TDOT ENVIRONMENTAL DIVISION
Regulatory Navigation and Compliance
The mission of the Environmental Division is to ensure the **timely delivery of projects** that are in **compliance with all environmental laws and regulations** while actively involving the general public and resource agencies in planning, developing and maintaining the best multimodal transportation system in the nation.
Project Delivery Team

Public
Local Government
State Legislature
FHWA
**Environmental Division Team**

- **106 Staff**
  - Scientists
  - Engineers
  - Regulatory Specialists
  - Admin Support
- **7 Program Teams**
  - Major Projects
  - Environmental Analysis
  - Ecology and Permits
  - Environmental Mitigation
  - Environmental Compliance
  - Highway Beautification
  - Business Services
Environmental Department Team

- Region Environmental Technical Offices
  - 10-12 Scientists, Engineers, Regulatory Specialists
  - Ecology Activities
  - Permit Activities
  - Compliance Activities
  - Environmental Coordination
Project Delivery Process
Environmental Due Diligence

NATIONAL ENVIRONMENTAL POLICY ACT

- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
- Section 4(f) of USDOT Act (49 USC 303)
- Clean Air Act
- Safe Water Drinking Act
- Farmland Protection Policy Act
- Solid Waste Disposal Act
- Resource Conservation and Recovery Act of 1976 (RCRA)
- Title VI of Civil Rights Act of 1964
- Americans with Disabilities Act
- Executive Order 12898 (Environmental Justice)

- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- Emergency Planning and Community Right to Know Act of 1986
- National Historic Preservation Act
- Economic, Social and Environmental Effects of Highways and Transit
- Highway Noise Standards
- Public Hearing Requirements
- Archaeological and Historic Preservation Act
- Archaeological Resources Protection Act
- AND MORE...
Environmental Due Diligence Process

* IDENTIFY resources and impacts and project constraints and **document** findings
* Look for AVOIDANCE alternatives and **document** findings
* MINIMIZE where possible and **document** decisions
* MITIGATE when necessary and **document** agreements
* Involve the public and **document** communications
* Coordinate with resource agencies and **document** decisions
NEPA Process

Proposed Action

Coordination and Analysis

Significant Impact?

NO

Listed CE

Documented CE

Coordination and analysis as needed

Document appropriately

Agency Action

YES

Unknown

Environmental Assessment

Significant impact

Notice of Intent & Scoping Process

Draft EIS

Public Comment

Final EIS

Record of Decision (ROD)

Agency Action

No significant impacts

Finding of No Significant Impact (FONSI)

Agency Action
Major Projects Office

- **National Environmental Policy Act Documentation**
  - EAs and EISs
- **30 On-going Project Reviews**
- **Environmental Review Schedule 3-5 years**
  - Initial Agency Coordination - 45 days plus 30 days for response
  - Concurrence Point reviews - 45 days plus 45 day TDOT response
  - Public Meetings at P&N, Alternatives, Public hearing - 30 days plus 21 days for response
  - FHWA Reviews – 20 and 30 day reviews
- **Tennessee Environmental Streamlining Agreements (TESA)**
  - Provide opportunities for agency review and comment on projects
National Environmental Policy Act Documentation

- Categorical Exclusions (D-List, C-List, PCE)

800 Project Reviews

Environmental Review Schedule 14 weeks

- Technical Studies – 30 days
- Agency Coordination – 30 days
- Public Involvement – 30 days
- FHWA Review and Approval – 30 days
Environmental Analysis Office

**HUMAN ENVIRONMENT**
- Social
- Economic - ROW
- Environmental Justice – Title VI
- Historic
- Archaeological
- Indirect and Cumulative
- Visual
- Noise
- Recreational – Section 6(f)
- Parks – Section 4(f)
- Air Quality

**NATURAL ENVIRONMENT**
- Steams
- Wetlands
- Rare & Endangered Species
- Floodplains
- Farmland
- Land Use
- Terrestrial
- Caves
- Sinkholes
- Hazardous Materials
- Geotechnical
Technical Studies - Ecology

- Stream Surveys
- Wetland Surveys
- Species Surveys
- Agency Coordination
  - Jurisdictional Determination Requests
  - Stream Assessment Requests
  - ESA Coordination
- Communication of Commitments
- Programmatic Agreements
- Regulation Review
- Process Improvement
Technical Studies - Archaeology

- Strategic Phase 1 investigation techniques, shovel tests, to determine presence of potential sites
- Section 106 SHPO Coordination – 30 days
- Native American Coordination – 30 days
- Changes that effect the study?
  - Any ground disturbance
  - Adding ROW = significant additional time
  - Geometric shifts
  - Failure to stay off identified sites in later plans
- Phase 2 Study – 6 months
- Mitigation Plan – 6 months
- MOA’s take 6 to 18 months
Technical Studies – Historic Preservation

* Features, locations, structures that are deemed significant to the cultural history of the area
* Section 106 SHPO Coordination – 30 days
* Changes that effect the study?
  * Any ground disturbance
  * Adding ROW = significant additional time
  * Geometric shifts
  * Failure to stay off identified sites in later plans
* Phase 2 Study – 6 months
* Mitigation Plan – 6 months
* MOA’s take 6 to 18 months
Asbestos on bridges
- Need lead time to investigate and sample
- Need clear notes on plans on what how to remove

10 day notice to TDEC before any work

Plan for 3 months for survey, results, abatement planning, abatement and clearance of tract.

Unknown Removals
- Plan for 7-10 days for removal, sampling, results, and disposal.
Technical Studies – Noise

- Noise Studies
- Type I and Type II Eligibility
  - When and Where barriers are allowable
  - We provide a location(s) and wall height
  - Structures determines specifics
  - Geotech provides soil/rock data
  - Added to the plans
Permit Application Process

TDEC-TDOT ARAP Pre-App Coordination Process

1. TDEC Ecology initiates ecological study
2. TDOT Ecology emails stream assessment request to TDEC Central Office (CO) Natural Resources Unit (NRU).
3. TDEC CO NRU conducts resource review and data validation. If assessment is necessary, emails assessment request to TDEC Environmental Field Office (EFO) NRU.
4. TDEC EFO evaluates request and workload.
5. TDEC EFO NRU reviews data for anti-deg and enters into WaterLog.
6. TDOT Ecology performs field study:
   - Coordinate with TDEC EFO NRU regarding data needs
   - Collect anti-deg data
   - Submit data to TDEC EFO
7. TDEC EFO NRU declines request and sends notification to TDOT Ecology.
8. TDEC EFO NRU performs anti-deg assessment.
9. TDO TDOT Ecology submits HU, Wet ID, & TRAM to TDEC EFO and CO NRU.
10. TDEC EFO verifies HUs, Wetlands, TRAM, and anti-deg and enters into WaterLog.
11. TDEC CO NRU finalizes anti-deg assessment, streams, and wetlands and sends resource determination report to TDOT Ecology.
12. TDOT Ecology submits boundary report to design and enters into File Net.
13. TDOT Design adds environmental features to plans and sends to TDOT Permits.
14. TDOT TDEC Ecology, EFO, and USACE Collaborate to Draft Mitigation Plan.
15. TDOT Mitigation completes mitigation due diligence.
16. TDOT Permits identifies impacts and sends impacts to TDOT Mitigation.
17. TDOT Permits prepares permit assessment with minimization and alternatives.
18. TDEC approves draft mitigation plan.
19. TDOT Mitigation develops final mitigation plan based on concurrence and sends to TDOT Design.
20. TDOT Design revises plans and loads into File Net.
21. TDOT Permits submits final application to TDEC.
22. APPLICATION SUBMITTED & PROCESS COMPLETE.

Verification Period: 1 – 3 Months

Plan Development & Permit Assessment: 3 – 6 Months

Multi-Agency Mitigation Coordination: 1 – 3 Months

Mitigation Finalization and Permit Application Preparation: 6 – 18 Months

Total Time: 13 – 39 Months

10/2014
- Environmental Boundaries Report
- Agency Coordination
- Plans Review for Permit Conditions (Permit Assessment) – 30 days
  - Resource Avoidance and Impact Minimization
- Mitigation Plan Request for Unavoidable Impacts
- Agency Coordination
- Environmental Permit Application – 30 days
  - TDEC, USACE, TVA
Obtains compensatory mitigation to offset unavoidable stream and wetland impacts from transportation projects.

Compensatory Mitigation Mechanisms include Banks, In-Lieu Fee Programs, and Permittee Responsible Mitigation.

Permittee Responsible Mitigation

- Compensatory Mitigation Plan
- TDOT Project Delivery Process
- Programming, NEPA, Survey, Design, ROW, Construction, Monitoring
Environmental Permits to Let Project

- **Complete Application Review**: 30 days
- **Permit Issuance**
  - General ARAP: 30 days
  - Individual ARAP: 90 days
  - Nationwide 404: 60 days
  - Individual 404: 120 days
  - Section 26a: 110 days
- **Changes that affect the Permit Assessment and Application**
  - Additional impacts to streams or wetlands such as changing the structure or adding more fill
  - Stream relocation / Natural stream design
  - TVA/Corps land acquisitions, offset plans
  - Additional outfall structures
  - Temporary Stream Crossings
  - Addition of in stream access road
- Self Monitoring Programs
- Environmental Research Projects
  - Pathogen Analysis
  - Nutrient Analysis
- Implementation of Statewide Stormwater Management Plan
- Compliance Training
Streamlining

- **Standard Environmental Procedures**
- **Agency Agreements**
  - MOAs, MOUs, Programmatic Agreements
- **Routine Project Status Meetings**
  - Process Schedules
- **Routine Program Coordination Meetings**
  - Changes to standard practices
- **Predictable, Repeatable, Defensible Processes**
  - Improve timeliness of environmental process
  - Improve interagency cooperation
  - Recognize limited resources – human, financial, time, etc.
  - Resolve issues early
  - Provide for mediation of process stumbling blocks
  - Improves project management
  - Fosters stewardship
Questions

Environmental Due Diligence
• Identification
• Agency Coordination
• Public Outreach
• Avoidance
• Minimization
• Mitigation
• Documentation

Construction!