnicalGuidance.htm

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 highway and modal construction sites, and to ensure prompt notification to WSDOT management and regulatory agencies. For purposes of this procedure, non-compliance events are defined as actions that violate environmental permits, agreements, laws, or regulations.

When non-compliance is suspected or known, the Project Engineer (PE) shall initiate the Notification and Resolution process. The Regional/Modal Environmental Manager will serve as a resource to the PE and give priority to addressing the non-compliance event. The PE and Environmental Manager will work together on an appropriate response to avoid or minimize environmental damage.

Notification and Resolution Process

When a non-compliance event is suspected or known, the following steps must be taken:

1. The person who discovers an event must immediately notify the PE.
2. The PE must:

Step A – Immediately notify the Contractor of the situation and suspend all work that is causing non-compliance.

Step B – Immediately contact the Environmental Manager or designee to confirm whether or not it is a non-compliance event. (Note: if event is compliant; stop the notification process and resume work activity). If not compliant, collaborate with the Environmental Manager to determine the regulatory agencies with jurisdiction. Notify all regulatory agencies with jurisdiction.

Step C – Consult with the Environmental Manager regarding response actions taken and any additional remediation actions that may be necessary.

Step D.1 – Highway Projects: Notify the appropriate Assistant Region Administrator or Mega Projects Engineering Manager for Construction and the assigned Headquarters liaison (i.e. Assistant State Construction Engineer). If resolving the non-compliance event requires any design decision, notify the appropriate Assistant State Design Engineer.

Step D.2 – WSF Projects: Notify the Terminal Engineering Construction Engineering Manager and the Terminal Engineering Design Engineering Manager.

Step E – Additional notifications from the PE are necessary when the non-compliance event:

- results in a formal written/verbal enforcement action from a regulatory agency;
- presents risk to public health or the environment; or
- creates a public controversy.

Step E.1 – Region Highway Projects: Notify the Region Administrator and the State Construction Engineer.

Step E.2 – Mega Projects Highway Projects: Notify the Mega Project's Program Administrator.

Step E.3 – WSF Projects: Notify the Terminal Engineering Director.

3. The **Region Administrator, State Construction Engineer, Mega Projects Program Administrator, and/or Terminal Engineering Director** must notify the appropriate agency executives as warranted by the situation.
4. The **Environmental Manager** must:

Step A – Notify the Director of Environmental Services Office (ESO) when the non-compliance event:

- results in a formal written/verbal enforcement action from a regulatory agency;
- presents risk to public health or the environment; or
- creates a public controversy.

Step B - Assist the PE in recognizing the underlying cause that resulted in the non-compliance event, and determining how to prevent a reoccurrence of the event.

Step C - In consultation with the PE, identify and obtain new or modified permits, approvals, or agreements as needed to rectify the non-compliance event.

5. The Director of ESO must notify the ESO Compliance Solutions Branch Manager.

Documentation

1. The PE and the Environmental Manager shall coordinate and prepare the appropriate responses to all regulatory agencies with jurisdiction. The responses shall include documentation about the non-compliance event and how it was recognized and rectified.
2. The Environmental Manager, with assistance from the PE, shall record the details of the non-compliance event in the WSDOT Commitment Tracking System (per RCW 47.85.040), including but not limited to:
 - Project Name and location, plus the name of PE and Contractor.
 - Date of event.
 - Location(s) on the project where the non-compliance event occurred.
 - The type of work and the underlying cause that resulted in the non-compliance event.
 - The environmental, permit, agreement, law, or regulation violated.
 - Description of how the non-compliance event was recognized, rectified, and the lessons learned.
 - Which regulatory agencies and staff were notified, including dates of notification and any tracking numbers provided.
 - Whether or not regulatory agency staff conducted a site review in response to the notification.
3. The ESO shall produce a yearly report of all written notifications or violations to the Washington State Legislature (per RCW 47.85.040).

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.