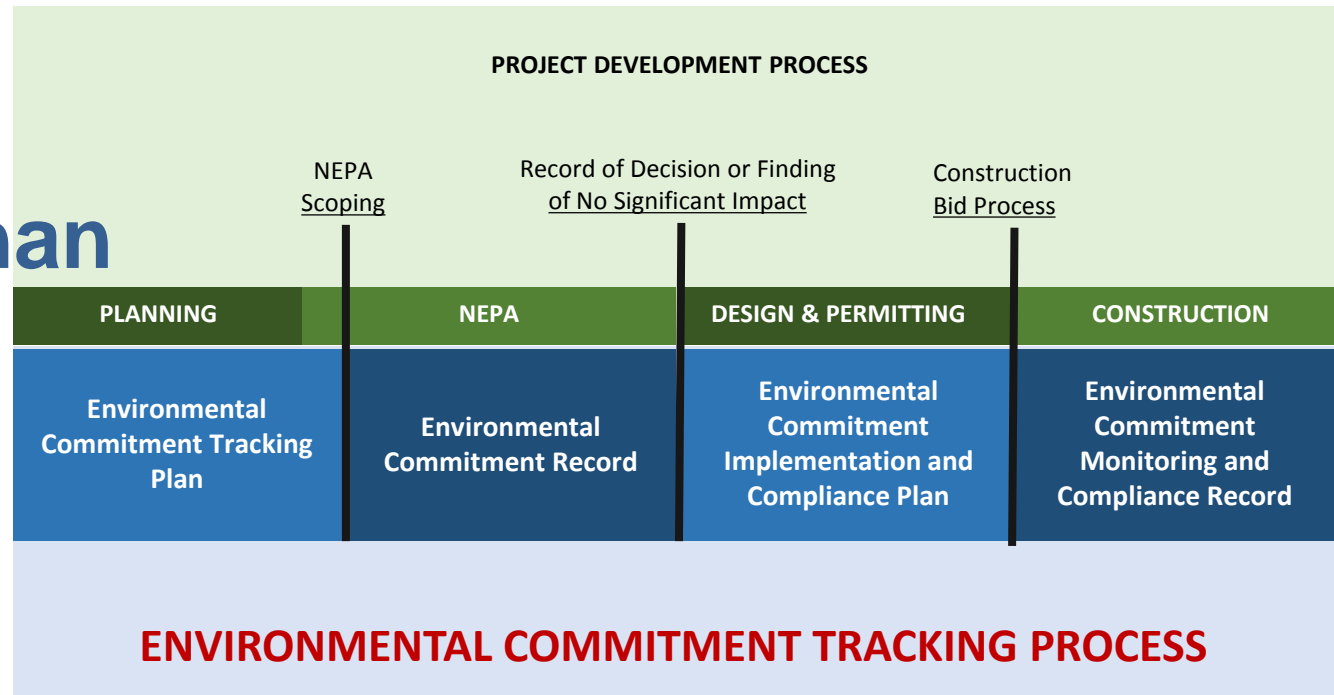




# Assuring Environmental Commitments

Jamie Maughan  
Volpe National  
Transportation  
System Center



# The Environmental Analysis (NEPA)

- Incorporate Environmental Concerns into Decisions
- Balance:
  - Environmental Protection/Sustainability
  - Efficient Project Implementation
  - Impact Mitigation
- Creates **Environmental Commitments**

# The Problem

- What Good is All the Analysis and NEPA Process if Commitments are not Fully Met?
- Failure to Meet Commitments Results in:
  - Project Delays
  - Increased Costs
  - Relations Degradation
  - Lack of Trust and Cooperation in Future Transportation Endeavors

# What Volpe and FRA are Doing About The Problem

- FRA Requested Volpe Evaluate the Issue and Develop Optional Approaches
- Researched DOT and Other Agency Programs
- Reviewed Case Studies and Publications
- Reviewed Results with Volpe and FRA Senior Program and Environmental Staff
- Developing “**Options for Environmental Commitment Compliance Guidance**”

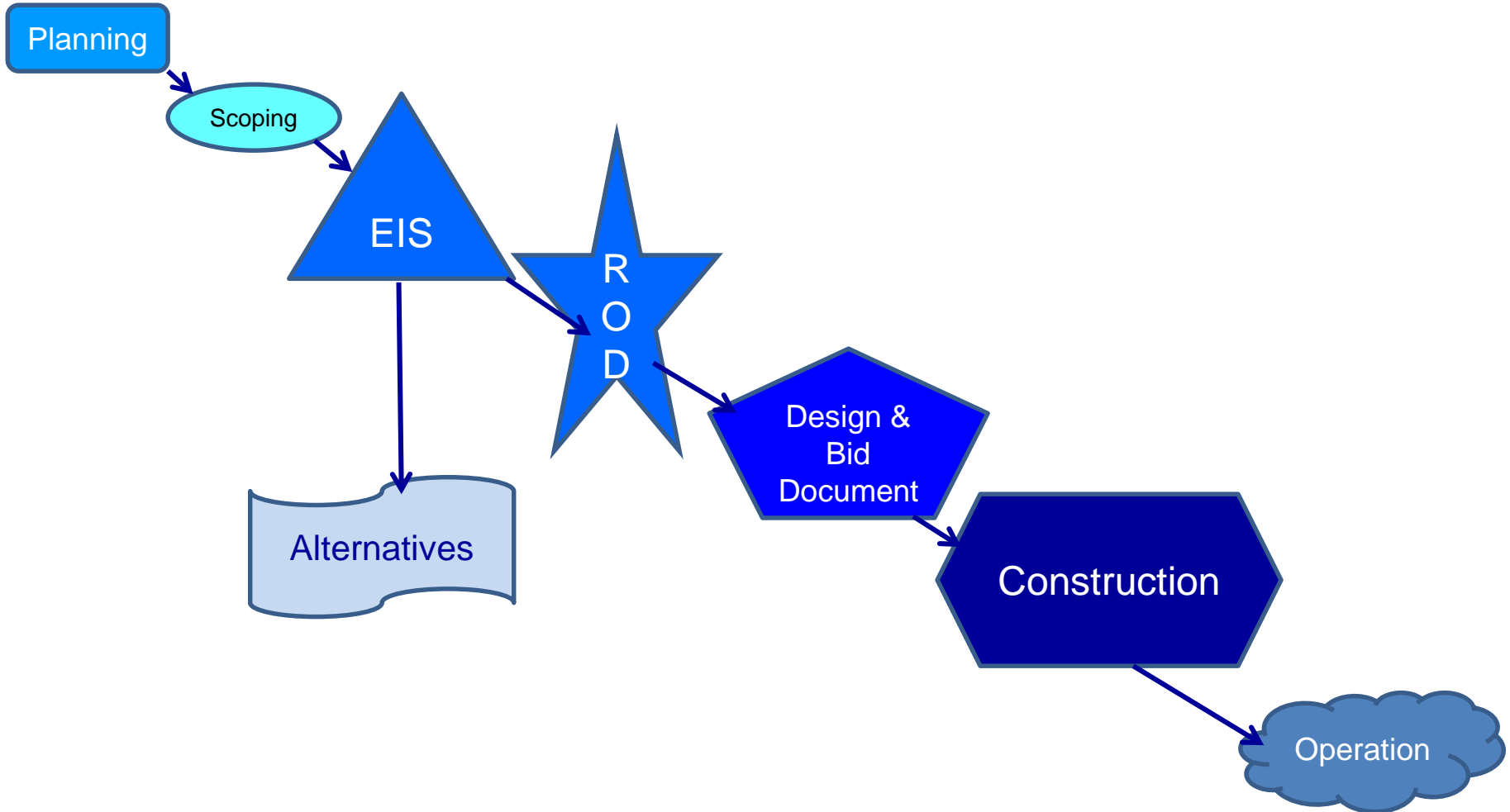
# Objective of a Successful Environmental Commitments Compliance Program

## ***Goal of Program***

***Achieve full compliance with environmental commitments for projects so that the anticipated environmental protection, sustainability, and benefits will be achieved***

# What We have Learned from Other Programs

## 1) Integrated throughout process



# What We have Learned from Other Programs

## 2) What is common in successful programs

- Training
- Consensus Project-Specific Process Plan
- Tracking and Documentation
- Detailed Descriptions
- Monitoring – Per Commitment at Milestones

# What We have Learned from Other Programs

## 3) Clearly defined and documented Roles and Responsibilities

### Options

- 100% Delegation
- Delegation with conditions “Trust but Verify”
  - ❑ Detailed Environmental Commitment Plan requiring approval
  - ❑ Performance Standards
  - ❑ Milestone Check Points
  - ❑ Independent Environmental Monitor/Resident



# What We have Learned from Other Programs

## 3) Clearly defined and documented Roles and Responsibilities

### Options

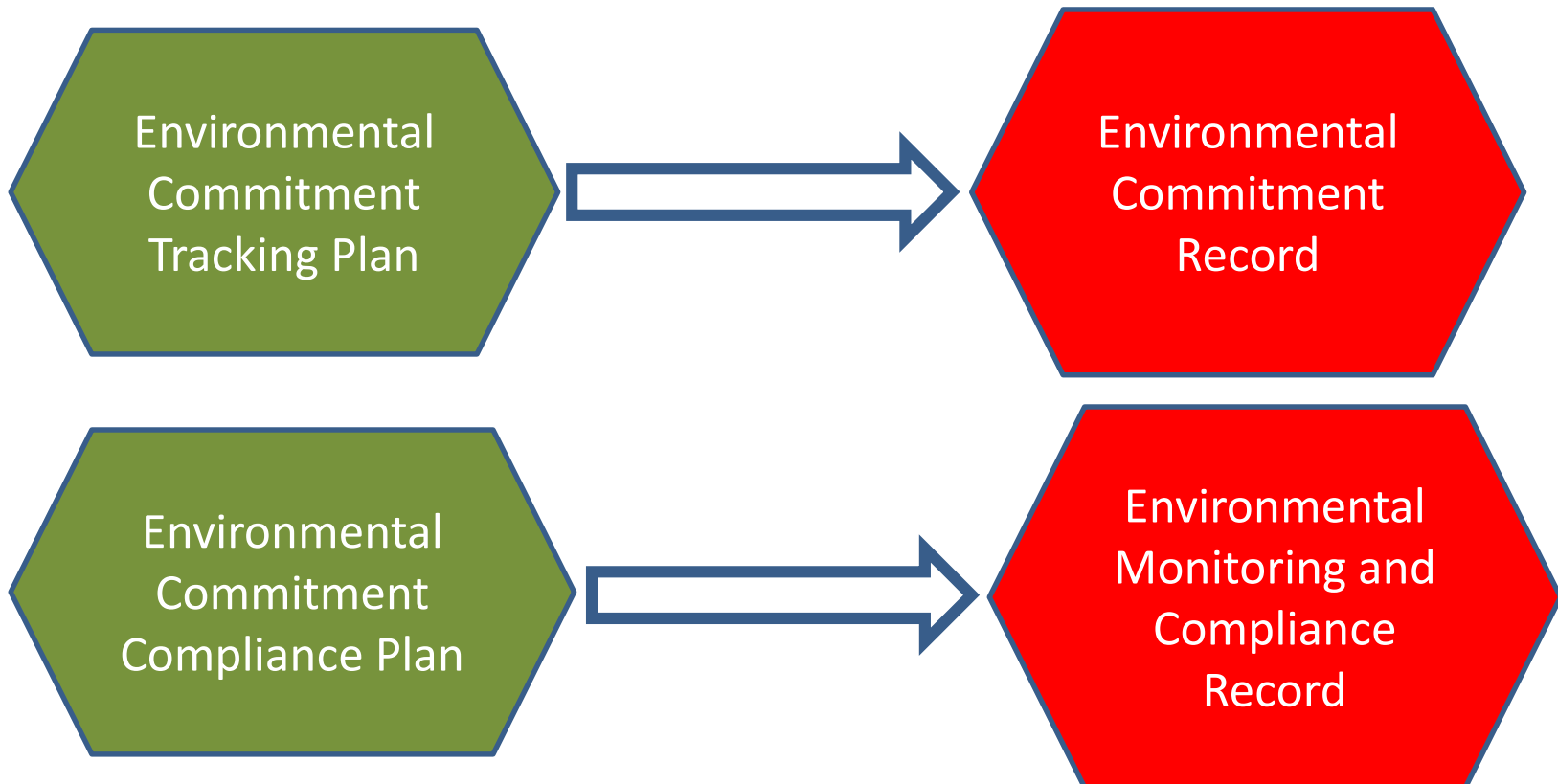
- Lead Agency Retain Responsibility
  - ❑ Lead Agency or Designated Monitor
  - ❑ Reliance on Bid Documents and Designer/Contractor
  - ❑ Involve other Federal/State Agencies
- Under Any Option Responsibility Usually Shared
  - ❑ NEPA Contractor
  - ❑ Designer/ Resident Inspector
  - ❑ Contractor
  - ❑ Independent Environmental Monitor
  - ❑ Third Party NGO

# Common Deficiencies of Environmental Commitment Programs

- 1 Too Late in Process
- 2 No Clear Responsibility
- 3 Lack of Detail
- 4 Required/Timely Approvals
- 5 Event Related Monitoring
- 6 Monitoring of Plan
- 7 Grantee Commitment/Training
- 8 Grant Requirements
- 9 Staffing Limitations
- 10 No Performance Standards

# Premise of Successful Commitment Compliance Program

- Plan → Document What
- Plan → Document How



# When in the Process do These Occur?

## PROJECT DEVELOPMENT PROCESS

Planning

NEPA

Design and  
Permitting

Construction/  
Operation

Environmental  
Commitment  
Tracking Plan

Environmental  
Commitment  
Record

Environmental  
Commitment  
Implementation  
and Compliance  
Plan

Environmental  
Commitment  
Monitoring and  
Compliance  
Record

## ENVIRONMENTAL COMMITMENT TRACKING PROCESS

A green hexagon with a blue border containing the text "Environmental Commitment Tracking Plan" in white.

# Environmental Commitment Tracking Plan

## **Demonstrate How Commitments will be Tracked**

- Comparable to:
  - Public Outreach Plan
  - CERCLA Sampling and Analysis Plan
- Based on Project Complexity Could be:
  - Spread Sheet
  - Complex Tracking Software
- Employ Public and DEIS Comment Tracking Methods



# Environmental Commitment Record

## **Provide Permanent Record of All Environmental Commitments**

- Part of or Referenced ROD
- Describes:
  - Exactly what action will be taken to meet commitment; or
  - Requirement for Design/methods to be developed and Approved
  - Performance Standard
- Clearly Identifies Responsibility
- Forms Basis for **Environmental Commitment Compliance Plan**



Environmental  
Commitment  
Compliance  
Plan

## **Demonstrate Exactly and in Detail How Each Commitment will be Met**

- Clearly Identifies Responsibility
- Entry for Each Individual Environmental Commitment
  - Reiteration of Environmental Commitment Record
  - Additional Detail to Meet Performance Standard in ECR
  - Monitoring Requirements to Demonstrate Compliance
- Included or Referenced in Project Design and Specifications



Environmental  
Monitoring and  
Compliance  
Record

**Provide Permanent Record of Successful  
Achievement of All Environmental Commitments**

- “Report Card” on Meeting Commitments
- Includes Monitoring Results
- Requires Verification of Compliance



# Monitoring

- Commitment Specific
- Event Based
- Performance Standards
- Detailed “Sample and Analysis Plan”
- Reporting

# Enforcement

- Corrective Action Plans
- Partial Payment Withholding
- Post Bonds
- Stop Work

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