

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

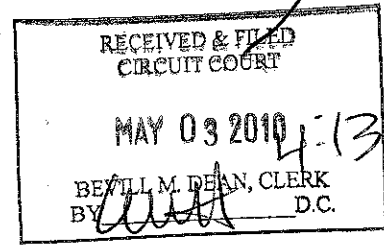
VIRGINIA SOIL AND WATER  
CONSERVATION BOARD

v.

FLUOR-LANE, LLC

)  
)  
)  
)  
)  
)

No.



COMPLAINT

The Virginia Soil and Water Conservation Board (the Board) respectfully says the following as its complaint against Fluor-Lane, LLC (Fluor-Lane):

1. The Board is an agency of the Commonwealth of Virginia. CODE § 10.1-603.2:1 authorizes the Board to issue, deny, amend, revoke, terminate, and enforce permits for land-disturbing activities.

2. Fluor-Lane is a Delaware limited liability company that holds a certificate of registration to transact business in Virginia. Fluor-Lane is constructing two high occupancy toll lanes (the Project) on each side of Interstate 495 between Springfield and the Dulles Toll Road in Fairfax County, Virginia. The Project includes, among other things, the construction of new sound walls and carpool ramps and the replacement of approximately fifty bridges and overpasses, the upgrading of existing sound walls, and the upgrading of twelve interchanges and access points.

3. Fluor-Lane registered for coverage under the General Permit for Discharges from Construction Activities, 4 VAC 50-60-1170 et seq. (the Permit), on May 13, 2008 and thereafter began land-disturbing activity at the Project. Fluor-Lane renewed its coverage under the Permit on July 1, 2009.

4. Over the past twenty months, field staff of the Department of Conservation and Recreation (the Department) have inspected the Project site fourteen times. These inspections have disclosed violations of the Permit, some of which are disputed by Fluor-Lane, in the following categories:

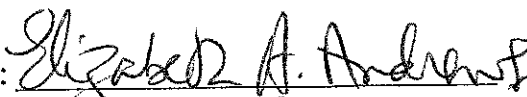
- Unauthorized discharges of stormwater from the Project site;
- Failure to initiate stabilization measures within prescribed time limits in areas where construction activities have ceased;
- Incomplete Stormwater Pollution Prevention Plan;
- Failure to perform complete inspections of the site;
- Failure to remove off-site accumulations of escaped sediment at a frequency sufficient to minimize off-site impacts;
- Failure to properly manage and dispose of construction debris and litter;
- Failure to design, install, upgrade, and maintain required control measures in accordance with good engineering practices and the State minimum standards; and

- Discharges of non-stormwater not otherwise authorized by the Permit.

5. These violations will continue and be repeated unless enjoined.

On this basis the Board respectfully prays that the court enjoin these violations and impose an appropriate civil penalty.

**VIRGINIA SOIL AND WATER  
CONSERVATION BOARD**

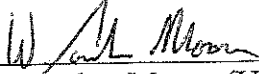
By:   
Counsel

Date: April 30, 2010

Kenneth T. Cuccinelli, II  
Attorney General

Elizabeth A. Andrews (Va. Bar 36274)  
Assistant Attorney General  
900 East Main Street  
Richmond, Virginia 23219  
(804) 225-4004 (voice)  
(804) 786-0034 (facsimile)  
EAndrews@oag.state.va.us

**Service accepted:**



W. Parker Moore (Va. Bar # 68463)

Beveridge and Diamond

1350 I Street, Suite 700

Washington, DC 20005-3311

(202) 789-6028 (voice)

(202) 789-6190 (facsimile)

[pmoore@bdlaw.com](mailto:pmoore@bdlaw.com).

Counsel for Fluor-Lane, LLC

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

VIRGINIA SOIL AND WATER  
CONSERVATION BOARD

v.

FLUOR-LANE, LLC

)  
)  
)  
) No.  
)  
)

RECEIVED & FILED  
CIRCUIT COURT  
MAY 03 2010 4:13  
BEVILL M. DEAN CLERK  
BY *[Signature]* D.C.

**JOINT MOTION TO ISSUE TEMPORARY INJUNCTION**

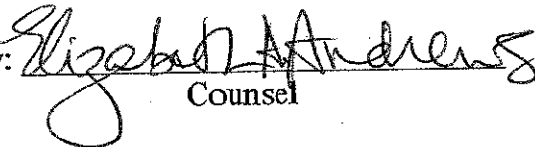
The Virginia Soil and Water Conservation Board (the Board) and Fluor-Lane, LLC (Fluor-Lane) respectfully say the following:

1. This matter is an enforcement action brought by the Board to resolve certain alleged violations by Fluor-Lane of the General Permit for Discharges of Stormwater from Construction Activities, 4 VAC 50-60-1170 et seq.
2. Fluor-Lane consents to venue in this court.
3. The Board and Fluor-Lane have negotiated a Consent Decree (copy attached) to resolve the violations pled in the Board's Complaint.
4. Pursuant to 4 VAC 50-60-660.B, the Board will publish a public notice of this proposed settlement and receive public comment for thirty days. Upon termination of the public comment period, the Board will evaluate the comments received and may seek appropriate amendments to the Consent Decree to respond to those comments.

5. Until the public comment process is resolved, whether by agreement or, if necessary, by litigation, Fluor-Lane agrees to entry of the attached temporary injunction that requires it to end the alleged violations of the General Permit.

ON THIS BASIS the Board and Fluor-Lane respectfully move the court to issue the attached temporary injunction.

**VIRGINIA SOIL AND WATER  
CONSERVATION BOARD**

By:   
Counsel

Date: April 30, 2010

Kenneth T. Cuccinelli, II  
Attorney General

Elizabeth A. Andrews (Va. Bar #36274)  
Assistant Attorney General  
900 East Main Street  
Richmond, Virginia 23219  
(804) 225-4004 (voice)  
(804) 786-0034 (facsimile)  
EAndrews@oag.state.va.us

FLUOR-LANE, LLC

By: W. Parker Moore  
Counsel

W. Parker Moore (Va. Bar # 68463)  
Beveridge and Diamond, P.C.  
1350 I Street, Suite 700  
Washington, DC 20005-3311  
(202) 789-6028 (voice)  
(202) 789-6190 (facsimile)  
pmoore@bdlaw.com

**VIRGINIA:**

**IN THE CIRCUIT COURT OF THE CITY OF RICHMOND**

**VIRGINIA SOIL AND WATER  
CONSERVATION BOARD**

v.

**FLUOR-LANE, LLC**

)  
)  
)  
) No.  
)  
)

**CONSENT DECREE**

Upon joint motion of the Virginia Soil and Water Conservation Board (the Board) and Fluor-Lane, LLC (Fluor-Lane), the Court ORDERS:

1. Fluor-Lane shall immediately and fully implement the I-495 HOT Lanes Project Erosion and Sediment Control Monitoring and Maintenance Plan for Stormwater Management, dated April 9, 2010 (the Plan), copy attached as Exhibit

A.

2. At the high occupancy toll lanes project on I-495 (the Project) Fluor-Lane shall comply fully with the requirements of the General Permit for Discharges of Stormwater from Construction Activities (the Permit) as to

- Discharges of stormwater from the Project site;
- Stabilization measures in areas where construction activities have ceased;



- Maintenance of a complete Stormwater Pollution Prevention Plan;
- Performance of required inspections of the site;
- Removal of off-site accumulations of escaped sediment;
- Management and disposal of construction debris and litter;
- Design, installation, upgrading, and maintenance of control measures in accordance with good engineering practices and the State erosion and sediment control minimum standards, 4 VAC 50-30-40; and
- Discharges of non-stormwater not otherwise authorized by the Permit.

3. In any case where the requirements of the Plan are more restrictive than the requirements of the Permit, Fluor-Lane shall comply with the requirements of the Plan. The Plan provides standards and procedures that are more specific and stringent than the Permit; as to operational and maintenance issues, the Board agrees that actions in full compliance with the Plan are not violations of the Permit or of this Consent Decree.

4. Fluor-Lane shall notify the Virginia Department of Conservation and Recreation (the Department) as soon as possible, and in any case within forty-eight hours of discovering the violation, by telephone to (540) 351-1589 and email to [debra.switzer@dcr.virginia.gov](mailto:debra.switzer@dcr.virginia.gov), of any violation of the terms of Paragraph 1, 2, or 3 of this Consent Decree. In any case where Fluor-Lane is unable to determine

within the forty-eight hour period whether a particular situation is or is not a violation, Fluor-Lane shall report a possible violation and shall, within a further five working days, report whether the situation is or is not a violation and the basis for that conclusion.

5. The Director of the Department may excuse any violation that has been timely reported, provided that Fluor-Lane has demonstrated that the violation (1) was caused by *force majeure* or other cause beyond its control or (2) was neither expected nor reasonably preventable and had no significant impact to State waters. In any case where the Director of the Department proposes to excuse a violation, the Department shall provide seven days' notice by email to EPA and all persons who submit comments regarding the proposed settlement of this case. The Director shall make a final decision whether or not to excuse the violation only after evaluating any public comment received pursuant to the notice. Fluor-Lane may appeal the Director's refusal to excuse any violation to this Court upon motion and subject to the requirements of CODE § 2.2-4027. Actions of a Fluor-Lane subcontractor are not beyond Fluor-Lane's control.

6. Fluor-Lane shall pay a civil penalty of \$66,450 by cashier's check payable to "Treasurer of Virginia" and delivered within thirty days of the date of this Consent Decree to the Department's Division of Finance, Accounts Payable, 203 Governor Street, Suite 302, Richmond, Virginia 23219.

7. The temporary injunction entered in this matter on \_\_\_\_\_ is vacated.

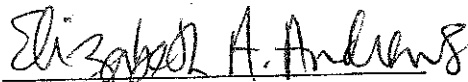
8. This matter shall remain on the docket pending completion of the Project. The Clerk shall remove the matter from the docket upon receipt of a Notice from the Board that the Project is complete and any disputes regarding Fluor-Lane's compliance with this Consent Decree have been resolved.

ENTER this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

---

Judge

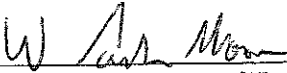
**We ask for this:**



Kenneth T. Cuccinelli, II  
Attorney General

Elizabeth A. Andrews (Va. Bar # 36274)  
Assistant Attorney General  
900 East Main Street  
Richmond, Virginia 23219  
(804) 225-4004 (voice)  
(804) 786-0034 (facsimile)  
EAndrews@oag.state.va.us  
Counsel for Virginia Soil and Water Conservation Board

Seen and agreed to:

  
W. Parker Moore (Va. Bar # 68463)  
Beveridge and Diamond, P.C.  
1350 I Street, Suite 700  
Washington, DC 20005-3311  
(202) 789-6028 (voice)  
(202) 789-6190 (facsimile)  
pmoore@bdlaw.com  
Counsel for Fluor-Lane, LLC

VIRGINIA:

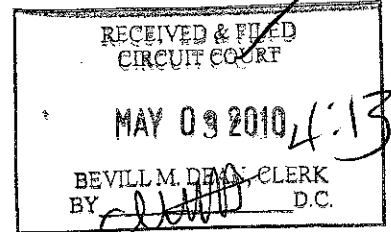
IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

VIRGINIA SOIL AND WATER  
CONSERVATION BOARD

v.

FLUOR-LANE, LLC

)  
)  
)  
) No.  
)  
)



TEMPORARY INJUNCTION

Upon joint motion of the Virginia Soil and Water Conservation Board (the Board) and Fluor-Lane, LLC (Fluor-Lane), the Court ORDERS:

1. Fluor-Lane shall immediately and fully implement the I-495 HOT Lanes Project Erosion and Sediment Control Monitoring and Maintenance Plan for Stormwater Management, dated April 9, 2010 (the Plan), copy attached as Exhibit A.

2. At the high occupancy toll lanes project on I-495 (the Project) Fluor-Lane shall comply fully with the requirements of the General Permit for Discharges of Stormwater from Construction Activities (the Permit) as to

- Discharges of stormwater from the Project site;
- Stabilization measures in areas where construction activities have ceased;
- Maintenance of a complete Stormwater Pollution Prevention Plan;

- Performance of required inspections of the site;
- Removal of off-site accumulations of escaped sediment;
- Management and disposal of construction debris and litter;
- Design, installation, upgrading, and maintenance of control measures in accordance with good engineering practices and the State erosion and sediment control minimum standards, 4 VAC 50-30-40; and
- Discharges of non-stormwater not otherwise authorized by the Permit.

3. In any case where the requirements of the Plan are more restrictive than the requirements of the Permit, Fluor-Lane shall comply with the requirements of the Plan. The Plan provides standards and procedures that are more specific and stringent than the Permit; as to operational and maintenance issues, the Board agrees that actions in full compliance with the Plan are not violations of the Permit or of this injunction.

4. Fluor-Lane shall notify the Virginia Department of Conservation and Recreation (the Department) as soon as possible, and in any case within forty-eight hours of discovering the violation, by telephone to (540) 351-1589 and email to [debra.switzer@dcr.virginia.gov](mailto:debra.switzer@dcr.virginia.gov), of any violation of the terms of Paragraph 1, 2, or 3 of this temporary injunction. In any case where Fluor-Lane is unable to determine within the forty-eight hour period whether a particular situation is or is not a violation, Fluor-Lane shall report a possible violation and shall, within a

further five working days, report whether the situation is or is not a violation and the basis for that conclusion.

5. The Director of the Department may excuse any violation that has been timely reported, provided that Fluor-Lane has demonstrated that the violation (1) was caused by *force majeure* or other cause beyond its control or (2) was neither expected nor reasonably preventable and had no significant impact to State waters. In any case where the Director of the Department proposes to excuse a violation, the Department shall provide seven days' notice by email to EPA and all persons who submit comments regarding the proposed settlement of this case. The Director shall make a final decision whether or not to excuse the violation only after evaluating any public comment received pursuant to the notice. Fluor-Lane may appeal the Director's refusal to excuse any violation to this Court upon motion and subject to the requirements of CODE § 2.2-4027. Actions of a Fluor-Lane subcontractor are not beyond Fluor-Lane's control.

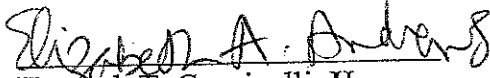
6. This temporary injunction shall expire on April 29, 2011 unless sooner modified or terminated by the Court.

ENTER this \_\_\_\_\_ day of May, 2010.

---


Judge

**We ask for this:**

  
Kenneth T. Cuccinelli, II  
Attorney General

Elizabeth A. Andrews (Va. Bar # 36274)  
Assistant Attorney General  
900 East Main Street  
Richmond, Virginia 23219  
(804) 225-4004 (voice)  
(804) 786-0034 (facsimile)  
EAndrews@oag.state.va.us  
Counsel for Virginia Soil and Water Conservation Board

**Seen and agreed to:**

  
W. Parker Moore (Va. Bar # 68463)  
Beveridge and Diamond, P.C.  
1350 I Street, Suite 700  
Washington, DC 20005-3311  
(202) 789-6028 (voice)  
(202) 789-6190 (facsimile)  
pmoore@bdlaw.com  
Counsel for Fluor-Lane, LLC



**EXHIBIT A**



---

**I-495 HOT Lanes Project**

**Erosion & Sediment Control  
Monitoring and Maintenance Plan  
for Stormwater Management**

**April 9, 2010**

## A. Purpose and Background

Fluor-Lane, LLC shall fully comply with, and shall require that its subcontractors fully comply with, all requirements of the Clean Water Act relating to the discharge of stormwater from the I-495 HOT Lanes Project, Virginia (the "Project") as well as with the Virginia "General Permit for Discharges of Stormwater from Construction Activities" (VAR10) (the "Permit") and any applicable successor permit.

This Erosion and Sediment Control (ESC) Monitoring & Maintenance Plan defines the organization, monitoring, reporting and documentation efforts related to monitoring and maintenance of ESC controls. The monitoring and maintenance phase starts immediately after ESC measures such as silt fence, check dams or sediment traps have been installed per the approved design plans. The purpose of inspecting the ESC controls is to identify needs for repairs as well as identify the need for enhancing the design by additional or different ESC controls. For example, silt fence may be replaced by super silt fence, or check dams, or sediment traps, or a combination of all of these, depending on engineering input and the experience at the particular location. This plan will also help to assure consistency and continuity between the four Construction Areas.

The ESC Monitoring & Maintenance Plan is one of multiple elements that comprise the ESC effort on the Project. Other key documents include the Clearing & Grubbing Design Plans, Erosion & Sediment Control Design Plans (as part of Grading & Drainage and Final Roadway design packages), ESC standard details, Virginia Road & Bridge Specifications, Virginia Erosion and Sediment Control Handbook, the Environmental Management Plan, Storm Water Pollution Prevention Plans (SWPPP) and the DCR VAR10 general permit as well as the JPA permits.

Ultimately, the purpose of the overall Project ESC effort is to minimize sediment and other pollutants from discharging from the construction site.

## B. ESC Organization – Roles & Responsibilities

The ESC organization is shown in Exhibit 1. Qualifications, powers and duties of key positions include:

### 1. ESC Compliance Manager

Fluor-Lane shall retain an ESC Compliance Manager who shall report directly to the Project Director. The ESC Compliance Manager shall be fully dedicated to the Project's ESC effort and tasked with Permit compliance.

#### a. Qualifications:

The ESC Compliance Manager shall complete or hold and, as necessary, maintain the currency of the following VDOT and DCR training, licenses and certifications:

- i. VDOT/MTCA ESC contractor program certificate, and;
- ii. The following training and certifications:
  1. DCR Responsible Land Disturber  
(<http://165.176.249.158/dcrCertification/index.cfm>);
  2. DCR Basic Erosion & Sediment Control  
(<http://www.dcr.virginia.gov/forms/DCR199-097.pdf>);
  3. DCR Inspector Erosion & Sediment Control  
(<http://www.dcr.virginia.gov/forms/DCR199-034.pdf>);
  4. DCR Plan Reviewer Erosion & Sediment Control  
(<http://www.dcr.virginia.gov/forms/DCR199-035.pdf>)

Upon engagement, the Compliance Manager shall have a reasonable time period to become VDOT certified, and shall attend the DCR Plan Reviewer course at the earliest available opportunity. Until VDOT certified, the C-107 form (Exhibit 2) will be completed by VDOT certified Fluor-Lane representatives.

#### b. Powers and Duties:

The ESC Compliance Manager shall:

- i. Have overall responsibility for Project compliance with the Permit;

- ii. Perform weekly ESC inspections of the entire Project (post-rainfall inspections will be completed by ESC field engineers), and otherwise ESC Compliance Manager shall spend the majority of his/her time in the field.
- iii. Have the authority to direct field staff to take appropriate responsive action to resolve ESC Action Items, including Action Items identified during inspections. The Compliance Manager shall coordinate directly with Area Managers, superintendents, foremen and field engineers to prioritize ESC maintenance needs and to ensure follow-up actions are accomplished.
- iv. Complete the weekly C-107 inspection forms and archive the completed forms in the appropriate SWPPP.
- v. Maintain appropriate written, photographic and statistical records of compliance activities.
- vi. Identify trends regarding ESC issues related to Best Management Practice (BMP) installation, repeated maintenance issues and seasonal considerations. These trends will be translated to a "BMP HOT List" which is a list of key BMP's illustrated with photographs, specifications and charts as appropriate. The list will be posted in the field trailers and distributed during field staff meetings.
- vii. Develop and keep up to date an "ESC HOT Spot List" which identifies critical, environmentally sensitive locations that will be inspected by Compliance Manager at least twice a week. The "ESC HOT Spot" list will be posted in field trailers.
- viii. Manages the Coordinated Action Item Tracking List, as described in section D.3 of this plan.
- ix. Convene meetings with foremen, superintendents and field engineers to discuss and provide information/training concerning Permit requirements and ESC codes and guidelines, and ongoing ESC issues of concern.
- x. Identify any location where current level of ESC control is inadequate and provide technical assistance to the management and construction management on erosion and sediment control related matters.

- xi. Coordinate with and provide Project point of contact on ESC issues for regulatory agencies, including DCR. Document follow-up to DCR inspection findings.
- xii. Coordinate the WSSI audits. Maintain records of WSSI audit reports.
- xiii. Provide toolbox talk script and occasional photographs for Area Superintendents to use with ESC field crews highlighting proper project controls.
- xiv. Respond to citizen inquiries relating to Permit compliance received by Fluor-Lane's Public Information Manager within 5 days of receipt of inquiry.

## 2. ESC Field Engineers

Each of the Project's four Construction Areas will have one or more ESC field engineers who support the ESC Compliance Manager. The Area Manager shall designate one ESC field engineer in each Construction Area to serve as the Lead ESC Field Engineer for that Area.

### a. Qualifications:

Each Lead ESC Field Engineer shall complete or hold and, as necessary, maintain the currency of the following DCR and VDOT training and certifications:

- i. DCR Responsible Land Disturber certificate  
(<http://165.176.249.158/dcrCertification/index.cfm>);
- ii. VDOT/VTCA ESC contractor program certificate.

### b. ESC Duties:

- i. Conduct post-rainfall inspections;
- ii. Complete post rainfall C-107 inspection forms and archive the completed forms in the SWPPP records; and
- iii. Review most recent weekly C-107, DCR and VDOT inspection results, most recent WSSI audit report, and daily checklists prepared during the prior week by grading foremen (see item 4 below) to identify and resolve any open Action Items.

### **3. Independent Compliance Firm (WSSI)**

Wetland Studies & Solutions Inc. (WSSI) acts as the Project's Independent Compliance Firm.

- a. WSSI shall perform ESC audits, consisting of field walkthroughs, and shall provide reports directly to the Fluor-Lane Board of Directors, Capital Beltway Express ("CBE"), DCR and VDOT. During the major grading periods of the Project, audits will be performed on a weekly basis and may be reduced to biweekly when Fluor-Lane determines that major grading is not in progress. The audits will be coordinated through the ESC Compliance Manager. Audit frequency may be adjusted based on Project needs.
- b. Where needed, WSSI shall provide technical assistance to enhance ESC controls where existing controls prove to be inadequate.

### **4. Fluor-Lane Foremen**

- a. On each work day the grading foremen (approximately 4 for each Construction Area) shall perform inspections of the ESC controls, litter control, and control of construction debris and construction chemicals within their area of responsibility. The results of the inspection will be documented on the Project Daily ESC Checklist (Exhibit 3).
- b. The grading foremen will be provided a copy of the Virginia Erosion & Sediment Control Field Manual for their use during their daily inspections.
- c. The grading foremen are employed by the Lane Construction Corporation. As an incentive to their performance, the ESC compliance and environmental performance is a factor in their semi-annual evaluation.

### **5. Quality Assurance Department**

- a. The Quality Assurance Department ("QA") scope of work includes routine audits of C-107 and daily checklists prepared by grading foremen to confirm completion and consistency of those reports and checklists.
- b. QA shall perform this audit on one Construction Area per week, thereby auditing each Construction Area once every four weeks.

- c. Deficiencies will be discussed with the Quality Assurance Manager and the appropriate remedies will be discussed with the Lead Field Engineer for the affected Area(s) and the ESC Compliance Manager.
- d. These audits will be summarized in separate Audit Reports provided to the Lead Field Engineer for the affected Area(s) and the ESC Compliance Manager.

**6. Environmental agency oversight**

- a. DCR, CBE, VDOT and DEQ perform periodic ESC inspections.
- b. DCR, CBE, VDOT and DEQ may join Fluor-Lane inspections at any time.



## C. Implementation

1. Pursuant to the terms of the Permit, the following shall be deemed Action Items:
  - a. Presence of a control that has been used inappropriately or incorrectly (Permit § II(D)(2)(b)(2));
  - b. Maintenance of a control measure that is not operating effectively (Permit § II(D)(3)(a));
  - c. Removal of off-site accumulations of sediment attributable to Project (Permit § II(D)(2)(b)(3)); and
  - d. Existing control measures that need to be modified or if additional control measures are necessary for any reason (Permit § II (D)(3)(b)).
2. The ESC Compliance Manager will identify the Action Items that will be tracked in the Coordinated Action Item Tracking List as described in Section D.3 of this plan.
3. For the purposes of this Erosion & Sediment Control Monitoring and Maintenance Plan, it shall be the Project's goal to resolve Action Items as follows:
  - a. Within 48 hours, but no more than 5 days after identification under Section C.2 of an Action Item consisting of repair or maintenance tasks not requiring mobilization of heavy equipment; and
  - b. Within 5 days, but no more than 14 days after identification under Section C.2 of an Action Item requiring mobilization of heavy equipment; provided that
  - c. The Project shall produce and retain a written explanation in cases where it is not practicable to resolve Action Items within the time frames set forth in this section.

## **D. Monitoring, reporting and documentation**

### **1. Daily monitoring**

- a. On each work day the grading foremen (approximately 4 for each Construction Area) perform inspections of the ESC controls within their area of responsibility.
- b. The results of the inspection will be documented on the Project Daily ESC Checklist (Exhibit 3). The Excavation Superintendent will collect the daily inspection forms and provide them to the Lead ESC Field Engineers for review and follow up.
- c. The daily checklist documentation will be maintained at site offices.

### **2. Weekly and post rain event monitoring**

- a. The ESC Compliance Manager performs weekly Project-wide ESC inspections. Any Action Item identified during such inspection shall be re-inspected by the ESC Compliance Manager the following week to confirm that such Action Item has been resolved. The results of the inspection are documented on C-107 forms which are subsequently counter-signed by a VDOT ESC representative.
- b. Field engineers support the ESC Compliance Manager by performing the post rainfall ESC inspections as needed. The results of the inspection are documented on C-107 forms which are subsequently counter-signed by a VDOT ESC representative.
- c. Copies of the C-107 forms are distributed electronically to DCR, CBE, and VDOT. Original copies will be maintained at site offices.

### **3. Independent compliance audits (WSSI)**

- a. The results of audits will be documented in reports (with photos of complex areas as needed) that will be distributed to the Fluor-Lane Board of Directors with copies sent to DCR, CBE and VDOT, within two business days of their field visit.
- b. Any Action Item identified during an audit shall be re-inspected by Fluor-Lane or by the Independent Compliance Firm to confirm that such Action Item has been resolved.

- c. The ESC Compliance Manager will maintain electronic copies of the WSSI audit reports in a central repository.
  - d. Fluor-Lane will have an on-call contract with WSSI to:
    - i. Engage WSSI for additional field inspections at Fluor-Lane's discretion.
    - ii. Engage WSSI to provide technical advice for complex site situations.
    - iii. Engage WSSI to support training needs.
4. Coordinated Action Item Tracking List
- a. Action Items as identified by the ESC Compliance Manager shall be aggregated into a single Coordinated Action Item Tracking List (Coordinated List). Sources of Action Items include but are not limited to C107 forms, DCR inspection results, WSSI inspection reports and VDOT inspection reports.
  - b. A status report of the Coordinated List shall periodically be generated to display the date of resolution of each listed Action Item and shall be provided to Deputy Project Director for Construction and Project Director. Project Director shall review each such status report and shall initial and date the list to reflect his review.
  - c. The ESC Compliance Manager will maintain record of affirmative confirmation of the resolution of Action Items.
  - d. The Coordinated List shall be available at the site for review by DCR and VDOT during their site inspections.

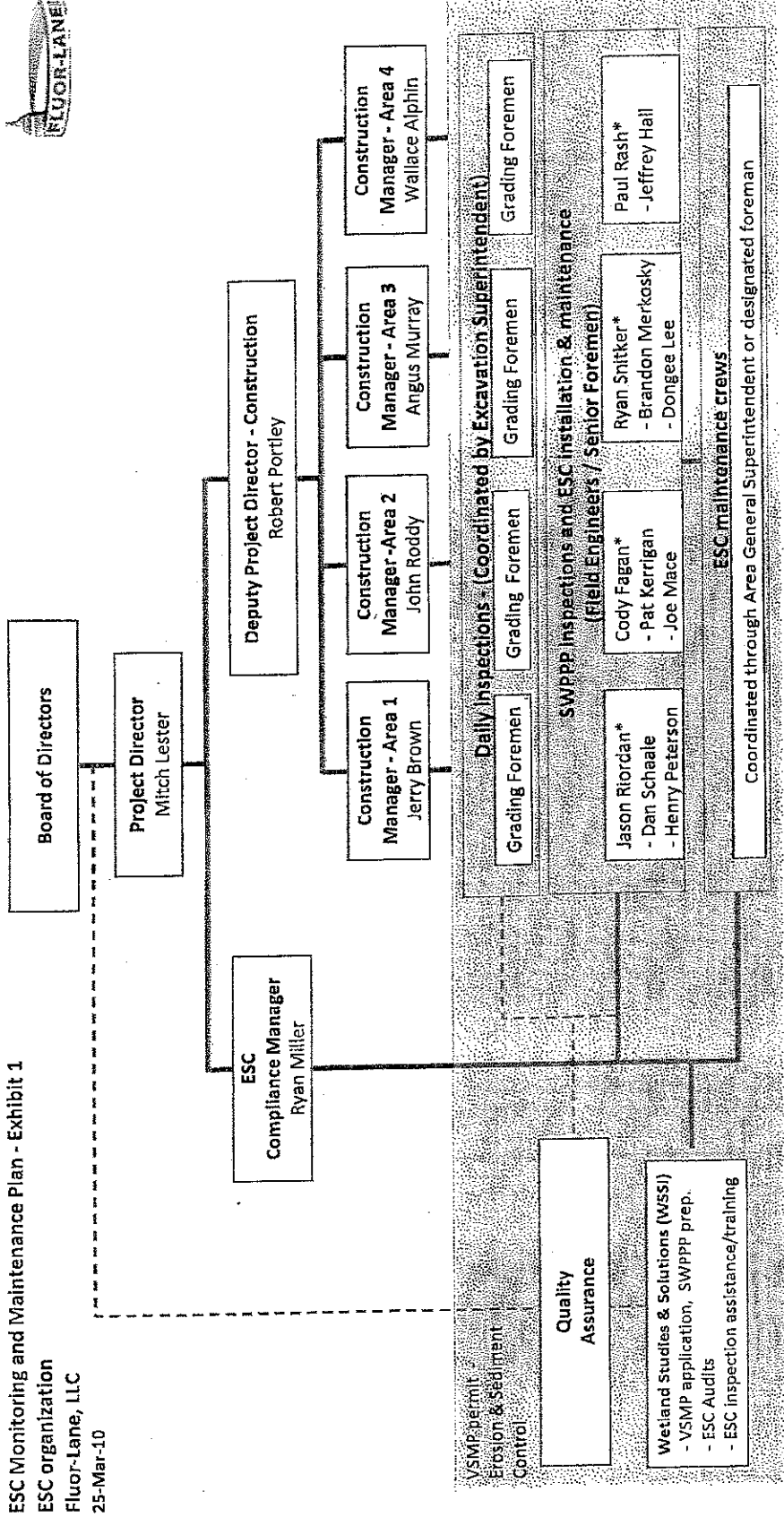
## E. Training

In addition to the qualifications required of the ESC Compliance Manager and of the Lead ESC Field Engineers, the following in-house training shall be provided.

1. The ESC Compliance Manager shall train superintendents, foremen and field engineers, (selected by Project Director for Construction) in the correct installation of BMP's and the appropriate maintenance of ESC measures. Training will be in a classroom or field setting at the discretion of the ESC Compliance Manager.
2. The ESC Compliance Manager will attend weekly field staff meetings to report on recent developments, external audits, and recent ESC issues and successes. Updates to the "ESC HOT Spot list" and "BMP HOT List" will be distributed during the staff meetings.
3. Supervisors for new subcontractors, who will be involved in land disturbing activities, will be required to attend an ESC pre-construction meeting wherein ESC information will be provided on Permit requirements, Fluor-Lane's compliance expectations, and potential consequences of non-compliance, including without limitation back charges for erosion and sediment controls, cleanup, re-inspections.
4. The ESC Compliance Manager will organize semi-annual Environmental Compliance meetings of land disturbing subcontractors. These meetings are to be attended by appropriate subcontractor personnel. ESC Compliance Manager will coordinate with Deputy Project Director for Construction to generate the list of target subcontractors.
5. The ESC Compliance Manager coordinates meetings with foremen, superintendents and field engineers to discuss and provide information/training concerning Permit requirements and applicable ESC codes and guidelines, and ongoing ESC issues.

ESC Monitoring and Maintenance Plan - Exhibit 1

ESC organization  
Fluor-Lane, LLC  
25-Mar-10



Points of contact

ESC Compliance Man.	Ryan Miller	Cell phone	Email
Area 1	Jerry Brown	TBD	ryan.miller@fluor-lane.com
Area 2	John Roddy	703.357.6553	jerry.brown@fluor-lane.com
Area 3	Angus Murray	202.359.9897	john.rodody@fluor-lane.com
Area 4	Wallace Alphin	571.436.8729	angus.murray@fluor-lane.com
		571.436.1686	wallace.alphin@fluor-lane.com

*Primary contact	Cell phone	Email
Jason Riordan	571.436.6318	Jason.Riordan@fluor-lane.com
Cody Fagan	571.436.6985	Cody.Fagan@fluor-lane.com
Ryan Snitker	571.436.4134	Ryan.Snitker@fluor-lane.com
Paul Rash	571.436.6909	Paul.Rash@fluor-lane.com

# ESC Monitoring & Maintenance Plan - Exhibit 2

C-107 7-31-09

## CONSTRUCTION RUNOFF CONTROL INSPECTION FORM (CRCIF) C-107 VDOT Road & Bridge Specification 107.16(a)



Project Name / ID: I-495 HOT Lanes project, Fluor-Lane LLC  
 Inspection Date: \_\_\_\_\_

**Type of Inspection: (Check Appropriate Block)**

- (1) After Run-Off Producing Rainfall Event  (2) Bi-Weekly (14 Day) Schedule  (3) Monthly Schedule

**Weather Conditions (At Time of Inspection) (Check All Appropriate)**

- Clear  Sunny  Partly Cloudy  Cloudy  Cold  Cool  Mild  Hot

Is there any discharge occurring from construction site at time of inspection?

- Yes  No

If yes, is discharge:

Compliant with the Erosion and Sediment Control Regulation and VSMP Construction Permit Requirements:

- Yes  No

If no, describe conditions of discharge: \_\_\_\_\_

ITEM #	Inspection Questions	N/A <sup>1</sup>	YES <sup>2</sup>	NO <sup>3</sup>
1	Have all denuded areas requiring temporary or permanent stabilization been stabilized?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Have disposal/borrow and soil stockpiles (on-site and off-site) been stabilized with seeding and/or protected with sediment trapping measures? Do off-site areas have VDOT approved ESC plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Does permanent vegetation provide adequate stabilization for completed project areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4a	Have perimeter controls been constructed as a first step in land disturbing activities (includes clearing or grubbing)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4b	Are perimeter and other erosion and sediment control structures and systems being maintained, inspected and repaired to ensure functionality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Have earthen structures, such as dams, dikes, and diversions, been immediately stabilized?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Have sediment basins and traps been constructed according to plans, specifications, and/or standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Are finished cut and fill slopes adequately stabilized?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Is concentrated water flowing through adequate slope drains, flumes, or non-erodible channels on cut or fill slopes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Do slope faces have drainage or protection from water seeps?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Do all operational storm sewer and culvert inlets have inlet protection in accordance with plans, specifications, and/or standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Are stormwater conveyance channels stabilized with channel lining and/or outlet protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Is in-stream construction conducted using measures to minimize channel damage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Are temporary stream crossings of non-erodible material installed where construction equipment crosses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.a.	Are all water quality permit requirements being adhered to?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.b.	Are material/equipment handling/storage areas clean and free of spills, leaks, or other deleterious materials and are related protective measures adequate? If there is an SPCC Plan for this project, is it being adhered to?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.	Is re-stabilization of in-stream construction complete before leaving the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.a.	Are utility trenches stabilized properly according to the specifications?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.b.	Is effluent from dewatering operations being filtered (including in-stream structure dewatering)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17.	Are construction entrances adequately protected and being maintained and are public roadways being kept clean from soil and mud?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18.	Have all temporary control structures that are no longer needed been removed and have all such areas been stabilized?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19.	Are properties and waterways adjacent to the project site being adequately protected from potential pollutant discharge, erosion, flooding, and sedimentation from the project site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20.	Are dust control measures being implemented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21.	Have all deficiencies from previous reports been addressed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1 - N/A: Not Applicable; 2-YES: All related contract items, requirements, plans, specifications, standards, and permits pertaining to this question are being satisfied  
 3 - See Note 7

CONTRACTOR: See Note 3 below	_____ Print Name of Contractor ESCCC Person	_____ Contractor ESCCC Person Signature	_____ Date
VDOT: See Note 4 below	_____ Print Name of VDOT Certified ESC Inspector	_____ VDOT ESC Certified Inspector Signature	_____ Date
Copy 1 - Contractor	Copy 2 - VDOT Project Inspector	Copy 3 - Project Engineer/RLD/File	



ESC Monitoring & Maintenance PLAN - Exhibit 3

FLUOR-LANE LLC STORM WATER QUALITY DAILY CHECKLIST

Foreman: \_\_\_\_\_  
 Area: \_\_\_\_\_

Date: \_\_\_\_\_

Requirement	Yes	No	N/A	Corrective Action
<b>Temporary Soil Stabilization</b>				
Denuded areas requiring stabilization been stabilized?				
Stabilization 100% coverage?				
Slope surface roughening correct				
Stabilized area free from erosion?				
<b>Silt Fence</b>				
Installed correctly?				
Free of accumulated litter?				
Built-up sediment less than 1/2 the height of barrier				
<b>Storm Drain Inlet Protection</b>				
Storm drain inlets protected?				
Storm drain inlet protection properly maintained?				
Inlet protection cleaned when required?				
<b>Sediment Traps</b>				
Constructed correctly-correct stone and shape?				
Sediment removed when half full?				
<b>Stockpiles</b>				
Soil stockpiles stabilized or sediment controlled?				
<b>Tracking Control</b>				
Construction entrances in place? Maintained?				
Paved areas free of visible sediment?				
<b>Dewatering Control</b>				
Silt bags or settling basins used?				
Silt bags correctly installed on rock?				
Discharge free of sediment?				
<b>Temporary Stream Crossings</b>				
Constructed correctly?				
No spillage into watercourse?				
<b>Sediment discharge from site</b>				
Has any sediment from project accumulated off-site?				
<b>Misc Housekeeping</b>				
Equipment free of leaks?				
Spills from mobile equipment cleaned up?				
Liquids and hazardous materials stored correctly?				
Concrete washouts used? Maintained?				
Concrete washouts plastic lined and signed?				
Trash receptacles required? Litter collected?				

Does area need increased/different controls? Engineering Help? \_\_\_\_\_