



EPG

Presentation Outline

- Where – we fit in ADOT
- Who – we are and what we do
- Why – we do what we do
- What – affects what we do
- How – we do what we do

Where?

ADOT Mission

To provide products and services for a safe, efficient and cost-effective transportation system that links Arizona to the global economy, promotes economic prosperity and demonstrates **respect for Arizona's environment and quality of life.**

Two Sections = One Group

- Environmental Planning Section
- Environmental Technical Section

Environmental Planning Group (EPG)

The Environmental Planning Group provides environmental services for transportation activities through compliance with regulatory requirements, providing the highest level of professional technical support and education to our agency and customers, while building cooperative relationships with other government agencies and the public.

Who?

Our Background?

- Planning
 - Biology
 - Archaeology
 - Engineering
 - Geology
 - Hazardous materials
 - Environment/Ecosystems/Natural Resources
 - Business & Management
 - Bachelors, Masters, PhDs
- Etc., etc...

Who Are We?

- FTEs
- On call consulting firms
- Phoenix, Flagstaff, Tucson Locations

What Do We Do?

- Everything in the 5 year program is cleared (NEPA) through EPG, as well as...
 - Subprogram projects, such as traffic signals, pavement preservation
 - PreDesign
 - EAs, EISs, CEs, EDs, EOs
- Special studies, e.g., air, 404, noise, hazmat, biology, cultural resources
 - In support of and separate from clearances

Why We Do What We Do?

In the Beginning...There was NEPA

(National Environmental Policy Act of 1969)

to encourage productive and enjoyable harmony
between people and the environment;

promote efforts that will prevent or eliminate
damage to the environment;

AND, it required that Federal agencies employ an
interdisciplinary approach in related decision-
making

Then there was...

Federal Regulations:

Title 23 - Highways, Part 771 :
Environmental Impact and Related
Procedures

*applied NEPA to Federal Highway
Administration Activities*

Lead Agency

- Federal Funded
- State Funded: Federal Nexus

And What Else Do We Do?

- Policy and procedure development/input
- Support outside of ITD – Development
- Maintenance Support
- Training/education
- Assist local governments
- Project tracking/technology applications

What?

What Affects Us...

The Big Picture:

- SAFETEA - LU reauthorization
- Federal agencies
- New regulations/laws/policies
- Environmental advocacy groups
- Legal challenges/courts

Purpose and need, EJ, cumulative effects, 404, T&E, Air Toxics

- Public priority

Middle-sized Picture:

- Stewardship/streamlining
- Preserve and enhance
- Changing the organization/culture
- Context Sensitive Solutions
- Public outreach
- Partnering

Little Picture:

- 155 projects cleared in '06
- 98 bid (760 million value) in '06
- 300-350 active environmental clearances underway
- 30-100 maintenance projects



How?

Accomplishments and Goals

- Customer focus
- Partnering/Agreements
- Standardizing processes (documents, reporting, consultants, etc)
- Exploring efficiencies/QC/consistency
- Developing policies and procedures
- Technology applications

Accomplishments and Goals

- Tracking and measurements
- Scheduling/flowcharting
- Policy level analysis and recommendations
- Education/training
- Research
- Awards and recognitions

When?

When do we get there?

... its an ongoing, continuous process.

Environmental Planning Group

The (multimodal) path we are on...

- Has a long term vision to “be the best.”
- Is focused on continued increased quality, improved efficiency, and enhanced customer service.
- Considers where we have been, what we have done, and what lies ahead - for us and for our customers.

Questions...?





ADOT Environmental Planning Group Biology Team Process

On-Call Presentation

October 2006



Biology Process Presentation

- **Inform new on-call consultants of biology considerations taken on ADOT projects and in the process:**
 - **Discuss how biology fits in the schedule**
 - **What can the on-call do to make sure a project remains on schedule**
 - **Discuss common mistakes on Biology and ADOT projects**



Environmental Laws Applicable to ADOT and the Biology Team Process

Partial list of Federal and State laws

- *Endangered Species Act*
- *Clean Water Act*
- *Migratory Bird Treaty Act*
- *National Environmental Policy Act*
- *Fish and Wildlife Coordination Act* – impact mitigation to wildlife resources.
- *Arizona Game & Fish Conservation & Management* – requires coordination with Arizona Game & Fish Department on potential impacts to fish & wildlife.
- *Arizona Native Plant Law* – salvage permits required for removal and salvage of protected species.
- Various Federal Land Management Plans – many times these identify sensitive species
- Executive Order 13112 on Invasive Species



Biology Team Reviews and Coordinates

- **Threatened and Endangered Species**
- **Sensitive Species (Tribal and Federal)**
- **Arizona Species of Concern**
 - Special Status Species
 - Protected Native Plants
- **Invasive Species**
- **Wetland and Riparian Areas**



Biology Documents

Biological Review (BR)

Biological Evaluation (BE)

Biological Assessment and Evaluation (BA&E)

In-House Biology Clearance Memo (ADOT)

Note: Level of documentation
And survey effort is usually determined
in the PDS stage



Surveys – When do we do them and why?

- **General habitat evaluation surveys**
- **Species specific surveys**
- **Many Threatened and Endangered species have survey protocols.**
- **Note: Important - these should be determined at the PDS stage as well.**

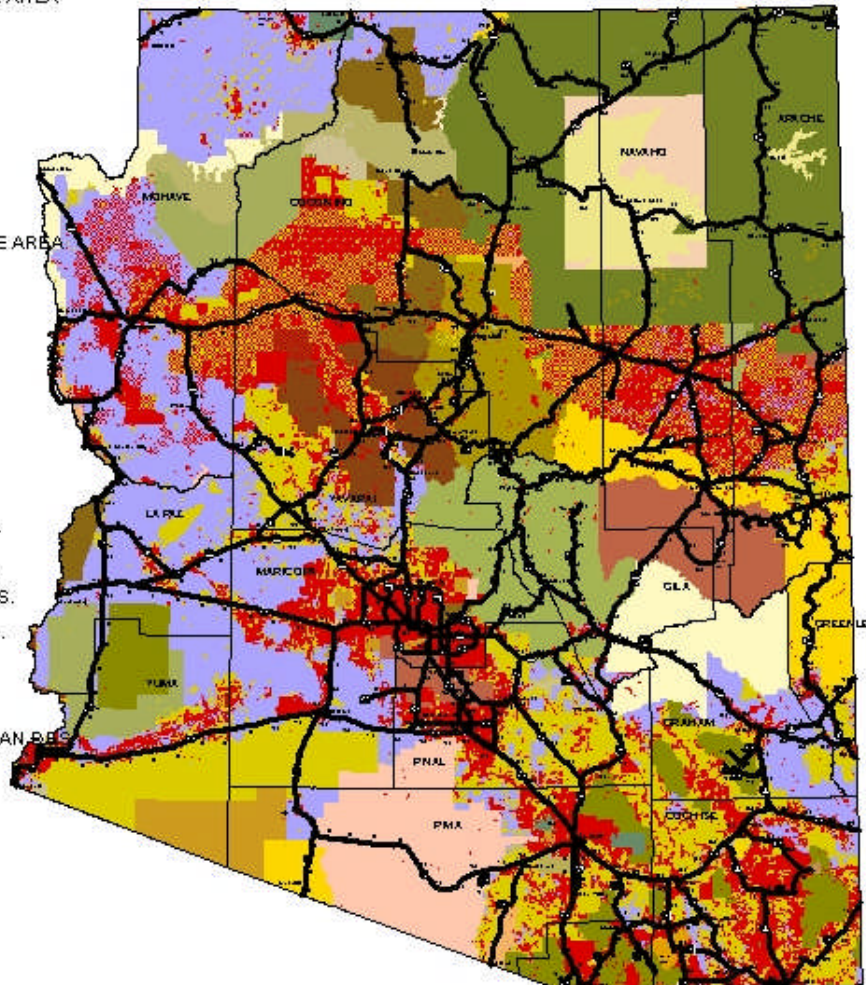
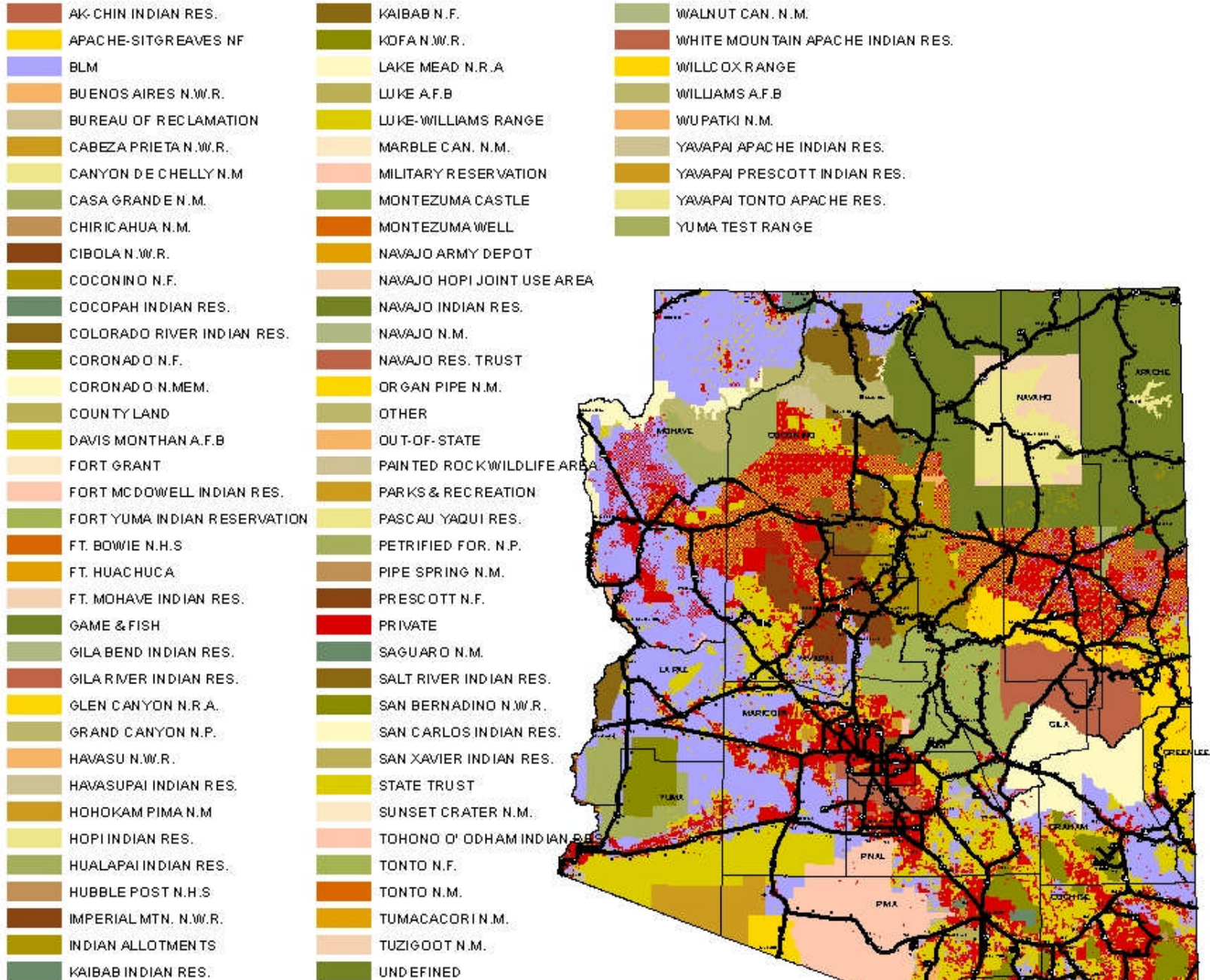


Sensitive Species

- **Coordination with adjacent land managing agencies is necessary.**
- **Most federal land managing agencies and tribes maintain a list of sensitive species**
- **Some Examples: Forest Service, BLM, National Park Service, Navajo Nation**
- **Policies and Procedures are not necessarily straightforward when addressing these species.**

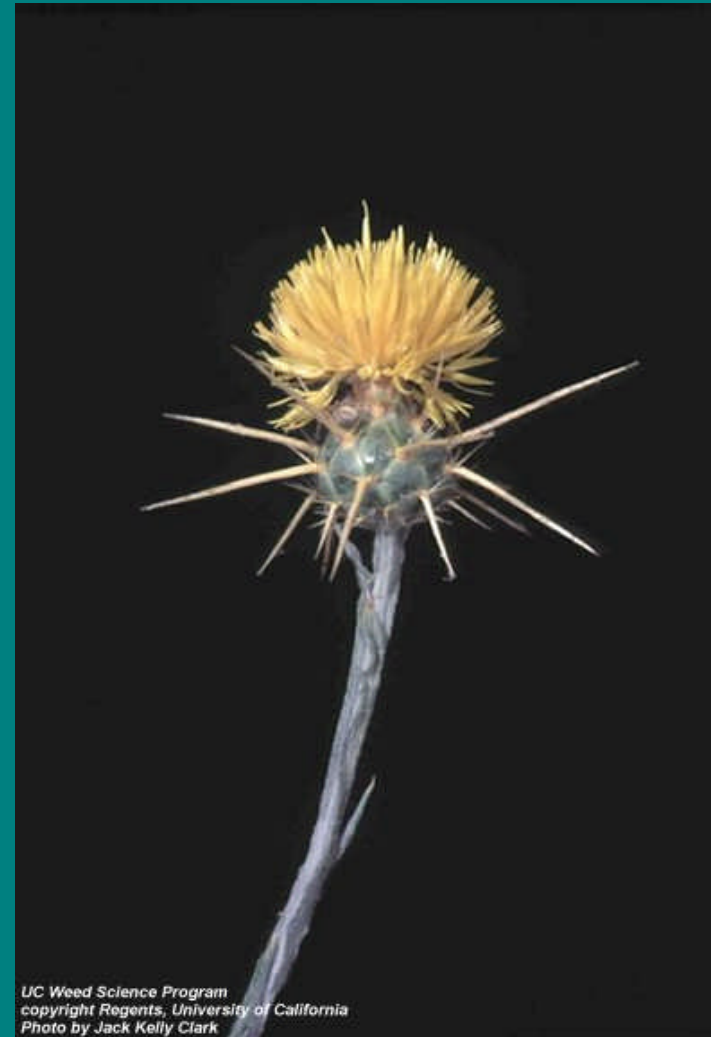


ARIZONA LAND OWNERSHIP



Invasive Species

- Based upon “Executive Order 13112” on invasive species, dated February 3, 1999.
- EEG coordination with Natural Resources
- Standard mitigation
- Non-standard mitigation



Arizona Species of Concern

Special Status Species and
Protected Native Plants



- **Special status species**
 - **Game and Fish Scoping Guidance**
- **Protected Native Plants**

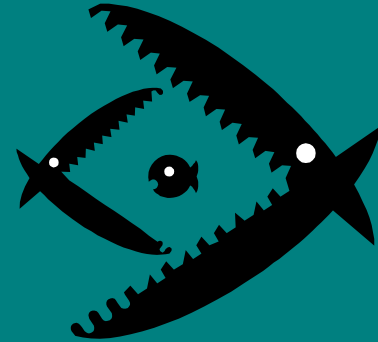
The Endangered Species Act

Threatened and Endangered Species



- **Threatened-** means that a species is likely to become endangered if it is not protected.
- **Endangered-** means that a species is in immediate danger of becoming extinct and needs protection to survive.
- **Candidates-** are those species for which the Fish and Wildlife Service has enough information on file to list as threatened or endangered, but listing has been precluded by other agency priorities.
- **Proposed-** species that have been proposed for listing as endangered or threatened but for which no final ruling by the Department of the Interior has been made.

Threatened and Endangered Species Effect Determinations



- **No effect**
- **May affect, not likely to adversely affect**
- **May affect, likely to adversely affect**
- **Jeopardy**

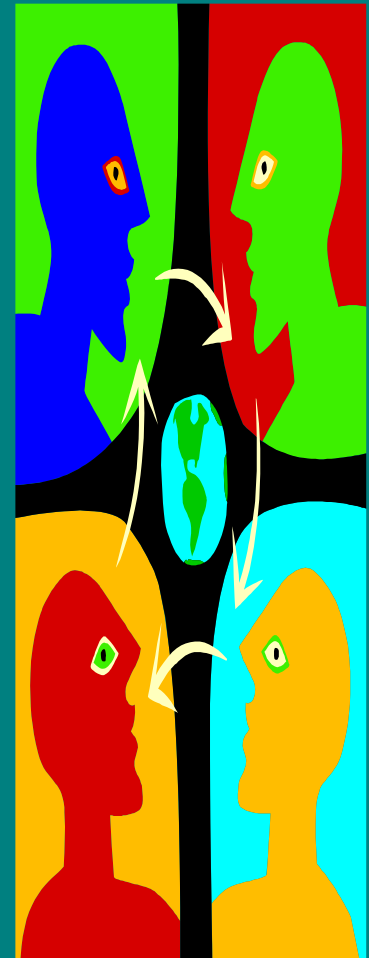
No Effect

- Most ADOT projects
- This is the appropriate conclusion when the action agency determines the proposed action will not affect a listed species or designated critical habitat
- USFWS does not require BE review. However, adjacent landowners such as the FS or BLM may still review.



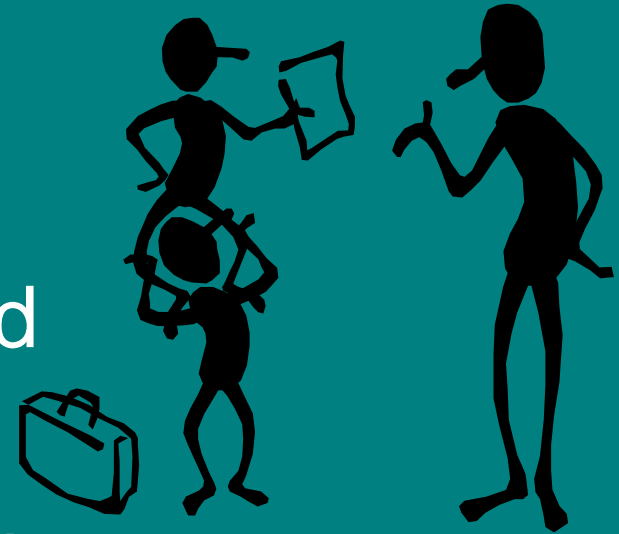
May Affect Not Likely to Adversely Affect

- **Informal Consultation with USFWS and Federal agency or designated non-Federal representative is required**
- **This determination requires USFWS concurrence**
- **Once a BE has been submitted the USFWS has 30 days to provide a written response as to whether or not they concur with the determinations**



May Affect, Likely to Adversely Affect

- Formal Consultation is required
- Biological Opinion is issued
- In many cases an incidental take statement is issued
- This process takes 135 days to complete



Biology Schedule

- **General Projects**
- **Projects with agency concurrence required – FS, BLM, Navajo**
- **What can the on-call NEPA planner do to make sure a project remains on schedule**

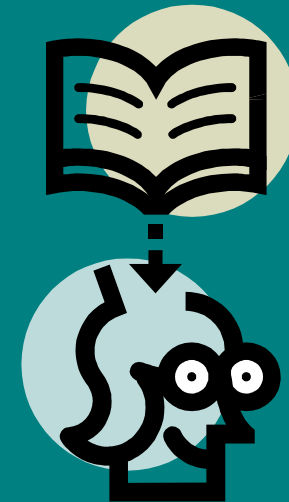
Document Reviews – Common Mistakes and Things to Consider

- Discuss the project in detail with the regional biologist prior to starting work
- Schedule field reviews and surveys for the appropriate time of year.
- Make sure the analysis matches the determination of affect
- Follow guidance! Call the regional biologist for questions or clarifications.

For further information please visit
adotenvironmental.com

Click on Guidance then
Click on Biological Evaluations

- **Biological Evaluations**
- **ADOT Biological Regions**
- **Biological Procedures**
- **Biological Scoping Guidelines**
- **Outline for Biological Evaluations**
- **Biological Review Form**
- **Noxious Weed Survey Request**
- **Geotechnical Investigation Biological Clearance Form**
- **Biology Process Flowchart**
- **Guidelines for Handling Sonoran Desert Tortoises**



Comments or Questions?



A photograph of a dirt road winding through a scrubby landscape with mountains in the background. The image is overlaid with a semi-transparent blue filter. The text "Air Quality" is centered in the upper half of the image.

Air Quality

Project Process

NEPA Documentation

- **Air Quality – Two requirements to consider**
 - **Transportation Conformity**
 - **Project-level conformity**

What is Transportation Conformity?

- Required under the CAA Section 176(c)
- Transportation plans, programs and projects **cannot:**
 - create new National Ambient Air Quality Standard (NAAQS) violations
 - increase the frequency or severity of existing NAAQS violations or
 - delay attainment of the NAAQS

What is Project-level Analysis?

- Analysis to satisfy transportation conformity
- Alternatives analyzed
- Examination of localized circumstances

The background of the slide is a photograph of a dirt road winding through a field of tall grass or brush. The road is light-colored and has some tire tracks. The vegetation is dense and greenish-brown. In the distance, there are low hills or mountains under a clear sky.

Project Data Sheet (PDS)

Process

- Project Description
 - Brief scope, project location
- Determine if project is adding capacity or significantly altering alignment
 - Yes,
 - No,

PDS - Process

- Is project in a non-attainment or maintenance area?
- Yes, Air Quality analysis can be in the form of.....
 - Qualitative analysis – simplified analysis
 - Qualitative evaluation report
 - Quantitative (modeling) report
- No, conformity determination does not apply.

Air Quality Analysis

- Qualitative analysis
 - Boiler-plate language
 - Tailor language to project description
- Quantitative analysis
 - Consultant does modeling
 - Mobile 6.2 (emissions model)
 - CAL3QHC (dispersion model)

A photograph of a dirt road winding through a desert landscape. The road is the central focus, curving from the bottom center towards the right. The surrounding terrain is covered in low-lying, scrubby vegetation. In the background, there are rolling hills or mountains under a clear sky. The entire image has a light blue overlay.

Any Questions?

References

Arizona Department of Environmental Quality

- <http://www.adeq.state.az.us/environ/air/plan/notmeet.html>

EPA Office of Air Quality Planning and Standards

- <http://www.epa.gov/oar/oaqps>
- http://www.epa.gov/oar/oaqps/peg_caa/pegcaain.html

Federal Highway Administration Air Quality Website

- <http://www.fhwa.dot.gov/environment/aqupdate/index.htm>

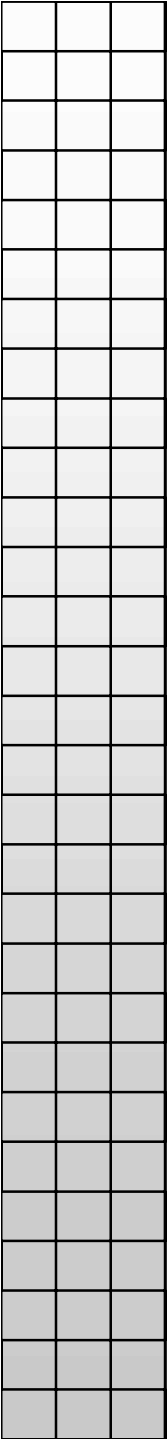


WHAT'S ALL THE
NOISE ABOUT NOISE?



NOISE FACTS

- Noise is both PHYSICAL and PSYCHOLOGICAL.
- PHYSICAL - Noise energy is a spherical pressure wave.
- PSYCHOLOGICAL - hearing is one of the five senses, but everyone has a slightly different tolerance.



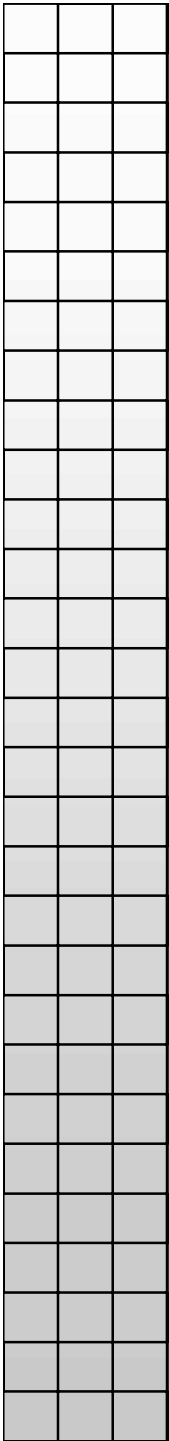
Sound Pressure and Human Sensory Response

combine to produce

SOUND PRESSURE LEVEL

NOISE LEVELS

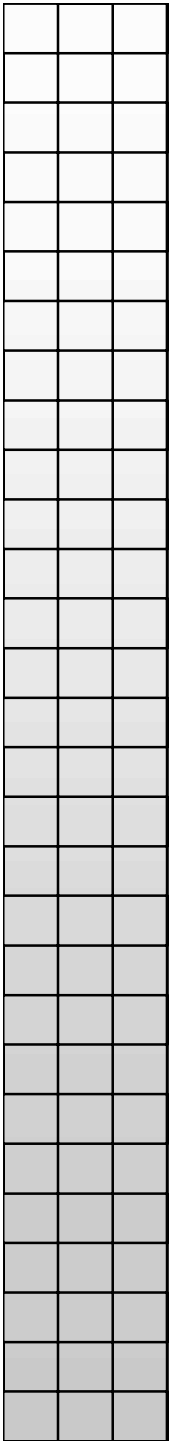
- 140 dBA Threshold of Pain
- 70 dBA Noisy
- 50 dBA Quiet
- 0 dBA Threshold of Hearing





NOISE ENERGY

- A 3 dBA change is the **THRESHOLD OF PERCEPTION**.
- A 10 dBA reduction requires a 90% energy reduction.
- **DOUBLE** the source energy - increase sound level by 3 dBA.
- **HALVE** the source energy - decrease sound level by 3 dBA.



NOISE IMPACT ANALYSIS

- Evaluate project location.
- Identify sensitive noise receptors.
- Obtain site-specific data (traffic volumes, geometrics, receptors, etc.)
- Utilize FHWA-approved models.
- Compare predicted noise levels to Criteria Levels.
- If necessary, propose mitigation.



NOISE POLICIES

- FHWA Noise Policy
- ADOT Noise Policy

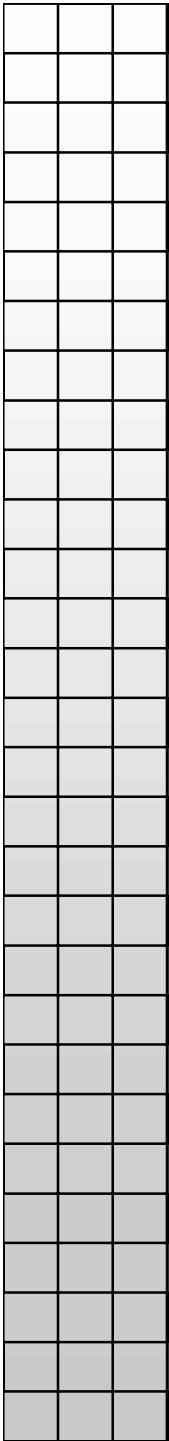


NOISE ABATEMENT CRITERIA

- 67 dBA for residences, motels, schools, churches, libraries, and hospitals.
(FHWA)
- 64 dBA (ADOT).

MITIGATION

- Break the Line of Sight with Barriers
 - Walls
 - Berms





NOISE BARRIERS

- Breaking the Line of Sight gives 5 dBA reduction (barrier about 6 feet tall)
- Each additional 2 feet of height provides about 1 dBA reduction.
- A 16 foot tall barrier may provide about 10 dBA reduction.

Environmental Planning Group: Historic Preservation Team

- ✦ Linda Davis, Team Leader (Phoenix)
- ✦ Matt Mallery (Flagstaff)
- ✦ John Lindly (Phoenix)
- ✦ David Zimmerman (Flagstaff)
- ✦ Melissa Reuter (Tucson)
- ✦ Nina Swidler (Flagstaff)



What We Do and Why We're Here

- ✦ Over 30 Federal and State Laws apply to the treatment of historic properties.
- ✦ Federal projects must comply with the National Historic Preservation Act of 1966 (16 USC 470). AKA "Section 106"
- ✦ Projects done with ADOT (State) funds must comply with ARS §41-864
- ✦ The laws allow for Section 106 to be done in conjunction with the NEPA Process
- ✦ Compliance for Federal and State laws are done very similarly.
- ✦ A project that is exempt from NEPA may not be exempt from Section 106 or State Act compliance.



Schedule

- ✦ Involving the HPT specialist in the scheduling process allows for more accurate schedule estimates.
- ✦ Additional survey may be needed for new ROW or temporary construction easements (TCEs); identifying these early keeps the project running smoothly.
- ✦ Schedules for historic preservation compliance depend on numerous variables. Schedules will be project-specific.



Information needed for consultation

- ✦ A description of the undertaking (project)
- ✦ The area of potential effect (APE)
- ✦ Land jurisdiction
- ✦ Consulting parties
- ✦ List of all previous reports identifying historic properties within the APE.
- ✦ Identification of all historic properties within the APE, along with their National Register significance.
- ✦ Recommendation of the effect of the project on historic properties.
- ✦ Attachments: new cultural resources surveys, concurrences for adequacy of previous reports, map of project APE, avoidance commitments from Project Manager.

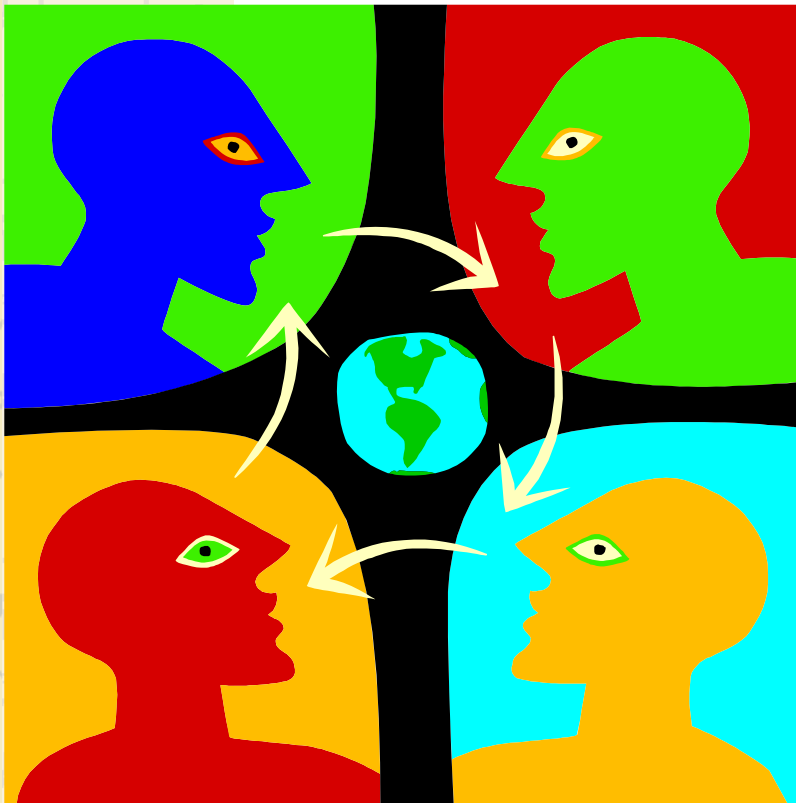


Effect Determinations

- ✦ Effect determinations are made by the Federal Agency.
- ✦ “No Potential to Affect”
- ✦ “No Historic Properties Affected”
- ✦ “No Adverse Effect”
- ✦ “Adverse Effect”



Consultation



- ✦ Consultation involves communication between agencies regarding the project and its effect on historic properties.
- ✦ Consultation is done with SHPO, land managing agencies, and Native American Tribes, when appropriate.
- ✦ Under the current Programmatic Agreement, ADOT can consult on behalf of FHWA.



HPT & The Environmental Document

- ✦ The Cultural Resources Section of the Environmental Document can be completed when:
 - Consultation is complete
 - An agreement is in place that binds the consulting parties to completing the consultation process (MOA or PA).

- ✦ The Environmental Document documents the compliance with the state and federal laws regarding historic properties.



● When Historic Properties Can't be Avoided: The "Adverse Effect"

- ✦ If "data recovery" is required, additional agreements may need to be negotiated between the consulting parties.
- ✦ Data Recovery Plans need to be reviewed by consulting parties prior to implementation.
- ✦ Reports need to be reviewed and found adequate prior to construction activities.
- ✦ Archaeological excavation is not the only way to mitigate an "adverse effect"



Is it over?

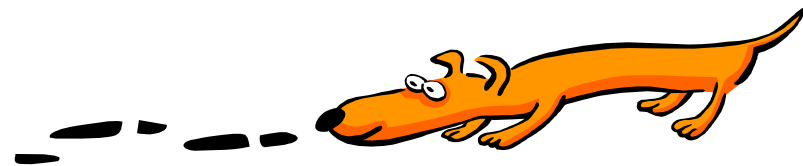
- ✦ HPT's process may not end with the completion of the Environmental Document.
- ✦ Consultation may end by concurrence with the effect determination by consulting parties.
- ✦ Consultation may be required until project designs are complete, depending on the project.
- ✦ The agency determines when consultation is over, and will notify the NEPA Planner when it is complete.

✦ Consultation may need to be re-started because of changes in the scope of the project.



Tracking your project's process

- ✦ Working closely with your HP Specialist keeps the project from getting off-track.
- ✦ Be sure to inform HPT if there are any changes to a project scope, since such changes could necessitate re-initiating consultation.
- ✦ The more changes that are made to project designs after the effect determination is made, the longer the process can take.



HPT Process: Review



- ✦ Consultation is project-specific. HPT requires specific information in order to consult.
- ✦ Changes in scope may require the process to be re-started.
- ✦ Good communication with your NEPA Planner and HP Specialist will keep the process moving smoothly.



Resources

YOUR BEST RESOURCE IS YOUR HPT SPECIALIST

- ✦ The HPT Handbook includes information on process, as well as links to laws, regulations, and procedures.

<http://www.adotenvironmental.com>



Section 4(f)

Defined

Section 4(f), of the US Department of Transportation Act of 1966, states that the Federal Highway Administration "...may approve a transportation program or project...requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if...there is no prudent and feasible alternative to using that land; and...the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use." (49 U.S.C. 303[c])

STEP 1

Do you have an
eligible 4(f)
resource?



4(f) Resources



Public parks and
recreation areas

4(f) Resources



Wildlife and
waterfowl refuge

4(f) resources



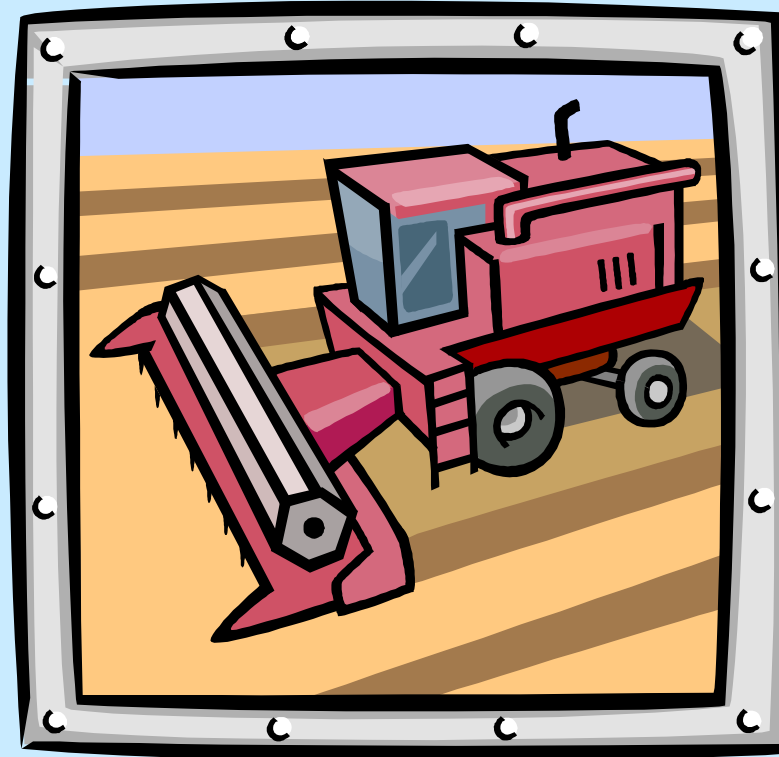
Historic sites

You Have Determined That You
Have an Eligible 4(f) Resource



NOW WHAT????

Determine if the Transportation
Project have a Use of the 4(f)
Resource!



First Use

When a 4(f) Resource Is Permanently
Incorporated Into a Transportation Facility

Second Use

When There Is a Temporary Occupancy
of Land That Is Adverse in Terms of
the Statute's Preservationist Purposes

When is a temporary use not 4(f)?

- The land use is of short duration (defined as less than the time needed for the construction phase)
- There is no change in ownership of the land
- The transportation agency has no long term interest in the land
- There are no permanent adverse changes to the resource
- The project involves only a minor portion of the resource

Third Use

Constructive Use of the Resource

What is not constructive use

- When there is a finding of "No adverse affect or no affect" under Section 106
- When project noise does not exceed FHWA noise thresholds
- When impacts are mitigated to a level equal or better than pre-existing
- When a change in access is minor

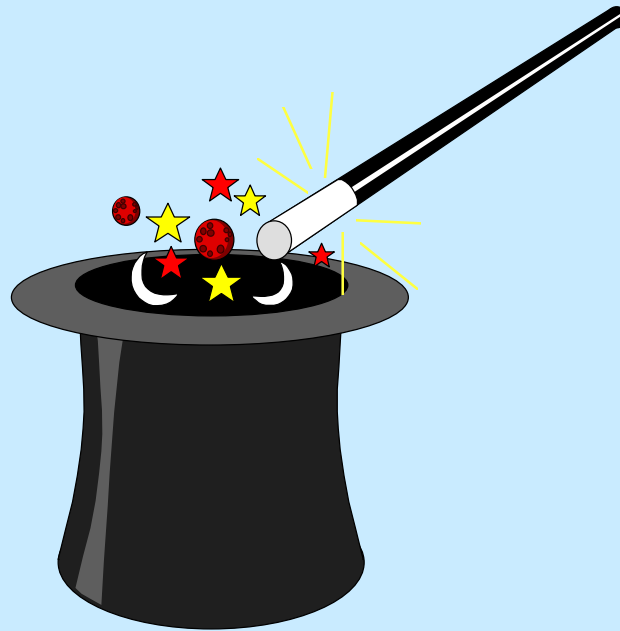
Negative declaration / Section
4(f) Statement and determination
for Independent Bikeways or
Walkways

OK, you have determined that
you will have an Affect to a 4(f)
Resource.

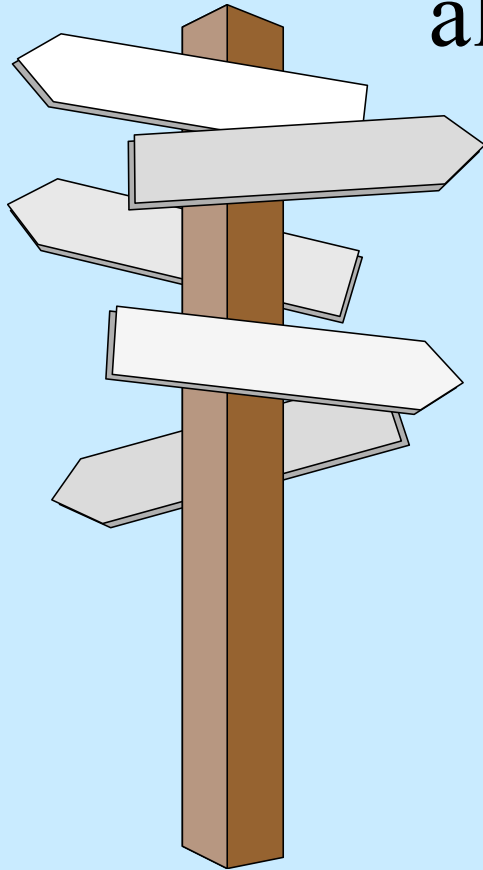


WHAT DO WE
DO??!!

Determine if there are any
feasible or prudent alternatives to
the action that affects the 4(f)
resource



You have determined that you have an eligible 4(f) property that you will affect, and there are no reasonable or prudent alternatives.



Where do we go
from here?

Ensure all efforts to minimize harm to the 4(f) Resource have been employed and develop sound mitigation

Mitigation Examples

- Replace lost habitat through revegetation
- Screen views through landscaping
- Replace lost features, such as benches, playground equipment, etc
- Replace lost land with land of equal value and utility

Programmatic vs. non-programmatic 4(f)

- Programmatic vs non-programmatic 4(f) allows a FHWA Division to decide whether or not they have the authority to approve a 4(f) in their office or if it needs to go to Washington for approval.
- We have no regional or state programmatic agreements

Categorical Exclusions and 4(f)

- Programmatic CE
 - 4(f) feature that will be avoided. No Use
 - No 4(f) features
- Non-programmatic CE
 - 4(f) resource in close proximity with potential constructive use
 - any determination necessary by FHWA

Thank you

More information is available at:

<http://www.fhwa.dot.gov>

<http://www.adotenvironmental.com>

EPA Codifies AAI Rule

Today's edition of the *Federal Register* contains the final "All Appropriate Inquiries" rule (40 CFR Part 312) that was signed by U.S. EPA Administrator Stephen L. Johnson on Friday, October 21, 2005. Publication of the final rule ends nearly one year of waiting for EPA's response to the more than 400 public comments received on the proposed rule. Now, environmental professionals, lenders, developers, investors and other interested stakeholders have the information necessary to prepare for the transition to the first federal environmental due diligence rule.

In an analysis of the public comments received last fall on the proposed rule (*2005 Public Comments Scorecard on the AAI Rule*, May 2005), EDR developed an "Opposition Quotient" for individual components of the rule. The accompanying graph ranks the most contentious aspects of the rule. The final rule—and its lengthy preamble—contains EPA's answers to the questions raised in each of these areas, including:

- What qualifications must be met by the environmental professional doing the Phase I?
- Does the visual site inspection have to be conducted by someone who meets these professional qualifications?
- Can a previously-conducted Phase I ESA be relied upon?
- Can a Phase I ESA prepared for one client be transferred to another party seeking CERCLA liability protection?

- Is sampling required under the AAI rule?
- Do neighboring property owners have to be interviewed?
- How far back in time must the environmental professional go in conducting historical research?
- What role will ASTM's E 1527 standard have after the AAI rule takes effect?
- How much research is sufficient to satisfy AAI?
- How does a Phase I professional account for gaps in the property's history that cannot be filled?
- Has EPA revised its Economic Impact Analysis which estimates a price increase of \$41 to \$47 per assessment?

Phase I ESAs and "Continuing Obligations"

In both the preamble to the proposed rule and at various conferences, EPA has taken a strong position that the 2002 Brownfields Law imposes obligations on the owner over the course of property ownership, not just during the pre-transaction environmental due diligence. The new emphasis on "continuing obligations" also puts more pressure on property purchasers—and their environmental professionals—to conduct thorough Phase I ESAs to identify upfront what the owner must do to preserve CERCLA liability protection. In some states, there is already case law on the books against companies that failed to meet their continuing obligations and forfeited their CERCLA liability protection as a result. Moreover, ASTM just appointed a new task group to write a guidance document for meeting these new requirements. This emphasis on the steps a property owner must take after purchase (e.g.,

STATUS REPORT ASTM's AAI Response

Publication of New E1527-05 Standard

Ending two years of collaboration with the U.S. Environmental Protection Agency (EPA), ASTM just published a revision to the E1527-00 standard that satisfied the agency as being at least as stringent as the federal AAI rule. On the rule's effective date of November 1, 2006, persons seeking CERCLA liability protection may use the procedures of ASTM International Standard E1527-05 entitled "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" to comply with the requirements of AAI (§ 312.11 References). The revised standard incorporates the contentious definition of "environmental professional (EP)," certain changes to minimum search distances for government records reviews, clarifications of users' responsibilities, data gaps language, interview requirements and other revisions necessary to bring the standard in line with the new federal requirements. To obtain a copy of the new standard, visit www.edsnnet.com/aa1 for a link to ASTM's web page on E1527-05. ■

**AAI Final Rule Codified on
November 1, 2005**

Environmental due diligence is on the brink of change. Some subtle. Others more substantive. The changes stem from EPA's mandate pursuant to the January 2002 Small Business Liability Relief and Revitalization Act (the Federal Brownfields Law) to write the nation's first federal standards for conducting "All Appropriate Inquiries," the process by which a property's potential for environmental contamination is investigated prior to purchase. Congress laid out a 10-step framework for what constitutes AAI (see Table 1 on p. 2), and gave EPA two years to write the regulation (by January 11, 2004).

On November 14, 2003, after more than 100 hours of discussion and debate, the reg-neg committee reached consensus on a draft rule for the first federal standards and processes for conducting AAI. The final consensus draft rule—to be eventually codified in federal regulation, "*Part 312 - Standards for Conducting All Appropriate Inquiries*"—follows the ASTM E 1527-00 standard in many areas, but it does add certain new levels of investigation (see Table 2 on p. 3). This article covers 10 key facts about the draft AAI rule (see sidebar), including its applicability, requirements for Phase I professionals, and its most notable differences with current industry practice.

liability down the road. Since 1986, CERCLA has provided property owners with the "innocent landowner defense," which can protect an owner from cleanup liability for pre-existing contamination if the owner conducted AAI "into the previous ownership and uses of the property" prior to purchase, and if the results did not reveal the presence of contamination. The conduct of Phase I environmental site assessments is now institutionalized in commercial real estate transactions using ASTM Standard Practice E 1527 for Phase I Environmental Site Assessments (the most recent revision is ASTM E 1527-00). The standard was developed to

permit a property owner to qualify for the "innocent landowner defense" to CERCLA liability.





Along came the Federal Brownfields Law in 2002, which not only amended the "innocent landowner defense" but, in an attempt by Congress to mitigate obstacles to brownfields redevelopment, added two new landowner liability protections as follows:

cases. Under the Federal Brownfields Law, owners of any residential property used for commercial purposes (irre-

spective of the number of units), as well as residential properties under government ownership, will be required to conduct a Phase I under the AAI rule in order to be protected from CERCLA liability. Moreover, AAI will be mandatory for all grantees whose environmental inquiries are funded under EPA's brownfields program.

1. The results of an inquiry by an environmental professional.
2. Interviews with past and present owners, operators, and occupants of the facility for the purpose of gathering information regarding the potential for contamination at the facility.
3. Reviews of historical sources, such as chain of title documents, aerial photographs, building department records and land use records, to determine previous uses and occupancies of the real property since the property was first developed.
4. Searches for recorded environmental clean-up liens against the facility that are filed under federal, state or local law.
5. Reviews of federal, state and local government records, waste disposal records, underground storage tank records, and hazardous waste handling, generation, treatment, disposal and spill records concerning contamination at or near the facility.
6. Visual inspections of the facility and of adjoining properties.
7. Specialized knowledge or experience on the part of the defendant.
8. The relationship of the purchase price to the value of the property, if the property was not contaminated.
9. Commonly known or reasonably ascertainable information about the property.
10. The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation.

**Table 2. Comparison Between
ASTM E 1527-00 Standard and Draft AAI Rule**

ASTM E 1527-00 Standard		Draft AAI Rule
Innocent landowner defense	Which CERCLA Defense(s)?	Innocent landowner defense Bona fide prospective purchaser defense Contiguous property owner defense
Limited to commercial real estate, excluding those for residential use with no more than four units.	Applicability to what types of properties?	Commercial real estate Residential properties used for commercial purposes (any number of units) Residential properties under government ownership
Identify recognized environmental conditions (RECs)	Objective of the assessment or inquiry?	Identify conditions indicative of releases or threatened releases.
CERCLA hazardous substances and petroleum products	What are the contaminants of concern?	- 3 CERCLA defenses; CERCLA hazardous substances only - EPA grantees; CERCLA hazardous substances, petroleum/petroleum products, and controlled substances.
Broad definition	Who is qualified to perform assessments/inquiries?	Specific requirements for: Education Relevant experience License/registration/certification
User	Responsibility for searching records of engineering and institutional controls?	Environmental professional (if sources are "reasonably ascertainable")
Federal and state records	What sources of government records must be searched?	Federal, tribal, state and local government records
Prescriptive	How extensive are historical research requirements?	Left to discretion of environmental professional
1940 or first developed use, whichever is earlier	What is the time frame for historical research?	First developed use
Limited documentation requirements	What if there are data gaps?	More extensive documentation requirements
Left up to environmental professional's discretion	Is it necessary to interview neighboring property owners?	Mandatory at abandoned properties
environmental professional's report	performed?	
Permits updates of old reports	How long is a Phase I report considered valid?	Reports older than one year are invalid

What is important to remember is that the reg-neg committee agreed to allow individuals who do not meet the criteria in Table 3 to perform AAI tasks, provided the work is conducted "under the supervision or responsible charge" of someone who does. In effect, an EP would need to oversee the work, but not necessarily be the one conducting historical research, site visits, interviews or other components of the inquiry. Clearly, experi-

Table 3. Definition of "Environmental Professional":
ASTM E 1527-00 Standard vs. Draft AAI Rule

ASTM E 1527-00 Standard Section 3.3.12 Definitions	Draft AAI Rule §312.10 – Definitions	
A person possessing sufficient training and experience necessary to conduct a site reconnaissance, interviews, and other activities in accordance with this practice, and from the information generated by such activities, having the ability to develop opinions and conclusions regarding recognized environmental conditions in connection with the property in question. An individual's status as an environmental professional may be limited to the type of assessment to be performed or to specific segments of the assessment for which the professional is responsible.	All appropriate inquiry must be undertaken by "an environmental professional, or conducted under the supervision or responsible charge of an environmental professional" defined as: (a) a person who possesses sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions regarding the presence of releases or threatened releases to the surface or subsurface of a property sufficient to meet the objectives and performance factors in §§312.20(d) and (e).	
	(b) In addition, such a person must:	
	Professional/Educational Qualifications	Years of Full-Time Relevant Experience ¹
	(1) hold a current professional engineer's or professional geologist's license or registration from a state, tribe, or U.S. territory;	and Three (3) years
	OR	
	(2) be licensed or certified by the federal government, a state, tribe or U.S. territory to perform environmental inquiries;	and Three (3) years
	OR	
	(3) have a baccalaureate or higher degree from an accredited institution of higher education in a relevant discipline of engineering, environmental science, or earth science;	and Five (5) years
	OR	
	promulgation of this rule, have a baccalaureate or higher degree from an accredited institution of higher education;	Ten (10) years
	(c) an environmental professional should remain current in his or her field through participation in continuing education or other activities and should be able to demonstrate such efforts.	
	(d) the definition of "environmental professional" provided above does not preempt state professional licensing or registration requirements such as those for a professional geologist, engineer, or site remediation professional. Before commencing work, a person should determine the applicability of state professional licensing or registration laws to the activities to be undertaken as part of the inquiry identified in §312.21(b).	
	(e) a person who does not qualify as an environmental professional under the foregoing definition may assist in the conduct of all appropriate inquiries in accordance with this part if such person is under the supervision or responsible charge of a person meeting the definition of an environmental professional provided above.	

TO CONDUCT PISA

(e) a person who does not qualify as an environmental professional under the foregoing definition may assist in the conduct of all appropriate inquiries in accordance with this part if such person is under the supervision or responsible charge of a person meeting the definition of an environmental professional provided above.

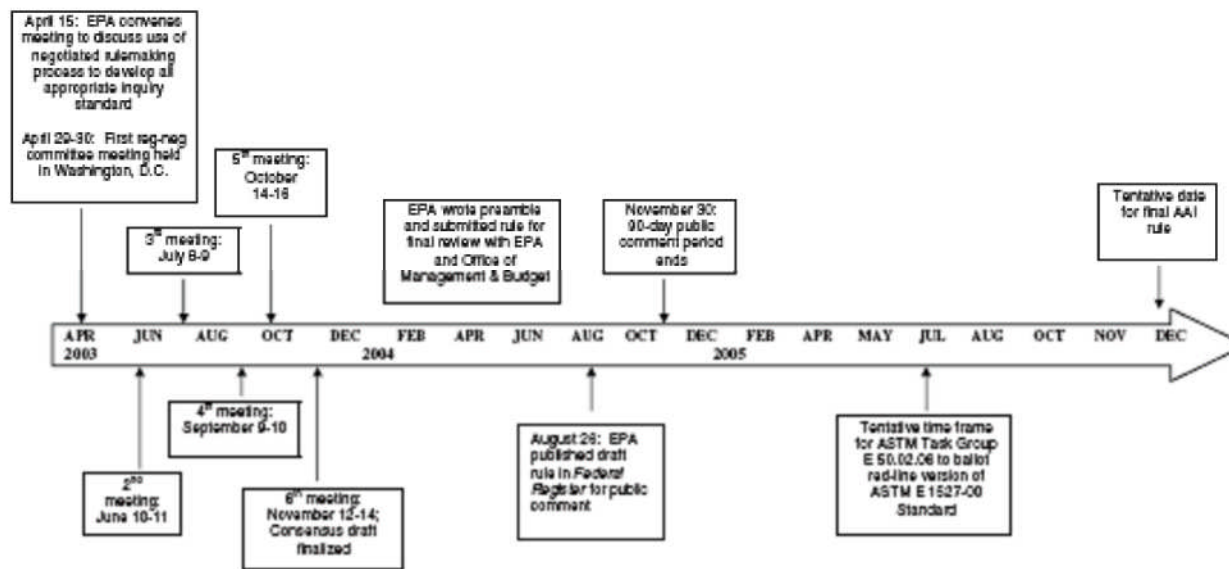
**CURRENT HAZWOPER + 3
YEARS EXPERIENCE CONDUCTING
PHASE 1, ENVIRONMENTAL SITE
ASSESSMENTS.**

Table 4a. Summary of Minimum Search Distances for Federal Records: ASTM E 1527-00 Standard vs. Draft AAI Rule

Database	Target Property	Nearby				References and Notes
		Adjoining (1/8 mile)	1/4 mile	1/2 mile	1 mile	
FEDERAL RECORDS						
NPL Site List						
ASTM	X	X	X	X	X	Section 7.2.1.1 Standard Environmental Record Source
AAI	X	X	X	X	X	Section 312.29(b)(2) and (c)(1)(i) (also includes tribal- or state-equivalent NPL sites)
CERCLIS List						
ASTM	X	X	X	X		Section 7.2.1.1 Standard Environmental Record Source
AAI	X	X	X	X		Section 312.29b(3)
CERCLIS NFRAP Site List						
ASTM	X	X				Section 7.2.1.1 Standard Environmental Record Source
AAI	X	X	X	X		Section 312.29(c)(2)(v)
RCRA CORRACTS Facilities List						
ASTM	X	X	X	X	X	Section 7.2.1.1 Standard Environmental Record Source
AAI	X	X	X	X	X	Section 312.29(c)(1)(f) RCRA facilities subject to corrective action
RCRA non-CORRACTS TSD Facilities List						
ASTM	X	X	X	X		Section 7.2.1.1 Standard Environmental Record Source
AAI	X	X				Section 312.29b(2)
RCRA Generators List (Small and Large Quantities)						
ASTM	X	X				Section 7.2.1.1 Standard Environmental Record Source
AAI	X	X				Section 312.29(b)(2) and (c)(3)(i)
Delisted NPL						
ASTM	X					Not expressly required; such sites would be considered "historical RECs" on a target property and included in the report as such. Such sites may also be identified through other sources, such as state hazardous waste site lists or in state-equivalent NPL databases.
AAI	X	X	X	X		Section 312.29(c)(2)(i)
Emergency Response Notification System (ERNS) Record						
ASTM	X					Section 7.2.1.1 Standard Environmental Record Source
AAI	X					Section 312.29b(5)

ASTM E 1527-00 Standard vs. Draft AAI Rule

	ASTM E 1527-00 Standard Section 7.3 <i>Historical Use Information</i>	Draft AAI Rule Section 312.24 <i>Reviews of Historical Sources of Information</i>
How far back must research go?	Uses shall be identified back to "...first developed use or back to 1940, whichever is earlier."	Reviewer must go back as far as "it can be shown that the property contained structures or from the time the property was first used for residential, agricultural, commercial, industrial, or governmental purposes."
Which historical sources must be used?	Specifically identifies eight "standard historical sources" to be reviewed: <ul style="list-style-type: none"> • Aerial Photographs • Fire Insurance Maps • Property Tax Files • Recorded Land Title Records • USGS 7.5 Minute Topographic Maps • Local Street Directories • Building Department Records • Zoning/Land Use Records 	EP's professional judgment determines which specific historical sources are reviewed.
Does a research interval apply?	Review of standard historical sources at less than approximately five-year intervals is not required.	N/A
What if there are still data gaps?	EP to explain the reason for any gaps in the history of the property's use.	EP must (1) identify data gaps; (2) document all sources of information consulted to address such data gaps; and (3) comment upon the significance of such data gaps.



The definition of an environmental professional provided in the final rule differs from the qualifications included in the ASTM E1527-00 standard. Unlike the ASTM E1527-00 standard, the final rule on all appropriate inquiries imposes specific educational, certification or licensing, and relevant experience requirements for the environmental professional tasked with overseeing the assessment. The final rule requires that the environmental professional qualifications be met by the person supervising the conduct of all appropriate inquiries investigation. The environmental professional qualifications under the two standards are summarized in Exhibit 3.

Main Differences	Final AAI Standard	ASTM E1527-00
Definition of Environmental Professional	<ul style="list-style-type: none"> • Specific certification/license, education, and experience requirements • Applies only to individuals supervising all appropriate inquiries 	<ul style="list-style-type: none"> • No specific certification, licensing, education, or experience requirements • Applies to all individuals involved in conducting all appropriate inquiries
Interview with Current Owner and Occupants of the Subject Property	Mandatory	A reasonable attempt must be made to interview key site manager and reasonable number of occupants
Interview with Past Owner and Occupants	Interviews with past owners and occupants must be conducted as necessary to achieve the objectives and performance factors in §§ 312.20(e)-(f)	Not required, but must inquire about past uses of the subject property when interviewing current owner and occupants
Interview with Neighboring or Nearby Property Owners or Occupants	Mandatory at abandoned properties	Discretionary
Review of Historical Sources: period to be covered	From the present back to when the property first contained structures or was used for residential, agricultural, commercial, industrial or governmental purposes	All obvious uses from the present back to the property's first obvious developed use or 1940, whichever is earlier
Records of Activity and Use Limitations (e.g., Engineering and Institutional Controls) and Environmental Cleanup Liens	<ul style="list-style-type: none"> • No requirement as to who is responsible for the search • Scope of environmental cleanup lien search includes those liens filed or recorded under federal, state, tribal or local law 	<ul style="list-style-type: none"> • User's responsibility • The search results must be reported to the environmental professional • Scope of environmental cleanup lien search is limited to reasonably ascertainable land title records
Government Records Review	<ul style="list-style-type: none"> • Federal, state, tribal, and local • Records 	<ul style="list-style-type: none"> • Federal and state records • Local records/sources at the discretion of the environmental professional
Site Inspection	<ul style="list-style-type: none"> • Visual inspection of subject property and adjoining properties required • Limited exemption with specific requirements if the subject • property cannot be visually inspected 	<ul style="list-style-type: none"> • Visual inspection of subject property required. No exemption. • No specific requirement to inspect adjoining properties; only to report anything actually observed
Contaminants of Concern	<u>Parties seeking CERCLA defense:</u> <ul style="list-style-type: none"> • CERCLA hazardous substances <u>EPA Brownfields Grant recipients:</u> <ul style="list-style-type: none"> • CERCLA hazardous substances, pollutants or contaminants • petroleum/petroleum products • controlled substances 	CERCLA hazardous substances and petroleum products
Data Gaps	<ul style="list-style-type: none"> • Requires identification of sources consulted to address data gaps and comments on significance of data gap with regard to the ability of the environmental professional to identify conditions indicative of releases and threatened releases 	<ul style="list-style-type: none"> • Generally discretionary; • Sources that revealed no findings must be documented.
Shelf Life of the Written Report	<ul style="list-style-type: none"> • One year, with some updates required after 180 days 	<ul style="list-style-type: none"> • Updates of specific activities recommended after 180 days

Shelf Life

The EPA reg-neg committee also wrote language in the draft rule to address an inquiry's shelf life, and the extent to which a property owner can rely on an environmental inquiry prepared for another party. Under Section 312.20(b)(2), the draft AAI rule allows for an inquiry to be transferred from one party to another, allows a previously-completed inquiry to be used and defines the inquiry's shelf life. Both the ASTM E 1527-00 standard and draft AAI rule are consistent in giving certain components of Phase I a six month shelf life. The difference between the two occurs when a Phase I is more than six months old. An AAI inquiry is only valid for up to one year prior to the purchase date of the subject property, and the interviews, searches for environmental cleanup liens, reviews of government records and visual

inspections may not be more than 180 days old. Under ASTM E 1527-00, a Phase I completed more than 180 days previously may be used under Section 4.6 if, at a minimum, a new site visit, interviews, and an update of the records review are performed, and there have been no material changes to the property since the prior ESA was conducted. However, in one important respect, the draft AAI rule is more stringent than ASTM E 1527-00. A five-year old Phase I ESA report could still be used under ASTM E 1527-00 if updates of certain components are made, but under the draft AAI rule, if the assessment is more than one year old, all elements must be updated.

VIDEO

LOG

REVIEW

Arizona Department of Transportation Information Data Warehouse

Photo Imagery | Document Repository | Reports | Project Master | Home

State Route 77 (NB)@ M069 .8800

- Fastest
- Fast
- Normal
- Slow
- Slowest



Year
2005

Route
State Route 77 (NB)

- Route Features
- M Low
 - Interstate 10 Frontage (EB)
 - M068.05 (I-10 NB in Tucson)
 - Interstate 10 (EB)
 - Interstate 10 (WB)
 - Interstate 10 Frontage (WB)
 - Flowing Wells Rd
 - El Burrito Ave
 - M069
 - Fairview Ave
 - Glaris Ave
 - 15th Ave
 - 14th Ave
 - Oracle Rd nonCard
 - Blacklidge Dr
 - Delano St
 - Fort Lowell Rd
 - Navajo Rd

Offset Skip Frames
.8800 Go 0

- Intersecting Routes With Photos
- Interstate 10 (EB)
 - Interstate 10 (WB)
 - State Route 989 (NB)
 - State Route 79 (SB)
 - State Route 177 (SB)
 - US Highway 70 (WB)
 - State Route 277 (NB)
 - State Route 377 (SB)
 - US Highway 180 (EB)
 - Interstate 40 (EB)
 - Interstate 40 (WB)



2005-04-14

OLD

VIDEO

LOG

REVIEW

**JUST IMAGINE THIS IS A BEAUTIFUL
NEW, 1970s MOBIL GAS STATION ON
THE ROADSIDE OF US 60 AT MP 213.50.**



!

OLD VIDEO AVAILABLE – 1970 -- 1990

**OLD AND
NEW VIDEO
LOG AVAILABLE
FROM ADOT
AT NO COST
YOU SUPPLY
A LARGE
PORTABLE
HARD DRIVE**

DEFINED “PHASE I” SCOPES

ADOT has determined that the level of effort required to satisfy the PISA requirement falls into one of three categories. The three categories, describing increasing levels-of-effort, are provided below. These categories are followed by a description of three “triggers”, or major conditions, that should be considered in choosing the classification. The three categories and three triggers are the same ones used on the SCAPEGOAT checklist.

SCOPE 1 – Video Log Review Only (**VLR**)

ADOT maintains a Video Log of every mile of State and Federal highway in the state of Arizona, updated annually. ADOT provides free access to this resource to all consultants, and also offers the video log for restricted sale for contractors to use on ADOT projects. The video log is a valuable tool for prescreening projects prior to scoping, and for performing virtual corridor tours for a variety of purposes. For the hazmat assessment purpose, the video log may be used to preview the project corridor for the location of potential hazardous materials sites and general characterization of land use. For many projects, the video log review alone is adequate to make a determination whether further hazardous materials assessment should be performed.

EXAMPLE: the video log reveals that the project is located on an isolated, undeveloped stretch of rural highway with no site development of any kind adjacent to the right of way. With review by an appropriately qualified hazardous materials specialist, general comments can be made as to the low probability of hazardous materials impacts in such a setting. If the project doesn't involve any of the triggers, this level of effort could be adequate for this type of project. The Scope 1 level of effort would be completed prior to the cost estimate submittal, and could constitute the hazmat review for the project.

SCOPE 2 – Video Log Review + Environmental Records Search (VLR+)

This scope includes the video log review described in Scope 1, plus ordering and review of an environmental records search, typically using a subcontracted database services provider such as EDR, Vista, or All Lands Title. If the Scope 1 review identifies areas of concern that the assessor believes would warrant a review of specific regulatory records, this step could be added. The addition of the records review provides data on hazardous materials sites that are known to exist and listed on state and federal databases. The Scope 2 level of effort would be included in the cost estimate for the project, and would be commenced upon Notice to Proceed from ADOT.

SCOPE 3 – Preliminary Initial Site Assessment (**PISA**)

This is the scope of work that has commonly been expected for every project by ADOT in the past. It includes a records review, possibly a video log review, and a reconnaissance (field review) of the project site by a qualified assessor (trained in hazardous materials issues and approved by ADOT). This scope of work provides a snapshot-in-time of the physical conditions of a corridor, with the additional knowledge of known, listed sites. The assessor can look for physical signs of hazardous materials releases, field-verify site locations listed in the records search, and make judgments as to the likelihood of impacts affecting the project corridor based on distances, project scope, etc. This scope also provides the most up-to-date information, since the video log is only shot periodically for a given area. A summary of the findings of the PISA would be prepared in a brief report that would include the records review, photographs, figures including tabular information on sites of concern, and findings and recommendations of the assessor.

SUMMARY

This protocol for deciding level of effort is measured (provides incremental level-of-effort), portable (can be used by other consultants), and defensible (follows elements of the ASTM method, increasingly as you move closer to the full ISA). The checklist provided as Attachment A can be easily attached to ADOT's Project Data Sheet as justification for the level of effort. As more planners see the form and the justification logic, they will accept the format and the idea that there is a range of effort (and cost) for the hazmat assessment task. ADOT will benefit by all consultants moving toward this type of modular approach and provide hazmat assessments that are more appropriately scoped based on the specifics of a project.

SCAPEGOAT

SCOPING CHECKLIST / ASSESSMENT PROTOCOL / ENVIRONMENTAL GROUP / OTHER APPROVAL TOOL

To be used for determining appropriate level -of - effort for hazmat investigation

TRIGGERS:

1) R/W Acquisition? Yes___ No___ Details:

2) Ground disturbance? Yes___ No___ Details:

3) Development density? Details (type of development, location, etc.):

LEVEL OF EFFORT:

VLR _____ Justification:

VLR+ _____ Justification:

PISA _____ Justification:

ISA _____ Justification:

Comments:

On -Call QHA Signature / Date: _____

On -Call NEPA Planner Signature / Date: _____

ADOT NEPA Planner Signature / Date: _____

Title VI and Environmental Justice Overview

Overview of Title VI and Environmental Justice

- ❑ Title VI Legislation and Regulations
- ❑ Transportation Laws
- ❑ Environmental Justice Executive Order 12898, USDOT Order and FHWA Order
- ❑ ADOT Guidance
- ❑ FAQs/FRCs
- ❑ Review Process

Title VI Legislation

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

USDOT Title VI Regulations

In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies on the grounds of race, color, or national origin... (49 CFR 21.5(b)(3))

Title 23 - Highways, Part 771 - Environmental Impact and Related Procedures

- ❑ Decisions be made in the best overall public interest upon a balanced consideration of the need for safe and efficient transportation; of the social, economic, and environmental impacts of the proposed transportation improvement;
- ❑ Public involvement and a systematic interdisciplinary approach be essential parts of the development process for proposed actions.

Environmental Justice

- ❑ Executive Order 12898
 - Consistent with Title VI of the Civil Rights Act
 - Introduced Low Income
 - Introduced disproportionate impacts
 - No specific format for analysis
 - Integrate analysis in appropriate manner

Related Statutes

These populations are addressed by other non-discrimination statutes:

- Age
- Disability
- Physical or mental handicap
- Gender
- Religion

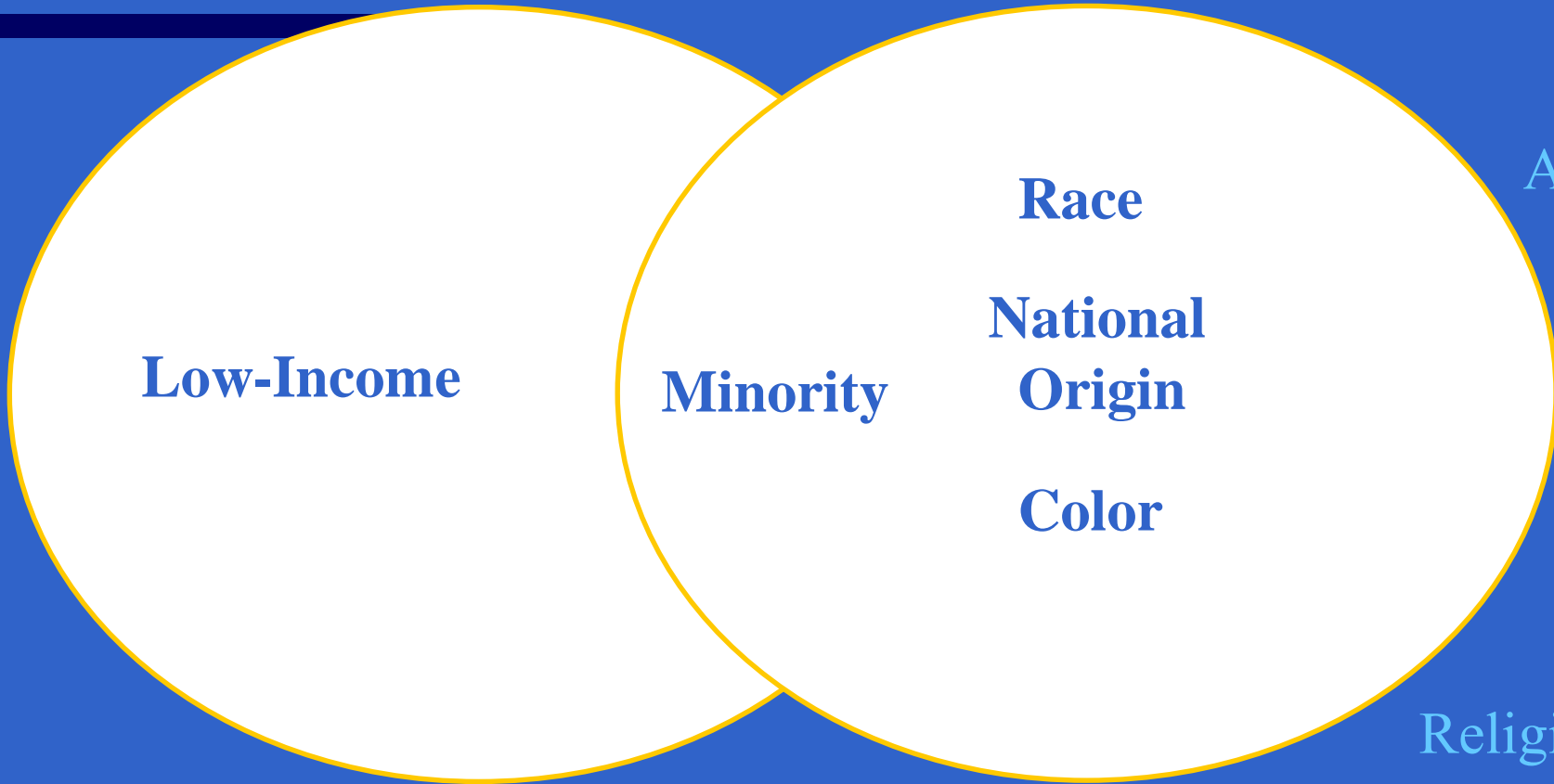
Executive Order 13166

Improving Access to Services for Persons with Limited English Proficiency

- ❑ Requires outreach include people of limited English proficiency (people who cannot read and low literacy populations)

Environmental Justice

Title VI



Gender

Age

Low-Income

Minority

Race

**National
Origin**

Color

Religion

Disability

Environmental Justice

- ❑ Distribution and effects of environmental problems and the policies and processes to reduce differences in who bears environmental risks.
- ❑ Concern for the disproportionate risk burden placed upon any population group as defined by gender, age, income, and/or race.
- ❑ The fair treatment and meaningful involvement of all people with respect to environmental laws, regulations, and policies.

Environmental Justice

□ Principles

– Consider

- the composition of the affected area
- the potential for multiple or cumulative exposure
- the interrelated cultural, social, occupational, historical, and economic factors

– **Develop** effective public participation

– **Assure** meaningful community representation

Definition of Low Income

- ❑ Low-Income
 - **A household income at or below the Department of Health and Human Services poverty guidelines for the year 2000.**
- ❑ Low-Income Population
 - **Any readily Identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who would be similarly affected by a proposed FHWA program, policy, or activity.**

Definition of Minority

Minority means a person who is:

- ❑ Black (having origins in any of the black racial groups of Africa);
- ❑ Hispanic (of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race)
- ❑ Asian American (having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands); or
- ❑ American Indian and Alaskan Native (having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition).

Minority Population

- Any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FHWA program, policy, or activity

Definition of Effect

- ❑ **Adverse effect** - totality of significant individual or cumulative human health or environmental effects
- ❑ **Disproportionately high** - an effect that:
 - 1) is predominately borne by a Title VI/ EJ population; or
 - 2) will be suffered by the Title VI/ EJ population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non Title VI/ EJ population.

ADOT EJ/Title VI Guidance

- ❑ Is there an adverse effect?
- ❑ Is there an EJ/Title VI (protected) population?
- ❑ Is there a disproportionate impact?
- ❑ Benefits vs. burdens
- ❑ Can it be avoided, minimized, mitigated?
- ❑ Has the public been fully involved?

FAQs

- ❑ Can it be concluded that there's no EJ/Title VI due to scope?
- ❑ Is there a threshold for income?
- ❑ Is there a threshold for the protected populations?
- ❑ Where is the data/information available?
- ❑ What is the area for comparative analysis?
- ❑ Is specialized outreach needed?

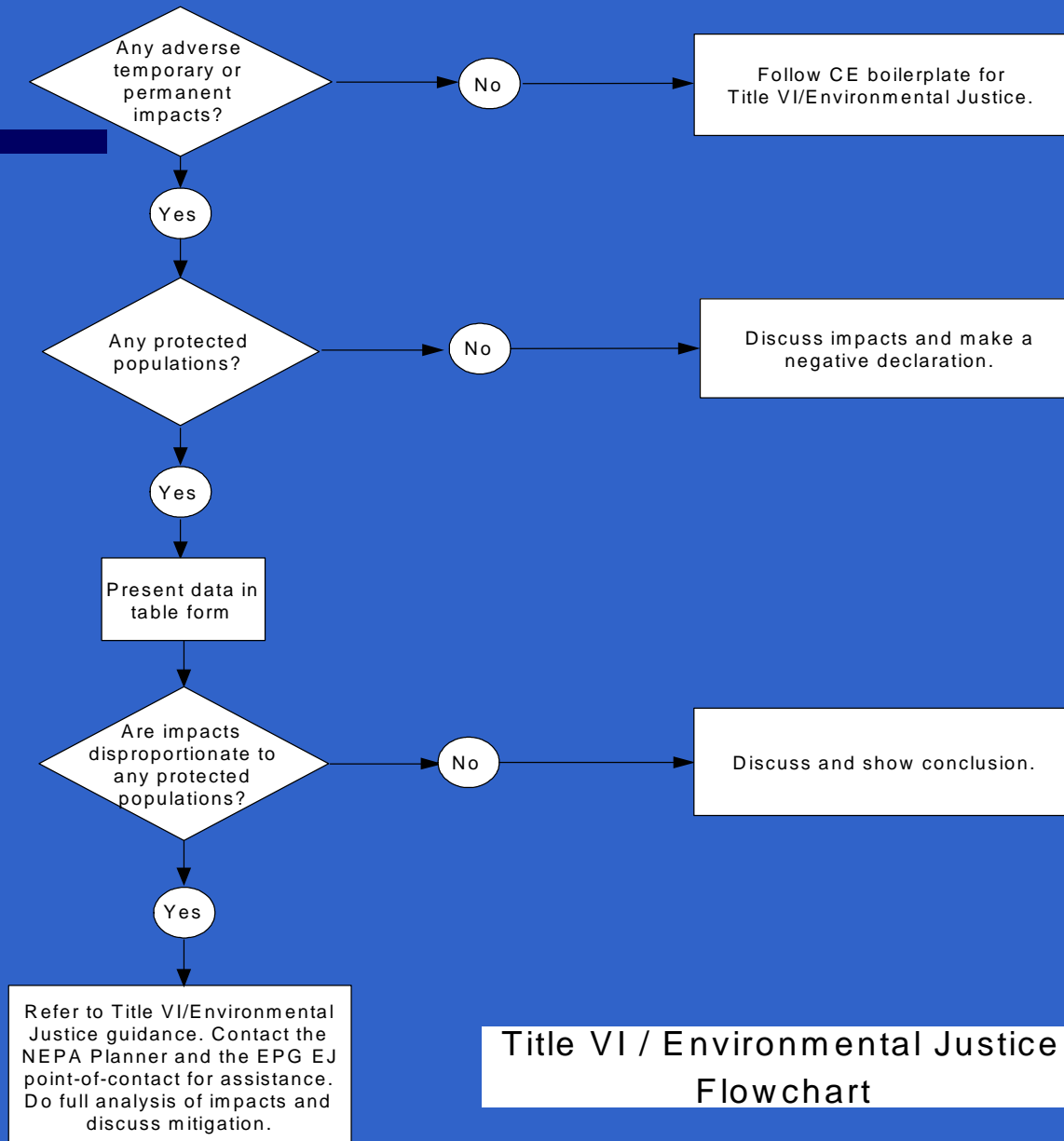
FRCs

- ❑ Impact analysis doesn't include temporary impacts or neighborhood access
- ❑ Data table provides no comparison data, doesn't include all populations, no highlights
- ❑ No discussion of data in text
- ❑ Group identity not considered
- ❑ Use effects and disproportionate impacts interchangeably
- ❑ Sweeping conclusions

Review Process

- ❑ Review by EPG specialist as part of EPG Review
- ❑ Revisions made as needed, resubmitted
- ❑ Document is flagged for Scope, EJ/Title VI, Public Involvement
- ❑ Entire document is sent to Lisa Wormington at ADOT Civil Rights
- ❑ Approved by Lisa, then to FHWA (if Federally funded)

Review Process



Resource Links

- ❑ http://environment.transportation.org/environmental_issues/environmental_justice/
- ❑ <http://www.adotenvironmental.com>
- ❑

Welcome to the Wonderful
World of ADOT Local
Government and
Transportation Enhancement
Projects

What's the Difference?

- Local Government (LG) Projects begin with a request from the LG sponsor
- Enhancement Projects begin with an application submittal to Transportation Enhancement Review Committee (TERC)
 - TERC reviews and approves applications each year
- They proceed through the same environmental clearance process

Transportation Enhancement Projects

- Local Government Projects
 - Local Government hires own consultants
- State Projects
 - On Calls contracted by ADOT for State TE projects

ADOT Local Government/Enhancement Projects

Environmental Process

Project Development

- ADOT LG Section Engineer receives request from LG for Federal \$\$
 - Project listed in TIP and STIP
 - Requests TRACS & Federal Numbers
 - Notifies NEPA Planner team lead that new project has been initiated
 - Team lead assigns projects based on workloads and project complexity

All federal-aid projects
require an environmental
analysis and an
Environmental Clearance
certification.

Level of Environmental Analysis depends on significance of environmental impacts

- Environmental Impact Statement (EIS)
- Environmental Analysis (EA)
- Categorical Exclusion (CE)

The majority of Local Government & Enhancement Projects are Categorical Exclusions

Local Government Responsibility

Local Government sponsor is responsible for obtaining all needed resource information and preparing technical analysis reports in accordance with ADOT process.

Environmental Process Begins

- LG schedules Kick-off meeting to discuss project elements and environmental process
- LG submits Initial Scoping Letter/ Project Assessment (PA) or Design Concept Report (DCR)
- ADOT Project Manager distributes document to NEPA Planner
- NEPA Planner reviews and sends letter outlining technical document needs and level of environmental documentation (CE)

Environmental Process Continues

- LG completes public and agency scoping process – provides copy of letter and recipient list
- LG submits Technical Reports
 - Biology
 - Cultural Resources
 - Hazardous Materials

Environmental Process Moves Forward

- ADOT Technical staff review technical reports and request revisions or approve/concur with findings
 - ADOT/FHWA will consult with State Historic Preservation Officer (SHPO) and/or Tribal Communities as appropriate

Environmental Process Next Steps

- LG submits *draft* Categorical Exclusion Checklist for review and comment
- ADOT NEPA planner, technical staff, and section manager review and comment on draft document.
- NEPA planner sends comments to LG and may meet with LG/consultant to clarify comments

Environmental Process Completed

- LG revises draft document and submits final CE Checklist final review and approval
 - NEPA planner reviews to determine all changes have been made
 - Section Manager reviews
- ADOT/FHWA will issue final environmental clearance
- ADOT NEPA planner distributes approved document to LG, FHWA, and ADOT departments

How Long Does It Take?

IT DEPENDS...

- Complexity of project
- Timeliness of Technical Reports
- Response from SHPO/Tribes
- Timeliness of revision submittals
- Quality of draft CE Checklist submittal
- Workload