

RD AN No. 4369 (1940-G)
April 29, 2008

TO: Rural Development State Directors

ATTN: Rural Development Program Directors and
State Environmental Coordinators

FROM: Russell T. Davis (*Signed by Peter Morgan*) for
Administrator
Housing and Community Facilities Programs

Ben Anderson
Administrator
Business and Cooperative Programs

James M. Andrew
Administrator
Utilities Programs

SUBJECT: Role of the State Environmental Coordinator

PURPOSE/INTENDED OUTCOME:

The purpose of this Administrative Notice (AN) is to clarify the requirements of Rural Development instructions regarding the appointment of the State Environmental Coordinator (SEC) and the Assistant State Environmental Coordinator (ASEC). This AN also provides guidance regarding the roles and responsibilities of the SEC and ASEC.

COMPARISON WITH PREVIOUS AN:

This AN replaces and updates RD AN No. 4261 (1940-G) dated March 22, 2007, which expired March 31, 2008.

EXPIRATION DATE:
April 30, 2009

FILING INSTRUCTION:
Preceding RD Instruction 1940-G

IMPLEMENTATION RESPONSIBILITIES:

Appointment of a State Environmental Coordinator:

RD Instructions require each State Director to appoint only one individual to serve as the SEC for the entire jurisdiction covered by that particular State Office. The SEC will report directly to the State Director on all environmental matters. The SEC must cover the entire area under the State Director's jurisdiction, so as to ensure consistent interpretation and implementation of Rural Development's environmental policies and procedures across all program areas under each State Director. The position of the SEC may be full-time or a collateral duty, but requires at least 25 percent of the appointee's time, usually more, and is considered a major duty. Workload demands will dictate the amount of staff time needed; in some States a full-time SEC may be necessary.

Both RD Instruction 1940-G and the Rural Utilities Service (RUS) Staff Instruction 1794-1 provide for specific SEC responsibilities in Agency environmental compliance activities. The SEC fulfills the critical role of liaison between Rural Development at the State Office level and numerous other Federal, State, and local regulatory agencies, as well as the National Office, for all environmental compliance issues. The SEC is responsible for providing technical assistance and guidance to all Rural Development staff, applicants, technical service providers, and consultants within the State Director's jurisdiction. The detailed list of the SEC's responsibilities found in Section 1940.307(b) and RUS Staff Instruction 1794-1 should be included in a written delegation of responsibility. Recommended formats are included in this AN in Attachments 1 and 2.

Appointment of the Assistant State Environmental Coordinator:

In addition to the required appointment of a SEC, it is strongly recommended that an additional duty assignment be made for only one ASEC for the entire area under each State Director's jurisdiction. The appointment of an ASEC will provide a trained backup Acting SEC for those times when the SEC is unavailable. Also, this is a unique opportunity for staff succession planning.

ASEC responsibilities should also be delegated in writing, with a suggested example shown in Attachment 3. The ASEC, with oversight from the SEC, may provide guidance on environmental issues, assist the SEC in providing environmental training to field office staff, and serve as the delegated Acting SEC during SEC absences. This ensures continuity of operations and may help when the workload of environmental documents is exceptionally high. ASEC responsibilities should be assigned as a collateral duty, should not be grade controlling, and should typically constitute less than 25 percent of the employee's time.

Program Environmental Coordinators (PEC):

Previously, PECs had been endorsed, but their application has been limited so that we no longer encourage their appointment. States that have existing PECs may continue to use that designation as long as it provides a benefit, but it is no longer a nationally recognized position.

Attachments:

The appointment of a SEC and ASEC requires State Directors to:

- recruit or select individuals who have applicable technical/scientific educational or professional qualifications;
- amend the appointee's position description;
- provide the appointees with necessary training;
- evaluate the appointee's performance of environmental duties; and
- notify the National Office Program Support Staff (PSS) and Engineering and Environmental Staff (EES) of all appointments.

To assist in the management of the SEC and ASEC positions, guidance documents are attached and listed below. If you have any questions or comments, please contact either Linda Rodgers in PSS at (202) 720-9647 (linda.rodgers@wdc.usda.gov) or Mark Plank in EES at (202) 720-1649 (mark.plank@wdc.usda.gov).

For the SEC:

- Attachment 1: Recommended Amendment to Position Description
- Attachment 2: Incorporating Environmental Duties in Performance Work Plans

For the ASEC:

- Attachment 3: Recommended Amendment to Position Description
- Attachment 4: Incorporating Environmental Duties in Performance Work Plans

For SECs and ASECs:

- Attachment 5: Recommended Training Program For Environmental Coordinators
- Attachment 6: Form Letter for Notifying PSS/EES of New SEC and ASEC Appointments

State Environmental Coordinator
Recommended Amendment to Position Description

As the State Environmental Coordinator, the incumbent works under the authority of the State Director on environmental issues and has the following responsibilities in accordance with RD Instruction 1940-G, section 1940.307(b) and RUS Staff Instruction 1794-1:

1. Acts as advisor to the State Director on environmental matters and coordinates the requirements of the Agency's regulations, environmental policies and procedures.
2. Reviews those Agency actions that are not categorically excluded under RD Instruction 1940-G and which require the approval and/or clearance of the State Office and all actions requiring environmental impact analyses under 7 CFR part 1794. Recommends to the approving official either project approval, disapproval, or modification or acceptability of environmental review documents after analyzing and considering the following:
 - a. Anticipated adverse environmental impacts.
 - b. Anticipated benefits.
 - c. Action's consistency with the requirements of RD Instruction 1940-G and 7 CFR part 1794.
3. Represents the State Director at conferences and meetings dealing with environmental matters of a State Office nature.
4. Maintains communication on State Office environmental matters with interested public groups and local, State, and other Federal agencies and the National Office.
5. Serves as the State Director's alternate on State-level USDA committees dealing with land use and environmental and historic preservation matters.
6. Solicits, whenever necessary, the expert advice and assistance of other professional staff members within the State Office or National Office in order to properly implement the Agency's environmental policies and procedures.
7. Provides technical assistance as needed to State and field office staffs.
8. Develops controls for avoiding or mitigating adverse environmental impacts and reviews their implementation as needed.

9. Provides assistance in resolving post-approval environmental matters at the State Office level.
10. Maintains records and provides reports for environmental actions as required.
11. Coordinates for the State Director the development of the State Office Natural Resource Management Guide and the supplement to the RUS Bulletin 1794.
12. Provides direction and training to State and field office staff on environmental policies and procedures to meet existing laws, Executive Orders, Departmental Regulations, and Rural Development instructions.
13. Monitors the State Office's compliance with the Agency's regulations, environmental policies and procedures and advises the State Director of the results of the monitoring process.

State Environmental Coordinator
Incorporating Environmental Duties in Performance Work Plans

Performance Element

If the appointee is full-time or the SEC duties require at least 25 percent of the appointee's time, SEC responsibilities should be incorporated into and evaluated on the Performance Work Plan. Evaluation may be through the use of a generic performance element under Part I of the Plan (e.g., Program Management) or through the creation of a unique element in Block 13, 14, or 15 of Part I. Use of the unique element is preferred. The unique element should be titled "State Environmental Coordinator."

The following language may be used to describe the "Results Achieved" level of performance for the SEC duties under a unique element. The same language should be used as further clarification for a generic element that covers the SEC duties.

Results Achieved:

- Work normally completed to meet critical deadlines.
- Environmental issues, problems, and concerns are normally adequately defined and analyzed. Adequate alternatives and mitigation measures are developed when impacts to resources are identified. Products are understandable, clearly presented, and can typically be accepted by the State Director without modification. On rare occasions, there may be minor technical issues.
- Analyzes training needs and develops and provides environmental training for the State and field office staff. Training materials are typically completed in time for distribution and use at training sessions, meet the training objectives, and are typically accurate with few technical errors.
- Advises and represents State Director on environmental matters at meetings of State Office nature and solicits expert advice from local, State, and other Federal agencies concerning recommended courses of action in sufficient time for policy decisions and implementation. Serves as the point of contact for the National Office on environmental issues. Performs reviews required by the Agency's environmental regulations. Provides technical assistance in a timely manner as needed to State and field office staffs. Maintains required records, including the State Natural Resource Management Guide and State Supplement to RUS Bulletin 1794A-602.

Assistant State Environmental Coordinator
Recommended Amendment to Position Description

As the Assistant State Environmental Coordinator, the incumbent works under the general guidance of the State Environmental Coordinator on environmental issues and has the responsibilities listed below. When the State Environmental Coordinator is absent, the incumbent may be delegated full responsibilities as the Acting State Environmental Coordinator, provided they have the necessary training.

1. Acts as an aide to the State Environmental Coordinator on environmental matters and assists in coordinating the requirements of the Agency's regulations, environmental policies and procedures at the State Office level.
2. Assists the State Environmental Coordinator in reviewing those Agency actions that are not categorically excluded under RD Instruction 1940-G and which require the approval and/or clearance of the State Office and all actions requiring environmental impact analyses under 7 CFR part 1794. Recommends to the approving official, in the absence of the SEC when delegated authority as Acting SEC, either approval, disapproval, or modification or acceptability of environmental review documents after analyzing and considering the following:
 - a. Anticipated adverse environmental impacts.
 - b. Anticipated benefits.
 - c. Action's consistency with the requirements of RD Instructions.
3. Assists the State Environmental Coordinator at conferences and meetings dealing with environmental matters of a State Office nature.
4. Assists the State Environmental Coordinator in maintaining communication on State Office environmental matters with interested public groups and local, State, and other Federal agencies.
5. Assists the State Environmental Coordinator on State-level USDA committees dealing with land use, environmental, and historic preservation matters.
6. Assists the State Environmental Coordinator in soliciting the expert advice and assistance of other professional staff members within the State Office in order to implement the Agency's environmental policies and procedures.
7. Assists the State Environmental Coordinator in providing technical assistance as needed to State and field office staffs.

Attachment 3
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8. Assists the State Environmental Coordinator in developing controls for avoiding or mitigating adverse environmental impacts and in monitoring their implementation.
9. Assists the State Environmental Coordinator in resolving post-approval environmental matters at the State Office level.
10. Assists the State Environmental Coordinator in maintaining records for those actions required by the Agency's environmental regulations.
11. Assists the State Environmental Coordinator in coordinating the development of the State Office "Natural Resource Management Guide" and the supplement to the RUS Bulletin 1794.
12. Assists the State Environmental Coordinator in providing direction and training to State and field office staffs on the requirements of the Agency's environmental policies and procedures.
13. Assists the State Environmental Coordinator in monitoring the State Office's compliance with the Agency's regulations, environmental policies and procedures and advising the State Director of the results of the monitoring process.

Assistant State Environmental Coordinator
Incorporating Environmental Duties in Performance Work Plans

Performance Element

If the ASEC duties require less than 25 percent of the appointee's time, the ASEC responsibilities should be evaluated on the Performance Work Plan through the use of a generic performance element under Part I of the Plan (e.g., Execution of Duties). If the ASEC duties require 25 percent or more of the appointee's time, the ASEC responsibilities should be evaluated through the use of a generic performance element under Part I or through the creation of a unique element in Block 13, 14, or 15 of Part I. If the ASEC duties require 25 percent or more of the appointee's time, use of the unique element is preferred. The unique element should be titled "Assistant State Environmental Coordinator."

The following language should be used to describe the "Results Achieved" level of performance for the ASEC duties under a unique element. The same language should be used as further clarification for a generic element that covers the ASEC duties.

Results Achieved:

- Work normally completed to meet critical deadlines.
- Most environmental issues, problems, and concerns are adequately defined and analyzed. Alternatives and mitigation measures are developed when impacts to resources were identified. Products are understandable, clearly presented, and can typically be accepted by the State Director without modification. On rare occasions, there are minor technical issues.
- Assists the State Environmental Coordinator in analyzing needs and providing training for the State and field office staffs. Training materials are typically completed in time for distribution and use at training sessions, meet the training objectives, and are typically accurate with few technical errors.
- Assists the State Environmental Coordinator in providing advice to the State Director on environmental matters at meetings of State Office nature and in soliciting expert advice from State, local, and other Federal agencies concerning recommended courses of action in sufficient time for policy decisions and implementation. Performs reviews required by the Agency's environmental regulations. Provides technical assistance in a timely manner as needed to State and field office staffs. Maintains required records.

Recommended Training Program for Environmental Coordinators

Many individuals serving the Agency in the roles of SEC and ASEC do so as collateral duties, and the personnel often do not have previous training for these responsibilities. To assure Agency compliance with the many complex environmental issues for which the Agency has legal responsibility, it is critical that adequate training programs be initiated for these personnel before or immediately upon appointment. The costs of such training will be borne by the State Office. In many instances, this training is available for free from Federal agencies. The National Office PSS and EES staffs maintain lists of some recommended vendors and agencies. Numerous environmental training courses on environmental statutory and regulatory compliance, lender liability, and other environmental issues are available from catalogs of Rural Development and other USDA computer-based training courses.

Training recommended for:

State Environmental Coordinator	Items 1-27
Assistant State Environmental Coordinator	Items 1-19

1. Review RD Instruction 1940-G, "Environmental Program."
2. Review RUS Instruction 1794, Bulletin 1794A-602, and Staff Instruction 1794-1.
3. Review RD Instruction 426.2, "National Flood Insurance."
4. Review RD Instruction 1901-F, "Procedures for the Protection of Historical and Archaeological Properties."
5. Review RD Instruction 1940-J, "Intergovernmental Review of Rural Development Programs and Activities."
6. Review RD Instruction 1924-A, "Planning and Performing Construction and Other Development," only parts on Lead-Based Paint and Indoor Air Quality.
7. Review related National and State ANs and/or PNs.
8. Review the State Natural Resource Management Guide and State Supplement to RUS Bulletin 1794A-602.
9. Review the following environmental compliance computer compact disc-based training courses (in the following order):
 - A. National Environmental Policy Act

- B. Considering Project Effects Under the National Environmental Policy Act (NEPA)
 - C. Historic Preservation Issues
 - D. Coastal Use Issues
 - E. Land Use Issues
 - F. Water Issues
 - G. Farmland Policy Protection Act
 - H. Environmental Justice
 - I. Lender Liability
 - J. Transaction Screen Process
 - K. First Responder (Awareness Level) Course
10. Complete the HUD “Visual Assessment” training for Lead-Based Paint (LBP) at (<http://www.hud.gov/offices/lead/training/visualassessment/h00100.htm>) with other LBP training.
 11. Work through several cases on the “LBP Compliance Key” on the Rural Development Web site.
 12. Review recently completed environmental review documents prepared under RD Instruction 1940-G to become familiar with the format and content: Categorical Exclusion (CE), Class I Environmental Assessment (EA), and Class II EA.
 13. Review recently completed environmental review documents prepared under RUS 1794 to become familiar with the format and content: Categorical Exclusions with Environmental Reports and EA.
 14. Complete an environmental assessment to become familiar with the process.
 15. Meet with State Program Directors and/or Loan Specialists to become familiar with the way in which environmental review documents are completed in conjunction with loan processing.
 16. "Introduction to Section 106 Review" offered by the Advisory Council on Historic Preservation (ACHP).
 17. “New SEC Orientation Training” by National Office Staff (PSS/EES).
 18. “NEPA 101” class by National Office Staff (PSS/EES) or other NEPA training.
 19. Federal Emergency Management Agency (FEMA) training on floodplains, FEMA maps, and flood insurance.

20. Cross-training with a State Environmental Coordinator in another State.
21. “Health and Safety Training for Hazardous Waste Operations,” which is a 40-hour initial Hazardous Waste Operations and Emergency Response (HAZWOPER) course provided by outside vendors and/or government agencies. Follow up annually with the 8-hour refresher courses.
22. “Phase I Environmental Site Assessment Practices For Commercial Real Estate: Transaction Screen & Phase I Site Assessment” American Society for Testing and Materials (ASTM) course on how the ASTM Environmental Site Assessment Standard Practices for the Phase I Site Assessment and the Transaction Screen Process (E1527-00 and E1528-00) were developed, how to use the standards, and how the standards affect business practices.
23. Basic Wetland Delineation Course and the Federal Wetland/Waters Regulatory Policy Course.
24. Advanced seminar on “Preparing Agreement Documents Under Section 106 of the National Historic Preservation Act.”
25. Outside classes on laws relating to hazardous substances.
26. Advanced classes in NEPA law and document preparation by outside vendors.
27. Any available course work relating to environmental laws or regulations as it applies to Rural Development programs including, but not limited to, the following:
 - A. Clean Water Act
 - B. Farmland Protection Policy Act
 - C. Endangered Species Act
 - D. National Historic Preservation Act
 - E. Clean Air Act
 - F. Resource Conservation and Recovery Act
 - G. Comprehensive Environmental Response, Compensation, and Liability Act
 - H. Lead-Based Paint
 - I. Indoor Air Quality – mold, asbestos, etc.

**Fax to PSS at (202) 690-4335
and to EES at (202) 720-0820**

TO: Richard A. Davis
Director
Program Support Staff

Mark Plank
Director
Engineering and Environmental Staff

SUBJECT: Appointment of a State Environmental Coordinator or
Assistant State Environmental Coordinator

Please be advised that the following individual has been selected to assume the
environmental responsibilities as shown:

Name: _____

Selected to serve as (*check one*): SEC _____ or ASEC _____

Telephone number: _____ Fax: _____ E-mail: _____

Present Position: _____ Job Series and Grade: _____

Individual's training, work experience, or education that is relevant to the appointment:

Proposed training program and schedule for the appointee: (*refer to Attachment 5 for
recommended training*):

State Director

Date: _____