

**SAN FRANCISCO PUBLIC UTILITIES COMMISSION
INFRASTRUCTURE CONSTRUCTION
MANAGEMENT PROCEDURES**

**SECTION: SFPUC INFRASTRUCTURE
CONSTRUCTION MANAGEMENT**

APPROVED: 

PROCEDURE NO: 038

DATE: 6/7/2019

**TITLE: ENVIRONMENTAL
NON-CONFORMANCE NOTICE**

REVISION: 1

1.0 Policy

An Environmental Non-Conformance 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-Conformance Notice may be documented if repeated minor problems (refer to Construction Management Procedure No. 043 Environmental Daily 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 SFPUC Infrastructure Construction Management (CM) Program to the extent that their work is affected by these 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 CM procedure describes the process by which Environmental Non-Conforming Notices are prepared by Environmental Inspectors; and reviewed for completeness by the Lead Inspector.

3.0 Definitions

3.1 Environmental Non-Conformance Notice

The Environmental Non-Conformance Notice is a required document provided by the Environmental Inspectors. Environmental Non-Conformance Notices document events and activities that are not in compliance with project mitigation measures, permits, and agency

agreements. An Environmental Non-Conformance 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 NCNs are part of official project records.

3.2 Construction Management Information System (CMIS)

The 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-Conformance Notices will utilize the CMIS. The CMIS is designed for the Environmental Inspectors to enter the reports directly into the system.

4.0 Responsibilities

4.1 Resident Engineer (RE)

The RE 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 RE is responsible for reviewing Non-Conformance Notices to determine and recommend when contractual action is necessary against a Contractor.

4.2 Environmental Conformance Manager (ECM)

The ECM is responsible for reviewing Environmental Non-Conformance Notices to determine if the Notice will require agency notification. The ECM is responsible for notifying the ECCM of any Notices. The ECM 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 Conformance Manager (ECCM)

The ECCM is responsible for providing applicable jurisdictional agency notification in response to Environmental Non-Conformance Notices. The ECM will provide the ECCM with any required supplemental documentation.

4.4 Lead Inspector, Quality

On each project, one Inspector will be designated as a Lead Inspector for the CM team member to assist the RE in planning for and coordinating all inspection activities. The Lead Inspector reports to the RE. The Lead Inspector is responsible for reviewing all Environmental Non-Conformance Notices for completeness and conformance to the CM Procedures.

4.5 Environmental Inspectors

Environmental Inspectors are responsible for preparing NCNs 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. Environmental Inspectors will be responsible to prepare the NCNs for the Specialty Environmental Monitor.

4.7 Administrative/Document Control Specialist

The ADCS provides clerical, administrative and document control/records management support to the CM team members. The ADCS 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 performed by the contractor to correct 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. 043 Environmental Daily Inspection Report).

5.2 Documentation of a Non-Conformance

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

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

- 5.2.4 If the ECM approved the Environmental NCN, the Lead Inspector forwards it to the RE for transmittal to the Contractor. If the ECM rejected the Environmental NCN, the Lead Inspector returns it to the Environmental Inspector for correction.
- 5.2.5 The RE 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 an 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 RE.
- 5.3.3 The RE reviews the CAR and forwards it to the Lead 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 reviews the dispute and, within five working days of receipt of the Contractor's dispute, assists the RE to respond to the Contractor's dispute.
- 5.3.6 The RE 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 RE accepts the Contractor's dispute, the Lead Inspector attaches all pertinent correspondence to the CMIS NCN record and closes the Environmental NCN.
- 5.3.8 If the RE 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 Inspector.

- 5.3.11 The Lead 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 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 RE 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 CM Procedure 043, Daily Environmental Inspection Reports.
- 6.2 The RE may elect to withhold payment for uncorrected non-compliant Work during the monthly progress payment process. See CM Procedure 010, Applications for Payment.

7.0 References

7.1 Technical Specifications

Contract Specification Section 01 35 43, Environmental Procedures;
Environmental Mitigation Measures

Contract Specification Section 01 45 00, Quality Control

7.2 SFPUC Infrastructure CM Procedures

No. 043 – Daily Environmental Inspection Reports

7.3 Other

NONE

8.0 Attachments

- 038 - 1 Environmental Non-Conformance Notice Form
- 038 - 2 Revision Control Log

Attachment 038 - 1
Environmental Non-Conformance Notice Form

SAN FRANCISCO PUBLIC UTILITIES COMMISSION

<Program Title entered here>

Contract Name: _____ Date: _____

Contract No.: _____

Subject: _____

From: _____

To: _____

Description: _____

Reason: _____

Identified By: _____

VERBAL NOTIFICATION? NOTIFICATION DATE: WHOM NOTIFIED:

Signed: _____

Date: _____

Signed: _____

Date: _____

Corrective Action By Contractor:

- Environment Corrective Action Required

- Environment Corrective Action Status

- Mitigation Monitoring Report

- Permit

- Additional Comments

Required By: _____ Date Started: _____ Date Completed: _____

Signed: _____

Date: _____

Signed: _____

Date: _____

Attachment 038 - 2
Revision Control Log

Revision No.	Revision Date	What changed?
Rev 1	6/7/19	<ul style="list-style-type: none"> • Minor format changes; • Attachments revised; • Revision Control Log updated.
Rev 0	11/14/16	Signed