2.8 Environmental

2.8.1 *General*

The Design-Builder shall perform all Work necessary to deliver the Project while protecting and enhancing the environment. At a minimum, elements of the Work shall include the following:

- Avoiding impacts to the community and to the environmental, historic, archaeological, and cultural resources beyond those already approved by the Federal, State, and Local regulatory agencies and tribes. If new impacts are unavoidable, the Design-Builder shall make every effort to minimize the unavoidable impacts. New, unavoidable temporary and permanent impacts shall be mitigated in accordance with all environmental regulations.
- Fostering working relationships with Federal, State, and Local regulatory agencies, tribes, and stakeholders by ensuring that the commitments WSDOT has made are reflected in the Project's final design and are fulfilled during construction. The Design-Builder shall accomplish this by meeting or exceeding all environmental requirements and commitments listed in the Contract, permits, environmental documents, and regulatory agency concurrence letters or documents.
- Complying with all Federal, State, and Local laws, regulations, and ordinances (collectively referred to in this Section as "regulations"), which includes recognizing and rectifying issues to avoid permit violations or notifications from a regulatory agency or tribe.

For the purposes of this Section, the Project consists of two separate projects with different scopes and permit requirements. Please refer to the Permit Crosswalk located in Appendix E for a summary of the location, environmental documentation, and permits associated with each project. The Joint Aquatic Resources Permit Application (JARPA) for each project is in Appendix P along with the respective permits. The JARPAs describe the scope of each project in detail.

1. The I-405, SR 522 Vicinity to SR 527 Express Toll Lanes Improvement Project (SR 522 to SR 527 ETL Project) will be constructed along I-405 between mileposts (MP) 21.79 and 27.06. The SR 522 to SR 527 ETL Project will correct five fish barriers at Par Creek, Stream 25.0L, North Fork Perry Creek, and two barriers at Queensborough Creek. It also includes numerous roadway, structural, drainage, nonmotorized, and transit improvements.
2. The Brickyard BRT Station Project (Brickyard) will be constructed along I-405 between MPs 21.4 and 23.3. Brickyard includes the Juanita Creek fish barrier correction at MP 21.94, widening I-405 to construct a BRT station, building a pedestrian overpass, and stormwater improvements.

2.8.2 *Mandatory Standards*

The following is a list of Mandatory Standards that shall be followed for all design and construction related to this Section as referenced in Section 2.2, *Mandatory Standards*.

If the requirements of a Mandatory Standard, programmatic agreement, or permit issued for the Project conflict, then the provisions within the Project-specific permit shall take precedence.

1. Special Provisions (Appendix B)
2. Standard Specifications M 41-10 (Appendix B)
3. Standard Plans (Appendix D)
4. WSDOT *Environmental Manual* (Appendix D)
5. WSDOT *Hydraulics Manual* (Appendix D)
6. WSDOT *Highway Runoff Manual* M 31-16 (Appendix D)
7. WSDOT *Temporary Erosion and Sediment Control Manual* (Appendix D)
8. WSDOT *Design Manual* M 22-01 (Appendix D)
9. WSDOT *Construction Manual* M 41-01 (Appendix D)
10. WSDOT *Roadside Policy Manual* M3110 (Appendix D)
11. WSDOT *Fish Exclusion Protocols and Standards* (Appendix E)

2.8.2.1 Interagency Agreements and Memoranda

WSDOT has entered into several interagency agreements with Federal, State and Local agencies. The agreements provide guidance and clarification for meeting regulatory requirements. The Design-Builder shall comply with the implementing agreements, memoranda of understanding or agreement, and instructional letters included in Appendix E.

2.8.3 *Personnel Requirements*

2.8.3.1 Environmental Compliance Manager

The Design-Builder shall appoint an Environmental Compliance Manager (ECM) to be responsible for the overall environmental compliance for the Project and shall function as principal technical advisor and coordinator for environmental issues.

The ECM shall be assigned to the Project and be available on-site full-time to provide assistance and oversight through Project Physical Completion, including the submittal of the Environmental Commitment Close Out Report. A commitment of less than full-time may be approved by the WSDOT Engineer based on Project needs. If the Design-Builder replaces the ECM, the Design-Builder shall provide an equally or more qualified replacement, contingent upon approval from the WSDOT Engineer. If during the course of the Contract, the WSDOT Engineer finds that the ECM is not ensuring full environmental compliance with all permits, provisions, policies, and commitments; then the WSDOT Engineer may require replacement of the ECM in accordance with Section 1-05 of the *General Provisions*.

The ECM shall have at least 5 years of experience managing environmental design and construction compliance issues on projects. Within those 5 years, 3 years shall be specific to linear transportation projects with Federal and/or State-level fish passage elements and in-water work within the Pacific Northwest region. The ECM shall have knowledge of the environmental regulations and permits relevant to the Project. The ECM is required to

be a current Certified Erosion and Sediment Control Lead (CESCL), as recognized by the Washington State Department of Ecology (Ecology) or be a Certified Professional in Erosion and Sediment Control (CPESC) before Notice to Proceed (NTP).

The ECM shall also be responsible for the following:

- Integrating with the design team during plan preparation and advising how to avoid and minimize adverse effects to the natural environment and communities through design and construction means and methods
- Reviewing engineering plans to ensure the Project's design accurately reflects environmental commitments, permit requirements, and Contract requirements
- Developing Design-Builder submittals necessary to obtain or modify environmental permits; acting as a lead point of contact for the WSDOT permitting team, to provide schedule details, quantities, and other information as required
- Coordinating with Design-Builder engineers early to ensure they are aware of environmental commitments, and reviewing Plans to ensure they are consistent with environmental commitments and permit requirements
- Ensuring and providing documentation that the Work complies with all environmental commitments agreed to in the environmental documents, permits, agreements, and approvals of the Project, including maintaining and updating the *Environmental Commitments List* (Appendix C)
- Attending environmental coordination meetings with Federal, State, and Local regulatory agencies and tribes, as required for permit compliance, modifications, or additional permit approvals
- Leading Environmental Task Force Meetings, including preparing an agenda, facilitating, taking notes, and distributing them
- Developing and conducting environmental protection training, including site-specific environmental conditions, throughout the life of the Project
- Acting as a liaison to WSDOT, the design team, and the construction personnel (e.g., submitting reports, discussing changes to the Project, communicating compliance issues, and discussing noncompliant events)
- Attending pre-activity meetings
- Maintaining the authority and means to bring the Project into compliance or stop Work if the Project is out of compliance with an environmental regulation, permit condition, or commitment
- Overseeing preparation and implementation of the Temporary Erosion and Sediment Control (TESC) Plan, Spill Prevention, Control, and Countermeasures (SPCC) Plan, and Water Quality Monitoring and Protection Plan (WQMPP) for the SR 522 to SR 527 ETL Project to ensure Best Management Practices (BMPs) are effective and maintained
- Overseeing preparation and implementation of the TESC Plan, SPCC Plan, and water quality monitoring plan for Brickyard to ensure BMPs are effective and maintained
- Ensuring Sensitive Areas beyond those authorized by permit are not impacted as a result of the Work

- Coordinating with WSDOT to comply with archaeological monitoring requirements and protocols for unanticipated discoveries
- Developing or providing direct supervision to personnel assigned to prepare and implement the Plans described in this Section
- Attending field visits by Federal, State, and Local regulatory agencies, tribes, or stakeholders
- Providing internal Quality Assurance (QA) reviews and documentation that the Work complies with all environmental commitments agreed to in the environmental documents, permits, agreements, and approvals for the Project
- Identifying when a noncompliant event is occurring or has occurred and immediately contacting the WSDOT Engineer in accordance with the environmental communications protocol. Prepare Draft Environmental Compliance Assurance Procedure (ECAP) Incident Reports for WSDOT's Review and Comment within 2 Calendar Days of identifying the noncompliance, and Final ECAP Incident Reports in coordination with WSDOT's Environmental Manager within 7 Calendar Days of the incident
- Ensuring the Environmental Compliance Inspector (ECI), or other certified staff, conducts field inspections as needed to ensure that environmental compliance measures and BMPs are meeting environmental requirements and reviewing Daily Environmental Inspection Reports (DEIRs) prepared by the ECI
- Conducting a weekly walk-through before or after the Environmental Task Force Meeting to inspect BMP effectiveness and maintenance. WSDOT shall be invited to attend the walk-through
- Coordinating with the ECI and the Erosion and Sediment Control (ESC) Lead to determine the priority of field Work
- Managing and closing all environmental commitments
- Organizing and implementing monthly environmental commitments meetings

2.8.3.2 Environmental Compliance Inspector

The Design-Builder appointed ECI shall assist and report to the ECM. The ECI shall be responsible for field inspections, identifying and reporting noncompliance events (actions that violate environmental permits, agreements, laws, or regulations) and other environmental duties as designated by the ECM. The ECI shall inspect all environmental related field Work at the direction of the ECM. The ECI shall be physically present on-site full-time through Project Physical Completion. A commitment of less than full-time may be approved by the WSDOT Engineer based on Project needs. The ECI shall have a valid CESCL or CPESC before the start of NTP and shall have a minimum of 4 years of environmental compliance experience or have a bachelor's degree in civil engineering or an environmental related field with environmental compliance and regulatory experience and at least 2 years of fish passage experience in the Puget Sound region.

The ECI shall be responsible for producing DEIRs. A DEIR shall be produced for each day of field Work and shall include at a minimum:

- Three photos of environmental compliance activities (representative of the overall Work being completed that day)

- Documentation of environmental compliance issues identified during this inspection and corrective actions recommended or taken

If Work occurs on a night shift, similar reporting shall be included to describe night Work. All photos shall be date and time stamped. The DEIRs will be reviewed by the ECM and then posted or emailed to a distribution list as determined by the WSDOT Engineer within 3 Calendar Days of each daily inspection. If field Work has occurred during any single 24-hour period, then a DEIR shall be produced for that period of Work. Photos and content of the DEIRs shall be submitted to the WSDOT Engineer for Review and Comment. The frequency of the daily inspections may be reduced with approval from the WSDOT Engineer for Work activities that are determined to have no risk to the environment.

2.8.3.3 Trained Fish Moving Personnel

The Design-Builder shall provide a Directing Biologist, Trained Fish Moving Personnel (TFMP), Assisting Staff, equipment, and materials necessary to assist the Directing Biologist with moving fish from the in-stream Work zone in accordance with the WSDOT Fish Exclusion Protocols and Standards (Appendix E). The equipment and materials shall include, but is not limited to, electro-fishing equipment, block nets, pea gravel bags, t-posts, buckets, dip nets, crowding nets, fish screens for dewatering pumps (if required), and minnow traps. The Design-Builder shall provide two TFMPs per 100 linear feet of dewatered channel. The TFMP shall work under the direction of the Directing Biologist and shall possess all qualifications listed in WSDOT Fish Exclusion Protocols and Standards for the TFMP position.

2.8.4 *Environmental Compliance Plans*

The Design-Builder shall prepare and implement an Interim Environmental Compliance Plan (IECP) and an Environmental Compliance Plan (ECP) that identifies roles and responsibilities of the ECM, ECI, TFMP, and ESC Lead, procedures for environmental compliance, procedures to identify and correct noncompliant events, and procedures for emergency response. WSDOT's goal is to ensure environmental compliance without receiving any noncompliance notifications.

2.8.4.1 Interim Environmental Compliance Plan

To facilitate preliminary field investigation in support of design and early construction (early Work), the WSDOT Engineer will accept an IECP specific to the proposed early Work. The IECP shall include all applicable information for construction in the locations where early Work will occur, including a description of Work to occur. The information provided in the IECP shall be incorporated and modified as necessary into the Draft and Final ECP when submitted to WSDOT in accordance with this Section.

For proposed early Work, the Design-Builder shall submit an IECP to the WSDOT Engineer for Review and Comment 28 Calendar Days prior to the start of ground disturbing activities for early Work. The Design-Builder shall obtain all necessary permits and modifications to existing permits needed to complete the early Work, and work with WSDOT to obtain modifications for permits already obtained by WSDOT. The Design-Builder shall provide notification to regulatory agencies as required by permits applicable to locations where early Work will occur. The IECP shall, at a minimum, include the following plans and documents prior to the start of early Work:

- TESC Plan
- SPCC Plan
- WQMPP (SR 522 to SR 527 ETL Project), if the early Work will occur in-water
- Water quality monitoring plan (Brickyard), if the early Work will occur in-water
- Fugitive Dust Control Plan
- *Plan and Procedures for the Unanticipated Discovery of Cultural Resources and Human Skeletal Remains* (Unanticipated Discovery Plan, Appendix E)
- Archaeological Construction Methodologies Plan
- Additional permits and modifications to existing permits obtained by the Design-Builder, plans, and Reference Documents applicable to early Work and locations

2.8.4.2 Environmental Compliance Plan

The Design-Builder shall provide the WSDOT Engineer with a complete Draft ECP prior to or with the first Preliminary Design Submittal. The ECM shall be responsible for preparing and submitting the Draft ECP to the WSDOT Engineer. WSDOT will Review and Comment within 21 Calendar Days. The Design-Builder shall provide the WSDOT Engineer with the Final ECP 14 Calendar Days prior to the commencement of any construction activities not otherwise identified within the IECP for Review and Comment. The Design-Builder shall resolve all comments before the ECP may be Released for Construction (RFC). The Design-Builder shall stamp and sign the ECP RFC. The ECP shall be consistent with all other requirements of the Quality Management Plan (QMP).

The Draft and Final ECP shall consist of three parts as described in this Section:

- Part I: Environmental Roles, Communications, and Training
- Part II: Environmental Plans and Strategies
- Part III: Environmental Compliance, Monitoring and Reporting

The Final ECP shall be stored in a format easily accessible by WSDOT. The ECP shall be maintained by the ECM at the Design-Builder's construction office or on-site at the Project. The ECP shall be updated throughout the life of the Project to reflect changes resulting from permit modifications, Project design, field conditions, or staffing.

2.8.4.2.1 *Part I: Environmental Roles, Communication, and Training*

2.8.4.2.1.1 Environmental Communications Protocol

As part of the ECP, the ECM shall develop, document, and implement an environmental communications protocol. The environmental communications protocol shall include, at a minimum:

- Organizational charts that identify the Design-Builder's ECM and other personnel who will be assisting the ECM to ensure compliance during design and construction with all permit conditions, performance standards, and environmental commitments.

- A narrative and flow chart depicting the process and strategies to be used for noncompliance reporting including a list and contact information of WSDOT, Design-Builder, tribal, and regulatory agency personnel that would be contacted in the event of a spill, inadvertent discovery, or noncompliance event. An example Construction ECAP Process Map flow chart is included in Appendix E.
- Roles and communication procedures that shall be used for internal and external communications, and communications with WSDOT.

The Design-Builder shall ensure the environmental communications protocol is consistent with WSDOT's ECAP (Design ECAP located in Section 225.05(1) of the WSDOT *Design Manual* and Construction ECAP located in Section 1-07.5 of the WSDOT *Construction Manual* [Appendix D]). The environmental communications protocol shall also be consistent with the Project Communications Plan required in Section 2.9, *Communications*.

2.8.4.2.1.2 Environmental Meetings

2.8.4.2.1.2.1 *Kick-Off Meeting*

The Design-Builder shall include environmental topics on the agenda for the Project kick-off meeting (refer to Section 2.1, *General Information*). During the kick-off meeting the Design-Builder shall introduce environmental personnel, discuss the status of environmental submittals, including the environmental training program, to demonstrate how the environmental Contract requirements are being fulfilled.

2.8.4.2.1.2.2 *Environmental Preconstruction Meeting*

The Design-Builder shall organize and lead an environmental preconstruction meeting with WSDOT and any necessary regulatory agencies 30 Calendar Days prior to the start of construction activities. During the environmental preconstruction meeting, the Design-Builder shall discuss the ECP, including its environmental training program, to demonstrate how the Design-Builder shall meet permit conditions and fulfill environmental commitments. The Design-Builder shall discuss its construction schedule and identify the early construction elements.

2.8.4.2.1.2.3 *Environmental Task Force Meetings*

The Design-Builder's ECM shall organize and implement weekly Environmental Task Force Meetings during design and construction to ensure that the Project design meets the Project environmental commitments, and to identify which construction elements such as locations, Work activities, detours, weather conditions, and times of day present the greatest risk to the environment and surrounding communities. The requirement to meet weekly may be waived by the WSDOT Engineer upon the request of the Design-Builder based upon Project needs and risk. At the Environmental Task Force Meetings, the ECM shall discuss, and review noncompliance events and challenges and lessons learned to avoid and minimize future risk. WSDOT shall be invited to attend these meetings. The ECM shall use the *Environmental Commitments List* (Appendix C) and the construction schedules to identify environmental Contract requirements pertaining to upcoming Work activities.

2.8.4.2.1.2.4 *Environmental Commitments Review Meetings*

The Design-Builder's ECM shall organize and implement monthly environmental commitment review meetings with WSDOT during design and construction to ensure that the Project meets all Project environmental commitments included in the *Environmental Commitments List* (Appendix C). The ECM shall review environmental commitments at each meeting and work with WSDOT staff to close out commitments as they are met throughout the life of the contract.

2.8.4.2.1.3 Environmental Protection Training

The Design-Builder's ECM shall develop and implement an environmental protection training program for the Design-Builder's design and construction staff, QA personnel, Subcontractors, and vendors. The Design-Builder shall be responsible for all Work, including Subcontracted and supplied Work, and associated personnel should their Work practices lead to a negative effect on the environment or result in a noncompliant event or noncompliance notifications. Therefore, the Design-Builder's training program shall orient employees, Subcontractors, and all other parties brought onto the Project to complete Work in support of the Project to the following elements prior to the start of Work:

- Permit conditions, performance standards, environmental Contract requirements, and environmental regulations related to the Project
- The overall importance of environmental issues
- The specific environmental sensitivities of the Project
- Keeping high pH and turbid water from reaching storm drains and surface water
- Recognizing High Visibility Fencing (HVF), High Visibility Silt Fence (HVSF), other BMPs, and their purpose
- Erosion and sediment control policies and procedures, applicable Standard Specifications, WSDOT *Temporary Erosion Control and Sediment Control Manual*, and certification(s)
- Proper handling, storage and disposal of concrete and waste products
- Environmental compliance monitoring and reporting procedures; this shall include WSDOT's Design and Construction ECAP
- Requirements of the noise variance(s) or exemption(s)
- Spill prevention, spill containment, location of SPCC Plan, and location of spill response kits
- Management of known or suspected Hazardous Materials
- Plan and procedures for management of unanticipated historic or archaeological discoveries
- Archaeological monitoring at archaeological probability areas
- Emergency response procedures
- Lines of communication if an issue of non-compliance is recognized
- The timing of the in-water Work window
- Plans and protocols for in-water Work and fish handling
- Protocols for encountering unsheltered people and encampments within the WSDOT Right of Way (ROW)
- Air quality and fugitive dust control plan

- Plans and protocols for the protection and management of birds

The Design-Builder's ECM shall submit the environmental protection training curriculum to the WSDOT Engineer for Review and Comment 14 Calendar Days prior to the first training. In addition, the Design-Builder shall notify the WSDOT Engineer of environmental training sessions and invite WSDOT to participate.

The Design-Builder shall ensure staff are trained to sample stormwater in compliance with the National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit (CSWGP) and surface water to comply with the State water quality standards contained in Washington Administrative Code (WAC) 173-201A, Project-specific permit conditions, performance standards, and environmental commitments. This training shall include a field visit with WSDOT environmental staff prior to construction to discuss Sensitive Areas, establish sample locations, and to review monitoring and reporting procedures.

2.8.4.2.2 *Part II: Environmental Plans and Strategies*

Environmental plans and strategies shall be submitted as part of the Draft ECP and included as part of the Final ECP submittal, unless otherwise noted in this Section.

2.8.4.2.2.1 Temporary Erosion and Sediment Control Plan

The Design-Builder shall prepare and implement a TESC Plan that describes measures to prevent and minimize erosion and the discharge of pollutants during construction activities. The Design-Builder shall identify a certified ESC Lead with at least 1 to 3 years of experience who shall develop, implement, inspect, and update the TESC Plan.

The ESC Lead shall complete a CESCL certification course offered by an Ecology-approved CESCL training program before NTP or shall be current as a CPESC. A listing of CESCL certification courses can be found on the Ecology website (https://ecology.wa.gov) under Permits & Certifications.

The TESC Plan (narrative and plan sheets) shall be prepared and implemented in accordance with the WSDOT *Temporary Erosion and Sediment Control Manual* and Division 8 of the Standard Specifications. The WSDOT *Temporary Erosion and Sediment Control Manual* and additional guidance are available online at the WSDOT Stormwater & water quality website: https://wsdot.wa.gov/engineering-standards/environmental-guidance/stormwater-water-quality.

The TESC Plan shall address how off-site stormwater shall be intercepted and piped through or around the Project Site and address onsite erosion and sediment risks and provide contingencies for how to minimize and reduce site-specific risks. The Design-Builder's TESC Plan shall accommodate all Project-specific permit conditions, performance standards, and environmental commitments.

The Design-Builder shall submit a TESC Plan that addresses early Work elements as a part of the Preliminary Design Submittal. Updated TESC Plans, including narrative and plan sheets, shall be submitted as part of the Final Design Submittal described in Section 2.28, *Quality Management Plan*. Construction shall not proceed on any element of Work until the relevant TESC Plans, including narratives, are stamped "Released for Construction" as described in Section 2.28, *Quality Management Plan*.

The TESC Plan design shall be prepared under the direction of a Professional Engineer and shall carry the Professional Engineer's stamp. See Section 2.14, *Stormwater*, for

additional TESC requirements and Section 2.22, *Maintenance of Traffic,* for temporary drainage facility plan requirements.

2.8.4.2.2.1.1 *High Visibility Construction Fencing Requirements*

The Design-Builder shall install and maintain the HVF and HVSF and ensure protection of all Sensitive Areas in accordance with Sections 8-01.3(9)A, 9-14.6(8), and 9-14.6(9) of the Standard Specifications. When construction activities occur prior to acquisition of permits for Project impacts to Sensitive Areas, those Sensitive Areas shall be protected as described in this Section until permits for those impacts are obtained. If the Project will be constructed in stages, the HVF and HVSF and other markings described below shall be completely installed before construction on that stage begins.

The Design-Builder shall conduct an independent verification prior to the installation of HVF and HVSF to confirm that all Sensitive Areas have been identified. The Design-Builder shall submit a Sensitive Area verification confirmation letter to WSDOT stating its concurrence with the previously identified Sensitive Areas. If the Design-Builder disagrees with WSDOT's findings, the letter shall identify the location of all new Sensitive Areas and all existing Sensitive Areas in question.

The Design-Builder shall install HVF and HVSF as shown in the RFC Documents around all Sensitive Areas that are not permitted for temporary or permanent impacts.

Within the Project limits (including staging areas, borrow sources, and other sites developed or used to support the construction of the Project), all Sensitive Areas, including other protected waters, and their buffers that are not permitted for impact shall be fenced with HVF or HVSF prior to commencing construction activities, including geotechnical borings, equipment staging, materials storage, and parking of workers' vehicles.

No other Work shall be performed by the Design-Builder until the WSDOT Engineer has had an opportunity to verify the installation of the HVF and HVSF. Installation of the HVF/HVSF is identified as a Hold Point in accordance with Section 2.28, *Quality Management Plan*. Throughout the life of the Project, the Design-Builder shall preserve and protect the Sensitive Area. If HVF or HVSF has been damaged or removed, the Design-Builder shall act immediately to repair or restore the sensitive area.

WSDOT maintenance activities that do not disturb the ground may occur behind the HVF and HVSF.

2.8.4.2.2.1.2 *Best Management Practices*

The Design-Builder shall select, install, inspect, maintain, and remove all erosion and sediment control BMPs in accordance with the requirements described in Sections 8-01 and 9-14 of the Standard Specifications, the WSDOT *Temporary Erosion Control and Sediment Control Manual*, and the *Environmental Commitments List* (Appendix C). The Design-Builder shall only use BMPs that are listed in the WSDOT *Temporary Erosion Control and Sediment Control Manual* (Appendix D), or Ecology's Stormwater Management Manual(s) for Western Washington. BMPs not listed in the manuals must be approved by Ecology. Additionally, if the Design-Builder plans to use chemical treatment, they shall submit Form ECY 070-258, *Request for Chemical Treatment* to Ecology prior to use.

2.8.4.2.2.2 Spill Prevention, Control, and Countermeasures Plan

The Design-Builder shall prepare a Project-specific SPCC Plan that will be used for the duration of the Project. The SPCC Plan shall contain all necessary information for managing accidental Hazardous Material spills and it shall be in accordance with the *SPCC Plan Requirements for Design-Build Projects*. It shall include all information required in the current version of the WSDOT *Spill Prevention, Control and Countermeasures Plan Template* (Appendix E).

The Design-Builder shall submit the SPCC Plan to the WSDOT Engineer as part of the ECP in accordance with the requirements described in this Section. No on-site construction activities, including placing materials or equipment in staging or storage areas, may commence until WSDOT has had the opportunity to Review and Comment on the SPCC Plan for the Project.

The Design-Builder shall implement the SPCC Plan and modify the plan as Work progresses, changes, or methods are modified. The SPCC Plan is a living document and must be modified as conditions change or operations change.

If any spills occur within the City of Kirkland's drainage system, the Design-Builder shall also call the City of Kirkland at (425) 587-3900 to report the spill.

2.8.4.2.2.3 Water Quality Monitoring

Based on the differing permit requirements for the SR 522 to SR 527 ETL Project and Brickyard, the Design-Builder shall be responsible for water quality monitoring consistent per two separate plans, as described below.

2.8.4.2.2.3.1 *Monitoring Plan for In-Water Work for SR 522 to SR 527 ETL Project*

As part of the Section 401 Individual Water Quality Certification application process, WSDOT prepared a Draft WQMPP in coordination with Ecology. The Design-Builder shall update the Draft WQMPP (included with the Ecology Section 401 Water Quality Certification - SR 522 to SR 527 ETL Project [Appendix P]) provided by WSDOT and incorporate Project-specific details.

The Design-Builder shall update the Draft WQMPP and submit it to the WSDOT Engineer for Review and Comment 45 Calendar Days prior to beginning in-water work so WSDOT can work with Ecology to get the required approval. The updated Draft WQMPP is due to Ecology 30 Calendar Days prior to in-water work. The WSDOT Engineer may grant the Design-Builder permission to coordinate directly with Ecology in preparing the Draft WQMPP submittal. The WQMPP shall address all of the requirements identified within the Ecology Section 401 Water Quality Certification – SR 522 to SR 527 ETL Project (Appendix P) issued to WSDOT. The Design-Builder will perform all water quality sampling in accordance with the approved Draft WQMPP.

All costs, delays, or both, that result from not having an Ecology-approved WQMPP shall be the Design-Builder’s responsibility, in accordance with Section 1-04 of the *General Provisions*. The Design-Builder shall be responsible for updating the WQMPP in accordance with the requirements of the Ecology Section 401 Water Quality Certification - SR 522 to SR 527 ETL Project (Appendix P). If monitoring shows the activity is out of compliance, the Design-Builder shall immediately stop the in-water Work that is causing noncompliance with the water quality standard and notify the WSDOT Engineer. The

Design-Builder shall provide the sampling results to WSDOT on a weekly basis during in-water construction.

2.8.4.2.2.3.2 *Monitoring Plan for In-Water Work for Brickyard*

The Design-Builder shall prepare a water quality monitoring plan and submit it to the WSDOT Engineer for Review and Comment as part of the Design-Builder's ECP. The water quality monitoring plan shall identify how the Design-Builder will comply with State water quality standards contained in WAC 173-201A and authorized by Title 33 U.S.C. Section 1313 and by Revised Code of Washington (RCW) 90.48. WSDOT has additional resources developed in collaboration with Ecology for preparing a water quality monitoring plan and sampling water quality, which is available online at the WSDOT Stormwater & water quality website (Final design tab): https://wsdot.wa.gov/engineering-standards/environmental-guidance/stormwater-water-quality..

At a minimum, the Design-Builder's water quality monitoring plan shall include the following:

- Description and location of in-water Work activities
- BMPs and procedures used to protect water quality during Work occurring in waters of the State
- Applicable water quality standards and parameters
- Sampling locations, equipment, and monitoring frequency
- Name(s) and phone number(s) of the person(s) responsible for on-site monitoring and reporting
- Documentation and reporting protocols
- Map showing sampling locations
- Monitoring form for recording sample results in the field, which can be found in WSDOT *2018 Monitoring Guidance for In-Water Work.*

The Design-Builder will perform all water quality sampling in accordance with the approved water quality monitoring plan. If monitoring shows the Work is out of compliance, the Design-Builder shall immediately stop the in-water Work causing noncompliance with the water quality standard and notify the WSDOT Engineer. The Design-Builder shall provide the sampling results to WSDOT on a weekly basis during in-water construction. The Design-Builder shall update the water quality monitoring plan during construction of the Project to address changes required to meet water quality standards. The Design-Builder shall submit updates to the water quality monitoring plan to the WSDOT Engineer.

2.8.4.2.2.3.3 *National Pollutant Discharge Elimination System Construction Stormwater General Permit Sampling*

The Design-Builder shall be responsible for complying with requirements listed in the Ecology Section 402 National Pollutant Discharge Elimination System Construction Stormwater General Permit (CSWGP) and Administrative Order (AO) - SR 522 to SR 527 ETL Project (Appendix P), including all discharge sampling and reporting requirements to comply with the Special Conditions S4 Monitoring Requirements,

Benchmarks, and Reporting Triggers, and S5 Reporting and Recordkeeping Requirements.

2.8.4.2.2.4 Soil and Groundwater Management Plan

The Design-Builder shall prepare a Soil and Groundwater Management Plan to address known and unknown contaminated soil or groundwater, or both, that may be encountered. The Plan should include protocols for managing, handling, and disposing of contaminated soil or groundwater, or both, in accordance with applicable regulations. Further, the Plan should establish specific handling and disposal procedures to effectively manage any contaminated soil or (ground) water, or both, encountered during excavation and dewatering operations. The Plan should include field screening methods; notification requirements; soil stockpile or groundwater management, or both; and sampling, analyzing, and disposal requirements.

2.8.4.2.2.5 Concrete-related Collection, Containment, and Disposal Plan

The Design-Builder shall submit a Concrete-related Collection, Containment, and Disposal Plan to WSDOT for Review and Comment prior to beginning any Work, including Work that could generate water that exceeds the pH parameters identified within the permits obtained for the Project. The Concrete-related Collection, Containment, and Disposal Plan shall be prepared in accordance with the *Standard Specifications* and the *General Provisions*.

2.8.4.2.2.6 Temporary Stream Diversion Plan

The Design-Builder shall prepare a Temporary Stream Diversion Plan in accordance with the Temporary Stream Diversion Specifications (Appendix B). The Design-Builder shall submit a Temporary Stream Diversion Plan to the WSDOT Engineer for Review and Comment 30 Calendar Days prior to any temporary stream diversion Work and fish exclusion. This Work shall include designing, installing, operating, maintaining, removing, and disposing of the temporary stream diversion, in compliance with Contract requirements. The Design-Builder shall note that the Hydraulic Project Approval (HPA) (Appendix P) requires a WDFW biologist or their designee to inspect and approve the new channel prior to wetting the new channel. Plans to remove fish or allow for fish movement through this area must be consistent with the WSDOT *Fish Exclusion Protocols and Standards* (Appendix E). Dewatering the isolated in-water Work area shall occur at a rate slow enough to allow the Directing Biologist to safely capture and relocate all fish species and other aquatic organisms to avoid stranding, and be consistent with the Fish and Aquatic Species Exclusion Plan. The Design-Builder shall notify WSDOT Engineer and WDFW a minimum of 7 Calendar Days prior to removal of the temporary stream diversion and rewatering of the channel.

2.8.4.2.2.7 Fish and Aquatic Species Exclusion Plan

The Design-Builder shall prepare a Fish and Aquatic Species Exclusion Plan in accordance with the WSDOT *Fish Exclusion Protocols and Standards* (Appendix E) and include a description of the staging and sequence for Work area isolation, fish capture and removal, and dewatering. The Plan shall also describe required notifications to WSDOT, Federal, State, and Local regulatory agencies and tribes prior to fish and aquatic species exclusion and moving activity, and in accordance with the *Environmental*

Commitments List (Appendix C). The Plan shall consider the size and channel characteristics of the area to be isolated, the method(s) of dewatering, what sequence of activities will provide the best conditions for safe capture and removal of fish, and the approved in-water work window in accordance with the WDFW HPA - SR 522 to SR 527 ETL Project and the WDFW HPA - Brickyard (Appendix P). Fish capture and removal shall be documented and reported to the appropriate authorities, per the guidance in WSDOT *Fish Exclusion Protocols and Standards* (Appendix E).

2.8.4.2.2.8 Bird Protection Plan

The Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (Eagle Act) together prohibit harm to most bird species. To prevent Work-related schedule delays caused by the presence of actively nesting birds, the Design-Builder shall prepare and implement a Project-specific Bird Protection Plan.

At a minimum, the Design-Builder shall:

- Prepare a Project-specific Bird Protection Plan to be used for the Project in accordance with the WSDOT Special Provision 1-07.5(6)OPT1(R).FR1 provided in Appendix B.
- In accordance with the Project-specific Bird Protection Plan, take precautions to prevent birds from nesting on bridges or other Structures that would be demolished, modified, or disturbed by Project construction.
- Provide training that includes an overview of the MBTA and the Eagle Act, how to identify nesting activity, and what to do if a nest is discovered (per the Project-specific Bird Protection Plan).
- Maintain a copy of the Project-specific Bird Protection Plan at the Work Site, including any necessary updates as the Work progresses.

2.8.4.2.2.9 Invasive Species Monitoring and Control Plan

The Design-Builder shall be responsible for creating an Invasive Species Monitoring and Control Plan, per Section 2.15, *Roadside Restoration*. The Plan shall require maintenance action and control of all legally designated noxious weed species in accordance with WAC 16-750 and RCW 17.10, including Class A and B weeds listed in King and/or Snohomish counties. The Plan shall include chemical and manual weed control in accordance with the WSDOT Standard Specifications, using pesticides approved for aquatic use, or physical removal, or other method approved by the regulatory agencies with jurisdiction. To prevent the spread of invasive species in accordance with RCW 77.135 and RCW 77.15.811, the Design-Builder shall follow the procedures in the WDFW *Invasive Species Management Protocols* (Appendix E) and shall comply with all applicable Project permits, per Section 2.15, *Roadside Restoration*, for Work within streams.

2.8.4.2.2.10 Air Quality and Fugitive Dust Control Plan

The Design-Builder shall comply with all rules of local air pollution authorities. If there are none, air quality rules of Ecology govern the Work. Fugitive dust shall be controlled by the Design-Builder in accordance with the WSDOT *Environmental Manual*, the *Memorandum of Agreement – Fugitive Dust* between WSDOT and Puget Sound Clean Air Agency (Appendix E), and the *Environmental Commitments List* (Appendix C). According to the Puget Sound Clean Air Agency, fugitive dust is defined as a particulate

emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

The Fugitive Dust Control Plan shall include, but not be limited to, the following:

- Evaluation of the RFC documents for the Project to identify possible fugitive dust-producing activities
- Procedures for observing and reporting potential fugitive dust problems during the course of the Work
- Language ensuring implementation of BMPs in accordance with the Contract

2.8.4.2.2.11 Unanticipated Discovery Plan

No known historic archaeological or cultural sites have been identified within the Work area as described in the Cultural Resources Survey and Addendum - SR 522 to SR 527 ETL Project (Appendix E) and the Cultural Resources Discipline Report - Brickyard (Appendix E). Archaeological probability areas have been identified in the SR 522 to SR 527 ETL Project area and are recommended for cultural resources monitoring during ground-disturbing activities, per the Archaeological Construction Methodologies Plan described in this Section. WSDOT has prepared an *Unanticipated Discovery Plan* (Appendix E) pursuant to Section 106 of the National Historic Preservation Act and the Statewide Section 106 Programmatic Agreement. The *Unanticipated Discovery Plan* (Appendix E) shall be adopted by the Design-Builder and incorporated as part of the Design-Builder's ECP.

2.8.4.2.2.12 Archaeological Construction Methodologies Plan

The Design-Builder shall prepare an Archaeological Construction Methodologies Plan for work within identified archaeological probability areas as described in the Cultural Resources Survey and Addendum - SR 522 to SR 527 ETL Project (Appendix E), as described in this Section. This Plan shall be submitted to WSDOT for Review and Comment with the ECP in order to plan for Work within identified probability areas.

The Archaeological Construction Methodologies Plan shall set forth the following information in the following order:

1. Responsible Personnel – identify the name(s), title(s), and contact information for the personnel responsible for implementing and updating the Plan.
2. Ground Disturbance Notification – describe each of the following:
   a. Method of notification prior to each activity
   b. Schedule for advance notification
   c. List of regularly occurring coordination efforts or meetings
   d. Corrective actions should notification fail to occur
3. Archaeological Sensitivity Training – describe how and when all personnel shall be trained in archaeological monitoring commitments and response to Unanticipated Discoveries in accordance with the Unanticipated Discovery Plan (Appendix E). Provide documentation for training and staff trained.

2.8.4.2.3 *Part III: Environmental Compliance, Monitoring and Reporting*

As part of the ECP, the Design-Builder's ECM shall develop and implement a strategy for ensuring compliance with all environmental commitments and requirements during Project Work. The environmental compliance strategy shall include the strategy for reporting on environmental compliance and noncompliance to WSDOT, Design-Builder, tribal, and regulatory agency personnel. The strategy shall include, at a minimum, the components described below.

2.8.4.2.3.1 Environmental Commitments List

WSDOT made commitments in the National/State Environmental Policy Act (NEPA/SEPA) environmental documents, permits, National Historic Preservation Act (Section 106), and Endangered Species Act (ESA) documents, which contain a number of specific design and construction criteria.

The *Environmental Commitments List* (Appendix C) reflects the environmental commitments known to WSDOT at the time the Request for Proposal (RFP) is issued. These commitments have been tailored to better define compliance roles and responsibilities for the Project.

The Design-Builder shall review all permits, the NEPA/SEPA documentation, and all other pertinent documents to ensure all commitments are captured.

2.8.4.2.3.2 Commitment Tracking

The Design-Builder shall track, add, modify, maintain, and close out commitments in the *Environmental Commitments List* (Appendix C).

The Design-Builder shall:

- Track and maintain the *Environmental Commitments List* (Appendix C) during the Project and ensure fulfillment through various phases of the Project.
- Add new commitments; modify the *Environmental Commitment List* (Appendix C), or both, throughout the life of the Project to reflect permit modifications or additional approvals obtained by WSDOT or the Design-Builder.
- Track noncompliance events, including any Notice of Violation, Notice of Penalty, or Written warnings received.
- Implement and report on the fulfillment of these commitments

The commitments included in the *Environmental Commitments List* (Appendix C) and each new or modified commitment shall be incorporated into the Design Submittals and the RFC Documents for this Project.

2.8.4.2.3.3 Environmental Compliance Assurance Procedure

The ECP shall include a strategy for identifying when a noncompliant event is occurring or has occurred and implementing the ECAP, including immediately contacting the WSDOT Engineer. The ECAP strategy shall include the following:

- Reviewing ECAP in the Environmental Protection Training so all personnel are familiar with the process for recognizing and responding to a known or potential noncompliance event;
- The ECAP and the steps for implementing each step of the procedure;

- Preparing Draft ECAP Incident Reports, using the ECAP Report Template (Appendix E), for WSDOT's Review and Comment, within 2 Calendar Days of identifying the noncompliance;
- Finalizing ECAP Incident Reports in coordination with WSDOT's Environmental Manager within 7 Calendar Days of the incident; and
- Entering the Final ECAP Incident Reports within 7 Calendar Days of the incident.

2.8.4.2.3.4 Post-Construction Monitoring

Within 7 Calendar Days of Substantial Completion, the ECM shall conduct final monitoring inspections to assess and document compliance with permitting requirements and other environmental commitments in the *Environmental Commitments List* (Appendix C). Inspections shall address the successes, failures, and remedial actions for Site restoration and compensatory mitigation sites.

2.8.4.2.3.5 Environmental Commitment Close Out Report

The Design-Builder's ECM shall prepare an Environmental Commitment Close Out Report to summarize overall compliance with permit conditions, performance standards, and environmental commitments. At a minimum, the Design-Builder's Environmental Commitment Close Out Report shall include the following:

- Fulfillment descriptions completed for all permit conditions, performance standards, and environmental commitments
- The fulfillment description, which shall be detailed and specific enough to clearly describe and document how each individual commitment was met (e.g., by specific action, plan submittal, activity completion, design, construction, operational milestone completion). The description shall include a date to indicate when each commitment was fulfilled.
- Long-term commitments that WSDOT will be required to manage following close out, for example future requirements for maintaining permanent BMPs (such as cleaning detention ponds)
- Other commitments the Design-Builder was unable to fulfill, and why.
- Significant compliance deficiencies, including all ECAP reports and notices of violation and penalties, that may have occurred during the duration of the Project and the corrective actions taken

The Design-Builder shall submit the Environmental Commitment Close Out Report to the WSDOT Engineer for Review and Comment at least 14 Calendar Days prior to Physical Completion. Submittal of the Environmental Commitment Close Out Report, and resolution of all comments, is a prerequisite to achieving Physical Completion. The preparation of the Environmental Commitment Close-Out Report shall be consistent with all other requirements of the Design-Builder's QMP. The Design-Builder may submit the Environmental Commitment Close Out Report in stages as discrete elements of Work are completed (e.g., at completion of wetland and stream mitigation sites).

2.8.5 *Environmental Documentation*

2.8.5.1 National Environmental Policy Act and State Environmental Policy Act Documentation

The following NEPA/SEPA documentation items have been prepared by WSDOT to address the scope, impacts, and mitigation for the Project:

- I-405 Corridor Program NEPA/SEPA Final Environmental Impact Statement and Final Preliminary Section 4(f) Evaluation (Appendix E)
- I-405 Corridor Program Addendum & Errata to the Final Environmental Impact Statement (Appendix E)
- I-405 Corridor Program Record of Decision (Appendix E)
- Environmental Assessment and Finding of No Significant Impact - SR 522 to SR 527 ETL Project (Appendix E)
- State Environmental Policy Act Determination of Non-Significance - SR 522 to SR 527 ETL Project (Appendix E)
- NEPA Categorical Exclusion Documentation – Brickyard (Appendix E)

The Design-Builder shall not design or construct the Project in such a way that causes impacts to the environment or surrounding communities beyond those identified in the environmental documentation and authorized by permit. If the Design-Builder designs or constructs the Project in such a way that causes different impacts to the environment or surrounding communities, additional NEPA/SEPA documentation may be required. If required, the Design-Builder shall be responsible for providing any additional information necessary to support WSDOT's NEPA/SEPA analysis. In addition, the Design-Builder shall pay all costs and accept all responsibility for any schedule delays associated with additional environmental analysis so that WSDOT can update or secure the additional environmental approvals.

The environmental review process shall follow the WSDOT *Environmental Manual* and 23 CFR 636.109 and 23 CFR 771. WSDOT will coordinate with all applicable Federal, State, and Local regulatory agencies, tribes, and stakeholders as part of any environmental documentation process. Final determination regarding the necessity of additional environmental documentation shall be made by WSDOT and the Federal Highway Administration (FHWA).

All environmental documentation shall be subject to Written approval by WSDOT and FHWA.

2.8.5.2 Permits and Approvals

The following Section describes the permits and approvals WSDOT has obtained or will obtain and permits the Design-Builder is responsible for obtaining. The principal environmental documents for the Project are incorporated into this RFP as Appendices C, E, and P.

2.8.5.2.1 *Permit Acquisition*

WSDOT has obtained or will obtain the following permits and approvals. The applicable terms and conditions of these permits and approvals are also included in the *Environmental Commitments List* (Appendix C).

- SR 522 to SR 527 ETL Project (see Appendix E and Appendix P):
  - Section 404 Individual Permit, U.S. Army Corps of Engineers
  - Section 10 Individual Permit, U.S. Army Corps of Engineers
  - Section 408 Permission, U.S. Army Corps of Engineers
  - Section 9 Bridge Permit, U.S. Coast Guard
  - Section 401 Water Quality Certification, Ecology
  - Section 402 National Pollutant Discharge Elimination System Construction Stormwater General Permit (CSWGP) and Administrative Order (AO), Ecology
  - HPA, Washington Department of Fish and Wildlife (WDFW)
  - Endangered Species Act (ESA) Biological Opinion, National Oceanic and Atmospheric Administration (NOAA) Fisheries
  - ESA Letter of Concurrence, USFWS
  - Shoreline Substantial Development Permit, City of Bothell
  - Shoreline Conditional Use Permit, City of Bothell
  - Shoreline Variance, City of Bothell
- Brickyard (see Appendix E and Appendix P):
  - Section 404 Nationwide Permit (NWP) 14, U.S. Army Corps of Engineers
  - Section 401 (certified under NWP 14), Ecology
  - HPA, WDFW
  - ESA Letter of Concurrence, NOAA Fisheries
  - ESA Letter of Concurrence, USFWS

The Design-Builder shall acquire the following permits and approvals (if necessary) and comply with all associated environmental requirements. The Design-Builder shall be responsible for updating the *Environmental Commitments List* (Appendix C) with environmental commitments included in all Design-Builder obtained permits and approvals.

- Notice of Intent for demolition activities, Puget Sound Clean Air Agency
- Notice of Intent for geotechnical borings, Ecology
- Notice of Intent for installing, modifying, or removing piezometers, Ecology
- Notice of Intent for installing, modifying, or decommissioning wells, Ecology
- Request for Chemical Treatment Form, Ecology
- Underground Injection Control Registration, Ecology
- Administrative Order for Chemical Treatment, Ecology
- National Pollutant Discharge Elimination System Construction Stormwater General Permit (Brickyard only)
- Demolition Permits, City of Bothell and City of Kirkland
- Building Permits, City of Bothell and City of Kirkland
- Noise Variances, City of Bothell and City of Kirkland
- Any other permits or approvals, as required.

The Design-Builder shall be aware that the process to obtain permits, approvals and exemptions can be lengthy, and shall submit the applications as soon as practicable. WSDOT will be available as a resource if the Design-Builder requests assistance during the permitting and approval process.

2.8.5.2.2 *Permit Compliance, Modifications, and Additional Approvals*

The Design-Builder shall follow the requirements of all permits, approvals and commitments referenced in this Section, Appendices C, E and P, and any other permits that are obtained for the Project. The Design-Builder shall provide the WSDOT Engineer with notice of its intent to propose an alternative construction method or a design change that is inconsistent with a particular permit, environmental requirement, or commitment, in accordance with the process outlined in the Design-Builder's Quality Management Plan.

All costs, delays, or both that result from the discovery of a previously unknown sensitive resource (i.e., streams, wetlands, other protected waters, and archaeological resources) due to any Alternative Technical Concept (ATC), alternative construction method, or design change shall be the Design-Builder's responsibility, in accordance with Section 1-04 of the *General Provisions*. To secure permit modifications or additional permits or approvals:

- The Design-Builder's ECM shall, upon request, attend environmental coordination meetings between WSDOT, Federal, State and Local regulatory agencies, tribes, and other entities that may have an approval role.
- The Design-Builder shall work with WSDOT to identify changes to the methods and means previously described as part of the original environmental documents and permit applications. WSDOT will bring final detailed proposals provided by the Design-Builder to the Federal, State and Local regulatory agencies for document updates, permit applications and modifications, and ESA consultation or Section 106 consultation updates or re-initiations, as required.
- The Design-Builder shall be responsible for preparing any additional environmental documentation needed to secure the additional environmental approvals required for implementation of the Design-Builder's Proposal.

The Design-Builder is advised that there are Sensitive Areas throughout the Project limits that shall not be disturbed by construction activity unless specifically authorized by permits or environmental approvals.

The Design-Builder is advised that there may be previously unidentified cultural resources existing within the Project limits. If the design changes from the Conceptual Plans, the Design-Builder shall provide the WSDOT Engineer 14 Calendar Days to Review and Comment on the revised Plans. After reviewing the Plans, WSDOT may require additional cultural resource investigations. All risk for schedule delay shall be borne by the Design-Builder. The need for and the delay time associated with cultural resources investigations goes up considerably with Work that is in close proximity to streams, and within undisturbed native soils, including, but not limited to, alluvial deposits within floodplains.

2.8.5.3 Impact Area Line

The Impact Area Line was established to limit access to the area needed to construct each element of the Project. The portions of the Impact Area Line that cut through Sensitive Areas are elements of the Basic Configuration.

Unless otherwise indicated in the Contract, Work within Sensitive Areas shall not occur outside of the Impact Area Line except for ROW fence repair, landscaping, and noxious weed control in compliance with RCW 17.10.140. The Design-Builder shall also preserve and protect existing native plant communities and existing forested areas outside of the Impact Area Line and clearing and grubbing areas consistent with the Vegetation Protection Plan (see Section 2.15, *Roadside Restoration*).

All impacts, including impacts associated with Intelligent Transportation System (ITS) conduit, cabinets, sign bridges, etc., shall be accounted for in the total area impacts, and evaluated against the permits for impact.

2.8.5.4 Sensitive Areas

Work within Sensitive Areas shall not occur outside of the Impact Area Line.

WSDOT prepared three reports to support environmental permitting for the Project: Wetland and Stream Assessment Report for the SR 522 to SR 527 ETL Project, Jurisdictional Ditch Assessment for the SR 522 to SR 527 ETL Project, and Wetland and Stream Assessment Report for Brickyard (Appendix E). These reports include wetland delineations, characterizations, ratings, and functional assessments, as well as an assessment of all streams and other protected waters within the Project vicinity.

The Design-Builder shall conduct an independent verification prior to the installation of HVF and HVSF to confirm that all Sensitive Areas have been identified as follows:

- The Design-Builder shall submit a Sensitive Area verification confirmation letter to WSDOT stating its concurrence with the previously identified Sensitive Areas.
- If the Design-Builder disagrees with WSDOT's findings, the letter shall identify the location of all new Sensitive Areas and all existing Sensitive Areas in question.
- The Design-Builder shall install HVF and HVSF around all Sensitive Areas identified through the verification process.

The Design-Builder shall not discharge dredge material or fill material into waters of the State, unless authorized by permit.

2.8.5.4.1 *Wetlands*

WSDOT has determined that construction of the Project will result in permanent and temporary impacts to wetlands and their buffers. Temporary impacts to wetlands and their buffers shall be restored by the Design-Builder in accordance with the permits (Appendix P) and environmental documents (Appendix E), and permanent impacts shall be conducted in accordance with the permits (Appendix P) and environmental documents (Appendix E).

2.8.5.4.2 *Streams*

WSDOT has determined that construction of the Project will cause unavoidable impacts to streams and their buffers. All Work in and around streams shall be conducted within the parameters of the HPA (Appendix P) and all other permits and environmental documents. Please refer to this Section for the in-water work windows designated for this project.

Impacts to streams and stream crossings outside the parameters of the HPA and other permits (Appendix P) and subject to Federal permit injunction (United States et al. vs. Washington et al., No. C70-9213, Subproceeding No. 01-1, dated March 29, 2013), such as the South Fork Perry Creek culvert under 228th Street SE, could trigger its inclusion and correction with Stream Simulation or better. Any costs and schedule delays as a result of proposed or accidental impacts to those streams outside the parameters of the HPA and all other permits (Appendix P) shall be the responsibility of the Design-Builder with the exception of a Necessary Basic Configuration change.

2.8.5.4.3 *Other Protected Waters*

WSDOT has determined that construction of the Project will result in permanent and temporary impacts to other protected waters. Impacts shall be restored or mitigated by the Design-Builder in accordance with the permits. The Design-Builder shall install HVF or HVSF around other protected waters identified through the permitting process that have not been permitted for permanent impact.

2.8.5.4.4 *Mitigation*

The Design-Builder shall reference the exhibits in the Wetland and Stream Mitigation Report - SR 522 to SR 527 ETL Project (Appendix E), Aquatic Resources Impact and Restoration Memorandum - Brickyard (Appendix E), and environmental permits (Appendix P) to prepare design submittals for the mitigation sites in accordance with Sections 2.15, *Roadside Restoration*, and 2.28, *Quality Management Plan;* the WSDOT *Plans Preparation Manual;* and the WSDOT *Highway Runoff Manual* (Appendix D). The Design-Builder shall ensure all permit conditions and environmental commitments are met. Refer to the *Environmental Commitments List* (Appendix C), permits or approvals included in Appendices E and P, and any permits or approvals obtained by the Design-Builder for the Project.

The Design-Builder shall ensure that mitigation areas are managed in accordance with Section 2.15, *Roadside Restoration*, and the Landscaping Warranty in Section 1-05.16(9) of the *General Provisions*. WSDOT will monitor compensatory mitigation for the period required to ensure compliance with the permits and approvals issued by the Federal, State, and Local regulatory agencies.

WSDOT is also using credits from the WSDOT-owned Happy Valley Mitigation Site and Keller Farm Mitigation Bank to mitigate for Project impacts as outlined in the Wetland and Stream Mitigation Report - SR 522 to SR 527 ETL Project (Appendix E). Stream impacts will be restored on-site after stream connections are constructed, and stream buffer mitigation will occur on sites adjacent to unnamed tributary (UNT) to Par Creek and Par Creek. The Design-Builder shall restore all temporary impacts on-site at impact locations. Wetland to stream conversion impacts and wetland buffer and stream buffers to stream impacts resulting from associated stream realignments are integral to the removal

of the fish barrier and reconnection of the habitat. Due to this functional lift for aquatic resources, conversion impacts are not factored into the proposed mitigation.

2.8.5.4.5 *Additional Impacts*

If the Design-Builder proposes changes that have the potential to result in impacts that are not considered in the environmental documents, permits, or approvals, the Design-Builder shall conduct field investigations to assess impacts to Sensitive Areas and to determine if additional and previously unidentified Sensitive Areas are present. If known or previously unidentified Sensitive Areas are present and would be impacted by the proposed change, or if previously unidentified Sensitive Areas are present that would be impacted by the Conceptual Plans, the Design-Builder shall provide the WSDOT Engineer with all information necessary to obtain a permit modification. This information shall include an assessment of all Sensitive Area impacts based on the footprint of the Final Project Design. The Design-Builder shall not impact these Sensitive Areas without Written authorization from the WSDOT Engineer. Authorization will not be provided until WSDOT has received modified permits from Federal, State and Local regulatory agencies. The Design-Builder shall strive to include all additional impacts to Sensitive Areas in a single submittal.

If the Design-Builder plans to Work outside the Impact Area Line or outside permitted impacts due to an ATC or design change, the Design-Builder shall conduct a field investigation to determine if Sensitive Areas are present. If a Sensitive Area exists, the Design-Builder shall determine if it has been delineated and permitted for impacts. If not, all costs and schedule delays associated with having to obtain permit modifications, new permits, documentation changes, or additional mitigation shall be the responsibility of the Design-Builder.

2.8.5.5 In-Water Work Windows

The Design-Builder shall ensure that all in-water Work is conducted in compliance with the in-water work windows prescribed in the Ecology Section 401 Water Quality Certification - SR 522 to SR 527 ETL Project (Appendix P), HPA - SR 522 to SR 527 ETL Project, HPA - Brickyard, the ESA Documentation - SR 522 to SR 527 ETL Project, and ESA Documentation - Brickyard (Appendix E) and *Environmental Commitments List* (Appendix C). Based on the various in-water windows provided in each permit/approval, the most restrictive in-water work windows for each waterbody are listed below.

- July 16 through August 31 of a given year for the Sammamish River
- July 1 through September 30 of a given year for Par Creek, North Fork Perry Creek, and Queensborough Creek
- June 15 through October 15 of a given year for Stream 25.0L, Watercourse 70, and Other Protected Waters
- July 1 through September 30 of a given year for Juanita Creek

If the Design-Builder proposes changes to the in-water work windows, WSDOT will coordinate with United States Fish and Wildlife Services (USFWS), National Marine Fisheries Service (NMFS), and WDFW to seek approval.

2.8.5.6 Protected Species

2.8.5.6.1 *Threatened and Endangered Species*

If the Design-Builder modifies design or construction activities from those described in the ESA Documentation – SR 522 to SR 527 ETL Project (Appendix E) and ESA Documentation - Brickyard (Appendix E), ESA consultation may have to be re-initiated. If this occurs, the Design-Builder shall work through WSDOT to provide the necessary information required for re-initiation of ESA consultation. WSDOT will take the lead in coordinating with NMFS and USFWS. If ESA consultation needs to be re-initiated or a new consultation is required due to changes made by the Design-Builder, all cost and schedule impacts shall be the Design-Builder's responsibility.

The NOAA Fisheries ESA Biological Opinion and the USFWS ESA Letter of Concurrence - SR 522 to SR 527 ETL Project and the NOAA Fisheries ESA Letter of Concurrence - Brickyard contain a number of performance standards. Performance standards have been included in the *Environmental Commitments List* (Appendix C). The Design-Builder shall fulfill and report on the implementation of performance standards and environmental commitments in the Environmental Commitments Close Out Report described in this Section.

2.8.5.6.2 *Bird Protection Acts*

The Design-Builder shall be responsible for compliance with the MBTA and the Eagle Act. The Project is not anticipated to affect bald eagle nesting or roosting sites, or migratory birds or their nests (see Appendix E). However, birds are also known to nest on inactive equipment or graveled areas. Therefore, Design-Builders shall prepare a Project-specific Bird Protection Plan as part of the ECP, in accordance with this Section.

2.8.5.7 Noise

2.8.5.7.1 *Construction Noise*

The Design-Builder shall implement mitigation measures for temporary noise impacts associated with construction activities in accordance with the local noise regulations. The Design-Builder shall obtain a nighttime noise variance or exemption from the required Local Agencies and shall comply with all noise variance and exemption conditions.

The Design-Builder shall be aware that the process to obtain noise variances or exemptions can be lengthy and shall submit the nighttime noise variance or exemption applications as soon as practicable. WSDOT will be available as a resource if the Design-Builder requests assistance during the variance approval process. Copies of all noise variances and applications shall be provided to the WSDOT Engineer. When obtaining noise variances or exemptions, the Design-Builder shall coordinate with the Toll Vendor and include the Toll Vendor's Work within the noise variances or exemptions acquired by the Design-Builder.

2.8.5.7.2 *Noise Walls*

If the Design-Builder adjusts the proposed noise wall or roadway by more than 10 feet horizontally, or the proposed roadway by more than 2 feet vertically, the Design-Builder shall prepare, and submit for Review and Comment, a Supplemental Noise Analysis Report. The Supplemental Noise Analysis Report shall confirm that the future noise

levels with the noise wall at the proposed new location are equal or better than the noise levels at all the receivers in the most current noise model with the noise wall location depicted in the Noise Discipline Report - SR 522 to SR 527 ETL Project (Appendix E). The Design-Builder's Supplemental Noise Analysis Report shall comply with the WSDOT *2011 Traffic Noise Policy and Procedures Manual* (Appendix E) and be consistent with FHWA guidelines and the methodology used by WSDOT in preparation of the Noise Discipline Report - SR 522 to SR 527 ETL Project (Appendix E). If the Design-Builder makes a change from the Basic Configuration that may potentially impact noise modeling results, the Design-Builder shall analyze the proposed change for impacts to noise in the Supplemental Noise Analysis Report.

Noise walls shall not be modeled with absorptive properties to reduce the proposed noise wall dimensions depicted in the Basic Configuration. Any additional noise analysis required by this Section shall not model the noise walls with absorptive properties. However, absorptive materials may be considered in application to provide additional noise benefits.

The Design-Builder shall submit the Supplemental Noise Analysis Report to the WSDOT Engineer for Review and Comment. The Design-Builder shall submit the Traffic Noise Model (TNM) files with the Supplemental Noise Analysis Report. The TNM files shall contain line of sight analysis.

The Design-Builder shall provide methods for achieving the decibel reduction targets, as outlined in the Supplemental Noise Analysis Report. These methods may include noise walls. The Design-Builder shall work with the WSDOT Engineer to communicate these methods to the public. This communication shall be done in accordance with Section 2.9, *Communications*. Prior to finalizing the noise wall design, the Design-Builder shall prepare schematics of the noise walls for review with adjacent property owners. If requested by WSDOT, the Design-Builder shall attend meetings with adjacent property owners to discuss the noise walls. Noise walls shall be completed, including panel erection and application of pigmented sealer, within 9 months of the start of any clearing and grubbing that is within 50 feet of the noise wall alignment and includes any trees greater than 4 inches Diameter at Breast Height.

If noise walls are to be removed and re-built, the new wall shall be completed within 6 months after the existing wall is removed.

2.8.5.8 Hazardous Materials

Known contamination has been identified within the ROW. The Design-Builder shall refer to the Hazardous Materials Report in Appendix E. All identified contamination shall be addressed in the RFC Documents.

The Design-Builder shall refer to Appendix E for the specific site information included in the Hazardous Materials Reports - SR 522 to SR 527 ETL Project. The Work shall include inspection, mitigation, handling, and disposal of any known or suspected contamination. The Design-Builder shall also refer to the Ecology National Pollutant Discharge Elimination System Construction Stormwater General Permit (CSWGP) and Administrative Order (AO) - SR 522 to SR 527 ETL Project (Appendix P). This document contains specific conditions for hazardous materials handling related to stormwater runoff during construction, which are also included in the *Environmental Commitments List* (Appendix C).

2.8.5.8.1 *Asbestos*

An asbestos Good Faith Investigation (GFI) has been conducted for this project and it has been determined that known Asbestos Containing Material (ACM) and/or Presumed Asbestos Containing Material (PACM) will be disturbed by the Work on this Project. The asbestos GFI report has been provided in the Hazardous Materials Reports - SR 522 to SR 527 ETL Project in Appendix E.

Prior to performance of any asbestos work, the Design-Builder shall obtain all permits from, and provide notification to, the Washington State Department of Labor and Industries (L&I), Washington State Department of Ecology, the local clean air agency, and other permitting and regulatory agencies with jurisdiction over the work involving asbestos as the laws, rules, and regulations require. The Design-Builder shall also submit as a Type 1 Working Drawing, all written verification of approvals and notifications that have been given to and/or obtained from the required jurisdictional agencies. The Design-Builder shall include a schedule of activities for all Work involving asbestos removal as part of the Type 1 Working Drawing. Asbestos related work shall also be shown on the Design-Builder's project progress schedule.

The Design-Builder shall provide a Washington State Certified Asbestos Supervisor (CAS), certified in accordance with WAC 295-65-012, to supervise the asbestos removal and ensure that the handling and removal of asbestos is accomplished by certified asbestos workers, pursuant to L&I standards. The Design-Builder shall ensure that the removal and disposal of asbestos meets the requirements of EPA regulation 40 CFR Part 61, local health department regulations, and all other applicable regulations.

The Design-Builder shall remove and dispose of all asbestos necessary to accomplish the Work. If the Design-Builder encounters asbestos that was not identified in the asbestos GFI report, they shall immediately notify the WSDOT Engineer. This condition may be considered a Differing Site Condition in accordance with Section 1-04.7 of the *General Provisions*.

The Design-Builder shall address asbestos in their Worker Health and Safety Plan as required in Section 1-07 of the *General Provisions* to ensure the safety of all workers, visitors to the site, and the public in accordance with all applicable laws, rules, and regulations.

2.8.5.8.2 *Underground Storage Tanks*

If the Design-Builder encounters an Underground Storage Tank (UST) not identified in the Hazardous Materials Report, the Design-Builder shall stop Work in the immediate area and shall promptly notify the WSDOT Engineer in writing before the affected Work is performed. Such notification shall identify the conditions represented in the Contract Documents, the conditions encountered at the Site, and an explanation of the difference. This condition may be considered a Differing Site Condition in accordance with Section 1-04.7 of the *General Provisions*. If a UST is encountered, the Design-Builder shall follow all applicable rules and regulations associated with UST decommissioning and removal activities.

The Design-Builder shall dispose of construction waste material such as concrete or other harmful materials at approved sites in accordance with Sections 2-01, 2-02, and 2-03 of the Standard Specifications, and in accordance with all applicable State, Federal, and Local laws and regulations. The Design-Builder shall ensure that the Site is properly

contained during construction so that contaminants do not migrate off-site and so that the health and safety of all on-site personnel are protected during Work at the Site.

2.8.5.8.3 *Discovery of Unknown Hazardous Materials*

If unknown Hazardous Materials are discovered during construction, the Design-Builder shall immediately notify the WSDOT Engineer. This condition may be considered a Differing Site Condition in accordance with Section 1-04.7 of the *General Provisions.*

The Design-Builder shall develop a Sampling and Analysis Plan (SAP) and shall perform the Work in compliance with all applicable federal, state and local statutes and regulations, as referenced on the WSDOT Environmental during construction website: https://wsdot.wa.gov/engineering-standards/construction/construction-guidance/environmental-during-construction. The Design-Builder shall update the Worker Health and Safety Plan to minimize the effects of newly discovered Hazardous Materials in accordance with Section 1-07 of the *General Provisions.*

2.8.5.8.3.1 Unknown Hazardous Materials in Soil – Handling, Reuse and Disposal

If suspect Hazardous Materials are encountered through general field screening such as visual or olfactory, and/or field instruments, the Design-Builder shall stop work in the immediate area and notify the WSDOT Engineer. The WSDOT Engineer will determine the limits of the suspect contamination and direct the Design-Builder regarding the extent of remediation required.

The Design-Builder shall handle and store all suspect contaminated materials in a manner that prevents the spread of contamination to adjacent soil or water. The Design-Builder shall make space available for stockpiling material within the project limits. The Design-Builder shall not place additional material onto a stockpile after it has been sampled for disposal. Stockpiles awaiting sampling and analysis shall be segregated from other previously tested material.

The Design-Builder shall follow Ecology requirements for stockpile sampling. The Design-Builder shall provide a Hazardous Materials specialist with current 40-hour HAZWOPER certification and experience sampling contaminated material and report writing shall collect soil samples, and submit them to an accredited analytical laboratory meeting the requirements of Chapter 173-50 WAC. The WSDOT Engineer will determine the applicable laboratory analytical methods.

The Design-Builder shall develop a plan for reuse or disposal based on the finalized laboratory analytical results and submit to the WSDOT Engineer for Review and Comment. If laboratory analytical results indicate concentrations are below applicable cleanup levels (CULs), the Design-Builder shall determine how material may be reused or obtain acceptance for disposal of at an approved off-site inert waste landfill. If laboratory analytical results indicate the soil sample concentrations exceed applicable CULs, the Design-Builder shall obtain acceptance for disposal at an approved off-site Subtitle D facility. If laboratory analytical results indicate the soil sample concentrations designate as Dangerous Waste, the Design-Builder shall follow the Dangerous Waste disposal regulations referenced on the WSDOT Environmental during construction webpage: https://wsdot.wa.gov/engineering-standards/construction/construction-guidance/environmental-during-construction. The Design-Builder shall obtain acceptance for disposal of Dangerous Waste at an approved off-site Subtitle C facility.

The Design-Builder shall provide the WSDOT Engineer with a copy of the shipping manifest or bill of lading for each load indicating the quantity of material hauled to disposal and bearing the disposal site operator's confirmation for receipt of each load of material.

2.8.5.8.3.2 Unknown Hazardous Materials in Water – Handling, Discharge and Disposal

If suspect Hazardous Materials are encountered through general field screening such as visual or olfactory, and/or field instruments, the Design-Builder shall stop work in the immediate area and notify the WSDOT Engineer. The WSDOT Engineer will determine the limits of the suspect contaminated water and direct the Design-Builder regarding the extent of remediation required.

The Design-Builder shall collect, handle, and store all suspect contaminated water in a manner that prevents the spread of contamination to adjacent soil or water. The Design-Builder shall provide sufficient cover, containment, and freeboard capacity to hold all suspect contaminated water encountered during construction and allow for water sampling activities and laboratory analytical test results to be received prior to discharge or disposal.

The Design-Builder shall follow Ecology requirements for water sampling. The Design-Builder shall provide a Hazardous Materials specialist with current 40-hour HAZWOPER certification and experience sampling contaminated material and report writing shall collect water samples and submit them to an accredited analytical laboratory meeting the requirements of Chapter 173-50 WAC. The WSDOT Engineer will determine the applicable laboratory analytical methods.

The Design-Builder shall develop a plan for discharge or disposal based on the finalized laboratory analytical results and submit to the WSDOT Engineer for Review and Comment. If analytical results indicate water sample concentrations are below applicable CULs, the Design-Builder may discharge in accordance with applicable discharge permits or Ecology Administrative Orders (AO). If laboratory analytical results indicate the water sample concentrations exceed applicable CULs, the Design-Builder shall obtain one of the following:

- Approval for treatment of water from WSDOT Engineer
- Acceptance for disposal at an approved off-site Subtitle D facility
- Acceptance for disposal utilizing a municipality's sanitary sewer system

If laboratory analytical results indicate the water sample concentrations designate as Dangerous Waste, the Design-Builder shall follow the Dangerous Waste disposal regulations referenced on the WSDOT Environmental during construction website: https://wsdot.wa.gov/engineering-standards/construction/construction-guidance/environmental-during-construction. The Design-Builder shall obtain acceptance for disposal of Dangerous Waste at an approved off-site Subtitle C facility.

If laboratory analytical results indicate the water sample concentrations exceed applicable CULs or designate as Dangerous waste, all settled tank solids shall be managed in accordance with this Section.

2.8.5.9 Historic, Archaeological, and Cultural Preservation

A WSDOT archaeologist or their designee will be present for ground disturbing activities that may intersect native soils to observe subsurface conditions and identify any buried archaeological materials that may be encountered at the following locations:

- Archaeological probability areas identified in the Cultural Resources Survey and Addendum - SR 522 to SR 527 ETL Project (Appendix E)
- Other sites identified in an ATC or by the WSDOT Engineer as needing archaeological monitoring

The Design-Builder shall notify the WSDOT Engineer at least 72 hours before each ground disturbing activity is started at archaeological probability areas per the Archaeological Construction Methodologies Plan. As Project-related ground disturbance occurs, the WSDOT archaeological monitor will visually inspect subsurface exposures, profile walls, and backfill piles for archaeological deposits. The WSDOT archaeological monitor or their designee will be at a vantage point to clearly observe ground disturbance. If excavations of potentially sensitive sediments occur simultaneously in more than one location, an archaeological monitor will be present at each location. In archaeological probability areas, the Design-Builder shall adjust its pace of excavation as requested by WSDOT's archaeological monitor or their designee, slowing or temporarily suspending work as necessary. For any activity requiring monitoring in an archaeological probability area, work shall not begin without the WSDOT archaeological monitor or their designee present.

Any historic, archaeological, or cultural objects encountered by the Design-Builder shall not be further disturbed in accordance with Section 1-07 of the *General Provisions* and the *Unanticipated Discovery Plan* (Appendix E).

If the Design-Builder elects to propose a change that would impact areas not previously analyzed; including but not limited to, geotechnical borings, ITS conduit, junction box foundations, camera poles, drainage elements, and additional subsurface investigation; consultation with the Department of Archaeology and Historic Preservation, consulting parties, FHWA, and affected and interested tribes may be necessary. Impact areas not previously analyzed include any changes to the horizontal and vertical footprint of the proposed Work. If the Design-Builder goes deeper (outside the vertical limits of the previously analyzed impact area) or outside the horizontal limits of the previously analyzed impact area, the WSDOT Engineer shall be notified. WSDOT reserves the right to take up to 14 Calendar Days to notify the Design-Builder if additional concurrence for the proposed design change is required with other entities; and to complete field investigations. If this consultation is necessary, the Design-Builder shall plan on at least 180 Calendar Days of delay for re-consultation. It is unlikely this additional Work and coordination will be necessary for Work within roadway fill. It is more likely to be required when working near streams and within undisturbed native layers of soil. If additional investigations and coordination are needed as a result of changes made by the Design-Builder, all cost and schedule impacts shall be the Design-Builder's responsibility.

2.8.5.10 Environmental Justice

The Design-Builder shall conduct work as described, and adhere to the commitments made, in the Environmental Justice (EJ) analysis completed by WSDOT in the environmental documentation. If the planned Work changes (including additional ROW,

added or changed detours/alternative routes, schedule), the Design-Builder shall notify the WSDOT Engineer of the change(s), which may require a new EJ analysis to be completed by WSDOT. If applicable, the Design-Builder shall work with the WSDOT Engineer to ensure outreach materials are in all relevant Limited English Proficiency (LEP) languages and distributed appropriately to the identified populations within the Project area. WSDOT has not identified LEP populations in the Project area at this time.

2.8.5.11 Disposal of Surplus Material

All surplus excavation or other materials shall be properly characterized and disposed of outside the Project limits or re-used in a manner that does not impact sensitive resources such as wellhead protection zones, surface water bodies, parks, and child-use areas.

Additionally, surplus material or other material shall not be disposed of or reused in Sensitive Areas shown in the Conceptual Plans, or in any areas designated by the WSDOT Engineer to be Sensitive Areas. All trucking tickets or other means of tracking where the material was disposed of shall be provided to the WSDOT Engineer.

2.8.6 *Submittals*

The Design-Builder shall submit the following documents to the WSDOT Engineer as required by this Contract and the permits obtained for the Project. At a minimum, shall include the following:

- Interim Environmental Compliance Plan
  - TESC Plan
  - SPCC Plan
  - Fugitive Dust Control Plan
  - WQMPP (SR 522 to SR 527 ETL Project), if the early Work will occur in-water
  - Water Quality Monitoring Plan (Brickyard), if the early Work will occur in-water
  - *Plan and Procedures for the Unanticipated Discovery of Cultural Resources and Human Skeletal Remains* (Unanticipated Discovery Plan, Appendix E)
  - Archaeological Construction Methodologies Plan
  - Additional permits and modifications to existing permits obtained by the Design-Builder, plans, and Reference Documents applicable to early Work and locations
- Environmental Compliance Plan, including the following associated required plans and strategies:
  - TESC Plan
  - SPCC Plan
  - WQMPP (SR 522 to SR 527 ETL Project)
  - Water Quality Monitoring Plan (Brickyard)
  - Soil and Groundwater Management Plan (if necessary)
  - Concrete-related Collection, Containment, and Disposal Plan
  - Temporary Stream Diversion Plan
  - Fish and Aquatic Species Exclusion Plan

- Bird Protection Plan
- Invasive Plant Species Monitoring and Control Plan
- Air Quality and Fugitive Dust Control Plan
- Unanticipated Discovery Plan
- Archaeological Construction Methodologies Plan

- Environmental Protection Training Curriculum
- Sensitive Area Verification Confirmation Letter
- Asbestos Containing Materials/Lead Based Paint Surveys
- Copies of approvals and notifications pertaining to asbestos removal and demolition-related Work
- Applications for Design-Builder obtained environmental permits and approvals, and the resulting permits and approvals
- Noise variance(s) or exemption(s) (if necessary)
- Supplemental Noise Analysis Report (if necessary)
- Construction log for noise (if necessary)
- Environmental Commitment Close Out Report
- Various Construction Monitoring Reports as required in the permits
- Final wetland, stream, and buffer Mitigation Plans
- Final wetland, stream, and buffer Mitigation As Built Plans
- WQMPP as required by the Section 401 Water Quality Certification (SR 522 to SR 527 ETL Project)
- Water Quality Monitoring Plan (Brickyard)
- Dump tickets for any and all soils and materials removed as excess or waste from the Site
- Uniform Hazardous Waste Manifests for all Dangerous Waste removed from the Site (if necessary)
- Copies of permits for all off-site disposal facilities to be used
- Certifications of CESCL or CPESC personnel
- Site Log Book and Stormwater Pollution Prevention Plan, as required for the NPDES CSWGP
- Copies of Discharge Monitoring Reports submitted to Ecology
- ECAP Incident Reports through the duration of the Project
- Violation/Corrective Action Reports to regulatory agencies (if necessary)
- Notice of Violation or Notice of Penalty from regulatory agencies (if received)
- UST Decommissioning and Closure Plans, if encountered

2.8.6.1 Miscellaneous Submittals

This Section is intentionally omitted.

End of Section