COMMANDER’S GUIDE TO ENVIRONMENTAL REQUIREMENTS
JANUARY 2019
PREPARED BY US ARMY ENVIRONMENTAL COMMAND
INSTALLATION’S
TOP 10 FY _________

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INSTALLATION’S
TOP 10 FY ___________

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KEY FACTORS OF THE ENVIRONMENTAL PROGRAM

IN ORDER OF RISK TO MISSION AND READINESS

THE GARRISON COMMANDER

» Engages actively with the Senior Commander, activity tenants and surrounding community

» Commits appropriate resources (staff and funding) to ensure compliance with federal, state, local and applicable host nation environmental laws and regulations for all activities

» Ensures integration of environmental considerations to support military training and readiness operations

» Is responsible, criminally or civilly liable, for notices of violation (NOVs), fines, and enforcement actions or equivalent

» Applies for, signs, and allocates funding for the maintenance of all applicable federal, state and local environmental permits

» Is responsible for implementing an installation wide Hazardous Materials Management Program (HMMP) for all hazardous materials (HM) throughout their lifecycle

» Ensures the conduct of fence-to-fence internal assessments of all environmental media as well as resulting corrective actions

» Addresses concerns of Federally-recognized Indian Tribes, Alaska Natives and Native Hawaiians

» Focuses on long-term sustainable use, ecological management, conservation and restoration of the land to support the mission

» Supports restoration efforts to clean up contamination caused by past waste management and/or disposal practices
KEY QUESTIONS TO ASK THE DIRECTOR OF PUBLIC WORKS AND ENVIRONMENTAL CHIEF

» Do we have sufficient staff and resources to ensure environmental compliance?

» Do we participate in annual work planning for DPW/Master Plans and Directorate of Plans, Training, Mobilization and Security?

» What is our working relationship with local, state and federal regulators? When did we last meet with them?

» Do the various installation entities that either affect or are affected by environmental actions communicate effectively?

» Do we have any current NOVs or ENFs? What is the status of each? Is IMCOM/USAEC assisting us in resolving them?

» How often does the Environmental Quality Control Committee (EQCC) meet? How do we keep the EQCC informed?

» How are we controlling and reducing our Hazardous Materials usage? Do we have an effective HMMP?

» Are the installation plans, mainly conservation related, up to date and effective for our current mission?

» Do we have any Threatened and Endangered species and what is the current management plan?

» How many sites on the installation are being addressed under the Installation Restoration Program and/or Military Munitions Response Program? Are there any off-post contamination concerns at the installation?

» Have our people been properly trained to do their job and non-environmental jobs in an environmentally compliant manner?

» How is our environmental program perceived in the community? How do we inform and interact with the community? Are there any special interest groups and what are their chief concerns?”
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<td>OPORD</td>
<td>Operation Order</td>
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<td>OSC</td>
<td>On-Scene Coordinator</td>
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<td>Polychlorinated Biphenyl</td>
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<td>petroleum, oil and lubricants</td>
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<td>QDPW</td>
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<td>QRP</td>
<td>Qualified Recycling Program</td>
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The Commander’s Guide to Environmental Requirements is designed to assist Garrison Commanders in leading and managing an effective environmental program. This Guide is divided into two sections:

- Executive Summary to highlight key components of the Army’s Environmental Program
- Index of Environmental Functional Areas to provide Commanders a basic knowledge of key program areas

NOTE: This guide does not supersede regulations, policy or memorandum. Its goal is to provide information that assists garrison commanders in addressing and fulfilling their installation’s environmental requirements. Army Regulation (AR) 200-1, Environmental Protection and Enhancement, outlines command and Army Environmental Program (AEP) support requirements.

INFRASTRUCTURE/FACILITIES
Decades of underinvestment have resulted in the continued erosion of the Army’s infrastructure. A direct result of that degradation is increased risk for noncompliance with environmental laws and required operating permits, potentially resulting in fines, penalties and citations. Environmental issues can quickly elevate to the highest levels of military and civilian leadership and effective management is critical. Ensuring compliance with environmental laws requires understanding the environmental aspect of installation operations and engaging leaders across the installation to proactively identify potential mission impacts and effectively applying resources to ensure mission sustainment.

SUPPORTING READINESS AND TRAINING
Garrison Commanders enable mission readiness and support realistic training through effective environmental management. The air, water and land our Army requires to support day-to-day operations and readiness forms a natural infrastructure required for effective military training and testing. This view transforms the costs of environmental compliance into investments that improve and sustain operational capability.

See page 19 for reporting procedures upon receipt of an enforcement action.
The following organizations set policy, provide guidance, or support installations in attaining and maintaining environmental compliance:

ASSISTANT SECRETARY OF THE ARMY FOR INSTALLATIONS, ENERGY AND ENVIRONMENT (ASA(IE&E)) is the principle adviser to the SecArmy on matters related to Army installations and their impact on the environment. This office is responsible for developing policies and programs for all Army environmental efforts.

ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT (ACSIM) is the principle military adviser to the ASA (IE&E) on a broad array of programs to include environmental programs. This office sets AEP priorities, objectives, targets and success indicators that aid in focusing installation environmental program management.

ARMY COMMANDS (ACOMS)/DIRECT REPORTING UNITS (DRUS) publish Environmental Program guidance laying out recommended and required actions for successful environmental program management.

MEDICAL COMMAND/U.S. ARMY PUBLIC HEALTH CENTER (USAPHC) identifies and assesses current and emerging health threats, develops and communicates public health solutions, and assures the quality and effectiveness of the Army’s Public Health Enterprise. USAPHC provides support in the areas of medical entomology, environmental health engineering, sanitation, veterinary, industrial hygiene and occupational health and preventive medicine readiness planning and training.

U.S. ARMY ENVIRONMENTAL COMMAND (USAEC) is a subordinate Command to the Installation Management Command (IMCOM) and provides environmental services and solutions in support of the AEP enabling Army readiness and sustainability. USAEC provides technical expertise on environmental quality and technology and manages the environmental cleanup programs. Focus areas include assessing and improving installations’ environmental performance; evaluating and transferring best management practices and technologies to enhance environmental stewardship; and assimilating, analyzing, and communicating environmental information.

U.S. ARMY CORPS OF ENGINEERS (USACE) manages one of the largest federal environmental missions: restoring degraded ecosystems; constructing sustainable facilities; regulating waterways; managing natural resources; and, cleaning up contaminated sites from past military activities. USACE’s environmental program provides technical management, design and execution of a full range of environmental protection, cleanup and sustainability activities.
While your environmental staff and legal team are critical assets in supporting your oversight role, familiarity with the following tools will assist you in your environmental management role.

THE ENVIRONMENTAL PERFORMANCE ASSESSMENT SYSTEM (EPAS) AND ASSISTANCE VISITS EPAS provides commanders with a comprehensive look at environmental risks associated with their facilities and missions and consists of both internal and external assessments. EPAS’ identify and mitigate environmental liabilities and risks to training and operations from regulatory noncompliance. Internal assessments are conducted annually, at a minimum, by installation personnel as part of their regular management, checking, and corrective action functions, unless an external assessment is conducted that calendar year. Internal assessments include a review of previous assessments and draft installation corrective action plan (ICAP), review corrective actions not completed, assess compliance with any new regulatory requirements, and address areas specified by higher command. Assessment results and the ICAP are made available to the Commander’s Environmental Control Committee. USAEC conducts an external EPAS at IMCOM installations once every three years or as warranted based on risk, which may be more or less frequently. This assessment provides an objective review of installation operations and activities. At the installation's request, USAEC can also help installations develop corrective actions for deficiencies identified by the assessment.

THE COMMANDER’S ENVIRONMENTAL QUALITY CONTROL COMMITTEE (EQCC) The EQCC is comprised of senior staff from the installation’s military units and tenant organizations. The EQCC members have the ability to make changes to organizational policy, processes and procedures based on the outcome of the EQCC discussions.

THE EQCC:
• Meets quarterly
• Plans, executes, sets goals for and monitors actions and programs with environmental implications
• Provides an opportunity to involve stakeholders in the environmental management process
• Assists in identification of environmental funding requirements
• Addresses following items:
  » Internal and External audit results
  » Communications from external sources (e.g. noise complaints, etc.)
  » Environmental performance of the organization, progress towards environmental goals
  » Status of corrective actions
  » Changes in mission, laws or regulations that may impact installation activities
Understanding and ensuring participation in the environmental requirements build is a key mission support activity.

There are two main appropriations that fund environmental programs, Operations and Maintenance Army (OMA, 131) and Environmental Restoration, Army (ER,A 493). In addition, other funding sources are available e.g., OSD OMA Readiness and Environmental Protection Integration Program (REPI) and Conservation Reimbursable and Fee Collection (CRFC) depending on eligibility. The overarching environmental funding process is shown below:

Annual Funding Guidance Provides Eligibility Requirements for Projects
(Note: Not all environmental related requirements are eligible for environmental program funds, see page 60)
Army installations overseas are not directly subject to the majority of federal environmental requirements that apply on U.S. territory. Environmental compliance at overseas installations depends on DoD and Army policy, host country requirements and standards and Status of Forces Agreement (SOFA). Overseas garrisons must meet the environmental standards and criteria in the country-specific Final Governing Standards (FGS).

When no country-specific FGS are in place, overseas installations comply with DOD 4715-05-G, the Overseas Environmental Baseline Guidance Document (OEBGD) which is based on U.S. laws and regulations. Commanders must plan, program and budget for FGS or OEBGD compliance.

Commanders of overseas installations should consult with their environmental and legal staffs for details related to country-specific requirements.

**KEYS TO SUCCESS**

To execute a successful environmental program, the Garrison Commander:

- Communicates the Senior Commander’s priorities to the environmental staff to ensure proactive planning and mitigation of environmental barriers to mission execution.
- Executes a quarterly Environmental Quality Control Committee (EQCC). The EQCC will help to plan, execute and monitor actions and programs with environmental implications. The committee will identify issues, make recommendations and advise the Garrison Commander.
- Forms strong relationships with federal, state and local regulators and external stakeholders (community, tribes, etc.) and maintains these relationships through transparent communication and involvement.
Maintaining compliance with environmental regulations is crucial and an important aspect of command. On the occasion when enforcement actions are received (often in the form of a Notice of Violation (NOV)), commanders must ensure proper and timely reporting through the installation legal staff/staff judge advocate, official electronic Army reporting system and appropriate command channels. The commander who does not act promptly to correct environmental violations that he/she is or should be aware of, may be subject to prosecution, even though he/she had no direct or even indirect involvement in the violation.

COMMANDER’S ACTIONS

• Report ENFs/NOVs in accordance with current Army environmental quality reporting policy requirements as published and updated by the Headquarters, Department of the Army (HQDA).
• Notify IMCOM Directorates and G4 Environmental Division.
• Coordinate with ELD in writing, regarding litigation, administrative proceedings and settlement.
• Initiate corrective actions when deficiencies are identified.

ENFs and NOVs threaten readiness and mission accomplishment. Delays or failure to respond in accordance with DoD/Army policy can increase or compound the potential for military training delays or prohibitions, fines and criminal or civil penalties. Because ENF/NOV responses may set precedents for the Army/Department of Defense (DoD), the installation command must coordinate with ELD. USAEC may, upon request and command approval, provide technical and legal assistance on issues related to ENFs/NOVs.

WHERE TO GO FOR ADDITIONAL INFORMATION

Information on most programs and regulations in this guide can be found at, or in links from, the USAEC website: http://wwwaec.army.mil
ENF Reporting Requirements

**Environmental Incident Occurs**

- **MEETS CCIR CRITERIA?**
  - NO: **PERFORM ACTION: A**
  - YES: **PERFORM ACTION: A, B**

- **WAS AN ENF RECEIVED?**
  - NO: **INCIDENT CLOSED**
  - YES: **PERFORM ACTION: A, C**

- **MEETS ENF CRITERIA?**
  - YES: **NO**
  - NO: **PERFORM ACTION: A, D**

**ENF**

A formal, written notification of violation of any applicable statutory or regulatory requirement *(DoD Instruction I(DODI) 4715.06, 04 May 15)* by the EPA or other authorized federal, state, tribal or local environmental regulatory agency.

**Commander’s Critical Information Requirement (CCIR) Criteria (In Accordance With (IAW) IMCOM Regulation No. 190-45-1)**

- Environmental incident or action that shuts down installation operations or training due to spills, range fires, legal suits, or administrative order
- Environmental incident requiring immediate notification to any DoD or external agency
- Any incident the CG or SC deems to be of interest to IMCOM leadership, based on its nature or gravity, potential for adverse publicity, or potential adverse consequences

**ENF Criteria (IAW AR 200-1 Environmental Protection and Enhancement)**

- Criminal enforcement
- Fine, penalty, fee or tax
- Installation-wide show stopper/major mission restriction, Army- or DoD-wide impact, media attention, or community (on/off post) impact
- Third party fault (non-Army entity is responsible in whole or part for the alleged violation(s))

**ENF Reporting Requirements**

**ACTION A**
Notify IMCOM G4, Region/Installation Point of Contact (POC) and G4 Mailbox: usarmy.jbsa.imcom-hq.mbx.g4-env@mail.mil

**ACTION B**
GC/Garrison Manager (GM) /Deputy GC/Deputy GM will email a written report within two hours to the Deputy Commanding General (DCG), Chief of Staff (COS), IMCOM Directorate (ID) and IMCOM Operations Center

**ACTION C**
Enter ENF into the database of record within 48 hours (two business days), with verification/confirmation through proper Command channels

**ACTION D**
Enter ENF into database of record within seven business days, with verification/confirmation through proper Command channels
Throughout this guide we provide an overview of the environmental functional areas, along with the associated laws and regulations, stakeholders and an explanation of the Commander’s Role. In some cases we also provide an example of noncompliance, the associated law and the potential outcome for noncompliance. We have identified three different categories of potential outcomes: impacts to training or readiness, substantial fines and criminal or civil penalties. These categories are identified by icons as shown in the legend below.
INDEX OF ENVIRONMENTAL FUNCTIONAL AREAS

COMPLIANCE

National Environmental Policy Act (NEPA)
Clean Air Act
Emergency Planning and Community Right-to-Know Act (EPCRA)
Environmental Noise Management
Hazardous Materials Management (HM)
Hazardous Waste Management (HW)
Solid Waste Management
Spill Prevention, Controls and Countermeasure Program (SPCC)
Storage Tank Management
Toxic Substances Control Act (TSCA)
Waste Water Management
Water Quality Management

POLLUTION PREVENTION

Pollution Prevention (P2) Program

CONSERVATION

Army Compatible Use Buffer Program (ACUB)
Conservation Reimbursable and Fee Collection Program (CRFC)
Cultural Resources Management Program (CRM)
Integrated Pest Management Program (IPM)
Natural Resources Program

RESTORATION

Environmental Cleanup Program

PLANNING/ MANAGEMENT TOOLS

Environmental Performance Assessment System (EPAS)
Environmental Program Management and Funding
OVERVIEW

NEPA affects virtually every proposed action that uses federal funding. The act requires federal agencies to consider the environmental impacts of their actions or undertakings.

Early integration of NEPA into the planning process guides the project proponent to consider other alternatives that mitigate or reduce environmental impacts. Incorporating NEPA into early stages of planning supports the mission by providing leaders with alternatives to manage risk and reduce the potential for project delays. The NEPA process is the systematic examination of possible and probable environmental consequences of implementing a proposed action. Army leaders use the NEPA process to make more informed decisions.

There Are Three Levels Of Environmental Review Of Proposed Actions:

• A Categorical Exclusion (CX) is for those actions that the Army has determined do not individually or cumulatively have a substantial effect on the human environment.

• An Environmental Assessment (EA) is prepared when no categorical exclusion is available, the proposed action is not covered adequately within the general scope of an existing EA or Environmental Impact Statement (EIS) and no significant environmental impact is anticipated. An EA results in either a Finding of No Significant Impact (FNSI or FONSI) or a Notice of Intent (NOI) to prepare an EIS. The EA process requires the Army to make an EA and draft FNSI available to the public for review and comment prior to making a final decision.

• An EIS is necessary when an action clearly has significant environmental impacts or when an EA cannot be concluded with a FNSI. The EIS process includes substantially more public engagement than the EA process. An EIS results in a Record of Decision (ROD) documenting the selection of an action alternative. The decision-maker will weigh mission requirements, public concerns and environmental impacts when selecting the alternative.

LAWS AND REGULATIONS


• 40 CFR Parts 1500-1508, Council on Environmental Quality (CEQ) Regulation for Implementing NEPA and Administrative Procedures Act

EXAMPLES OF NONCOMPLIANCE

Failure to adequately describe and measure impacts

LAW

NEPA

IMPACT
STAKEHOLDERS TO ACTIVELY ENGAGE WITH

INTERNAL: Environmental office, project proponent and other affected stakeholders if applicable

EXTERNAL: Local/state/federal agencies, tribes, public

COMMANDER’S ROLE

• Ensure the NEPA process is initiated early in the planning phase and is embraced and effectively programmed by the proponent.
• Consider environmental impacts of alternatives before making a decision.
• Ensure adequate implementation of adopted mitigation measures.
• Sign the Finding of No Significant Impact (FNSI) document for the Environmental Assessment (EA).
• Recommend HQ IMCOM sign the Record of Decision (ROD) for an Environmental Impact Statement (EIS).

Proposed Project or Action

CATEGORICALLY EXCLUDED OR COVERED IN AN EXISTING NEPA DOC?

NO

Conduct an Environmental Assessment (EA)

WERE SIGNIFICANT IMPACTS FOUND?

NO

YES

Conduct an Environmental Impact Statement (EIS)

Actions include, but not limited to: Construction; training; land transactions; reorganizations; developing, testing and fielding new equipment; implementation of management plans; and stationing

Record of Environmental Consideration (REC)

1 MONTH TO COMPLETE
Brief document describes a proposed action and explains why further environmental analysis is not needed.

Environmental Assessment

6-9 MONTHS TO COMPLETE
An EA concisely provides enough evidence and analysis of effects and alternatives for the public and decision-makers to determine whether a proposed action will significantly impact the environment.

Finding of No Significant Impact (FNSI)

Accompanies an EA when a proposed action’s impact to the environment will be less than significant

Environmental Impact Statement

18 MONTHS OR MORE TO COMPLETE
Ensures early consideration of the environment in decision-making on proposed activities that may significantly impact the environment. Following 3 public involvement periods, an EIS results in a Record of Decision (ROD) explaining the selected course of action.
OVERVIEW

The CAA is the primary federal air management statute that incorporates regulations to improve our nation’s air quality. Under the CAA, the U.S. Environmental Protection Agency (EPA) determines the levels of pollutants that are allowed in the air throughout the country. EPA air emission rules establish maximum concentrations for harmful air pollutants and restrict new activities where air quality already exceeds those levels. Installations must prepare early and fully to meet all CAA requirements and obtain the required permits. The federal regulations promulgated under the CAA are intended to protect our health from air pollution. These regulations limit air pollution from numerous sources found at Army installations. Actions that the CAA commonly requires at Army installations include: obtaining permits for new and existing air pollution sources, maintaining permits, ensuring that new construction meets requirements for permitting and gathering data frequently from air pollution source operators as required according to the permit. CAA also covers handling and managing of asbestos containing materials.

POTENTIAL INSTALLATION AIR POLLUTION SOURCES INCLUDE:

- Boilers/Heaters
- Emergency backup generators
- Peak Shaving Generators
- Painting of Material (tactical vehicles and aircraft)
- Refrigerants (Ozone Depleting Substances)
- Fueling operations, especially gasoline fueling
- Degreasing operations
- Training activities in the desert, especially vehicle maneuver training
- Firing ranges, firing points, impact areas and Open Burning/Open Detonation
- Incineration of waste
- Controlled burns (prescribed burning)
- Asbestos disturbed by demolition and renovation
- New construction
LAWS AND REGULATIONS

• Clean Air Act Amendments of 1990 (40 CFR Parts 50 - 97)
• 40 CFR 763 Asbestos Hazard Emergency Response Act

STAKEHOLDERS TO ACTIVELY ENGAGE WITH

INTERNAL: Environmental office, Directorate of Public Works, military units, real property office, Directorate of Logistics, installation tenants
EXTERNAL: Federal, state and local agencies

COMMANDER’S ROLE

• Obtain and sign permits and ensure submission of reports for emission sources as required by permit and applicable regulations.
• Support sustainability measures that reduce installation operation costs.
• Ensure that proponents of construction/demolition/and renovation projects thoroughly coordinate their actions with the installation environmental office throughout the life of the project.
• Ensure that all installation activities and tenants provide the environmental office material-use and other data required by Title V air pollution operating permit.
• Maintain programs to train air emissions management personnel.
• Notify IMCOM whenever an NOV is received in accordance with CCIR reporting time line (IMCOM Reg 190-45-1).

EXAMPLES OF NONCOMPLIANCE

Failure to test generator engine emissions prior to beginning operation or changing generator purpose from emergency to peak shaving or other non-emergency

LAW
CAA

IMPACT

Failure to obtain pre-construction permit prior to beginning construction of new air pollution source

LAW
CAA

IMPACT
OVERVIEW

EPCRA places emergency planning and community right-to-know requirements on federal, state and local governments, tribes and industry under Title III of the Superfund Amendments and Reauthorization Act of 1986. It was created to help communities better plan for emergencies involving hazardous substances.

Key provisions of EPCRA include emergency planning, emergency notification, community right-to-know requirements and the Toxics Release Inventory (TRI). Installations are required by law to notify regulators and the public of on-post hazardous material use, storage or spills. Ensuring proper notification, handling and response related to hazardous materials protects the community and prevents restrictions that may impact readiness and mission success.

LAWS AND REGULATIONS

- EPCRA (40 CFR Parts 300, 350, 355, 370 and 372)

STAKEHOLDERS TO ACTIVELY ENGAGE WITH

INTERNAL: Environmental office, fire department, Range Control, tenants

EXTERNAL: State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC), fire department

COMMANDER’S ROLE

- Designate an EPCRA/TRI coordinator to ensure all installation reporting requirements are met.
- Ensure annual TRI report is prepared and submitted recording the total annual release and off-site transfers of toxic chemicals including munitions from demilitarization activities.

EXAMPLES OF NONCOMPLIANCE

Not submitting TRI report (if required)

LAW

EPCRA

IMPACT
OVERVIEW
The Army is responsible for protecting citizens from hazards resulting from installation activities, including noise. The primary strategy for protecting communities and installation mission from noise impacts is long-range land use planning. The Installation Compatible Use Zone (ICUZ) program is the primary mechanism for implementing a noise program at the installation level.

The ICUZ program promotes compatibility between the activities and operations within the installation, and between the activities and operations of the installation and neighboring communities. ICUZ promotes compatibility by planning to execute mission requirements in areas that minimize the noise impacts outside the fence line whenever feasible.

LAWS AND REGULATIONS
- Noise Pollution and Abatement Act of 1970
- Noise Control Act of 1972
- Quiet Communities Act of 1978
- DoDI 4715.13 DoD Noise Program
- AR 200-1 Chapter 14-Operational Noise

STAKEHOLDERS TO ACTIVELY ENGAGE WITH
INTERNAL: Airfield operations, Range Control, military components, installation tenants, environmental office, U.S. Army Public Health Center (USAPHC), Public Affairs Office (PAO)
EXTERNAL: Local community

COMMANDER’S ROLE
- Ensure noise zone maps for the installation’s current and future peacetime activities are developed.
- Support local and state agencies in developing land-use plans.
- Maintain efficient, community-friendly noise complaint procedures.
- Address complaints from the local community.
- Consider using ACUB program if it will restore or maintain an unrestricted training environment.
HAZARDOUS MATERIALS MANAGEMENT (HM)

OVERVIEW

The pervasive nature of HM in Army operations, from facility and vehicle maintenance to training and medical facilities, requires Army units throughout the installation to identify and manage HM. The core objective of HM management is to protect human health and the environment while improving logistics and operational mission performance by controlling and reducing the acquisition, use, storage, transport and disposal of HM.

Installations must develop an effective hazardous materials management program (HMMP) and implement Department of the Army Pamphlet (DA PAM) 710-7 to control HM that might pose a risk to human health or the environment. The commander chairs the HMMP committee and has final decision authority for all HM entering the installation.

LAWS AND REGULATIONS

- DA PAM 710-2 and DA PAM 710-7
- Pollution Prevention Act
- AR 700-141
- Occupational Safety and Health Act
- Comprehensive Environmental Response, Compensation and Liability Act
- AAR 200-1 Environmental Protection and Enhancement
- Resource Conservation and Recovery Act (RCRA)
- Pollution Prevention Act
- AR 700-141
- Occupational Safety and Health Act
- Comprehensive Environmental Response, Compensation and Liability Act
- AAR 200-1 Environmental Protection and Enhancement
- Resource Conservation and Recovery Act (RCRA)

STAKEHOLDERS TO ACTIVELY ENGAGE WITH

INTERNAL: Department of Public Works (DPW) Environmental, activity tenants (AAFES, DECA, DODS, MedCom, MWR), Safety Office, Contracting, Logistic Readiness Centers, Emergency Services, Government Credit Card auditors, USAEC, G4

EXTERNAL: Public; federal, state and local regulators

EXAMPLES OF NONCOMPLIANCE

Failure to notify reportable quantity releases of hazardous substances

LAW

CERCLA

IMPACT
COMMANDER’S ROLE

- Ensure development and implementation of an effective HMMP.
- Appoints an HMMP committee to develop and maintain centralized HMMP policy and oversee the HMMP (can use EQCC as an alternative).
- Ensure establishment of a written Hazard Communication Program and use of safety data sheets.
- Establish procedures to ensure compliance with applicable HM regulations, guidance and procedures to include reporting and spill response.
- Avoid HM procurement costs by reducing the installation’s HM inventory and proper shelf life management.
- Ensure all personnel handling HM are properly trained in the use of potential hazards of such materials.
- Work with Defense Logistics Agency Disposition Services (DLADS) to determine markets and recycling opportunities for materials and wastes.
- Approve, or delegate an individual to approve, use of Government Purchase Cards (GPC) to purchase hazardous material on a case-by-case basis.
OVERVIEW

The cornerstone of effective HW management is understanding what constitutes an HW under the Resource Conservation and Recovery Act (RCRA). Hazardous waste is a solid waste, which because of its quantity, characteristics and/or listing, can pose a substantial hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. The fundamental task for an installation, and one that is frequently incorrectly done, is to determine which of its wastes streams contain hazardous waste. Hazardous waste generators are responsible for cradle-to-grave management of HW from generation to the final disposal of the waste stream. RCRA is administered by states (except Alaska and Iowa) and details exact requirements for generators and transporters of hazardous waste and for HW treatment storage and disposal facilities. The amounts and types of HW generated affect the degree to which an installation is regulated and the associated compliance requirements. An objective is to minimize the types and quantities of HW generated to be able to operate under exclusions or as a universal waste, without a need for a permit, and to minimize transport, treatment and disposal costs. Some installations maintain RCRA-permitted HW storage facilities and/or Subpart X permits for OB/OD ranges. RCRA noncompliance can result in both civil and criminal penalties directly to responsible individuals.

LAWS AND REGULATIONS

• RCRA (Subtitle C)
• Federal Facility Compliance Act
• AR 200-1 Environmental Protection and Enhancement

STAKEHOLDERS TO ACTIVELY ENGAGE WITH

INTERNAL: Environmental office, installation fire department, Unit Environmental Compliance Officers, Health and Safety, Contracting, Emergency Services, AAFES, DECA, DODEA, MWR, MEDCOM

EXTERNAL: Federal, state and local regulators
COMMANDER’S ROLE

• Ensure installation remains compliant with all applicable HW environmental laws and regulations.

• Sign applicable/necessary RCRA permit applications and/or NOVs, compliance agreements, and consent orders for the installation/supported facilities as facility “owner.”

• Work with DLADS for HW manifesting to a treatment, storage, disposal facility and to determine markets for materials and wastes.

• Maintain responsibility for HW to include implementation of a hazardous waste management plan for all installation activities, including tenants and sub-installations.

• Use the installation Environmental Quality Control Committee (EQCC) to promote progress in meeting HW reduction and to support pollution prevention goals.

• Ensure that non-DoD HM is not stored, treated, or disposed of on the installation unless approved by higher authority and any contract, lease or agreement with non-DOD tenants holds the Army harmless. Commander signs permit application as owner and the tenant signs as operator.

• Approve hazardous waste disposal contracts.

• Authorize appropriately trained individuals to sign hazardous waste manifests.

• Consider alternatives to owning RCRA-permitted facilities before seeking to renew or obtain a RCRA permit.

• Notify IMCOM whenever an NOV is received in accordance with CCIR reporting time line (IMCOM Reg 190-45-1).

EXAMPLES OF NONCOMPLIANCE

• Improper HW identification, labeling, disposal

• Failure to obtain or adhere to RCRA permit

• Improper HW training or training records

• Manifest deficiencies

LAW

RCRA (C)

IMPACT
OVERVIEW
Solid waste is any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. Integrated Solid Waste Management (ISWM) is a comprehensive approach to managing non-hazardous solid waste by source reduction, recycling, composting, combustion with energy recovery and land disposal programs. Through ISWM, the Army seeks to determine the most cost effective, energy-efficient, least-polluting ways to deal with the various segments of its solid waste streams. ISWM involves evaluating local needs and conditions and then selecting and combining the most appropriate waste management activities for those conditions.

Some installations still operate permitted solid waste landfills and transfer stations. The Army Net Zero Waste initiative introduced in 2010 seeks to make installations net zero generation in solid waste by reducing, reusing and recovering waste streams, converting them to valuable, usable resources and disposal of no solid waste in landfills. Qualified Recycling Programs allow retention of certain commodity sales proceeds to fund pollution prevention, energy conservation, occupational safety and health activities, and morale, welfare and recreation projects.

LAWS AND REGULATIONS
• RCRA-D
• Solid Waste Disposal Act
• DoDI 4715.23
• AR 200-1
• AR 420-1

STAKEHOLDERS TO ACTIVELY ENGAGE WITH
INTERNAL: Facilities Management Office, environmental office, activity tenants, DLADS, Contracting, QRP manager, DPW, Preventive Medicine
EXTERNAL: Federal, state and local regulators, buyers of recyclable materials
COMMANDER’S ROLE

• Ensure there is a functional organizational structure to plan, execute and monitor the solid waste program to ensure the installation remains in compliance with solid waste laws and regulations.

• Provide command emphasis on cumulative solid waste reduction, materials reuse, recycling, affirmative procurement and composting.

• If the program is economically viable, ensure proceeds from the Qualified Recycling Program (QRP) are used in accordance with DoDI 4715.23, designate a QRP manager, establish a QRP committee, and designate in writing personnel authorized to conduct QRP direct sales (if the installation has been given authority to do so).

• Ensure the ISWMP is current and implemented.

• Sign RCRA-D permit requests.

• Support waste diversion mandates and contract language inclusion for waste diversion.

EXAMPLES OF NONCOMPLIANCE

Improper waste identification abandonment, operating without permit

LAW
RCRA (D)

IMPACT
OVERVIEW

Oil spills occurring on an installation can result in work/training delays and stoppages, response costs and fines and impacts to mission success. Installations must comply with the SPCC Rule, which establishes procedures, methods, equipment and other requirements to prevent the discharge of oil, including animal and vegetable oils. Installations where the SPCC Rule applies must prepare/implement an SPCC Plan for a comprehensive spill prevention program addressing all relevant installation spill prevention, control and countermeasures. The commander approves the plan and commits resources to implement the program and minimize the potential for discharges.

SPCC MANAGEMENT ACTIVITIES

• Provide appropriate containment and/or diversionary structures or equipment to prevent a discharge
• Conduct SPCC Rule required inspections/tests in accordance with written procedures developed by a certifying engineer
• Ensure personnel are available and adequately trained to prevent discharges and to follow discharge procedure protocols in the event of a spill

LAWS AND REGULATIONS

• Resource Conservation and Recovery Act (RCRA)
• Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
• Clean Water Act (CWA)
• SPCC Rule

STAKEHOLDERS TO ACTIVELY ENGAGE WITH

INTERNAL: Facilities Management Office, environmental office, installation fire department, Real Property Office, DLADS
EXTERNAL: Federal, state and local regulators
COMMANDER’S ROLE

• Ensure compliance and test SPCC plans.
• Consult with the installation PAO concerning potential community reaction to spills.
• Budget for resources needed for emergency response.
• Determine whether the facility is able to respond appropriately to off-post spills.
• Make sure appropriate authorities are advised of reportable releases.
• Appoint an Installation Response Team (IRT).
• Approve the SPCC for areas subject to the Clean Water Act.
• Designate, in writing, a qualified On-Scene Coordinator (OSC) responsible for executing spill response.
• Immediately notify IMCOM if a spill occurs.

EXAMPLES OF NONCOMPLIANCE
Unreported release of “reportable quantity”

LAW
RCRA

IMPACT

Unreported release of “reportable quantity”
OVERVIEW

Storage tanks (ST) include both above-ground tanks (ASTs), and underground, or partially-underground storage tanks (USTs). A storage tank system includes the storage or treatment tank, ancillary equipment, in addition to the containment and monitoring systems. STs generally contain hazardous material, hazardous waste, or petroleum substances. A leaking ST can result in petroleum or another hazardous substance contaminating soil and groundwater, potentially impacting human health, safety and the environment. This can create health and environmental risks including the potential for fire and explosion. Tests over the years show about 25 percent of Army STs or their pipes have had releases. ST contents may require reporting under the EPCRA program.

POSSIBLE INSTALLATION ST LOCATIONS INCLUDE

• AAFES gas stations and other fuel points
• Airfield operations
• Motor pools
• Critical infrastructure sites

STORAGE TANK MANAGEMENT ACTIVITIES

• Follow operating requirements and technical standards for tank design, installation and operations
• Conduct release detection monitoring and respond accordingly
• Implement spill and overflow controls
• Conduct tank installations, upgrades and closures
• Perform internal inspections of tank operations, installation and removals
• Implement corrective actions for operational deviations and confirmed releases

LAWS AND REGULATIONS

• RCRA - 42 USC 6901 - 40 CFR 280 (USTs)
• CWA - 33 USC 1251 - 40 CFR 112 (POL Storage Tanks)
• RCRA - 42 USC 6901 - 40 CFR 279 Subpart C (Used Oil Tanks)
• RCRA - 42 USC 6901 - 40 CFR 261 Subpart J (Haz Waste Tanks)
• Applicable State Regulations (Administrative Codes)
• AR 200-1 Environmental Protection and Enhancement (Chapter 11)

STAKEHOLDERS TO ACTIVELY ENGAGE WITH
INTERNAL: Facilities Management Office, environmental office, installation fire department, Real Property Office, Tenants, contractors USAEC and lessees performing functions on real property under jurisdiction of the Department of the Army (AAFES, DeCA, LRC, etc.)
EXTERNAL: Federal, state and local regulators, other DoD oversight components

COMMANDER’S ROLE
• Ensure that ST support activities support military training and readiness operations, enhance mission accomplishment and are conducted in a manner conducive to environmental stewardship.
• Ensure the appropriate agencies and HQDA are notified of existing or new USTs and ASTs.
• Permanently close or remove all abandoned tanks within one year of temporary closure.
• Facilitate the investigation, negotiation and resolution of ENFs/ NOVs and submit documentation through appropriate chain of command.

EXAMPLES OF NONCOMPLIANCE
• Failure to detect leaks or spills
• Improper installation, operation, maintenance

LAW
RCRA-I

IMPACT
OVERVIEW
The Toxic Substances Program manages asbestos, lead-based paint (LBP) and polychlorinated biphenyls (PCBs), regulated under TSCA. Harmful exposures to these substances can endanger the immediate or long-term health of Soldiers, their families and civilians. Improper controls when remodeling, demolishing or removing structures containing these toxic substances can result in exposures, work stoppage and possible regulatory actions and fines.

TSCA ACTIVITIES

ASBESTOS
• Activity: Perform surveys (asbestos hazard risk assessments) for the presence of asbestos hazards, including ongoing monitoring, controls and abatement in all installation facilities, including schools, constructed prior to 1990

LEAD-BASED PAINT
• Activity: Ensure the proper disposal of waste and debris (such as paint chips and painted building parts) from the demolition of World War II-era structures on Army installations
• Proponent: Public Works, Facilities and Housing

PCBS
• TSCA: leave them in place until operational, economic, or environmental considerations justify their removal
• Proponent: Public Works, Environmental

LAWS AND REGULATIONS
• TSCA (40 CFR Parts 700 to 799)

STAKEHOLDERS TO ACTIVELY ENGAGE WITH
INTERNAL: Facilities Management Office, environmental office, installation fire department, installation personnel, Real Property Office
EXTERNAL: Federal, state and local regulators
COMMANDER’S ROLE

• Establish an installation asbestos management team.
• Support minimizing environmental releases and occupational and incidental exposures.
• Ensure risk assessments are performed in family housing and child-occupied facilities to identify lead hazards.
• Disclose to occupants, upon assignment of family housing, the known presence of lead based hazards.
• Ensure all National Emission Standards for Hazardous Air Pollutants (NESHAP) notification requirements are met before beginning any demolition or renovation activities.
• Notify IMCOM whenever an NOV is received in accordance with CCIR reporting time line (IMCOM Reg 190-45-1).

EXAMPLES OF NONCOMPLIANCE

• Failure to survey work sites for toxic substances
• Not ensuring proper disposal of toxic substance wastes and debris

LAW
TSCA

IMPACT
OVERVIEW
Installations generate waste water from sanitary uses, industrial processes and storm water runoff. Adequate treatment of these waste streams maintains the quality of the water receiving the wastes. Regulations implement the requirements of the CWA for discharges of pollutants into waters of the U.S. New, more stringent regulations require additional planning, treatment and monitoring, and investments to ensure compliance.

WASTE WATER “DIRECT DISCHARGE” MANAGEMENT
• Direct discharges are discharges from discrete conveyances (single source) such as pipes, ditches and sewers.
• National Pollutant Discharge Elimination System (NPDES) permits, issued by either EPA or authorized state, contain industry-specific, technology-based and/or water quality-based limits for discharges.
• Installations with federally-owned treatment works or a single sewer system that transports all waste/storm water to a sewage treatment plant require an NPDES permit for discharges into U.S. waters.

STORM WATER DISCHARGE MANAGEMENT
• There are three types of storm water permits:
  1. Multi-Sector General Permit (MSGP) (industrial facility storm water runoff)
  2. Municipal Separate Storm Sewer System Permit (MS4) (cantonment areas)
  3. Construction General Permit (CGP) (construction site runoff)
• The type of storm water NPDES permits required depends on installation activities.
• A storm water permit will require development and implementation of a storm water pollution prevention plan (SWPPP).
• Overseas commanders: Refer to the FGS or OEBGD.

LAWS AND REGULATIONS
• Clean Water Act (CWA)
STAKEHOLDERS TO ACTIVELY ENGAGE WITH

INTERNAL: Facilities Management Office, environmental office, installation personnel, Real Property Office

EXTERNAL: Federal, state and local regulators

COMMANDER’S ROLE

• Serve as principle executive official for any NPDES program permits.
• Delegate in writing who is responsible for the required reporting and plans (typically the DPW or Environmental Division Chief).
• Notify IMCOM when new permits are received or new regulations are proposed or issued that will require modification of existing treatment facilities.
• Notify IMCOM whenever an NOV is received in accordance with CCIR reporting time line (IMCOM Reg 190-45-1).

EXAMPLES OF NONCOMPLIANCE

• Noncompliance with categorical standards
• Violation of specific prohibitions

LAW: CWA

EXAMPLES OF NONCOMPLIANCE

Violation of discharge limits

LAW: CWA

IMPACT
OVERVIEW

Installations must comply with Safe Drinking Water Act (SDWA) requirements, which apply to all public water systems, regardless of who controls them. Safe drinking water is a critical commodity Army installations must maintain to support readiness and the health and safety of Soldiers, their Families and Civilians.

Besides natural pollutants, there are more than 60,000 man-made drinking water contaminants. These contaminants include chemicals used in Army operations as well as industry and agriculture. When improperly used or discarded, these chemicals can contaminate underground and surface sources of drinking water.

EPA has developed Maximum Contaminant Levels (MCLs) to protect consumers from effects of harmful contamination. Compliance with EPA MCLs is required by law and requires treatment, sampling, testing, regulatory reporting, record keeping, and public notification.

EPA also created secondary standards for contaminants that may cause cosmetic effects (skin and tooth discoloration) or aesthetic effects (taste or color). These standards are not enforceable unless adopted by the state.

LAWS AND REGULATIONS

• Safe Drinking Water Act of 1974 (SDWA)
• Lead Contamination Control Act of 1988

STAKEHOLDERS TO ACTIVELY ENGAGE WITH

INTERNAL: Facilities Management Office, environmental office, Water Quality Program Manager, Real Property Office, installation personnel, and on-base community

EXTERNAL: Federal, state and local regulators
COMMANDER’S ROLE

• Ensure adequate supplies of drinking water meeting all applicable standards are provided.
• Maintain an active cross-connection control program as required by your state.
• Ensure appropriate protection of wellhead or source-water areas.
• Obtain permits for new or modified drinking water facilities.
• Notify IMCOM when new permits are received and when new regulations are proposed or issued that will require modification of existing treatment facilities.
• Notify customers and state and EPA regulators within 24 hours of violations in which short-term exposure could cause serious adverse health effects.
• Support water use reduction and Net-Zero goals.
• Approve quarterly drinking water report.
• Ensure production and distribution of annual Consumer Confidence reports to customers, if applicable.
• Notify IMCOM whenever an NOV is received in accordance with CCIR reporting time line (IMCOM Reg 190-45-1).

EXAMPLES OF NONCOMPLIANCE

• Failure to provide notification for violations, contaminant exceedances
• Failure to monitor for contaminants

LAW
SDWA

IMPACT

SDWA
OVERVIEW
P2 is a comprehensive initiative focusing on resource conservation, substituting hazardous materials with less or non-hazardous materials, reducing waste, recycling and other preventative means to successfully and cost effectively avoid, prevent, or reduce both pollution and compliance costs.

Major program areas are planning, hazardous waste reduction, solid waste reduction and diversion, air pollution reduction, water pollution reduction and hazardous materials reduction.

THE P2 PROGRAM HELPS INSTALLATIONS
• Reduce environmental compliance burden by minimizing the applicability of requirements imposed by environmental laws and regulations
• Reduce operational costs
• Reduce waste and the generation of pollution
• Reduce the cost of waste disposal

POLLUTION PREVENTION ACTIVITIES INCLUDE
• Revising manufacturing, maintenance, or other business practices to reduce waste generation
• Amending technical documents to remove requirements for hazardous materials
• Recycling
• Reworking product designs
• Increasing energy efficiency and conserving materials
• Acquiring and using environmentally preferable products and services

LAWS AND REGULATIONS
• RCRA
• CAA Amendment
• EPCRA
• Pollution Prevention Act of 1990
STAKEHOLDERS TO ACTIVELY ENGAGE WITH
INTERNAL: P2 Coordinator, steering and working groups
EXTERNAL: Public

COMMANDER’S ROLE

• Establish a strong P2 program.
• Emphasize the P2 ethic across all organizations and echelons of the command.
• Promote recycling/reuse programs and Green Procurement policies.
• Encourage the waste characterization of facilities to determine the sources, types, and amounts of waste generated, air pollutants released, solid waste disposed and waste water discharged.
• Emphasize reduction of pollution sources by determining, via Pollution Prevention Opportunity Assessments, areas where material substitution, process changes or re-engineering can reduce hazardous materials before recycling, treatment, or disposal.
• Ensure an up-to-date installation P2 Plan is maintained.
OVERVIEW

Urban sprawl now encroaches on many military installations initially established in rural areas. Citizens’ complaints about noise, dust and smoke from training and testing activities can lead to restrictions and potentially impact readiness and mission accomplishment.

The ACUB program is one of several voluntary tools helping the Army reduce encroachment and achieve greater training flexibility. ACUB partners receive financial support for land conservation, including prevention of urban development, threatened and endangered species (TES) and habitat protection and other conservation uses. Private landowners realize financial incentives, and often tax benefits, while preserving the land and its heritage for future generations.

HOW ACUB FUNCTIONS

• Establishes agreements with non-federal governments and non-profit organizations (eligible entities or partners) to encumber off-post land that protects installations from urban development and species management requirements
• Produces agreements limiting encroachment and other constraints on military operations without the Army acquiring ownership of any new land
• Contributes Army (Office of Secretary of Defense (OSD)) funds toward the partner’s purchase of easements or properties, preserving high-value habitat and/or limiting incompatible development in the vicinity of installations

FUNDING ELIGIBILITY

• Available to installations that identify a significant encroachment problem with the potential to restrict training or testing
• Includes Army installations within the United States, its territories and protectorates

LAWS AND REGULATIONS

• 10 USC 2684a Agreements to Limit Encroachment and Other Constraints on Military Training, Testing and Operations
• DODI 4715.24, The Readiness and Environmental Protection Integration (REPI) Program and Encroachment Management
STAKEHOLDERS TO ACTIVELY ENGAGE WITH

INTERNAL: ACUB partner, Installation ACUB POC (must be a Department of Army Civilian), Installation Mission/Training stakeholders, USAEC

EXTERNAL: Other government agencies, regulators and community

COMMANDER’S ROLE

• Ensure a well-executed and effective program to buffer the installation.
• Designate an installation lead point of contact and team members, as appropriate.
• Sign the ACUB proposal for submission to ACSIM for approval.
• Approve ACUB priority areas and provide input on parcel prioritization
• Participate in ACUB program reviews and ensure completion of recommendations and funding.
OVERVIEW
The Army’s forestry, agricultural/grazing out-leasing and hunting/fishing/trapping programs produce a number of benefits that help ensure the continued availability of Army training lands. CRFC programs:

• Promote biological diversity, wildlife habitat, air and water quality, soil conservation, watershed protection and recreational opportunities
• Reduce wildfire risks by managing fire-prone forest/grassland and performing prescribed burns
• Reduce VENQ funding requirements by using forest product sales and out-lease, and hunting, fishing and trapping fees to maintain training lands and roads on installation used for forest management
• Contribute 40 percent of net timber-sales revenue to local counties to pay for public schools and roads
• Cost for land management and maintenance requirements are reduced through in-kind services implemented by lessees.

FORESTRY MANAGEMENT AND OUT-LEASE (CONUS ONLY)
Income can supplement congressionally appropriated funds; however, because reimbursable funds are economically driven they should not be counted on to sustain training lands. Revenue generation is a by-product of supporting the installation mission; not a program driver.

LAWS AND REGULATIONS
• 10 U.S. Code § 2665 Sale of Certain Interests in Land; Logs
• Sikes Act (16 USC 670a-670c, 74 Stat. 1052)
• DoDI 4715.03 Natural Resources Conservation Program
• AR 405-80 Management of Title and Granting Use of Real Property dated 10 Oct 07
• AR 405-90 Disposal of Real Estate, dated 10 Apr 98

STAKEHOLDERS TO ACTIVELY ENGAGE WITH
INTERNAL: Installation Fish and Wildlife Programs; DPW Environmental Forest and Agricultural/Grazing Managers, USAEC, USACE, Morale, Welfare and Recreation (where applicable)
EXTERNAL: Hunting and fishing clubs, forestry consumers, state forestry programs, state Fish and Wildlife, farmers and ranchers

COMMANDER’S ROLE

• Ensure execution of forestry program in accordance with 10 U.S. Code 2665 requirements.

• Manage/approve hunting, fishing and trapping fees per Sikes Act and DoDI 4715.03.

• Prioritize CRFC activities to support the mission; not solely to generate income.

• Approve annual reports of availability identifying area/volume of timber available for sale and land available for agricultural/grazing out leases.

• Send annual reports to appropriate U.S. Army Corps of Engineer (USACE) district for planned timber sales or agriculture/grazing leases.

• Deposit/use fees pursuant to Sikes Act, and only on the installation where collected.

• Ensure that Army law enforcement personnel are trained in conservation law enforcement where appropriate.
OVERVIEW

The CRM program ensures compliance with federal and host nation laws and regulations regarding protection and preservation of cultural resources (e.g., historic properties, cultural items, archaeological resources, sacred sites and archaeological collections). The Army uses a five-year plan called an Integrated Cultural Resources Management Plan (ICRMP) to manage its cultural resources program and implement compliance procedures. ICRMPs are required for all installations with cultural resource programs to identify and define components of CRM essential to long-range installation planning. The ICRMP synchronizes the installation’s cultural resources program with ongoing mission activities; allows ready identification of potential conflicts between the installation’s mission and its cultural resources; and identifies compliance actions necessary to keep mission-essential properties and acreage ready for use.

LAWS AND REGULATIONS

- Archaeological Resources Protection Act of 1979 (ARPA)
- National Historic Preservation Act of 1966 (NHPA)
- Native American Graves Protection and Repatriation Act of 1990 (NAGPRA)
- EO 13007, Indian Sacred Sites
- EO 13175, Consultation and Coordination with Indian Tribal Governments
- DODI 4710.02, DOD Interactions with Federally Recognized Tribes
- DODI 4710.03, Consultation with Native Hawaiian Organizations (NHOs)
- DODI 4715.16, Cultural Resources Management

STAKEHOLDERS TO ACTIVELY ENGAGE WITH

INTERNAL: Cultural Resources Manager or Liaison for Native American Affairs

EXTERNAL: State Historic Preservation Office (SHPO), Native American tribes, Native Alaskans and Native Hawaiian organizations, Advisory Council on Historic Preservation (ACHP), National Park Service, public
COMMANDER’S ROLE

• Designate qualified preservation expertise to develop/implement the ICRMP.
• Be aware of the nature and extent of known cultural resources.
• Establish government-to-government relations with federally recognized Indian Tribes and Native Alaskans.
• Serve as the Federal Agency Official with responsibility for installation compliance with the NAGPRA.
• Coordinate planning processes with interested Native American tribes and protect access to sacred sites on installation lands (when such access has no significant impact on the mission).
• Verify coordination of the ICRMP with master plans and operations and approve/sign the plan.
• Consider the effects of training and other activities on historic and prehistoric resources.
• Plan cultural resources management activities in ways that avoid or minimize effects on operational activities.
• Ensure that Army law enforcement personnel are training in conservation law enforcement where appropriate.

EXAMPLES OF NONCOMPLIANCE

Not consulting with SHPO regarding undertakings that could cause effects to eligible properties

LAW
NHPA

IMPACT

EXAMPLES OF NONCOMPLIANCE

Allowing individuals to disturb or excavate archaeological resources on federal lands

LAW
ARPA

IMPACT

EXAMPLES OF NONCOMPLIANCE

• No consultation with tribes prior to excavation of human remains or cultural items
• Not informing tribes of inadvertent discovery of human remains or cultural items within 30 days

LAW
NAGPRA

IMPACT
OVERVIEW
The IPM program uses a sustainable approach to managing pests to maintain training lands, ranges and facilities that support readiness with minimal impact to the environment. The program combines biological, cultural, physical and chemical tools in a way that minimizes economic, health and environmental risks (Section 136, Title 7 USC).

Pests are everywhere and can make Soldiers, their families and pets sick, damage buildings, destroy food and impact training. The overall goal of the Army’s IPM program is to protect human health, property and natural resources from adverse impacts of pests such as weeds, insects, mold, fungus, rodents and other vertebrates (i.e., feral animals).

ARMY IPM POLICY IS TO
• Protect real property and the health of Soldiers, civilians and families from pests through use of IPM strategies
• Reduce the use of chemical pesticides
• Reduce environmental risks from pesticides through proper storage, handling, application and product disposal

IPM ACTIVITIES
• Properly plan to accomplish the program.
• Remove food, water and shelter that can promote, sustain or harbor pest populations.
• Use pesticides safely to control pests.
• Ensure applicators are certified and trained to safely control pests.
• Receive approval of all pesticides applied by in-house staff or contract applicators from the Command IPM Consultant at USAEC.

LAWS AND REGULATIONS
• Federal Insecticide, Fungicide and Rodenticide Act of 1972 (FIFRA)

STAKEHOLDERS TO ACTIVELY ENGAGE WITH
INTERNAL: DPW, installation IPM coordinator, major on-post pesticides/herbicides users and managers, installation personnel, USAEC
EXTERNAL: Federal and state regulators
**COMMANDER’S ROLE**

- Ensure the provision of adequate funds and staffing to support installation pest management program requirements.
- Approve IPM Plans and ensure their inclusion in the installation master planning process and NEPA requirements.
- Ensure the pest management requirements of major assigned units, tenants and supported activities meet Army program requirements.
- Designate a qualified IPM Plans Coordinator as the primary staff proponent for the installation pest management program.
OVERVIEW

The Natural Resources Program helps ensure continued use of Army lands supporting readiness and mission accomplishment by protecting/preserving species on installations. It allows natural resources management to provide the mission landscape for future training and prevents mission disruptions, delays or, in some cases, shutdown due to failure to anticipate potential impacts to Threatened and Endangered Species (TES), their designated critical habitat or other sensitive natural resources.

The program manager ensures timely consultation with and involvement of U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), states’ Department of Natural Resources, or other agencies like the USACE.

NATURAL RESOURCES MANAGEMENT ACTIVITIES

• Protect TES and consult on actions which may affect them as required by the Endangered Species Act (ESA)

• Develop, maintain and implement an Integrated Natural Resources Management Plan (INRMP). Plan is required to be reviewed annually and re-accomplished every 5 years in coordination with state and USFWS and/or NMFS

• Provide for conservation and rehabilitation of natural resources on Army lands to include fish and wildlife management

LAWS AND REGULATIONS

• Endangered Species Act of 1973 (ESA)

• Sikes Act as amended in 1997

• Migratory Bird Treaty Act (MBTA)

• Bald and Golden Eagle Protection Act

• Clean Water Act (CWA)

• DODI 4715.03, Natural Resources Conservation Program

• DODM 4715.03, Integrated Natural Resources Management Plan (INRMP) Implementation Manual

STAKEHOLDERS TO ACTIVELY ENGAGE WITH

INTERNAL: Range Control, environmental office, Office of Counsel, DES fire and police, master planning, USAEC, USACE
EXTERNAL: Federal and state regulators, USFWS/NMFS, local community

COMMANDER’S ROLE

• Ensure coordination among installation stakeholders to integrate natural resources conservation with mission activities and plan land use to avoid adverse effects on TES.

• Facilitate biological assessments for major construction projects and other activities, such as military training, to assess the effects on listed species and their habitats.

• Work closely with the FWS and NMFS in planning installation activities to initiate formal consultation for activities that may affect listed species.

• Integrate Endangered Species Management Components (ESMC) within INRMP to manage endangered species and ensure adequate funds and personnel are provided to carry them out.

• Ensure installation compliance with INRMPs is monitored and progress is made toward conservation goals through internal and external assessments and annual review by the EQCC.

• Approve/sign ESA Biological Assessments (BA) following IMCOM/USAEC review.

• Approve the INRMP.

EXAMPLES OF NONCOMPLIANCE

• Unlawful “take” of a species

• Violation of the terms and conditions of the incidental take statement in the biological opinion

LAW
ESA

IMPACT
OVERVIEW
Past hazardous materials handling practices resulted in soil, or surface and groundwater contamination at thousands of sites on Army installations. Contaminated sites pose potential risk to human health and the environment and must be properly addressed to remove or prevent unacceptable risk. Failing to comply with legal requirements can result in enforcement actions and fines by regulatory agencies.

CLEANUP IS EXECUTED BY TWO PROGRAMS

DEFENSE ENVIRONMENTAL RESTORATION PROGRAM (DERP)
• DERP only covers those sites, located in the United States and its territories, included in the following programs:
  » IRP identifies, investigates and cleans up releases of hazardous substances and contaminants. MMRP addresses non-operational range lands potentially containing unexploded ordinance (UXO), discarded military munitions (DMM), or munitions constituent (MC).
  » DERP also includes the costs associated with spills beyond the year of execution, but not the initial response.

COMPLIANCE CLEANUP (CC) PROGRAM
• Covers cleanup activities ineligible for DERP. Mainly addresses cleanup at overseas installations and mandated cleanups under a federal or state law that are not eligible for DERP

LAWS AND REGULATIONS
• Comprehensive Environmental Response, Compensation and Liability Act of 1982 (CERCLA)
• Resource Conservation and Recovery Act (RCRA)
• National Oil and Hazardous Substances Pollution Contingency Plan (NCP)

STAKEHOLDERS TO ACTIVELY ENGAGE WITH
INTERNAL: USAEC, IMCOM G4 Environmental Division, Garrison Directorate Staff, Garrison environmental staff, Garrison tenants
EXTERNAL: EPA, State regulators, Public/Private land owners, community members
COMMANDER’S ROLE

• Approve decision documents for cleanup actions as appropriate.
• Ensure Cost-to-Complete (CTC) estimates are accurately presented and properly supported.
• Approve annual Installation Action Plan (IAP) detailing cleanup program actions.
• Support public participation requirements to include serving as the Army Restoration Advisory Board (RAB) co-chair.
• Approve off-site data collection and any off-post monitoring.
• Notify higher authorities prior to initiating any off-site response actions.
• Ensure discovered releases are appropriately reported.
• Maintain a public affairs program that encourages public involvement.

EXAMPLES OF NONCOMPLIANCE
Not addressing potential contamination sites or military munition sites that pose a threat to human health and the environment

LAW
CERCLA, RCRA

IMPACT
OVERVIEW

Environmental Performance Assessment System (EPAS) is a program that provides Army commanders a comprehensive look at environmental risks associated with their facilities and missions using both internal and external assessments. Internal assessments are conducted annually, at a minimum, by installation personnel as part of their regular management, checking, and corrective action functions, unless an external assessment is conducted that calendar year. The U.S. Army Environmental Command (USAEC) executes the external EPAS program at all U.S. Army Installation Management Command (IMCOM) installations worldwide on a three year cycle or as warranted based on risk, which may be more or less frequently.

The EPAS program assesses the compliance aspects of a garrison’s environmental program to identify and mitigate environmental liabilities and risks to training and operations from regulatory noncompliance. By reducing liabilities proactively, the Army avoids potential fines and regulatory distractions, allowing garrisons to focus fully on accomplishing the Army mission.

HOW EPAS OPERATES

The EPAS program is the Army’s overall system for monitoring installation-level environmental performance.

- Installations are required to conduct annual internal fence-line-to-fence-line assessments of all environmental media.
- The results and the status of closure on findings should be reported to the commander during the quarterly EQCC meeting.
- External EPAS are conducted to provide an objective, fence-line-to-fence-line assessment of Army operations and activities.
- The assessment gives commanders a comprehensive look at the environmental risks associated with their facilities and mission.
- A team comprised of USAEC/installation subject-matter experts normally spends a week visiting the installation to ensure operations meet compliance requirements.
- The team reviews and finalizes the findings within approximately 45 days.
- USAEC is available, on request, to assist with corrective actions of any deficiencies.
LAWS AND REGULATIONS
• AR 200-1 Environmental Protection and Enhancement

STAKEHOLDERS TO ACTIVELY ENGAGE WITH
INTERNAL: USAEC, Environmental Division, Garrison Directorate Staff, Garrison tenants
EXTERNAL: Not required

COMMANDER’S ROLE
• Ensure annual internal EPAS audit is accomplished to include tenants.
• Promote garrison-wide cooperation/assistance with EPAS team.
• Provide resources/emphasis for Corrective Actions identified during assessment.
• Use quarterly EQCC meetings to ensure Corrective Actions are addressed in accordance with Corrective Action Processes/Plan.
• Maintain an inventory of compliance sites and activities with potential to impact the environment.
• Communicate environmental risk across the garrison.
OVERVIEW

The AEP receives funding and Army-leadership interest because of legal obligations and the Army’s commitment to conduct peacetime and wartime military training in a manner protective of human health and the environment.

The AEP focus is on addressing critical environmental needs. Critical funding requirements are those actions needed to attain and sustain compliance with federal, state, and local laws and regulations, and equivalent country-specific FGS.

THE ENVIRONMENTAL MANAGEMENT DECISION EVALUATION PACKAGES (MDEPS) ARE ENVR AND VENQ.

• MDEP VENQ provides program funds for installation environmental support.
• MDEP ENVR provides Environmental Cleanup program funds and related support and initiatives for all Army installations.
• Not all environmental activities are eligible for VENQ Program funds.

WHAT DETERMINES FUNDING

• Executive Orders (EO), federal, state, regional and local statutory/regulatory requirements, equivalent country-specific FGS and legally binding international agreements
• Statutorily mandated or authorized documents such as permits, judicial decrees, consent orders, consent or compliance agreements
• Regulatory or statutory requirements to achieve reduction of risk to human health and the environment from environmental contamination
• The proponent usually funds environmentally-related activities that are an essential and inherent part of operational business processes or necessary to maintain infrastructure that physically supports operational training activities.
• Requirements properly chargeable to other programs/MDEPs must not be funded with environmental funds. These include:
  » Facility Sustainment, Restoration and Modernization (QDPW)
  » Real Property Services (QDPW)
  » Energy and Water Conservation Projects (QUTM)
  » Logistics (QLOG)
» Integrated Training Area Management (ITAM)
» Military Construction (MILCON associated MDEPs)

- Not all requirements identified in the OEBGD and subsequent country-specific FGS are fundable by the environmental programs. The FGS establish the standards and criteria with which DoD installations must comply; the FGS do not serve as a funding policy document.

- Base operational funds are used for ENF/NOV fines and permits associated with noncompliance.

**LAWS AND REGULATIONS**

- AR 200-1 Environmental Protection and Enhancement

**STAKEHOLDERS TO ACTIVELY ENGAGE WITH**

**INTERNAL:** Garrison Directorate Staff, IMCOM G4 Environmental Division, USAEC

**EXTERNAL:** As required

**COMMANDER’S ROLE**

- Maintain compliance with laws and regulations and prioritize those requirements over ones with no legal driver.

- Identify and plan accordingly for environmental issues requiring non-environmental funding to ensure legal requirements are funded and met.

- Consider direct mission support for prioritization of resources.

- Review annual project submittal and priorities.

- Identify environmental requirements, forward through command channels and maintain auditable records.

- Execute the environmental budget to meet critical requirements.
Enabling Army Readiness in a Complex Environment

Program Vision:
Environmental Stewardship that sustains the Army mission

Provide Support for Complex Requirements/Customers

TRADOC
- Mounted
- Dismounted
- Heavy Maneuver
- Aviation
- UASs

FORSOM
- Power Projection
- BCTs
- CABs
- IDs

RDT&E

Administrative
- War College
- Language School
- Non-DoD Agencies

Environmental Officers/Activity Tenants/External Partnerships

FORCE MULTIPLIERS

Train & Equip

IMCOM ENVIRONMENTAL WORKFORCE
900 CIVILIANS/750 CONTRACT MANPOWER EQUIVALENTS

<table>
<thead>
<tr>
<th>Air Quality Specialists</th>
<th>Chemical Engineer</th>
<th>Geologists</th>
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<tbody>
<tr>
<td>Archeologists</td>
<td>Civil Engineer</td>
<td>Historians</td>
</tr>
<tr>
<td>Architects</td>
<td>Environmental Engineer</td>
<td>Horticulturists</td>
</tr>
<tr>
<td>Biologists</td>
<td>Entomologists</td>
<td>Hydro-geologists</td>
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<tr>
<td>Chemists</td>
<td>Environmental Attorneys</td>
<td>Natural Resource Specialists</td>
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<td>Ecologists</td>
<td>Environmental Scientists</td>
<td>Physical Scientists</td>
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<thead>
<tr>
<th>Environmental Management System</th>
<th>Operational Controls</th>
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<tr>
<td>Audits</td>
<td>Internal</td>
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<tr>
<td>Reviews</td>
<td>Environmental Quality Control Committee</td>
</tr>
</tbody>
</table>
Enabling Army Readiness in a Complex Environment

Program Mission: Sustain the environment to enable the Army’s mission now and provide for the future

Navigate the Complex Regulatory Environment

Environmental Laws

- CERCLA - Comprehensive Environmental Response, Compensation and Liability Act
- NESHAPs - National Emission Standards for Hazardous Air Pollutants
- NAGPRA - Native American Graves Protection and Repatriation Act
- EPCRA - Emergency Planning and Community Right-to-Know Act
- FIFRA - Federal Insecticide, Fungicide, and Rodenticide Act
- RCRA - Resource Conservation and Recovery Act
- ARPA - Archaeological Resources Protection Act
- AIRFA - American Indian Religious Freedom Act
- BGEPA - Bald and Golden Eagle Protection Act
- FGS - Final Governing Standards (DCOMUS)
- NEPA - National Historic Preservation Act
- SWDA - Solid Waste Disposal Act
- MBTA - Migratory Bird Treaty Act
- SDWA - Safe Drinking Water Act
- ESA - Endangered Species Act
- ONA - Clean Water Act
- CAD - Clean Air Act
- SKES Act

Regulatory Oversight and Enforcement

- EPA - Environmental Protection Agency
- USFWS - US Fish and Wildlife Service
- NOAA - National Oceanographic and Atmospheric Administration
- ACHP - Advisory Council on Historic Preservation
- State & Local Regulators
- SHPO - State Historical Preservation Office
- National Park Service
- FGS - Final Governing Standards
- NMFS - National Marine Fisheries Service

Impact if Unmanaged

- Violations
- Infrastructure Shut Down
- Fines
- Civil Suits
- Criminal Liability
- Negative Publicity
- Restricted Training
- Releases to Environment
- Personnel Exposure & Health Effects

IMCOM Responsibilities

<table>
<thead>
<tr>
<th>Range/Training Operations</th>
<th>Critical Infrastructure</th>
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<tbody>
<tr>
<td>174 Threatened and Endangered Species</td>
<td>15 Million Acres of Land Managed</td>
</tr>
<tr>
<td>75,000 Actions Annually (MLCON, Stationings, etc)</td>
<td>9,500 Generators</td>
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<tr>
<td>12 Million Acres of Unimproved Lands</td>
<td>17 National Historic Landmarks</td>
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<tr>
<td>3,000 Wildland Fires Annually</td>
<td>72 Integrated Pest Management Plans</td>
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<tr>
<td>31 Native American Sacred Sites</td>
<td>2 Million Tons of Solid Waste</td>
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<tr>
<td>1,027 Migratory Birds</td>
<td>4,200 Tons of Hazardous Materials Annually</td>
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<tr>
<td>183,000 Acres of Compatible Use Buffers</td>
<td>7,500 Tons of Hazardous Waste</td>
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<tr>
<td>12 Treatment, Storage, Disposal Facilities</td>
<td>7 Central Energy Plants</td>
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<tr>
<td>1,200 Cleanup Sites</td>
<td>40,000 Boilers</td>
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<td>31 Waste Water Treatment Plans</td>
<td>54,000 Archaeological Sites</td>
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<td>65,000 Storage Tanks</td>
<td>23 Annual Pollution Prevention Efforts</td>
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<td>14,000 Historical Buildings</td>
<td>268 Drinking Water Systems</td>
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<tr>
<td>268 Drinking Water Systems</td>
<td>56 Installations with Eagles</td>
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<tr>
<td>37 Storm Water Permits</td>
<td>63</td>
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Environmental Products and Services

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<tr>
<th>Permit Fees</th>
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<th>Long-term Mitigation Measures</th>
<th>Plans, Studies, Inventories and Surveys</th>
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<tr>
<td>Education/ Training</td>
<td>Hazardous Waste Storage &amp; Disposal</td>
<td>Laboratory, Sampling and Monitoring</td>
<td></td>
</tr>
</tbody>
</table>
FOR QUESTIONS

Write

U.S. Army Installation Management Command
ATTN: G4 ENV
2405 Gun Shed Rd
JBSA Fort Sam Houston, TX 78234

Email

usarmy.jbsa.imcom-hq.list.g4-env-owner@mail.mil

Call

(210) 466-0448, DSN 450-0558
(210) 466-0571, DSN 450-0571

FOR QUESTIONS

Write

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(210) 466-1590, DSN 450-1590
(855) 846-3940 - Toll Free