ENVIRONMENTAL PERFORMANCE PROGRAM
EPP: Proactive Compliance Efforts Across Divisions

Partnership within VDOT

Partnership between VDOT and industry
WHY EPP?
Projects have numerous environmental requirements that are complex and have multiple stakeholders

Water Quality Permits (401 and 404 permits):
- USACE Permits
- VA DEQ VWP Permits
- WP 3
- VMRC VGP-1
- TVA 26a (western part of the state)

Who is the permittee?
- VDOT/ACE permittee for D/B/B
- Contractor permittee for DB

Who oversees performance and compliance?
- Environmental Division
- ECIs

Stormwater Permits (402 permits):
- VPDES Construction General Permit
- VDOT MS4 Individual Permit

Who is the permittee?
- VDOT/State L&D Engineer for D/B/B and DB

Who oversees performance and compliance?
- Location & Design Division
- NPDES Coordinators
GOAL OF EPP

Ensure compliance and provide clarity and consistency amongst ECI and NPDES programs

- They work together to keep an eye on compliance
- They are a resource although they have different areas of focus. They support the project in general compliance problems on construction projects

Elements of Governance Documents: EM-COMP-09-05-2017 and IIM-LD-256

- Project coordination with ECI and NPDES
  - Attendance at Pre-con meetings
  - Coordination during regulatory interactions
- New approach to evaluating performance – categories and classifications
  - Compliant/Non Compliant vs. Consistent/Inconsistent
  - Correctable/Reportable
  - Green, Yellow, Orange and Red
## Categorical Classification

<table>
<thead>
<tr>
<th>Performance Classification</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>- No finding(s) of non-compliance is/are noted during the routine inspection</td>
<td>Green</td>
</tr>
<tr>
<td>- Correctable finding(s) is/are identified but resolved within allowable timeframe and reported to the respective program</td>
<td></td>
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<tr>
<td>- Correctable finding(s) is/are not resolved within allowable timeframe or similar new correctable findings observed</td>
<td>Yellow</td>
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<tr>
<td>- Non-compliance violation of an environmental commitment requiring self-reporting</td>
<td>Orange</td>
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<tr>
<td>- Repeated correctable findings have not been addressed by 3rd inspection</td>
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<tr>
<td>- Notice of Violation or Warning Letter on an environmental commitment has been received*</td>
<td>Red</td>
</tr>
<tr>
<td>- Systemic non-compliance findings have persisted</td>
<td></td>
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<tr>
<td>- Egregious non-compliance finding(s) have been documented</td>
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</tbody>
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Communication Protocol - Overview

- Green → Project Team
- Yellow → District Leadership
- Orange → Central Office Division Leadership
- Red → Executive Leadership
Commitments are additional environmental requirements

Threatened & Endangered Species:
- TOYR Restrictions/Requirements
- Fish/Mussel relocations
- Cofferdam dewatering requirements

Natural Resources:
- Mitigation/Restoration Plans
- Planting specifications
- Protection of Sensitive Areas

Cultural Resources:
- Archeological Sites
- Historic Districts/Battlefields
- Use of specific construction materials

Hazardous Materials:
- Contaminated Soil/Water
- Waste Management (Asbestos and Lead)

Commitment = condition VDOT accepts or offers to meet legal or regulatory requirements for avoidance, minimization or compensation for effects on environmental resources.
Water Quality Permits – Common Requirements and Conditions that are also Commitments

• Pre-construction notification to the regulatory agencies
• Stay within boundaries of permitted activities and impacts
• Countersinking of pipes
• Progress reports and photo documentation when working in jurisdictional areas
• Water quality monitoring for instream work
• Strict erosion and sediment controls
• Time of Year Restrictions
• Environmental Avoidance Areas
• Agency notification when exceeding impacts or discharging sediment to WOTUS

It’s the ECI’s role to make sure the Construction Team has a good understanding of the various permit requirements and conditions!
ECI – Roles and Responsibilities

QA/QC all environmental commitments contained in the contract

Coordination with the NPDES Coordinator
• Coordinate with NPDES Coordinator in advance of pre-con
• Maintain open lines of communication throughout the project

Resource to the Construction Team
• Attend pre-con
• Inspect projects on a routine basis and document findings in CEDAR
• Provide technical assistance
• Identify training needs and provide on-site training if necessary

Areas of focus
• Water Quality Permits and Environmental Special Provisions
• Natural Resources (Streams, Wetlands, Protected Species)
• Hazmat
• Cultural Resources
• Review of ESC measures in jurisdictional areas
NPDES Construction Permit – Requirements/Conditions

Stormwater Pollution Prevention Plan (SWPPP)

- Approved ESC Plan
- Pollution Prevention (P2) Plan
- Stormwater Management Plan
- Inspection Records
- Corrective Action Documentation

Action Oriented

- SWPPP understanding and implementation is the responsibility of the contractor
- Projects are not familiar with SWPPP responsibility including P2

The NPDES Coordinator provides guidance and technical advice on the CGP.
NPDES Construction Permit – Requirements/Conditions

Inspections
• Determine how environmental requirements are being implemented and managed
• Identify needs for maintenance
• Identify needs for SWPPP updates and modifications
• Properly document

Corrective Action
• Perform in a timely manner
• Work with Subject Matter Experts (ECI and NPDES)
• Properly document

Regulatory Coordination
• Work with ECI and NPDES before responding to regulatory inspections
• Work with ECI and NPES to identify when reporting is appropriate
• Agency Reputation (statewide implications)
NPDES Coordinator – Roles and Responsibilities

Resource to the Construction Team

- Coordinate and participate in pre-con with ECI
- Explain how to implement and manage SWPPP
- Inspect projects on a routine basis and document findings. Identify training needs and provide on-site training if necessary

Areas of focus

- Identification of ESC deficiencies and maintenance needs
- Identification of P2 concerns
- Performance of timely corrective action
- Proper documentation (corrective action, SWPPP modifications)
- Project close-out and permit termination
How can we improve?

Set consistent expectations:

• Coordinate inspections among NPDES, ECI, CQIP and other overlapping programs to improve efficiency of the use of staff time and eliminate/reduce redundant reporting.

• Explore methods to improve implementation of BMPs and protection of jurisdictional resources when transitioning between construction phases.

• Investigate standardizing materials and methods for flagging wetlands and other resources to be avoided along project corridor.

• Explore opportunities to debrief after inspections and deliver reports more quickly or on-site

• Consider opportunities to revise Part II technical requirements in DB RFPs to promote consistent expectations
How can we improve?

Coordinate and Collaborate:

• Develop contractual requirement for environmental kick-off and/or pre-construction meeting for select design build and other complex projects.

• Consider the use of an Environmental Compliance Manager as Personnel on select DB projects to provide focus for environmental expectations

• Consider Developing EPP awards program to provide positive recognition to industry top performers