

MODEL REGIONAL REVIEW PLAN

For Projects Funded Under the Authority of

REGIONAL ENVIRONMENTAL INFRASTRUCTURE PROGRAMS

SECTION 313 (PENNSYLVANIA), SECTIONS 340 AND 571(WEST VIRGINIA), SECTION 531 (KENTUCKY), SECTION 594 (OHIO), SECTION 569 (MINNESOTA) AND SECTION 154 (WISCONSIN)

Approved: October 31,2012

1.0 PURPOSE

This Model Regional Review Plan (MRRP) describes how technical reviews will be conducted for decision and design documents, as applicable, for Environmental Infrastructure (E.I.) projects. These projects typically involve reimbursing the non-Federal Sponsors for design and construction work they perform on the installation or renovation of water supply and wastewater treatment facilities, environmental restoration, harbor development and expansion, and surface water resource protection and development, as specifically authorized for each E.I. Program. This is in accordance with EC 1165-2-209, Appendix B, which implies, “programmatic or regional model review plans may also be appropriate in other instances, such as regional environmental infrastructure authorities.” This model regional review plan is being prepared for the referenced seven authorities and would serve as an “umbrella” document under which specific Project Management Plans (PMPs) would be developed. Specific PMPs would address project scope, schedule, and cost.

2.0 DISTRICT QUALITY CONTROL/QUALITY ASSURANCE (DQC)

DQC is an internal review process of basic science and engineering work products. The DQC will be managed by the appropriate District in accordance with ER 1110-1-12 and the Great Lakes and Ohio River Division. While DQC is conducted for each E.I. project commensurate with its complexity, it should be pointed out that the design and construction of E.I. projects (as defined in the Project Partnership Agreements (PPA)) are the primary responsibility of the Sponsors. Essentially the DQC only serves to ensure the project scope is within the authority and that the Sponsor is providing the product as per the scope of the PPA.

Specific responsibilities of the Sponsors are summarized below:

- 1) The Sponsor is responsible for preparation of all documentation necessary to support the Corps NEPA document, the documentation is reviewed by applicable experts in the home District and if information is deemed acceptable it is adopted by the Corps for preparation of the draft NEPA compliance document which is coordinated for public review by the Corps.

2) E.I. project design and construction are the responsibility of the Sponsor. The PPA clearly defines these roles and responsibilities. The Corps' review is limited to ensuring that the Sponsor's design conforms to the scope of work thus ensuring the Government is making reimbursement in accordance with the PPA.

3) E.I. projects use the Plans and Specifications (P & S) and cost estimates as developed by the Sponsor's A/E which are under contract with the Sponsors. The Corps conducts a technical review of the information to ensure scope compliance. When Federal funds are involved during project construction, the Corps provides the Sponsor with the required Federal contracting language.

4) E.I. Program Implementation Guidance (PIG) waives Corps engineering criteria. The Southern West Virginia Section 340 PIG states:

H. Engineering Criteria for Design and Cost Estimates. The specific requirements for conducting and reporting on design and cost engineering procedures established in existing ER, EM, ETL, and CWGS will not be required. The methodology and format of the Engineering Assistance should be established in partnership with the non-Federal partner recognizing that some structural, electrical, and mechanical features of waste water treatment and water supply facilities are high risk, lifeline elements of our environmental infrastructure which are generally designed to meet higher engineering standard than used for residential and commercial buildings. Voluntary consensus standards, such as developed by the American Concrete Institute (ACI), are appropriate and relevant for these types of concrete facilities.

Subsequent PIGs for Kentucky Section 531, Central WV Section 571, Ohio Section 594 and Northeastern Minnesota Section 596 all have essentially the same language which states as follows:

(1) Engineering Analysis

(a) Projects should utilize readily available technology and industry accepted design and construction practices.

(b) ETL-2-361, Life Cycle Design and Performance of Structures for Local Flood Protection dated 31 January 1994, (paragraph A-2b, "Technical Criteria") states "... the Corps of Engineers has issued design criteria for civil works. These criteria are intended to ensure reliable designs for high risk projects such as local flood protection, flood control dams, and major navigation projects...these criteria are more stringent than related commercial criteria." Corps criteria are waived for projects that are not high risk in nature, as defined in ETL 1110-2-361.

(c) Corps civil works cost estimating requirements, defined in ER 1110-2-

1302 (Civil Works Cost Engineering), will not be applied to projects where the design and cost estimate has been substantially completed by others.

Even though it is clear that E.I. projects are not civil works projects in the traditional sense, DQC will include:

a. Quality Checks and Reviews. Quality checks and reviews will occur during the development process for various documents in accordance with the Quality Assurance and Quality Control Plan for Reimbursable Environmental Infrastructure Projects for Sections 340, 531, 571, 594, 569, and 154 programs (See Appendix A). Reviews will be conducted as appropriate for: PMP, Real Estate Plan, Decision Document/Letter Report, Plans & Specifications (P&S), cost estimate, PPA, NEPA document, and if applicable cultural resource and environmental compliance documents. Quality checks will be performed by qualified District personnel who are not associated with the original work.

The Pittsburgh District incorporates the following language into the PMP for each project within the Section 313 program to document their quality process.

PROJECT QUALITY CONTROL PLAN AND OBJECTIVES -

The quality control and assurance will be conducted by the Non-Federal Sponsor's designated Architect Engineer (A-E) and the Corps of Engineers, Pittsburgh District. Primary quality control for design rests with the sponsor's A-E. The Corps of Engineers will perform oversight of the project during the design phase of the project. Once the design is complete, the Non-Federal Sponsor shall be required to establish a quality control plan, which will be implemented once construction has begun. Primary quality control for construction rests with the construction contractor and the Non-Federal Sponsor's engineer. The Corps of Engineers will be responsible for the quality assurance of the project once construction has started. The activities of the Corps will be, at a minimum, monthly site visits to assure that the quality control plan is being implemented as it was formulated. The Non-Federal sponsor's A-E will note deviations from the quality control plan and the final design and shall provide the Corps Pittsburgh District an opportunity to comment. Failure to coordinate changes could be considered a breach of the terms of the PPA and may jeopardize financial agreements between the Corps and the Non-Federal Sponsor.

b. PDT Reviews. PDT reviews are performed by the Corps to ensure consistency and effective coordination across all project technical disciplines.

c. Technical Review. The Chief of Planning Branch will perform the Program and Policy Compliance Certification. The Environmental Business Line Manager or designated representative will provide the Technical Review Certification. Upon completion of the technical review, the Statement of Certification is signed by the PDT (Appendix B).

3.0 AGENCY TECHNICAL REVIEW (ATR)

a. Overview

ATR will be performed in accordance with the District and MSC Quality Management Plans. In the case of Environmental Infrastructure projects, the NEPA document serves as the primary decision document or work product subject to ATR per EC 1165-2-209. As such, NEPA document and any other supporting environmental compliance products are subject to ATR. Certification of the ATR will be completed prior to the District Commander signing the Finding of No Significant Impact (FONSI).

b. Required ATR Team Expertise.

The ATR reviewer should have substantial experience in Statutory Compliance (i.e. National Environmental Policy Act, Clean Water Act, National Historic Preservation Act, Threatened and Endangered species Act).

As the NEPA document is the only document subject to review under ER 1165-2-209, a single reviewer is expected in most cases. Other disciplines may be included on the ATR team if warranted by the scope and scale of the individual project, and should be added as necessary. All ATR team members will be from outside of the home district. The ATR Team Leader role can be assigned to any of the ATR team members. The ATR Team Leader will follow the requirements as outlined in the “ATR Lead Checklist” developed by the National Planning Centers of Expertise. The RMO, in cooperation with the PDT, will determine the final make-up of the ATR team.

ATR Team Members/Disciplines	Expertise Required
ATR Lead	The ATR lead should be a senior professional with experience in preparing Environmental Infrastructure NEPA documents and conducting ATR. The lead should also have the necessary skills and experience to lead the ATR process.
Planning	The Planning reviewer should be a senior water resources planner who possesses experiences with the NEPA process and whom also has extensive experience with Corps Environmental Infrastructure projects. In most circumstances, will be same person acting in capacity as ATR Lead.

c. Documentation of ATR.

The District will prepare the Environmental Infrastructure Regional Review Plan Consistency Certificate prior to the initiation of Agency Technical Review of the NEPA Document (See Appendix C). DrChecks review software will be used to document all ATR comments, responses and associated resolutions accomplished throughout the review

process. Comments should be limited to those that are required to ensure adequacy of the product. The four key parts of a quality review comment will normally include:

- (1) The review concern – identify the product’s information deficiency or incorrect application of policy, guidance, or procedures;
- (2) The basis for the concern – cite the appropriate law, policy, guidance, or procedure that has not been properly followed;
- (3) The significance of the concern – indicate the importance of the concern with regard to its potential impact on the plan selection, recommended plan components, efficiency (cost), effectiveness (function/outputs), implementation responsibilities, safety, Federal interest, or public acceptability; and
- (4) The probable specific action needed to resolve the concern – identify the action(s) that the reporting officers must take to resolve the concern.

In some situations, especially addressing incomplete or unclear information, comments may seek clarification in order to then assess whether further specific concerns may exist.

The ATR documentation in DrChecks will include the text of each ATR concern, the PDT response, a brief summary of the pertinent points in any discussion, including any vertical team coordination (the vertical team includes the district, RMO and the MSC), and the agreed upon resolution. If an ATR concern cannot be satisfactorily resolved between the ATR team and the PDT, it will be elevated to the vertical team for further resolution in accordance with the policy issue resolution process described in either ER 1110-2-12 or ER 1105-2-100, Appendix H, as appropriate. Unresolved concerns can be closed in DrChecks with a notation that the concern has been elevated to the vertical team for resolution.

At the conclusion of each ATR effort, the ATR team will prepare a Review Report summarizing the review. The Review Report will be considered an integral part of the ATR documentation and shall:

- Identify the document(s) reviewed and the purpose of the review;
- Disclose the names of the reviewers, their organizational affiliations, and include a short paragraph on both the credentials and relevant experiences of each reviewer;
- Include the charge to the reviewers;
- Describe the nature of their review and their findings and conclusions;
- Identify and summarize each unresolved issue (if any); and
- Include a verbatim copy of each reviewer's comments (either with or without specific attributions), or represent the views of the group as a whole, including any disparate and dissenting views.

ATR may be certified when all ATR concerns are either resolved or referred to the vertical team for resolution and the ATR documentation is complete. The ATR Lead will prepare a Statement of Technical Review certifying that the issues raised by the ATR team have been resolved (or elevated to the vertical team). A Statement of Technical Review should be completed prior to the District Commander signing the final report. A sample Statement of Technical Review is included in Appendix D.

4.0 INDEPENDENT EXTERNAL PEER REVIEW (IEPR)

Type I and II IEPRs will not be required for any environmental infrastructure projects implemented under the authorities listed in this model Regional Review Plan unless it is determined the Work Product poses a significant threat to human life. When a Type I or II IEPR is required or recommended by any member of a review team, a review plan will be developed for that specific work product with the appropriate level of Type II IEPR identified.

5.0 PUBLIC REVIEW

Upon approval of the Regional Review Plan Consistency Certification (Appendix C) by the Great Lakes and Ohio River Division (LRD) Chief of Planning and Policy, the District is required to post a copy of the signed Regional Review Plan Consistency Certification on the District website.

APPENDIX A

Quality Assurance and Quality Control Plan for Reimbursable Environmental Infrastructure Projects (Updated May 2011)

1.0 Introduction

This Quality Assurance (QA) and Quality Control (QC) plan for reimbursable environmental infrastructure projects identifies the process to be used for all projects under the authority of the Sections 340, 531, 571, 594, 569, and 154 programs.

In a reimbursable project the Non-Federal Sponsor is responsible for projects with the Corps of Engineers participating with the Non-Federal Sponsor on the Project Coordination Team. Article X, paragraph D, of the approved delegated Project Partnership Agreement PPA states:

“The Project Coordination Team may make recommendations to the Non-Federal Sponsor on matters related to the Project that the Project Coordination Team generally oversees, including suggestions to avoid potential sources of dispute. The Non-Federal Sponsor in good faith shall consider the recommendations of the Project Coordination Team. The Non-Federal Sponsor, having the legal authority and responsibility for construction of the Project, has the discretion to accept or reject, in whole or in part, the Project Coordination Team’s recommendations except as otherwise required by the provisions of this Agreement, including compliance with applicable Federal, State, or local laws or regulations.”

2.0 Purpose

The purpose of the QA/QC Plan for projects in Environmental Infrastructure Programs, utilizing the reimbursable process, is to provide a framework to:

- Ensure use of PPA delegated authority is appropriate for each model agreement.
- Comply with Federal, State, or local laws and regulations.
- Enhance the overall quality of the design and/or construction.
- Ensure periodic inspection or review of the design and/or construction project.
- Ensure that the Non-Federal Sponsor is reimbursed a proportionate share of completed design and/or construction work to the extent that the costs are reasonable and allowable.
- Ensure that final accounting is completed on the project in accordance with the approved PPA.

3.0 Quality Assurance and Control Team

Projects shall have a Quality Assurance and Control Team to assure that the aforementioned purposes are met. The QA/QC Team shall contain, but not be limited to the following persons:

Project Manager: Serves as the central point of contact for the Non-Federal Sponsor; responsible for the overall Corps of Engineers involvement and addressing all matters relating to the project. Enhance the communications between the Non-Federal Sponsor and the Corps team members on all aspects of the project.

Attorney: The Office of Counsel (OC) Attorney will prepare the draft resolution, draft Letter of Intent (LOI), and draft PPA based upon the information sheet provided by the PM.

Economist: Responsible for review of the documents related to finances of the project (i.e., PPA, LOI, and the Non-Federal Sponsor's Self-Certification of Financial Capability for Agreements).

Environmental Engineer: Responsible for reviewing the HTRW investigations and providing constructive documented input for the Non-Federal Sponsor's consideration prior to providing the draft NEPA documentation and finalizing design.

Environmental Specialist: Responsible for reviewing and finalizing the NEPA process to include compiling the draft Environmental Assessment (EA) /Environmental Impact Statement (EIS) for public review and completing the Findings of No Significant Impact (FONSI)/Record of Decision (ROD).

Cost Engineer: Responsible for reviewing the cost estimate of the project and providing constructive documented input for the Non-Federal Sponsor's consideration prior to finalizing the design.

Design Engineer: Responsible for reviewing the plans and specifications of the project and providing constructive documented input for the Non-Federal Sponsor's consideration prior to finalizing the design. The Design Engineer coordinates with the appropriate area of expertise, (i.e., structures, electrical, mechanical) for review of the plans and specifications prior to providing the feedback to the Non-Federal Sponsor. Provides sponsor the Federal mandated laws and regulations for inclusion in their bid documents.

Realty Specialist: Responsible for reviewing the plans and specifications of the project and providing a Real Estate Plan and estimate of land, easements, rights-of-way, relocations, and disposal areas (LERRDs) for the Non-Federal Sponsor's consideration during finalization of design.

Construction Engineer/Technician: Responsible for providing constructive comments pertaining to the project to the Non-Federal Sponsor, Sponsor's A/E, and/or the applicable construction firm for the subject project. Additionally, this person is responsible for ensuring that the bill submitted by the Non-Federal Sponsor is in accordance with the overall completion of the project as observed in the field.

Resource Management/Accountant: Upon completion of the project, the PM requests final accounting. The final accounting shall include, but not be limited to, funds expended by the Non-Federal Sponsor, funds expended by the Federal Government, credit for LERRDs, and other

applicable credits as defined in the PPA. The reviewer of the final accounting shall assure that the final accounting is appropriately conducted.

The products and areas of responsibility for QC/QA are shown below:

Product	Preparer (QC)	Reviewer (QA)	QA
PMP	PM/PDT	PDT/SME	PRB / Chief PM-PP
Decision Document	PM/PD	PDT	Chief PD/OC/EIM
Project Partnership Agreement	OC PDT	PM/PD	OC/Sponsor
Sponsor Financial Certification	PM	PD-F PDT	OC
HTRW	Sponsor's AE	EC-CE PDT	PD PDT
NEPA	Sponsor's AE	PD-R PDT	OC/PD
Plans & Specs	Sponsor's AE	EC-DC PDT	EC Branch Chiefs
Real Estate Plan	RE- PDT	RE-P Chief	RE Chief
Cost Estimate	Sponsor's AE	EC PDT	EC-TC Chief
Construction	Sponsor's Contractor	A/E	PDT
Fiscal Closeout	PM	RM PDT	RM Team Leader
Project File Audit	PM/PDT	PM/PD	PgM

- PgM = Program Manager**
- PM = Project Manager**
- PDT = Project Delivery Team**
- OC = Office of Counsel**
- PD = Planning Branch**
- AE = Architect/Engineer Firm**
- RE = Real Estate**
- RM = Resource Management**
- SME = Subject Matter Expert**
- EIM = Environmental Infrastructure Manager**

4.0 Documentation Process

Upon completion of the aforementioned reviews, verification for each review shall be certified by both the actual reviewer and QA prior to project proceeding. A sample review certification is attached.

APPENDIX B

QUALITY CERTIFICATION

STATEMENT OF DECISION DOCUMENT CERTIFICATION

This is to certify that the undersigned, as members of the Project Delivery Team, have reviewed and approved the attached Decision Document for this project and our signature below indicates that the proposed project as outlined herein is technically correct and consistent with policy.

APPENDIX C

Environmental Infrastructure SECTION 313 (PENNSYLVANIA), SECTIONS 340 AND 571(WEST VIRGINIA), SECTION 531 (KENTUCKY), SECTION 594 (OHIO), SECTION 569 (MINNESOTA) AND SECTION 154 (WISCONSIN) Regional Review Plan Consistency Certification

Provide a Brief Description of Study or Project, Geographic Location, Project Sponsor and Proposed National Environmental Policy Act (NEPA) Compliance Activities:

Provide the Name of Agency Technical Review (ATR) Team Leader, ATR Team Members and their Technical Disciplines:

Are there any planning or engineering models proposed for use in this study or project that will require model certification as per the requirements set forward in EC 1105-2-407?

We certify that the all the requirements for *Project Name* are consistent with the conditions set forward in the model Regional Review Plan for the in accordance with regulations contained in EC 1165-2-209 and other related policies.

District Environmental Infrastructure Program Manager:

Signature and Date _____

District Chief of Planning:

Signature and Date _____

Great Lakes and Ohio River Division, Chief of the Planning and Policy Division

Signature and Date _____

Upon acceptance of this Regional Review Plan Consistency Certification by the Great Lakes and Ohio River Division (LRD) Chief of Planning and Policy, the District is required to post a copy of this signed document on the District website.

APPENDIX D

SAMPLE STATEMENT OF TECHNICAL REVIEW

COMPLETION OF AGENCY TECHNICAL REVIEW

The Agency Technical Review (ATR) has been completed for the <type of product> for <project name and location>. The ATR was conducted as defined in the project's Review Plan to comply with the requirements of EC 1165-2-209. During the ATR, compliance with established policy principles and procedures, utilizing justified and valid assumptions, was verified. This included review of: assumptions, methods, procedures, and material used in analyses, alternatives evaluated, the appropriateness of data used and level obtained, and reasonableness of the results, including whether the product meets the customer's needs consistent with law and existing US Army Corps of Engineers policy. The ATR also assessed the District Quality Control (DQC) documentation and made the determination that the DQC activities employed appear to be appropriate and effective. All comments resulting from the ATR have been resolved and the comments have been closed in DrCheckssm.

SIGNATURE

Name

ATR Team Leader

Office Symbol/Company

Date

SIGNATURE

Name

Project Manager

Office Symbol

Date

SIGNATURE

Name

Architect Engineer Project Manager¹

Company, location

Date

SIGNATURE

Name

Review Management Office Representative

Office Symbol

Date

¹ Only needed if some portion of the ATR was contracted