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1.0 PURPOSE:

The purpose of this document is to define the procedure for processing environmental compliance nonconformance including identification, resolution, implementation of solution, re-inspection, and closure.

2.0 RESPONSIBILITIES:

- 2.1 Nonconformance Report (NCR) Originator – The Environmental Compliance Team (ECT) Leader or Construction Manager shall be responsible to document the NCR if applicable.
- 2.2 ECT Leader – The ECT Leader is responsible to ensure that environmental nonconformance is controlled to prevent noncompliance with environmental regulations, permits, or commitments, and/or to minimize impact to the natural environment. The ECT Leader shall classify the environmental issue in accordance with the Environmental Manual and definitions within this procedure. The ECT Leader shall propose a resolution to correct the nonconformance.
- 2.3 Construction Contractor – The Construction Contractor is responsible to review the proposed resolution within the NCR and implement or dispute said resolution.
- 2.4 Construction Manager – The Construction Manager is responsible to review and approve proposed environmental nonconformance resolutions to ensure they are feasible. The Construction Manager shall also be responsible to provide the approved resolution to the Construction Contractor for implementation and shall be responsible to verify that the approved resolution has been implemented.
- 2.5 Legal Counsel – North Texas Tollway Authority (Authority) Legal Counsel is responsible to review and approve the NCR and proposed resolution of Major Environmental Issues for legal sufficiency.
- 2.6 PMO Environmental Compliance Manager (ECM) – The PMO ECM is responsible to review the NCR and proposed resolution for compliance with all local, state, and federal regulations, and with any commitments entered into during planning phases of the project. On projects lacking an ECT Leader, the PMO ECM shall function in this role.

3.0 SCOPE/APPLICABILITY:

This procedure shall apply to construction generated nonconformances with environmental laws, regulations, permits, commitments, or Authority environmental policies, on all Project Delivery projects.

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4.0 REFERENCES:

- [ENV-01 Storm Water Management](#)
- North Texas Tollway Authority Environmental Manual

5.0 DEFINITIONS & ACRONYMS

- 5.1 Major Environmental Issue – environmental issues involving a failure to implement a requirement of a standard or regulation such that there is a noncompliance with a Federal, state, or local regulation, or a violation of a commitment made during the project development and environmental documentation process; or multiple minor non-conformances within the same requirement. Examples include, but are not limited to, the following: (i) a violation exists that must be reported to a governmental entity, (ii) a permit or other authorization has not been obtained prior to starting work on a project, (iii) an unauthorized release to the environment has occurred which impacts adjoining property or must be reported to a governmental entity, and (iv) a default exists or a breach has occurred in an agreement between the Authority and a third-party due to the environmental issue.
- 5.2 Minor Environmental Issue – environmental issues including a single lapse in fulfilling a requirement that will take some period of follow-up (generally longer than 24 hours) to remedy the situation. Such issues can also include observations of potential risk or opportunities for improvement, but do not typically include noncompliance with applicable Federal, state, or local regulations or environmental commitments associated with project environmental documentation.

6.0 PROCEDURES:

Environmental nonconformances are defined as the failure to comply with environmental laws, regulations, permits, commitments entered into by the Authority, or procedures of the Authority. Environmental nonconformance shall be defined as a Minor Environmental Issue or a Major Environmental Issue in accordance with the Authority's Environmental Manual. Minor and Major Environmental Issues shall be documented as an NCR in accordance with the procedures set forth in this document.

- 6.1 Once a potential environmental nonconformance issue has been identified by either the Construction Manager or ECT Leader, they shall review the potential NCR against plans and specifications; environmental laws, regulations, permits, and commitments; and the Authority's environmental policies to determine if an NCR should be opened. The Construction Manager or ECT Leader may consult with the PMO ECM to assist in validating the potential NCR.
- 6.1.1 Once an issue has been determined to be a true nonconformance, the ECT Leader shall classify the nonconformance as a Minor Environmental Issue or a Major Environmental Issue. All confirmed Minor and Major Environmental Issues shall be documented as NCRs in the EPDS system.
- 6.2 The ECT Leader shall develop a proposed resolution to the nonconformance that remedies any nonconformance to environmental laws, regulations, permits, commitments, or the environmental policies of the Authority, and forward the NCR to the Construction Manager.
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- 6.2.1 The Authority's Legal Counsel shall be copied on the NCR transmission for Major Environmental Issues.
 - 6.3 The Construction Manager shall review the recommended resolution and may approve or reject the NCR at this stage.
 - 6.3.1 If the recommended resolution for a Major Environmental Issue is accepted, the NCR will be forwarded to Legal Counsel (Step 6.4).
 - 6.3.2 If the recommended resolution for a Minor Environmental Issue is accepted, the NCR will be forwarded to the PMO ECM (Step 6.5).
 - 6.3.3 If the recommended resolution is not feasible, the NCR will be rejected and sent back to the ECT Leader to revise the proposed resolution.
 - 6.4 The Authority's Legal Counsel shall review the NCR addressing a Major Environmental Issue and the proposed resolution for legal sufficiency and may approve or reject the NCR at this stage.
 - 6.4.1 If the recommended resolution is approved, the NCR shall be forwarded to the PMO ECM.
 - 6.4.2 If the recommended resolution is not legally sufficient, the NCR shall be returned to the ECT Leader for revision.
 - 6.5 The PMO ECM shall review the NCR and proposed resolution to ensure that it complies with applicable Federal, state, and local regulations, laws, permits, commitments, and the Authority's environmental policies. The PMO ECM may approve or reject the NCR.
 - 6.5.1 If the NCR and proposed resolution is approved, the NCR shall be forwarded to the Construction Manager.
 - 6.5.2 If the NCR and proposed resolution is rejected, the NCR shall be returned to the ECT Leader for revision.
 - 6.5.3 The Corridor Manager shall be copied at either approval or rejection.
 - 6.6 The Construction Manager shall provide the NCR to the Construction Contractor.
 - 6.7 The Construction Contractor may dispute the proposed resolution or implement the resolution to the environmental nonconformance.
 - 6.7.1 If the proposed resolution is disputed, the NCR shall be returned to the ECT Leader for reassessment. The ECT Leader shall modify the NCR or reject the Construction Contractor's disputes.
 - 6.7.2 If the proposed resolution is not disputed, the Construction Contractor shall implement the approved resolution.
 - 6.7.3 Upon execution of the approved resolution, the Construction Contractor shall notify the Construction Manager of remedial activities.
 - 6.8 The Construction Manager shall inspect the remedial activities to ensure they comply with the resolution presented in the NCR. The Construction Manager shall reject or approve the NCR for closure.
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- 6.8.1 If the remedial activities are rejected, the NCR shall return to the Construction Contractor for proper implementation of the resolution. The ECT Leader shall be copied if the remedial activities are rejected.
- 6.8.2 If the remedial activities are approved, the Construction Manager shall recommend NCR closure and forward the NCR to the ECT leader for further action.

6.9 The ECT Leader may close the NCR or reject remedial activities.

- 6.9.1 If remedial activities return the nonconformance to compliance with applicable Federal, state, and local environmental laws, regulations, permits, commitments, and the Authority's environmental policies, the NCR shall be closed.
 - 6.9.1.1 For Major Environmental Issues, the Corridor Manager, PMO ECM, Construction Manager, and Authority's Legal Counsel shall be copied.
 - 6.9.1.2 For Minor Environmental Issues, the Corridor Manager, PMO ECM, and Construction Manager shall be copied.
- 6.9.2 If remedial activities fail to return the nonconformance to compliance with applicable laws, regulations, permits, commitments, or the Authority's environmental policies, the NCR shall be rejected to the Construction Manager for remedial activities by the Construction Contractor.
 - 6.9.2.1 For Major Environmental Issues, the PMO ECM and Authority's Legal Counsel shall be copied.
 - 6.9.2.2 For Minor Environmental Issues, the PMO ECM shall be copied.

6.10 An NCR may result in the creation of Corrective or Preventive Actions to determine the root cause of the nonconformance to prevent future reoccurrence.

7.0 REGULATORY REQUIREMENTS:

N/A

8.0 RELATED BOARD POLICY:

- 8.1 NTTA Environmental Policy

9.0 COMPONENT DOCUMENTS:

- 9.1 [ENV-03-A1](#) ENV NCR Workflow Reference Card

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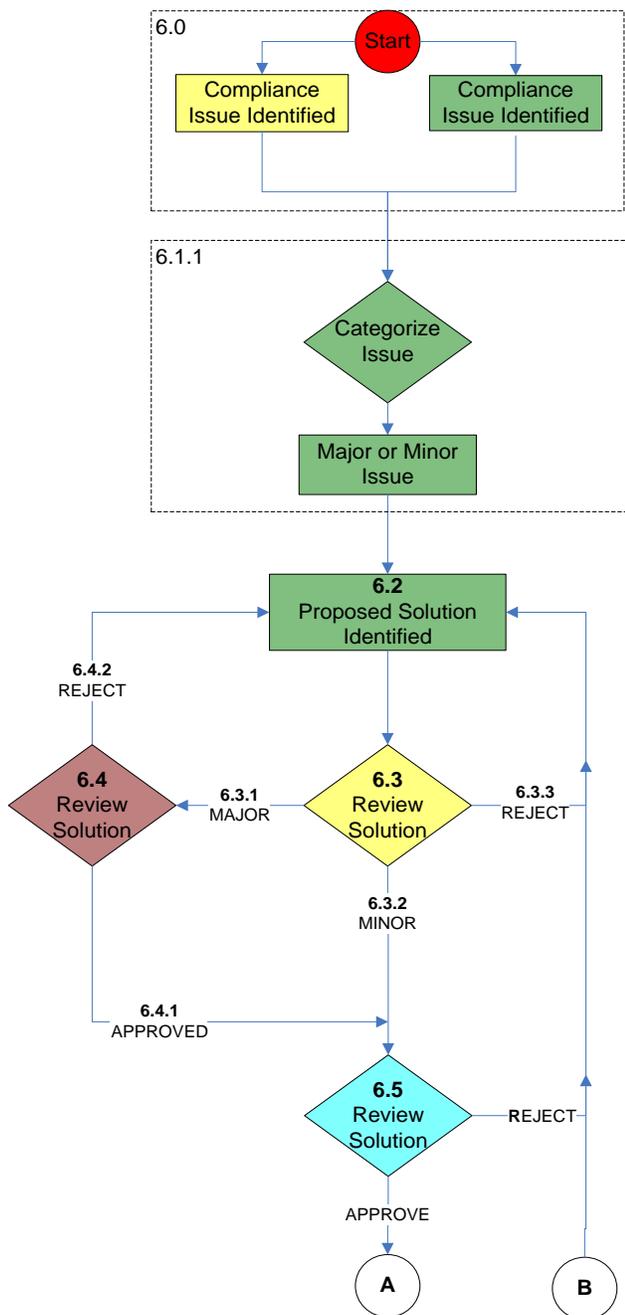
10.0 REVISION HISTORY:

Revision	Revised by:	Date Released	DRN NO.	Reason for Revision
0	Eric Huff	8/10/2009	10017	Original Release
1	Troy Federspiel	11/18/2009	10064	New release of: ENV-03-A1 ENV NCR Workflow Reference Card Revision of ENV-03 Control of Environmental Nonconformance adding ENV-03-A1 attachment to the Section 9.0 Component Documents.

11.0 FLOWCHART:

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6.0 PROCEDURES:
Compliance issue identified

6.1.1 ECT Leader categorizes environmental issue

- Minor Environmental Issue
- Major Environmental Issue

All confirmed Minor and Major Environmental Issues shall be documented as an NCR in the EPDS system.

6.2 The ECT Leader develops proposed resolution
Legal counsel shall be copied on the Major NCR Environmental Issues.

6.3 The Construction Manager reviews recommended resolution

6.3.1 Approved Major Environmental NCR will be forwarded to Legal Counsel (Step 6.4).

6.3.2 Approved Minor Environmental NCR will be forwarded to the PMO ECM

6.3.3 Rejected NCR will sent back to the ECT Leader

6.4 Legal counsel review the NCR.

6.5 The PMO ECM shall review the NCR. The Corridor Manager shall be copied for an approval or rejection.

ECT Leader

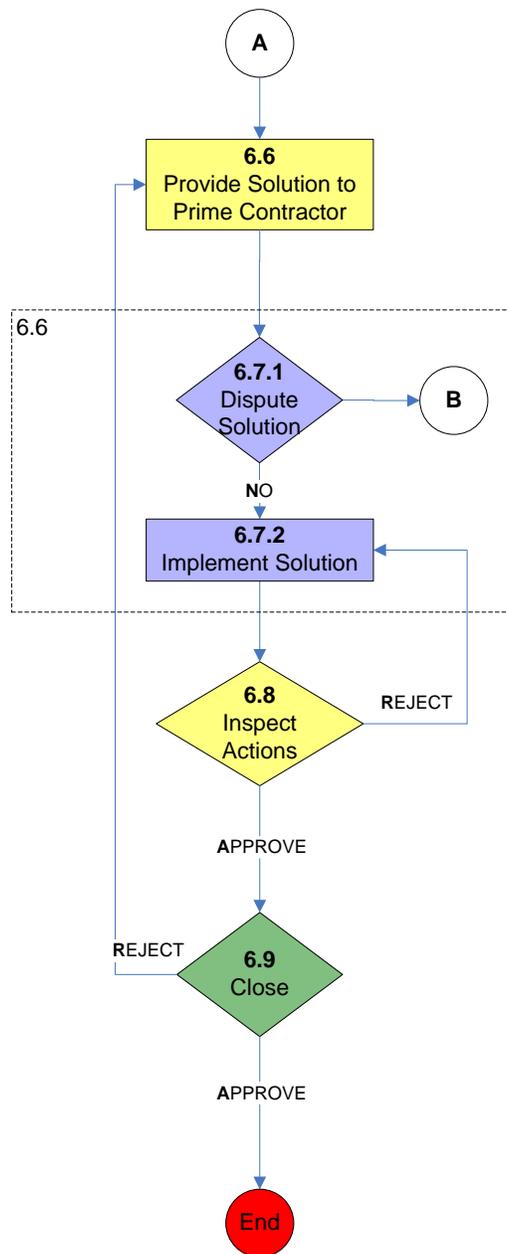
Construction Manager

NTTA Legal

PMO ECM

Contractor

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6.6 The Construction Manager shall provide the NCR to the Contractor.

6.7 The Contractor may dispute the proposed resolution or implement the resolution to the environmental nonconformance.

6.7.1 If the proposed resolution is disputed, the NCR shall be returned to the ECT Leader for reassessment.

6.7.2 If the proposed resolution is not disputed, the Contractor shall implement the approved resolution.

6.7.3 Upon execution of the approved resolution, the Contractor shall notify the Construction Manager.

6.8 The Construction Manager shall inspect the actions taken by the Contractor and approve or reject as needed.

6.9 The ECT Leader may close the NCR or reject remedial activities.

6.9.1 If remedial activities return the nonconformance to compliance with applicable Federal, state, and local environmental laws, regulations, permits, commitments, and the Authority's environmental policies, the NCR shall be closed.

6.9.2 If remedial activities fail to return the nonconformance to compliance with applicable laws, regulations, permits, commitments, or the Authority's environmental policies, the NCR shall be rejected to the Construction Manager for remedial activities by the Contractor.

ECT Leader

Construction Manager

NTTA Legal

PMO ECM

Contractor