

 City of Dallas	Document Number:	COD-EMS-PRO-002	Revision Number:	4
	Approved By:	OEQ Managing Director	Effective Date:	12/01/2017
	Description of Last Change:	Changes to bring procedure up to date with ISO 14001:2015 standard.		
Document Title:	Compliance Obligations ISO 14001:2015 6.1.3			

1. **PURPOSE:** This document describes the procedure for reviewing, identifying, tracking, managing, and implementing environmental compliance obligations (previously referred to as “legal and other requirements”) as it applies to the City’s environmental aspects and overall Environmental Management System (EMS).
2. **SCOPE:** This procedure applies to all City employees when engaged in City-related work activities within the EMS Fenceline.
3. **ENVIRONMENTAL:** Utilization of Environmental Management Systems, as appropriate for our operations, to provide a framework for systematically reviewing and reducing our environmental footprint.
4. **DEFINITIONS:**
 - 4.1 **Compliance Obligations:** Obligations made up of both mandatory and voluntary requirements (previously “legal and other requirements”) related to the City’s environmental aspects and activities.
 - 4.1.1 **Mandatory compliance obligations** are legal requirements promulgated and enforced by federal, state or local government authorities. Examples include requirements to obtain an environmental permit and permit applications such as Notice of Registration for hazardous waste generators, storage of bulk flammable chemicals as found in Fire Code and consent orders.
 - 4.1.2 **Voluntary compliance obligations** are other requirements to which the City may subscribe such as organizational requirements (administrative directives), agreements with customers, voluntary non-regulatory guidelines, and community group and trade groups guidelines.
 - 4.2 **Subscribe:** The act of selectively identifying and incorporating requirements into the City’s environmental management system.
5. **RESPONSIBILITY & AUTHORITY:**
 - 5.1 The Office of Environmental Quality (OEQ) is responsible for the following:
 - 5.1.1 Upon request, reviewing and analyzing the compliance obligations (legal and/or other requirements) associated with environmental regulations and other documents that have the potential to affect the environmental aspects of City activities.
 - 5.1.2 Upon request, assisting affected City Departments with written/oral comments to proposed regulations affecting City activities.
 - 5.1.3 Upon request, assisting City Departments with the implementation of regulatory requirements.
 - 5.1.4 Notifying affected City Departments of newly proposed regulatory requirements

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- 5.1.5 Subscribing to a legal/regulatory service to track changes in environmental regulations and/or legislation, and providing relevant information on the changes to affected Departments.
- 5.1.6 Assisting Departments with identifying and/or offering appropriate environmental training.
- 5.1.7 Maintenance of the OEQ-issued City-wide administrative directives (AD)
- 5.1.8 Monitoring EMS implementation efforts as outlined in the Environmental Protection Agency (EPA) Consent Decree.
- 5.2 Department Directors or Designated Representative are responsible for the following:
 - 5.2.1 Systematically identifying, documenting, and complying with all compliance obligations (legal and other requirements) which affect the environmental aspects of their facilities.
 - 5.2.2 Communicating environmental regulations, the Department's commitment to compliance and/or legal and other requirements to all affected employees within their department (refer to AD 3-73, Environmental Management Program for roles and responsibilities).
 - 5.2.3 Analyzing compliance obligations for their specific operations.
 - 5.2.4 Implementing corrective actions generated from environmental compliance audits, also refer to COD-EMS-PRO-012 Nonconformance and Corrective Action.
 - 5.2.5 Responding to and managing regulatory notices of enforcement and violations, as necessary, and notifying OEQ Director and OEQ EMS Manager of these notices within 24 hours of receipt.
 - 5.2.6 Ensuring that compliance obligations related to the City's environmental aspects are considered when establishing, implementing and maintaining the Department's portion of the City of Dallas EMS.
- 5.3 The City Attorney's Office supports OEQ as necessary in determining regulatory applicability and generating oral and written comments on proposed legal requirements.
- 5.4 The Office of Strategic Partnerships and Government Affairs supports OEQ as necessary in identifying environmental legislation that may have the potential to affect City activities.
- 5.5 Environmental Management Representative (EMR) is responsible for:
 - 5.5.1 Assisting Department Director in ensuring that environmental regulations and/or legal requirements are communicated to all affected employees and the departmental EMS core team.

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5.5.2 Assisting Department Directors in identifying, documenting, and complying with compliance obligations.

5.5.3 Assist in tracking environmental compliance audits, corrective actions, notice of enforcements and notice of violation.

6. PROCEDURES

6.1 Identification of Compliance Obligations

6.1.1 OEQ and affected City Departments utilize the following sources to identify environmental regulations, legal and/or other requirements affecting City activities and environmental aspects:

- Subscription to legal/regulatory services
- Texas Administrative Code
- Code of Federal Regulations
- Dallas City Code
- Notification by Office of Strategic Partnerships and Government Affairs
- City Attorney's Office
- Notification by Texas Commission on Environmental Quality (TCEQ) or Environmental Protection Agency (EPA)
- Consultants
- Previous compliance assessments, audits and inspections.

6.1.2 OEQ will review these sources for federal, state, and local regulatory agency notice of proposed rulemaking, proposed regulations, and promulgated regulations. Regulatory requirements generally flagged for further investigation are those requirements potentially affecting the City, its users and/or tenants in any category, with particular focus on environmental and human health issues.

6.1.3 Each City Department must identify the environmental compliance obligations (mandatory and voluntary) that impact each operation within their Department and implement all applicable environmental requirements including documentation and training. Note: Identification of mandatory compliance obligations should include regulations not typically thought of as environmental but may have specific environmental requirements (for example: Fire Code, DOT, and Army Corp of Engineers rules).

6.1.4 A review of previous environmental compliance assessments whether external or internal to the City can be used as a guidance to determine legal requirements. See COD-EMS-PRO-002.01 Compliance Obligations – Requirements Matrix for additional guidance.

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6.1.5 Each City Department must determine if and how the environmental compliance obligations apply to their department's aspects. This determination shall be documented in the City's ISO data management system where appropriate.

6.1.6 Compliance obligations will be entered in the City's ISO data management system by affected City Departments.

6.1.7 The COD-EMS-PRO-002.01 Compliance Obligations – Requirements Matrix is reviewed annually by OEQ and is updated when regulation changes require revisions.

6.2 Coordination of Review on Proposed Regulations/Legislation

OEQ will identify Departments which may potentially be impacted by a proposed regulation/legislation and will distribute the proposed regulation/legislation to the affected department for review. After review, OEQ and the affected Department(s) will determine if the City will comment on the proposed regulation/legislation and which Department will be assigned the lead responsibility. The lead Department will coordinate comments, due dates, oral testimony, and/or final submission of any written comment letter. Oral testimony and comment letters will be reviewed and approved prior to submission by the City Attorney's Office and the Office of Strategic Partnerships and Government Affairs.

6.3 Incorporation of Promulgated Requirements

Upon adoption by the regulatory agency, final rules will be incorporated into OEQ and/or affected department procedures and/or work instructions, as required. Upon request, OEQ will provide assistance to the affected Department such as written documentation, training, and/or any other necessary tools to achieve compliance. All written compliance documents as specified by regulation and/or AD 3-73 and any required procedures will be updated as required by the new regulation. ADs will be developed or amended, as required, to assist City Departments with regulatory compliance.

6.4 New Projects or Changes to Existing Activities

As new projects arise or changes are made to existing activities, each Department will review the project/activity to determine if there is a mandatory or voluntary compliance obligation and the impact to any related environmental aspects. (See COD-EMS-PRO-020, Management of Change). OEQ is available for assistance in determining these requirements.

6.5 External Stakeholders

External stakeholders are those consultants/contractors, etc. hired to work on the behalf of the city. The affected city department where this work is being conducted will communicate relevant environmental compliance obligations to

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the consultant/contractor as outlined in the City's procurement process. (COD-EMS-PRO-019 External Communication)

6.6 Documentation

Each Department will maintain the appropriate written documentation as required by regulation or by City Directives/Policies.

6.7 Voluntary Obligations

The City has developed internal instruction for employees to follow known as Administrative Directives and may participate in voluntary state, local and federal programs that have environmental impact. Each Department will determine which City directives as well as voluntary programs and/or requirements in which they participate are applicable to the environmental aspects of their operations. Refer to AD 3-73, Environmental Management Program. This information will be documented in the City's ISO data management system.

6.8 Environmental Compliance Assessments/Inspections

6.8.1 The City has established a compliance assessment program. OEQ conducts periodic environmental compliance evaluations of city facilities and operations. The assessments are an evaluation of environmental legal and other requirements, including a review of environmental records and a physical assessment of environmental conditions at the site. The audits are used as a tool to continually review and identify environmental compliance obligations. See COD-EMS-PRO-017, Evaluation of Compliance.

6.8.2 To ensure a Department's conformance to environmental legal and other requirements and to satisfy the Consent Decree requirement, Departments should evaluate the benefit of conducting their own periodic internal environmental compliance inspection program. The Department should use their legal matrix as a guide for planning, developing and implementing their compliance inspection program. The department shall keep records of their compliance inspections and appropriate corrective action progress.

6.9 External Communication with Regulators

OEQ and/or Department EMRs will maintain communication with environmental regulatory agencies on environmental topics as needed.

7. REFERENCES:

- 7.1 AD 3-73 Environmental Management Program
- 7.2 COD-EMS-PRO-006 Training, Awareness, and Competency
- 7.3 COD-EMS-PRO-012 Nonconformance Corrective Action
- 7.4 COD-EMS-PRO-017 Evaluation of Compliance

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- 7.5 COD-EMS-PRO-019 External Communication
- 7.6 COD-EMS-PRO-020 Management of Change
- 7.7 COD-EMS-PRO-002.01 Compliance Obligations – Requirements Matrix