

Compliance Assurance Oversight at the Missile Defense Agency



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Report Documentation Page

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Overview

- ❑ Environmental compliance at MDA is a function that cuts across all agency activities and all of the facilities and host installations where we do business.
- ❑ MDA recognized that we need a more formal, systematic approach to oversight of compliance activities – an approach that focuses on activities that pose the greatest cost and schedule risks to MDA’s program
- ❑ This presentation describes a practical, risk-minimizing approach currently being considered by MDA to help assure environmental compliance across all agency activities

CAO allows extra attention to be focused where it’s needed most



MDA Mission

- ❑ Broad scope and global reach
 - Mission is to protect the U.S. homeland, deployed forces, Allies and friends against ballistic missiles of all ranges and in all phases of flight
 - Missile defense consists of a layered system of multiple types of interceptor systems, all linked together
 - Characterized by rapidly developing technologies and response to evolving threats
 - Activities occur at Army, Navy, Air Force, and host country installations worldwide
- ❑ Initial capability for limited defensive operations was deployed in 2004



Environmental Compliance

- ❑ Main product of MDA's Environmental Management Program is compliance
- ❑ Activities that support all MDA programs and special studies:
 - Prepare and review NEPA documents (EAs, EISs, CATEXs), including E.O. 12114 analysis
 - Ensure compliance with individual service regulations (e.g., Army, Navy, Air Force), host nation requirements, and individual range needs
 - Prepare air, water, and stormwater discharge permits; surface water monitoring; noise monitoring and modeling; and environmental baseline surveys
 - Support consultations with Federal and state agencies (e.g., Fish & Wildlife Service, National Marine Fisheries Service, Historic Preservation)
 - Provide support to facility siting studies
- ❑ These activities reduce risk, as well as future compliance burdens
- ❑ All compliance activities are conducted within the framework of MDA's Environmental Management System (EMS)



Noncompliance Risks

- ❑ Numerous causes of noncompliance
 - Easy for issues to “slip through the cracks” with numerous MDA and host installation requirements
 - Changes in schedule
 - ✓ Program priorities may change
 - ✓ Range may have conflicts with other users
 - Protracted agency reviews
- ❑ Implications of noncompliance
 - Test delays result in significant costs to a program
 - Increased risk of litigation
 - ✓ Always present: a 2001 lawsuit required substantial time commitment from MDA legal and environmental staff
 - ✓ Can minimize, but not eliminate



Emergence of CAO

- ❑ Purpose of Compliance Assurance Oversight (CAO)
 - To ensure that environmental compliance processes at locations with MDA activities are suitable and adequate
 - Ensure that plans for environmental compliance are being followed
- ❑ Intended CAO focus is on locations where perceived risk of noncompliance is greatest. Considerations include:
 - Magnitude, scope, and frequency of activities
 - Relative environmental risk and potential for environmental liabilities
 - Potential for public visibility or controversy
- ❑ CAO goes beyond NEPA compliance and allows MDA to apply resources to areas where perceived risk is greatest



CAO Has Broad Applicability

- ❑ MDA's compliance assurance program includes:
 - Environmental Baseline Surveys (EBSs): conducted prior to occupying a site AND after leaving site
 - MDA contracts and agreements: reviewed for inclusion of risk reduction language
 - Training: project-level staff made aware of environmental requirements and risks
 - Mitigation monitoring: verify implementation and effectiveness of mitigation techniques
 - NEPA: implement consistent and thorough NEPA process
 - Auditing: review environmental compliance practices
- ❑ CAO is entirely consistent with MDA's "Plan, Do, Check, Act" approach to continual improvement



Common Threads in CAO Reviews

- ❑ Many opportunities to conduct CAO reviews
- ❑ Although program is still being developed at MDA, common threads include projects with greatest potential to get senior management attention:
 - Potential environmental liabilities
 - Potential schedule delays
- ❑ We've encountered few surprises
 - High level of understanding and professionalism at DoD installations
 - Risks are generally well understood and are being addressed

CAO provides an excellent opportunity for informal communications and early resolution of problems



CAO Procedures

- ❑ Prepare schedule for assessments and resource needs
 - Affected by results of prior assessments or changes in activities or locations
 - May occur at any location where MDA conducts business
- ❑ Scope and criteria for assessments for each location are established in advance
- ❑ Assessments may be done “in office” or in the field
 - Desktop assessments begin with a data call; follow-up may or may not be needed
 - On-site assessments may be done to field-check and ground-truth the results of earlier desktop assessments
 - Deficiencies identified are noted and addressed as needed
- ❑ Assessment type and frequency are established on a priority basis based on previous assessment results, perception of ongoing risks, and available resources



CAO Teams

- ❑ To ensure objectivity, CAO assessment team members will have no functional responsibility within the location to be assessed
- ❑ To ensure quality, at least one member of each team should be experienced in the CAO assessment process
- ❑ All team members will be aware of a location's compliance requirements for the activity
- ❑ Staff uses computer-based tools and established procedures to make CAO more thorough and effective
 - Currently reviewing needs
 - Goal is to continuously improve the CAO process

CAO requires knowledgeable & experienced assessment teams



Representative Examples

- ❑ The following three examples illustrate some of MDA's initial CAO efforts
- ❑ Each example shows a different aspect of CAO:
 - An EBS and Environmental Compliance Assessment and Management Program (ECAMP) at Wake Island
 - HazMat concerns for an Air Force program at Edwards Air Force Base (EAFB), CA
 - Review of potential environmental liabilities at Vandenberg Air Force Base (VAFB), CA



Ex. 1: Wake Island Transfer

- ❑ Air Force conducted EBS and ECAMP at Wake Island in 2002 prior to the transfer of operational control from Army to Air Force
- ❑ Purpose was to identify compliance issues prior to regaining operational control of Wake Island from the Army
- ❑ Air Force review included 365 sites and resulted in 210 findings
 - Listed responsible party and order-of-magnitude costs for findings
 - Prompted discussions between Army and Air Force
- ❑ MDA participated on-site for the entire ECAMP
 - Results helped provide proper perspective on findings and magnitude of potential liabilities
 - Helped to shift focus on Federal Facility Compliance Agreement between Army and EPA



Ex. 2: ABL HazMat at EAFB

- ❑ Many technical, cost, and schedule challenges from this high technology, cutting edge program
- ❑ Minimization and mitigation of potential chemical leaks were identified as an ongoing challenge for the testing program
- ❑ MDA environmental team requested information about status of inventory of HazMat, risks, waste streams, and management processes/procedures
- ❑ Found that ABL has on-going, in-depth oversight from:
 - Air Force reviews and audits
 - Boeing safety and structural reviews
 - Independent assessment team reviews
 - ABL Program review



Ex. 3: Env. Review at VAFB

- ❑ Tested MDA's procedure for identifying and evaluating environmental liabilities associated with property, plant, and equipment
 - Visited each of the buildings with MDA assets
 - Used a field observation worksheet to identify potential environmental liabilities
- ❑ Discovered no environmental liabilities, but:
 - Recognized need to provide training to MDA personnel
 - Met with personnel for a major program that already has an extensive oversight and quality control function, including its own EMS
- ❑ Both MDA and VAFB recognized value of a systematic and consistent review



CAO Pros & Cons

❑ Pros:

- Provides framework for independent review and focuses attention on areas of greatest perceived risk
- Allows experienced staff flexibility in office and field reviews
- Uses standardized processes and worksheets to document the assessments

❑ Cons:

- A developing program with potential to reduce risks
- Need to fight perception as “auditors” to ensure access to key personnel and information (we are not inspectors that can impose fines)
- Must fully coordinate a CAO review with the host installation or organization to identify purpose and scope and identify any assistance needed



Lessons Learned To Date

- ❑ Many CAO opportunities exist throughout MDA's environmental management program
 - A flexible program
 - Can take action on short notice
- ❑ CAO allows a “fresh set of eyes” on a program and the associated benefits of an independent review
 - Even if there are no problems identified, CAO may allow a new or better method to be used at a facility to accomplish a goal
 - Useful lessons learned can be shared with others
- ❑ Affords an excellent opportunity to identify and resolve issues informally



Questions?

