1.0 **Policy**

An Environmental Non-Compliance Notice is completed for an activity that violates the contract environmental requirements and causes harm or poses a serious threat to sensitive environmental resources. In addition, an Environmental Non-Compliance Notice may be documented if repeated minor problems (refer to Construction Management Procedure No. 058 Environmental Daily QA Inspection Report) occur that, as a group, show a trend of placing resources at unnecessary risk.

This procedure applies to all personnel working on the Water System Improvements Program (WSIP) to the extent that their work is affected by these WSIP Construction Management (CM) Procedures and does not conflict with specific San Francisco Public Utilities Commission (SFPUC) policies or the Contract under which the Work is executed.

2.0 **Description**

This WSIP CM procedure describes the process by which Environmental Non-Compliance Notices are prepared by Environmental Inspectors; and reviewed for completeness by the Lead QA Inspector.

3.0 **Definitions**

3.2 **Environmental Non-Compliance Notice**

The Environmental Non-Compliance Notice is a required document provided by the Environmental Inspectors. Environmental Non-Compliance Notices document events and activities that are not in compliance with project mitigation measures, permits, and agency...
agreements. An Environmental Non-Compliance Notice is also assigned to an activity that places sensitive resources at risk. Notices also document activities that are not in compliance with environmental requirements included in the Contract Documents. The Notices are part of official project records.

3.3 **Construction Management Information System (CMIS)**

The WSIP Construction Management Information System (CMIS) is an on-line management tool for the efficient and effective storage and retrieval of various documents generated during a construction project. Processing of Environmental Non-Compliance Notices will utilize the WSIP CMIS. The CMIS is designed for the Environmental Inspectors to enter the reports directly into the system.

4.0 **Responsibilities**

4.1 **Project Construction Manager (Project CM)**

The Project CM is responsible for implementing a Project Quality Assurance Plan that provides assurance and documentation that the construction work is completed in conformance with the Contract Documents. The Project CM is responsible for reviewing Non-Compliance Notices to determine and recommend when contractual action is necessary against a Contractor.

4.2 **Regional Environmental Compliance Manager (RECM)**

The RECM is responsible for reviewing Environmental Non-Compliance Notices to determine if the Notice will require agency notification. The RECM is responsible for notifying the ECCM of any Notices. The RECM will advise the ECCM when Notices may require agency notification and provide supporting documentation as requested or required by the jurisdictional agencies. The ECCM will be responsible for notifying the applicable jurisdictional agency and providing any requested documentation.

4.3 **Environmental Construction Compliance Manager (ECCM)**

The ECCM is responsible for providing applicable jurisdictional agency notification in response to Environmental Non-Compliance Notices. The RECM will provide the ECCM with any required supplemental documentation.
4.4 **Lead Quality Assurance (QA) Inspector**

On each project, one QA Inspector will be designated a “lead” inspector for the project team to assist the Project CM in planning for and coordinating all inspection activities. The Lead QA Inspector reports to the Project CM. The Lead QA Inspector is responsible reviewing all Environmental Non-Compliance Notices for completeness and conformance to the CM Procedures.

4.5 **Environmental Inspectors**

Environmental Inspectors are responsible for preparing Non-Compliance Notices in conformance with this procedure, and for entering data into the Construction Management Information System (CMIS) Environmental Non-Compliance Notice module.

4.6 **Specialty Environmental Monitors**

Specialty Environmental Monitors are responsible for reporting non-compliance activities or events to Environmental Inspectors who will are responsible for prepare the Non-Compliance Notices for the Specialty Environmental Monitor.

4.7 **Administrative/Document Control Specialist**

The Administrative/Document Control Specialist provides clerical, administrative and document control/records management support to a Project CM office and support to the Regional CM team. The Administrative/Document Control Specialist is responsible for filing the approved Environmental Non-Compliance Notices into the project filing system.

5.0 **Implementation**

5.1 **Identification and Documentation of Environmentally Non-Conforming Work**

5.1.1 Environmental Inspector verbally notifies the Contractor of non-conforming work and documents both the non-conforming work and the verbal notification in the Daily Environmental Inspection Report for the period in which the non-conforming work occurs.

5.1.2 The Contractor corrects the non-conforming work immediately, if possible, or advises the Environmental Inspector of the intended action.
5.1.3 The Environmental Inspector inspects the work that corrects the non-conforming work.

5.1.4 If the work is corrected on the same day as observed, the Environmental Inspector documents the correction in the Daily Environmental Inspection report for the period in which the corrected work is inspected, and an Environmental NCN is not required (refer to Construction Management Procedure No. 058 Environmental Daily QA Inspection Report).

5.2 Documentation of a Non-Compliance

5.2.1 If the Contractor does not immediately correct the non-conforming work, the Environmental Inspector shall use CMIS to prepare an Environmental NCN and to forward it to the Lead QA Inspector. The Environmental NCN shall be prepared the same day the non-compliant event or activity was identified. A sequential identification number will be assigned to each NCN through CMIS.

5.2.2 The Lead QA Inspector reviews the Environmental NCN and, if necessary, amends it or returns it to the Environmental Inspector for correction. Upon approval, the Lead QA Inspector forwards the Environmental NCN to the RECM for review.

5.2.3 The RECM approves or rejects the Environmental NCN and returns it to the Lead QA Inspector.

5.2.4 If the RECM approved the Environmental NCN, the Lead QA Inspector forwards it to the Project CM for transmittal to the Contractor. If the RECM rejected the Environmental NCN, the Lead QA Inspector returns it to the Environmental Inspector for correction.

5.2.5 The Project CM issues the Environmental NCN to the Contractor.

5.3 Performance and Tracking Corrective Actions

5.3.1 The Contractor must provide within five working days after receipt of a NCN a written response that details either (a) why the Contractor believes that the work was performed in accordance with the Contract Documents if the Contractor disagrees with the Environmental NCN, or (b) describes the corrective action the Contractor intends to take to correct the non-conforming work. The second response option initiates the CAR. The CAR must reference and identify the NCN to which it responds. The CAR
may be transmitted via email, but must conform to the appropriate format.

5.3.2 The ADCS logs the CAR in Correspondence Received, scans and attaches the electronic file to the referenced NCN and forwards it to the Project CM.

5.3.3 The Project CM reviews the CAR and forwards it to the Lead QA Inspector and to the Environmental Inspector who initiated the Environmental NCN.

5.3.4 The Environmental Inspector logs the CAR into the CMIS NCN module.

5.3.5 If the Contractor disputes the Environmental NCN, the Lead QA Inspector reviews the dispute and, within five working days of receipt of the Contractor's dispute, assists the Project CM to respond to the Contractor's dispute.

5.3.6 The Project CM must respond to the Contractor's dispute within five working days of receipt, either accepting the Contractor's dispute or directing the Contractor to correct the non-conforming work.

5.3.7 If the Project CM accepts the Contractor's dispute, the Lead QA Inspector attaches all pertinent correspondence to the CMIS NCN record and closes the Environmental NCN.

5.3.8 If the Project CM denies the dispute and directs the Contractor to perform the corrective action, the Contractor shall perform the corrective action within five working days or respond with the intended schedule to perform the work.

5.3.9 The Environmental Inspector inspects the corrective work and documents the results in the Daily Environmental Inspection Reports for the periods during which the work is performed.

5.3.10 When the work is complete and inspected, the Environmental Inspector notifies the Lead QA Inspector.

5.3.11 The Lead QA Inspector reviews the documentation of the corrective work in the Daily Environmental Inspection Reports, inspects the corrective work, if necessary, and closes the Environmental NCN.

5.3.12 The Lead QA Inspector transmits a copy of the Environmental NCN to the Contractor, noting the satisfactory completion of the corrective work and the date on which the work was accepted.
5.3.13 If the Contractor does not address outstanding Environmental NCNs or continues to dispute the Environmental NCN the Project CM may issue a stop order for portions of the work directly related to or affected by the Environmental NCN until corrective action has been satisfactorily taken.

6.0 Other Procedural Requirements

6.1 Environmental Inspectors shall document the initial observation of a non-compliance, as well as the immediate and on-going corrective actions, in the Environmental Daily Inspection Reports during the period of correction. See WSIP CM Procedure 058, Daily Environmental Inspection Reports.

6.2 The Project CM may elect to withhold payment for uncorrected non-compliant Work during the monthly progress payment process. See WSIP CM Procedure 010, Applications for Payment.

7.0 References

WSIP Business Process Report 4b, Environmental Compliance Field Reporting
WSIP Construction Management Procedure No. 058 – Daily Environmental Inspection Reports
WSIP Contract Specification Section 01062, Environmental Mitigation Measures
WSIP Contract Specification Section 01400, Quality Control

8.0 Attachments

053 -1 Environmental Non-Compliance Notice Flow Chart
053 -2 Environmental Non-Compliance Notice Format
Environmental Non-Compliance Notice Flow Chart

Inspector documents in Environmental Daily Inspection Report and notifies RECM

Inspector documents in Daily QA Report and closes action

Inspector notifies Contractor of non-conforming work and monitors corrective action

Corrected?

Yes

Inspection prepares NCN

Lead QA Inspector reviews NCN

Approved?

No

Yes

Lead QA Inspector forwards to RECM for Review

RECM reviews and returns to Lead QA Inspector

Approved?

No

Yes

Contractor submits letter disputing NCN

Lead QA reviews and forwards to Project CM

Project CM coordinates with RCM, RECM and ECCM and jurisdictional agencies. Project CM compiles transmits response to Contractor.

Project CM accepts?

No

Yes

Project CM directs Contractor to perform work

Contractor accepts?

No

Yes

Project CM directs Contractor to stop work and/or stops payment for work

Lead QA Inspector closes NCN, notifies Inspector and transmits to Contractor

Contractor submits CAR to Project CM describing corrective work

Project CM reviews CAR and forwards to Lead QA Inspector

Lead QA Inspector Reviews CAR

Project CM accepts?

Yes

No

Yes

Contractor corrects work and submits CAR reporting work complete and describing corrective work

Lead QA reviews CAR, Environmental Daily Inspection Reports and inspects work

Project CM directs Contractor to stop work and/or stops payment for work

Lead QA Inspector closes NCN, notifies Inspector and transmits to Contractor

Project CM accepts?

Yes

No

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