

Violations of Environmental Permits and Regulations for State Transportation Projects

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Secretary of Transportation**

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RE: RCW 47.85.040 (5) – Report summarizing violations of environmental permits and regulations for state transportation projects

The 2015 Legislature directed the Washington State Department of Transportation (WSDOT) to summarize environmental violations annually. RCW 47.85.040 (5) states:

“Provide an annual report summarizing violations of environmental permits and regulations to Ecology and the Legislature by March 1st of each year for violations occurring during the preceding year.”

WSDOT’s Commitment to Environmental Protection

Washington State’s transportation system policy goals include environmental protection: “To enhance Washington's quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment” (RCW 47.04.280). WSDOT is committed to protecting the quality of our air, water, cultural, and natural resources. In addition, WSDOT directs its employees to follow sound environmental practices in the planning, design, construction, operation, and maintenance of the state’s transportation system and facilities. WSDOT’s efforts to ensure our activities meet this commitment include:

- Integrating environmental protection features in the design of projects and maintenance activities;
- Working with federal, state, local, and tribal agencies to ensure our projects and maintenance work comply with applicable laws and regulations;
- Incorporating environmental commitments (such as permit conditions) into project-level contracts, and tracking them throughout project delivery; and
- Training staff to spot risks and minimize the potential for harm by implementing best management practices (BMPs).

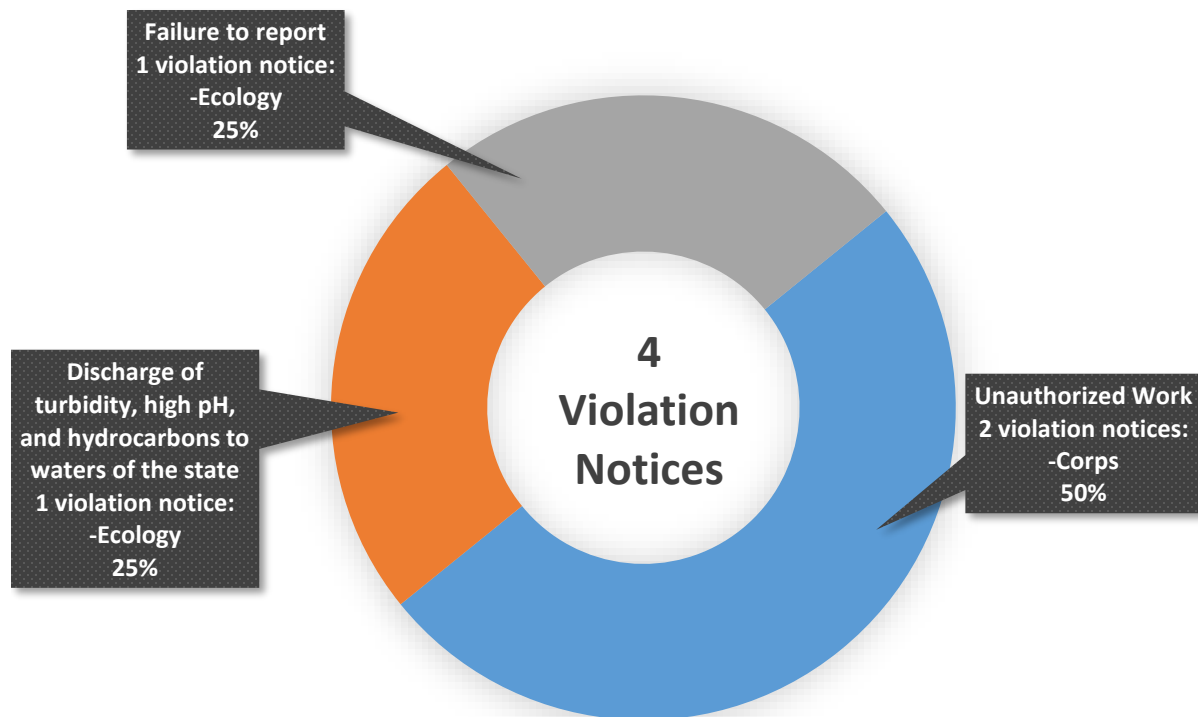
WSDOT and its contractors regularly conduct site inspections and monitor water quality to ensure compliance with environmental permits and approvals. When non-compliance events are detected, we follow the Environmental Compliance Assurance Policies that WSDOT has established. Non-compliance events are actions that are not in compliance with environmental standards, permits, agreements, or laws. Not all non-compliance events result in a violation. We place a high emphasis on self-reporting so that we can address problems before harm is done. Self-reporting also helps us reduce the potential for violations. For the purposes of this report, violations are defined as written notices received from regulatory agencies and Tribes in 2024, including: warning letters, inspection reports (citing violations and requiring corrective action), notices of violation, orders, and monetary penalties.

2024 Environmental Violations

In 2024, WSDOT performed 2.67 million hours of statewide highway maintenance work, had over 140,000 ferry sailings, and also oversaw 309 active construction projects. During this time maintenance work received no violations, ferry operations generated one violation, and highway construction projects generated three violations. These violation notices stemmed from three non-compliance events in 2024 and one non-compliance event in 2023 (note the length of time between violation event and issued violation may be delayed several years). Table 1 shows a breakdown of how these violations address the non-compliance events. The total number of violations issued in 2024 decreased by seven from the 11 violations that we included in our 2023 report.

Figure 1 below displays violation notices by categories, and Table 1 at the end of this report provides details of each non-compliance event.

WSDOT activities received four environmental violation notices in 2024
Number of notices by category and issuing agency



Data Source: WSDOT Environmental Services Office

Note: Corps = US Army Corps of Engineers. Ecology = WA State Department of Ecology.

Of the four violation notices issued, regulatory agencies issued two to WSDOT only, one to both WSDOT and Design-Builder, and one directly to a WSDOT Design-Builder. Violations can be issued directly to a WSDOT contractor or Design-Builder when the regulatory agency determined that the WSDOT contractor or Design-Builder was solely responsible for the violation or was the permit-holder.

WSDOT-only violations – Regulatory agencies issued a total of two violations directly to WSDOT in 2024. One violation was issued by the US Army Corps of Engineers (Corps) to WSDOT for a highway capital construction project for unauthorized work. A violation was also issued by the Washington State Department of Ecology (Ecology) to Washington State Ferries operations for failure to report.

WSDOT and Design-Builder violations – Regulatory agencies issued one violation to both WSDOT and the Design-Builder in 2024 for one highway capital construction project. In separate letters, the Corps issued violations for unauthorized work to WSDOT and the Design-Builder.

Design-Builder-only violations – Regulatory agencies issued one violation directly to a WSDOT Design-Builder for a highway capital construction project. Ecology issued a violation to the Design-Builder for the discharge of turbid water, high pH water, and hydrocarbons to waters of the state.

WSDOT penalties – In 2024, no monetary penalties were issued to WSDOT.

Contractor penalties – In 2024, no monetary penalties were issued to WSDOT contractors or Design-Builders.

In 2025, WSDOT intends to continuously improve our environmental compliance performance by:

- Using lessons learned from 2024 non-compliance events and fall assessments to update our Environmental Construction Compliance and other training with WSDOT regions, ferries, and megaprograms (per [RCW 47.85.040](#)).
- Updating our policies, procedures, and construction language to reflect the most up to date information and lessons learned.
- Discussing high-risk activities, environmental requirements, and work expectations with the contractor during pre-construction meetings.
- Assessing construction sites and working with WSDOT contractors to prevent, detect, and address any potential non-compliance issues related to stormwater, containment, erosion, or hazardous materials.

Should you have any questions, or need further information, please contact Ahmer Nizam, Environmental Services Office Director, at 360-705-7480 or ahmer.nizam@wsdot.wa.gov.

Table 1: Violations notices received in 2024

Event	Project	Event Date	Activity resulting in Violation	Issuer/Project Response
Unauthorized Work	SR 500/NE 42nd and 54th Ave - Intersection Improvements	10/30/2024	Contractor disturbed a depression wetland without permit authorization.	Corps issued a notice of violation to WSDOT. Upon discovery, WSDOT stopped all work in the area until a permit was authorized by the Corps, Ecology, and Clark County
Unauthorized Work	SR 167/I-5 to SR 509 - New Expressway (Stage 1b)	4/6/2024	Design-Builder installed unpermitted quarry spall and high visibility silt fence below Hylebos Creek high water mark outside of the permitted work window.	Corps issued a notice of violation to WSDOT and Design-Builder. WSDOT issued a suspension of all work in the area and required mandatory project wide environmental trainings. In addition to correcting the violation, the Design-Builder, in coordination with WSDOT and resource agencies, provided additional mitigation in the form of grading and planting activities within the Project's existing mitigation site.
Discharge of turbidity, high pH water, and hydrocarbons to waters of the state	SR 167/I-5 to SR 509 - New Expressway (Stage 1b)	1/22/2024	Construction impacted waters discharged into Hylebos Creek.	Ecology issued a notice of violation to the WSDOT Design-Builder. Upon discovery, Design-Builder reinforced erosion and sediment control best management practices and deployed spill cleanup procedures. Recycled concrete used as road stabilizer was removed and will not be utilized without WSDOT approval. WSDOT coordinated with Ecology on resolution approach prior to Ecology issuing the formal notice. Due to this proactive coordination, Ecology noted in their formal notice a response was not necessary from WSDOT.

Event	Project	Event Date	Activity resulting in Violation	Issuer/Project Response
Failure to report	Washington State Ferries Operations	8/20/2023	Chelan ferry grounding on Orcas Island not immediately reported to Washington Emergency Management Division.	Ecology issued a notice of violation to WSDOT. WSDOT revised field documentation and distributed to each ferry vessel. A review of current field documentation will be included in quarterly emergency procedure trainings.